

**SESSION  
LAWS  
OF  
WYOMING**

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**2020  
Budget Session**



**SESSION LAWS  
OF THE  
STATE OF WYOMING  
PASSED BY THE  
SIXTY-FIFTH LEGISLATURE  
2020 BUDGET SESSION**

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## USERS NOTES

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**LAWS**  
**PASSED BY THE**  
**SIXTY-FIFTH**  
**WYOMING LEGISLATURE**  
**2020 BUDGET SESSION**

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**Chapter 1**

**HUMAN TRAFFICKING-PENALTY FOR SUBSEQUENT  
CONVICTION**

Original House Bill No. 10

AN ACT relating to crimes and offenses; providing a penalty for subsequent convictions of human trafficking 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. 6-2-712 is created to read:

**6-2-712. Penalties for subsequent human trafficking convictions.**

(a) A person who is convicted of human trafficking under W.S. 6-2-702 or 6-2-703 shall be punished by imprisonment for not less than twenty-five (25) years or for life imprisonment without parole if:

(i) The victim in the instant case was a minor;

(ii) The person has one (1) or more previous convictions for a violation of W.S. 6-2-702, 6-2-703 or a criminal statute containing the same or similar elements as the crimes defined by W.S. 6-2-702 or 6-2-703 where the victim was a minor and which arose out of separate occurrences in this state or elsewhere; and

(iii) The convictions were for offenses committed after the person reached eighteen (18) years of age.

**Section 2.** W.S. 6-2-702(b) and 6-2-703(b) are amended to read:

**6-2-702. Human trafficking in the first degree; penalty.**

(b) Except as provided in W.S. 6-2-712(a), human trafficking in the first degree is a felony punishable by imprisonment for not less than five (5) nor more than fifty (50) years unless the victim is a minor in which case it is a felony

punishable by imprisonment for not less than twenty-five (25) nor more than fifty (50) years and a fine of not more than ten thousand dollars (\$10,000.00), or both.

**6-2-703. Human trafficking in the second degree; penalty.**

(b) Except as provided in W.S. 6-2-712(a), human trafficking in the second degree is a felony punishable by imprisonment for not less than two (2) nor more than twenty (20) years and a fine of not more than ten thousand dollars (\$10,000.00), or both.

**Section 3.** The provisions of this act shall apply to crimes committed on or after the effective date of this act.

**Section 4.** This act is effective July 1, 2020.

Approved March 5, 2020.

## Chapter 2

### QUALIFIED RESIDENTIAL TREATMENT PROGRAMS

#### Original House Bill No. 11

AN ACT relating to children; requiring an assessment for children placed in a qualified residential treatment program; requiring court review and presentation of information about the program; defining terms; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 14-3-402(a) by creating new paragraphs (xxv) and (xxvi) and by amending and renumbering (xxv) as (xxvii), 14-3-429(c) by creating a new paragraph (v), 14-3-431(c)(intro) and (j) by creating a new paragraph (iii), 14-6-201(a) by creating new paragraphs (xxvii) and (xxviii) and by renumbering (xxvii) as (xxix), 14-6-229(e)(ii)(B)(I)(1), (2), by creating a new subdivision (3) and by creating a new paragraph (vi), 14-6-402(a) by creating new paragraphs (xxiv) and (xxv) and 14-6-429(c)(i)(B)(I)(1), (2), by creating a new subdivision (3) and by creating a new paragraph (v) are amended to read:

**14-3-402. Definitions.**

(a) As used in this act:

(xxv) “Qualified individual” means a person who meets the requirements of 42 U.S.C. § 675a(c)(1)(D);

(xxvi) “Qualified residential treatment program” means a program that meets the requirements of 42 U.S.C. § 672(k)(4);

~~(xxv)~~(xxvii) “This act” means W.S. 14-3-401 through 14-3-440-14-3-441.

**14-3-429. Decree where child adjudged neglected; dispositions; terms and conditions; legal custody.**



(c) In cases where a child is ordered removed from the child's home:

(v) If the child is placed in a qualified residential treatment program:

(A) Within thirty (30) days of the placement a qualified individual shall conduct an assessment to determine whether the child's needs can be met through placement with family members or in a foster family home, or if the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment consistent with short-term and long-term goals of the child and the child's permanency plan;

(B) Within sixty (60) days of the placement the court shall:

(I) Consider the assessment completed pursuant to subparagraph (A) of this paragraph;

(II) Determine whether the child's needs can be met through placement in a foster family home or whether the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment;

(III) Determine whether the placement is consistent with short-term and long-term goals of the child, as specified in the child's permanency plan;

(IV) Approve or disapprove the placement.

**14-3-431. Duration of orders of disposition; termination of orders; permanency hearings; petition for termination of parental rights.**

(c) The court shall conduct a review hearing six (6) months from the date of the child's removal from the home and every six (6) months thereafter. If the child is placed in a qualified residential treatment program, the department of family services shall present to the court at the six (6) month review hearing the information required under subparagraphs (j)(iii)(A) through (D) of this section. At the six (6) month review hearing the court shall review the case plan to determine:

(j) At the permanency hearing, the department of family services shall present to the court:

(iii) If the child is placed in a qualified residential treatment program:

(A) Information to show that ongoing assessment of the child's strengths and needs continues to support the determination that placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment consistent with the short-term and long-term goals of the child and the child's permanency plan;

(B) The specific treatment needs that will be met for the child in the placement;

(C) The length of time the child is expected to remain in the placement;

(D) The efforts made by the department of family services to prepare the child to return home or be placed for adoption or legal guardianship.

**14-6-201. Definitions; short title; statement of purpose and interpretation.**

(a) As used in this act:

(xxvii) “Qualified individual” means a person who meets the requirements of 42 U.S.C. § 675a(c)(1)(D);

(xxviii) “Qualified residential treatment program” means a program that meets the requirements of 42 U.S.C. § 672(k)(4);

~~(xxvii)~~(xxix) “This act” means W.S. 14-6-201 through 14-6-252.

**14-6-229. Decree where child adjudged delinquent; dispositions; terms and conditions; legal custody.**

(e) In cases where a child is ordered removed from the child’s home:

(ii) If a child is committed or transferred to an agency or institution under this section:

(B) Not less than once every six (6) months, the court of jurisdiction shall conduct a formal review to assess and determine the appropriateness of the current placement, the reasonable efforts made to reunify the family, the safety of the child and the permanency plan for the child. During this review:

(I) The department of family services shall present to the court:

(1) If the permanency plan is classified as another planned permanent living arrangement, documentation of the ongoing and unsuccessful efforts to return the child home or place the child for adoption or with a legal guardian or a fit and willing relative for purposes of guardianship or adoption, including evidence of efforts to use social media or other search technology to find biological family members for the child;~~and~~

(2) Efforts made to ensure that the child is provided, to the greatest extent possible, the opportunity to participate in age appropriate or developmentally appropriate activities and experiences as defined in W.S. 14-13-101(a)(i) to promote healthy child and adolescent development consistent with W.S. 14-13-101 through 14-13-104; ~~and~~

(3) If the child is placed in a qualified residential treatment program:

a. Information to show that ongoing assessment of the child’s strengths and needs continues to support the determination that placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment consistent with the short-term and long-term goals of the child and the child’s permanency plan;

b. The specific treatment needs that will be met for the child in the

placement;

c. The length of time the child is expected to remain in the placement;

d. The efforts made by the department of family services to prepare the child to return home or be placed for adoption or legal guardianship.

(vi) If the child is placed in a qualified residential treatment program:

(A) Within thirty (30) days of the placement a qualified individual shall conduct an assessment to determine whether the child's needs can be met through placement with family members or in a foster family home, or if the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment consistent with the short-term and long-term goals of the child and the child's permanency plan;

(B) Within sixty (60) days of the placement the court shall:

(I) Consider the assessment completed pursuant to subparagraph (A) of this paragraph;

(II) Determine whether the needs of the child can be met through placement in a foster family home or whether the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment;

(III) Determine whether the placement is consistent with the short-term and long-term goals for the child as specified in the child's permanency plan;

(IV) Approve or disapprove the placement.

#### **14-6-402. Definitions.**

(a) As used in this act:

(xxiv) "Qualified individual" means a person who meets the requirements of 42 U.S.C. § 675a(c)(1)(D);

(xxv) "Qualified residential treatment program" means a program that meets the requirements of 42 U.S.C. § 672(k)(4).

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

(c) In cases where a child is ordered removed from the child's home:

(i) If a child is committed or transferred to an agency or institution under this section:

(B) Not less than once every six (6) months, the court of jurisdiction shall conduct a formal review to assess and determine the appropriateness of the current placement, the reasonable efforts made to reunify the family, the

safety of the child and the permanency plan for the child. During this review:

(I) The department of family services shall present to the court:

(1) If the permanency plan is classified as another planned permanent living arrangement, documentation of the ongoing and unsuccessful efforts to return the child home or place the child for adoption or with a legal guardian or a fit and willing relative for purposes of guardianship or adoption, including evidence of efforts to use social media or other search technology to find biological family members for the child;~~and~~

(2) Efforts made to ensure that the child is provided, to the greatest extent possible, the opportunity to participate in age appropriate or developmentally appropriate activities and experiences as defined in W.S. 14-13-101(a)(i) to promote healthy child and adolescent development consistent with W.S. 14-13-101 through 14-13-104; and

(3) If the child is placed in a qualified residential treatment program:

a. Information to show that ongoing assessment of the child's strengths and needs continues to support the determination that placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, consistent with the short-term and long-term goals of the child and the child's permanency plan;

b. The specific treatment needs that will be met for the child in the placement;

c. The length of time the child is expected to remain in the placement;

d. The efforts made by the department of family services to prepare the child to return home or be placed for adoption or legal guardianship.

(v) If the child is placed in a qualified residential treatment program:

(A) Within thirty (30) days of the placement a qualified individual shall conduct an assessment to determine whether the child's needs can be met through placement with family members or in a foster family home, or if the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment consistent with the short-term and long-term goals of the child and the child's permanency plan;

(B) Within sixty (60) days of the placement the court shall:

(I) Consider the assessment completed pursuant to subparagraph (A) of this paragraph;

(II) Determine whether the needs of the child can be met through placement in a foster family home or whether the placement in a qualified

residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment;

(III) Determine whether placement is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan;

(IV) Approve or disapprove the placement.

**Section 2.** This act is effective July 1, 2020.

Approved March 5, 2020.

### Chapter 3

#### PESTICIDE REGISTRATION FEE

Original House Bill No. 36

AN ACT relating to food and drugs; increasing the pesticide registration fee; specifying distribution and use of the fee; providing for a continuous appropriation; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 35-7-356(d) is amended to read:

**35-7-356. Registration.**

(d) Every registrant of ~~pesticides~~ a pesticide or device shall pay an annual registration fee of ~~ninety dollars (\$90.00) each~~ one hundred forty dollars (\$140.00) for ~~every~~ each product registered. All registrations shall expire on December 31 of each year, following the date of the registration, and may thereupon be renewed for successive periods of twelve (12) months upon payment of the proper fee. ~~Seventy-five dollars (\$75.00)~~ One hundred twenty-five dollars (\$125.00) of the fee collected pursuant to this subsection shall be deposited in the special natural resource account in the department of agriculture which is hereby created, ~~for programs authorized by W.S. 11-5-113 and 11-5-303.~~ Funds in the special natural resource account are continuously appropriated to the department and shall only be used to provide funding for the pesticide registration fee program. Fifteen dollars (\$15.00) of the fee collected pursuant to this subsection shall be deposited in the pesticide education account in the department of agriculture which is hereby created. Funds in the pesticide education account are continuously appropriated to the department and shall only be used to provide funding for the pesticide applicator certification program provided by the University of Wyoming.

**Section 2.** The increased registration fee under section 1 of this act shall apply to each product registered on or after the effective date of this act.

**Section 3.** This act is effective July 1, 2020.

Approved March 5, 2020.

## Chapter 4

### ABSTRACTS OF COURT RECORDS

#### Original House Bill No. 9

AN ACT relating to courts; requiring courts to provide abstracts of court records to state agencies; specifying information to be included in abstracts; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 7-1-102, 7-13-1203(f), 7-19-107(b), (e)(intro) and by creating new subsections (k) and (m), 23-6-108(b) and by creating a new subsection (c), 31-5-1214(b) and by creating a new subsection (g) and 31-7-126 are amended to read:

**7-1-102. Record of information for ascertaining condition of crime in state.**

All town, city, county and state law enforcement agencies, district courts, courts of limited jurisdiction, district attorneys, state adult and juvenile correctional institutions and state and local probation and parole agencies shall maintain a public record of crime and criminals and the operation of the criminal justice system. The attorney general shall provide uniform forms for reporting all information necessary to obtain reliable statistics to ascertain the true condition of the crime situation in the state. The officer, agency or court shall furnish the information requested by the attorney general, except that upon implementation of a case management system in a circuit or district court that has the capability of transferring information electronically, the supreme court shall, on behalf of the circuit or district court, furnish the abstract of the court record to the attorney general as required under W.S. 7-19-107(k).

**7-13-1203. Authority to establish teen court program.**

(f) Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for any purpose. If the original offense charged was a traffic offense, the supreme court shall, on behalf of the circuit court and within thirty (30) days after the discharge and dismissal is entered, submit to the department of transportation an abstract of the court record of the court evidencing the defendant's successful completion of the teen court program compiled under W.S. 7-19-107(k). If the original offense was a traffic offense charged in municipal court, the municipal court shall, within thirty (30) days after the discharge and dismissal is entered, submit to the department of transportation an abstract of the court record compiled under W.S. 7-19-107(k). The department shall maintain abstracts received under this subsection as provided by W.S. 31-5-1214(f).

**7-19-107. Central repository; information to be submitted; audits; interstate exchanges.**

(b) For the purpose of maintaining complete and accurate criminal history record information at the central repository, all city, county and state law enforcement agencies, district courts, courts of limited jurisdiction, district attorneys, the department of corrections, state juvenile correctional institutions and local probation and parole agencies shall submit the criminal history record information required under this section for which they are responsible to the division for filing at the earliest time possible following the occurrence of the reportable event. Except as provided in subsection (k) of this section, reports shall be submitted on uniform forms approved and provided by the division.

(e) Except as provided in subsection (k) of this section, all district attorneys and clerks of the district courts and courts of limited jurisdiction shall furnish the division with information concerning final dispositions in criminal cases covered by this act. The information shall include, for each charge:

(k) Upon implementation of a case management system in a circuit or district court, the supreme court shall, on behalf of the district or circuit court, furnish electronically to the division an abstract of the court record within ten (10) days after entry of a judgment of conviction or forfeiture of bail. The abstract shall include:

(i) The name and address of the person charged;

(ii) A citation to the statute of each offense charged;

(iii) The finding or disposition of each offense charged;

(iv) The amount of fine, forfeiture or penalty imposed, if any, or any changes to the amount;

(v) Other information as determined and agreed upon by the office of the attorney general and the supreme court pursuant to rules promulgated by the attorney general and the supreme court.

(m) Nothing in subsection (k) of this section shall preclude a state agency from requesting and obtaining public court records as provided by court rule.

**23-6-108. Record of game and fish cases; report of convictions to department.**

(b) Except as provided in subsection (c) of this section, within ~~thirty (30)~~ ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this act, the judge or clerk of the court in which the conviction was had or bail was forfeited, shall forward to the department a ~~certified an~~ abstract of the ~~record of the court record~~ covering the case in which the person was convicted or forfeited bail. The abstract shall be made upon a form furnished by the department and shall include the name and address of the party charged, the number of his game or fish license, if any, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail was forfeited, and the amount of fine, forfeiture or penalty imposed.



(c) Upon implementation of a case management system in a circuit court or district court, the supreme court shall, on behalf of the circuit court or district court, furnish the abstract of the court record required under this section to the department. The abstract furnished under this section shall include the information required in W.S. 7-19-107(k).

**31-5-1214. Record of traffic cases; reports of convictions.**

(b) Except as provided in subsection (g) of this section, within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provisions of this act or other law regulating the operation of vehicles on highways every clerk of the court of record in which the conviction was had or bail was forfeited shall prepare and immediately forward to the department an abstract of the ~~record of the court~~ record covering the case in which the person was so convicted or forfeited bail, which abstract must be certified by the person required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

(g) Upon implementation of a case management system in a circuit court or district court, the supreme court shall, on behalf of the circuit court or district court, furnish the abstract of the court record required under this section to the department. The abstract furnished under this section shall include the information required in W.S. 7-19-107(k).

**31-7-126. Reporting of convictions and failure to appear by courts.**

(a) Except as provided in subsection (b) of this section, every court having jurisdiction under any statute of this state or a municipal ordinance adopted by local authority regulating the driving of motor vehicles, shall forward to the division within ten (10) working days from the date of conviction a record of the conviction of any person in the court for a violation of any of those laws or ordinances, other than those regulating standing or parking of a motor vehicle. The court shall also forward to the division a report of any violation by any person of a promise to appear in court as given to the arresting officer upon the issuance of a traffic citation and any failure to appear in court at the time specified by the court. Failure of a court to forward a record of conviction or violation under this section within the time specified in this section from the date of conviction or violation shall not affect the division's authority under this act.

(b) Upon implementation of a case management system in a circuit court or district court, the supreme court shall, on behalf of the circuit court or district court, furnish the abstract of the court record required under this section to the division. The abstract furnished under this section shall include the information required in W.S. 7-19-107(k).

**Section 2.** This act is effective July 1, 2020.

Approved March 5, 2020.



## Chapter 5

### WILDLIFE CONSERVATION ACCOUNT

Original Senate File No. 4

AN ACT relating to wildlife conservation; authorizing acceptance and solicitation of donations for wildlife conservation efforts related to the transportation system; and providing for an effective date.

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

**Section 1.** W.S. 31-2-231(a) and (b) is amended to read:

**31-2-231. Wildlife conservation license plates; wildlife conservation account; authority to receive and expend monies.**

(a) Any person required to register a vehicle in Wyoming pursuant to this article may apply to the department for a statement of eligibility for wildlife conservation license plates for any motor vehicle that is not a commercial vehicle or multipurpose vehicle owned or leased by that person upon registration of the vehicle. The department may include as part of the application the option for the applicant to donate an additional amount in support of wildlife conservation efforts related to the transportation system. Upon payment by the applicant of a fee of one hundred fifty dollars (\$150.00) to the department, plus any additional voluntary amount, the department shall issue a written statement of eligibility for wildlife conservation license plates. The department shall assess an annual fee of fifty dollars (\$50.00) for a person to retain eligibility for wildlife conservation plates, but this annual fee shall not be charged in the year the person pays the one hundred fifty dollars (\$150.00) eligibility fee. The person may submit an additional voluntary amount in support of wildlife conservation efforts related to the transportation system when remitting the annual fee.

(b) The fees collected under subsection (a) of this section shall be payable to the department and shall be accounted for separately. The fees collected shall be distributed to the wildlife conservation account within the state highway fund, which is hereby created. The wildlife conservation account shall be administered in accordance with the following:

(i) Funds in the wildlife conservation account are continuously appropriated to the department and shall only be used to provide for wildlife conservation efforts related to the transportation system, including signage, wildlife corridors, wildlife crossings and game fences. Money received and the proceeds or other property likewise received and disposed of by the department may, in consultation with the Wyoming transportation commission, be expended by the department for the purposes of this section;

(ii) The department may establish methods to accept voluntary contributions in support of wildlife conservation efforts related to the transportation system for deposit into the wildlife conservation account. The

department may suggest and solicit specific contribution amounts;

(iii) The department, in consultation with the Wyoming transportation commission, is authorized to receive and credit to the wildlife conservation account, any money or property of any kind or character donated, granted or bequeathed to the Wyoming transportation commission, the department or the state of Wyoming for wildlife conservation efforts related to the transportation system. The department, in consultation with the Wyoming transportation commission, shall have the authority to carry out the terms, if any, of the grant, donation or bequest, or in the absence of any terms or limitations, to expend the money or the proceeds of the property as it may deem advisable for wildlife conservation efforts related to the transportation system under the provisions of this section;

(iv) The state treasurer is hereby authorized and directed to receive and credit to the wildlife conservation account any grant, donation or bequest that is made to the Wyoming transportation commission, the department or the state of Wyoming for wildlife conservation efforts related to the transportation system to be expended for the purposes provided by this section. The state treasurer shall invest any money received under this paragraph in accordance with law and the investment earnings received thereon shall be deposited into the wildlife conservation account.

**Section 2.** This act is effective July 1, 2020.

Approved March 5, 2020.

## Chapter 6

### COMMERCIAL LEARNER'S PERMITS

#### Original House Bill No. 7

AN ACT relating to motor vehicles; extending the expiration period for a commercial learner's permit; and providing for an effective date.

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

**Section 1.** W.S. 31-7-110(e) is amended to read:

#### **31-7-110. Instruction and temporary driver's permits.**

(e) Any person who holds a valid Wyoming classified driver's license and who is at least eighteen (18) years of age may apply to the division for a commercial learner's permit. The division may, after the person has successfully passed all required ~~examination~~ examinations, other than the driving skills examination and paid the required fee, issue to the person a commercial learner's permit, which entitles the person to drive a commercial motor vehicle on a highway only when accompanied by a person who has a commercial driver's license

valid for the type of vehicle driven and who occupies a seat beside the person for the purpose of giving instruction in driving the commercial motor vehicle. The commercial learner's permit may not be issued for a period to exceed ~~one hundred eighty (180) days and only one (1) renewal may be granted for an additional period of one hundred eighty (180) days~~ three hundred sixty-five (365) days. Every person holding a commercial driver's license shall obtain a commercial learner's permit prior to upgrading their commercial driver's license to a higher class type, adding an endorsement or removing a restriction which requires a skills test.

**Section 2.** This act is effective July 1, 2020.

Approved March 5, 2020.

## Chapter 7

### REMOTE EDUCATION WITHIN A SCHOOL DISTRICT

Original House Bill No. 39

AN ACT relating to virtual education; creating an exception to virtual education requirements; 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)(xxxix)(intro) and 21-13-330 by creating a new subsection (n) 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:

(xxxix) 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) or pursuant to W.S. 21-13-330(n) 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.**

(n) A teacher who teaches a course in-person, in a physical classroom setting in the teacher's district of employment may teach the course remotely to other students in the same district using interactive delivery of course content. A course taught remotely pursuant to 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.

**Section 2.** This act is effective July 1, 2020.

Approved March 5, 2020.

## Chapter 8

### BACKGROUND CHECKS-STATE TREASURER'S OFFICE

Original House Bill No. 160

AN ACT relating to the state treasurer; authorizing the state treasurer to obtain financial and criminal background checks as specified; and providing for an effective date.

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

**Section 1.** W.S. 7-19-106(a) by creating a new paragraph (xxxii), 7-19-201(a) by creating a new paragraph (xxviii) and 9-1-409 by creating a new subsection (g) 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:

(xxxii) The state treasurer.

**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:

(xxviii) State treasurer's office employees, interns or applicants for employment who have access to confidential financial, accounting or investment information or records.

**9-1-409. State treasurer; duties generally; demand accounts; state revenues paid to treasurer.**

(g) The state treasurer shall have the authority to obtain the financial and criminal background history of an employee, intern or applicant for employment of the state treasurer's office.

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

Approved March 5, 2020.

## Chapter 9

### COMMERCIAL OPERATORS-REGISTRATION AND AUTHORITY TO OPERATE

#### Original House Bill No. 6

AN ACT relating to motor vehicles; authorizing the department of transportation to suspend, revoke, cancel or refuse to issue registration of a commercial vehicle and authority to operate as a private motor carrier; and providing for an effective date.

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

**Section 1.** W.S. 31-18-104(a)(iii), 31-18-201(k) and (y), 31-18-209(a) and 31-18-301(a) are amended to read:

#### **31-18-104. Powers and duties of the department.**

(a) The department shall:

(iii) Issue, ~~or~~ refuse to issue or suspend the:

(A) Authority to operate as a contract or private motor carrier; or

(B) Commercial vehicle registration.

#### **31-18-201. Commercial vehicles; registration; exemptions.**

(k) Upon application and payment of fees as prescribed by subsection (d) of this section, the department shall register commercial vehicles and in the case of Wyoming based commercial carriers issue distinctive Wyoming license plates. In the case of non-Wyoming based commercial vehicles the department may issue distinctive Wyoming license plates, distinctive stickers, or other suitable visual identification devices in such form as prescribed by the department which shall be affixed to the vehicle as required by the department. The department may also issue a registration card for each vehicle registered identifying the vehicle which shall be carried in the vehicle at all times. The department shall cancel, revoke, suspend or refuse to issue the registrations provided by this section based upon a finding from its records and prior experience that:

(i) The operation or equipment used renders the highways unsafe;

(ii) Delinquent fees are due and payable to the department; or

(iii) The permittee has not complied with or continues to not comply with all laws and applicable rules and regulations of this act or governing the operations of interstate motor carriers as defined by law.

(y) A temporary permit issued under this section shall be carried in the power unit. Unlawful use of the temporary permit or fraudulent or false information given to obtain the temporary permit invalidates the permit and results in the penalty provided by W.S. 31-18-701. The department shall cancel, revoke, suspend or refuse to issue the temporary permits provided by this section

based upon a finding from its records and prior experience ~~or from the records and prior experience of the department~~ that:

**31-18-209. Issuance of authority; matters to be considered; deposit of insurance.**

(a) The department shall issue authority to qualified motor carriers. The authority shall remain valid and in effect unless revoked or suspended by the department for good cause, such as a violation of this act, or cancelled at the request of the authority holder.

**31-18-301. Permanent cards and decals; operation without authority; inspections.**

(a) The authority of any motor carrier issued after April 1, 1989, is valid until cancelled, suspended or revoked.

**Section 2.** This act is effective July 1, 2020.

Approved March 5, 2020.

## Chapter 10

### CHIP-STATE ADMINISTRATION

#### Original House Bill No. 120

AN ACT relating to the child health insurance program; authorizing the program to be provided by the state or by a private insurance company; amending charge and collection limits; discontinuing the CHIP health benefits plan committee; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 35-25-103, 35-25-104(a)(intro), 35-25-106(a) and (b) and 35-25-108(b)(i) are amended to read:

**35-25-103. Child health insurance program eligibility; services by department or private health insurance.**

(a) Subject to approval of the state plan by the United States secretary of health and human services, and subject to available state and federal funding the department shall provide a health insurance plan ~~offered through a private insurance company licensed by the insurance commissioner to write insurance in Wyoming~~ for an eligible child whose monthly gross family income is not more than ~~one hundred eighty-five percent (185%) of the federal poverty level, until July 1, 2005, and thereafter, whose monthly gross family income is not more than two hundred percent (200%) of the federal poverty level.~~ A child who is determined eligible to receive benefits under this section shall remain eligible for twelve (12) months as long as the child resides in the state of Wyoming and has not yet attained nineteen (19) years of age. A child's eligibility to receive benefits under this act shall be redetermined on an annual basis. A simplified

application process, which includes minimum eligibility requirements, shall be provided throughout the state at various public and private establishments approved by the department of health. To be determined eligible to receive benefits under this section, a child shall not be eligible under the Wyoming Medical Assistance and Services Act, shall not have been covered under another health insurance plan for a minimum of one (1) month prior to application for coverage under this act or, upon birth, the child would not otherwise be covered by a public or private health insurance plan. Eligibility under this section shall be determined by the department of health or its designee.

(b) The child health insurance plan required by subsection (a) of this section shall be provided either through a private health insurance company licensed by the insurance commissioner to write insurance in Wyoming or by the department of health's division responsible for administering the Medicaid program. The department's division shall be used to provide the insurance plan only if it can provide the plan at a lower cost than can a qualified private insurance company or if use of the division will otherwise accrue more benefits to the state than will use of a private insurance company. If the child health insurance plan required by subsection (a) of this section is provided through the department's division, the department shall competitively procure the contract at least once every five (5) years. In awarding the contract the department shall compare the cost of operating the program through a private insurance company to a forecasted state administered alternative.

(c) A medical provider who accepts payment for services provided under this section shall not charge or attempt to collect payments in excess of a rate schedule established by the department or in excess of rates negotiated with a private health insurance company who is offering child health insurance pursuant to this act.

#### **35-25-104. Program benefits.**

(a) A child eligible for services under this act shall receive benefits developed by the health benefits committee established under W.S. 35-25-105 department as allowed by 42 U.S.C. 1397cc et seq. and that include:

#### **35-25-106. Private health insurance plan request for proposals.**

(a) If the child health insurance plan required by W.S. 35-25-103 is provided through a private health insurance company, the department shall publish notice of issue a request for proposals from qualified insurers to provide a health insurance plan for children insured under W.S. 35-25-103 of this act not less than once every five (5) years, in addition to the requirements set forth in W.S. 35-25-103(b). The department shall award the contract for this service to an insurer based on price, the provision of benchmark required services determined pursuant to W.S. 35-25-105(c), and other factors listed in the department's request for proposals. ~~The~~ A contract for health insurance

awarded under this section shall contain provisions with respect to exclusions from coverage for preexisting conditions that are no more restrictive than those described in 42 U.S.C. 1397bb(b)(1)(B)(ii). The contract shall include provisions for changes in terms and conditions and for rebidding in case major changes are needed. The department shall have the right to rebid the contract after two (2) years.

(b) Biennially, the department may allow ~~the a~~ contractor providing child health insurance pursuant to subsection (a) of this section to adjust the price charged for the coverage, but if the price is increased, the department may, after public notice, rebid the contract or the department may administer the program pursuant to W.S. 35-25-103.

**35-25-108. Implementation; duties; restrictions on the department of health.**

(b) The department shall not implement:

(i) The program under this act until a state plan has been approved by the United States secretary of health and human services or, for any modified plan, until the modified plan has been approved if the modifications require the approval of the United States secretary of health and human services; and

**Section 2.** W.S. 35-25-105 and 35-25-106(c) are repealed.

**Section 3.** This act is effective July 1, 2020.

Approved March 5, 2020.

## Chapter 11

### UNCLAIMED PROPERTY FUNDS-INVESTMENTS

#### Original House Bill No. 136

AN ACT relating to the investment of unclaimed property funds; authorizing investment of unclaimed property funds in equities; amending the distribution of investment earnings from unclaimed property funds; naming existing accounts; providing immunity for certain actions; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 9-4-715(p) by creating a new paragraph (viii) and 34-24-124 are amended to read:

**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:

(viii) Not more than fifty percent (50%) of all funds received under the Uniform Unclaimed Property Act that are deposited into the unclaimed property account created by W.S. 34-24-124, excluding investment earnings from the account.

**34-24-124. Deposit of funds; investment of funds; loans; immunity from liability.**

(a) Except as otherwise provided by this section, the administrator shall promptly deposit in a separate the unclaimed property account all funds received under this act, including the proceeds from the sale of abandoned property under W.S. 34-24-123. Before making the deposit, the administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the property and the name and last known address of each insured person or annuitant and beneficiary and with respect to each policy or contract listed in the report of an insurance company its number, the name of the company and the amount due. The claimant's name and last known address shall be available for public inspection at all reasonable business hours.

(b) The administrator or his designee shall invest the funds in the unclaimed property account created by subsection (a) of this section as authorized by law in a manner to obtain the highest return possible consistent with the purposes of this act. Interest-~~Investment earnings~~ from the account shall be deposited into another separate the unclaimed property investment earnings account. There is continuously appropriated to the administrator from the interest-unclaimed property investment earnings account an amount equal to the administrator's expenses in carrying out this act. Annually after the end of each fiscal year the administrator shall deposit in the general fund-interest investment earnings earned on the unclaimed property account which exceeds exceed the amount necessary to administer this act for the fiscal year and which exceeds the amount equal to one hundred percent (100%) of the immediately prior biennium's appropriation for the unclaimed property division. Before making the deposit, the administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the property and the name and last known address of each insured person or

annuitant and beneficiary and with respect to each policy or contract listed in the report of an insurance company its number, the name of the company and the amount due. The claimant's name and last known address shall be available for public inspection at all reasonable business hours.

(c) An action or proceeding shall not be commenced against the state, the administrator or his designee because of an act of the administrator under this section or under W.S. 9-4-715(p)(viii) involving the investment of unclaimed property funds.

**Section 2.** This act is effective July 1, 2020.

Approved March 5, 2020.

## Chapter 12

### MILITARY DEPARTMENT AUTHORITY TO ACCEPT DONATIONS

Original Senate File No. 3

AN ACT relating to defense forces and affairs; authorizing the military department to accept and expend donations; and providing for an effective date.

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

**Section 1.** W.S. 19-7-208 is created to read:

**19-7-208. Authority to receive and expend monies; investments.**

(a) In addition to the account established in W.S. 19-7-207, the state treasurer is hereby authorized and directed to receive and credit to the appropriate account any grant, donation or bequest that is made to the state of Wyoming or the military department for the support of any program of the military department. If the grant, donation or bequest contains a condition or restriction regarding how it is to be expended it shall be expended according to the condition or restriction. The state treasurer shall invest any money received under this subsection in accordance with law, and the income received thereon shall be placed at the disposal of the department to use in carrying out the purposes of the specified program subject to any conditions or restrictions.

(b) The department shall have the authority:

(i) To receive any gifts, grants, funds, assistance or other contributions of any kind or character that are donated, granted or bequeathed to the department or the state of Wyoming for the support of any program of the department;

(ii) To establish methods whereby voluntary contributions may be accepted in support of military department programs. The military department may suggest and solicit specific contribution amounts;

(iii) To carry out the terms, if any, of any grant, donation or bequest for

the support of any program of the department, or in the absence of any terms or limitations, to expend the money or the proceeds of any property received as the department may deem advisable according to the purposes of the specified program.

(c) Funds received for the support of any program of the military department under subsections (a) and (b) of this section shall be credited to the appropriate account for the purposes of the specified program and are continuously appropriated to the military department. The military department shall only expend funds, proceeds or property received under this section for the purposes of the program for which the money or property was provided. Funds received and expended in each fiscal biennium pursuant to the authority of this section shall be reported by the military department in its biennial budget request.

**Section 2.** W.S. 19-7-103(b) by creating a new paragraph (xxiv) 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:

(xxiv) On behalf of the military department he may accept gifts, grants, funds, assistance or other contributions from any federal, state or local governmental entity or from any private source in accordance with W.S. 19-7-208.

**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 5, 2020.

## Chapter 13

### CONSUMER PROTECTION ACT AMENDMENTS

#### Original Senate File No. 11

AN ACT relating to trade and commerce; amending notice requirements for temporary restraining orders and injunctions in actions relating to consumer protection; providing for the issuance of ex parte temporary restraining orders; amending available remedies; and providing for an effective date.

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

**Section 1.** W.S. 40-12-106 is amended to read:

**40-12-106. Restraining unlawful practices.**

Whenever the enforcing authority has reasonable cause to believe that any person has engaged in, is engaging in, or is about to engage in any practice

which is unlawful under W.S. 40-12-104 or 40-12-105, and that proceedings would be in the public interest, he may bring an action in the name of this state against such person to restrain by temporary restraining order or preliminary or permanent injunction the use of such practice, ~~upon the giving of appropriate notice to that person. The notice must state generally the relief sought and must be served in accordance with the Wyoming Rules of Civil Procedure. Before commencing any action, the enforcing authority shall give the person against whom proceedings are contemplated a reasonable opportunity to show why proceedings should not be instituted.~~ The action may be brought in the district court of the county in which the person resides or has his principal place of business or in the district court of Laramie county, Wyoming. The district court may issue temporary restraining orders, including ex parte temporary restraining orders, or preliminary or permanent injunctions, in accordance with the principles of equity, to restrain and prevent violations of this act. The court may make such additional orders or judgments as are necessary to compensate identifiable persons for actual damages or restoration of money or property, real or personal, which may have been acquired by means or any act or practice restrained. ~~The remedies provided by this section, W.S. 40-12-108 and 40-12-111 shall be the exclusive remedies for violations of this act.~~

**Section 2.** This act is effective July 1, 2020.

Approved March 5, 2020.

## Chapter 14

### WYOMING TOURISM ACCOUNT FUNDING

#### Original House Bill No. 134

AN ACT relating to sales tax; imposing a statewide assessment on sales of lodging services; providing for distribution of the assessment collected; providing an exemption; revising the local optional lodging tax; amending authorized expenditures; repealing conflicting provisions; creating the Wyoming tourism account; creating the Wyoming tourism reserve and projects account; providing for implementation of the new assessment; and providing for an effective date.

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

**Section 1.** W.S. 39-15-104 by creating a new subsection (h), 39-15-105(a) by creating a new paragraph (x), 39-15-111(b)(intro) and by creating new subsections (p) and (q), 39-15-203(a)(ii)(D), 39-15-204(a)(ii) and 39-15-211(a)(ii)(B)(I), (III)(intro) and by creating a new subparagraph (H) are amended to read:

**39-15-104. Taxation rate.**

(h) In addition to the sales tax under subsections (a) and (b) of this section there is imposed an assessment upon the sale of lodging services of five percent (5%) as follows:

(i) Three percent (3%) to be distributed as provided in W.S. 39-15-111(p)(i); and

(ii) Two percent (2%) to be distributed as provided in W.S. 39-15-111(p)(ii).

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

(a) The following sales or leases are exempt from the excise tax imposed by this article:

(x) Sales of lodging services offered by any county fair board during a county fair or other board authorized events.

**39-15-111. Distribution.**

(b) Revenues earned under W.S. 39-15-104 during each fiscal year shall be recognized as revenue during that fiscal year for accounting purposes. Except as otherwise provided in subsection (p) of this section, for all revenue collected by the department under W.S. 39-15-104 the department shall:

(p) All revenue collected by the department under W.S. 39-15-104(h) shall be distributed as follows:

(i) The department shall credit the revenue collected under W.S. 39-15-104(h)(i) as follows:

(A) Eighty percent (80%) of the average annual revenue collected under this paragraph during the immediately preceding five (5) years shall be deposited each year in the Wyoming tourism account, which is hereby created. No funds shall be expended from the account until appropriated by the legislature. Funds in the account shall be used for the operation of the Wyoming tourism board and the Wyoming office of tourism;

(B) Any amount of revenue that exceeds the amount determined under subparagraph (A) of this paragraph shall be deposited as provided in this subparagraph. Revenue under this subparagraph shall be transferred to the Wyoming tourism reserve and projects account, which is hereby created. No funds shall be expended from the account until appropriated by the legislature.

(ii) The assessment revenue collected under W.S. 39-15-104(h)(ii) shall be distributed to each county on a monthly basis in proportionate shares determined by the amount of revenue collected within the county and its municipalities under W.S. 39-15-104(h)(ii) in relation to the entire amount collected under W.S. 39-15-104(h)(ii), to be distributed as follows:

(A) If the county imposes a countywide lodging tax under W.S. 39-15-204(a)(ii), the assessment revenue shall be distributed in the same manner as taxes collected under that paragraph are distributed under W.S. 3915211(a)(ii)(B) through (E);

(B) If the county has not imposed a countywide lodging tax under W.S.

39-15-204(a)(ii), the assessment revenue shall be distributed as follows:

(I) If no city or town in the county has imposed a lodging tax under W.S. 39-15-204(a)(ii), the assessment revenue shall be distributed to the county to be expended as provided in W.S. 39-15-211(a)(ii)(B);

(II) If any city or town in the county has imposed a lodging tax under W.S. 39-15-204(a)(ii), assessment revenue equal to the amount of the tax imposed by the city or town shall be distributed to the city or town to be used as provided in W.S. 39-15-211(a)(ii)(B) through (E). The remainder shall be distributed to the county to be expended as provided in W.S. 39-15-211(a)(ii)(B).

(q) No funds distributed to the Wyoming tourism account or the Wyoming tourism reserve and projects account as provided by subsection (p) of this section shall be expended for lobbying or legislative activities associated with any Wyoming local government or the Wyoming legislature.

### **39-15-203. Imposition.**

(a) Taxable event. The following shall apply:

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

(D) The proposition may be submitted at an election held on a date authorized under W.S. 22-21-103. A notice of election shall be given in at least one (1) newspaper of general circulation published in the county in which the election is to be held or in the city or town if only a city wide or town wide tax is proposed, and the notice shall specify the object of the election. The notice shall be published at least once each week for a thirty (30) day period preceding the election. At the election the ballots shall contain the words "for the county (or city or town) lodging tax" and "against the county (or city or town) lodging tax". If the proposition is approved the same proposition shall be submitted at subsequent general elections as provided in this subparagraph until the proposition is defeated. If the proposition to impose the lodging tax pursuant to W.S. 39-15-204(a)(ii) is approved, the same proposition shall be submitted, until defeated, at the second general election following the election at which the proposition was initially approved and at the general election held every four (4) years thereafter. If a county, city or town has in place a lodging tax pursuant to W.S. 39-15-204(a)(ii), either through a petition or by request of the county, city or town, the proposition posed at the next election may contain a larger tax not to exceed ~~four percent (4%)~~ two percent (2%);

### **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:

(ii) An excise tax at a rate in increments of one percent (1%) not to exceed a rate of ~~four percent (4%)~~ two percent (2%) upon the sales price paid for lodging services as defined under W.S. 39-15-101(a)(i), the primary purpose of which is for local travel and tourism promotion;

**39-15-211. Distribution.**

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

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

(B) Except as provided in subparagraph (a)(ii)(C) of this section, distribute the balance on a monthly basis to the treasurer of each county, city or town imposing the tax in an amount equal to the amount collected in each entity less the costs of collection as provided by subparagraph (a)(ii)(A) of this section. Amounts distributed under this subparagraph shall be used for the following purposes:

(I) Except as provided by subdivision (III) of this subparagraph, at least ninety percent (90%) of the amount distributed shall be used to promote travel and tourism within the county, city or town imposing the tax. Expenditures for travel and tourism promotion shall be limited to promotional materials, television and radio advertising, printed advertising, digital content, social media, promotion of tours, staging of events, educational materials, and other specific tourism related objectives, provided that none of these funds shall be spent for capital construction or improvements, ~~and not more than forty thousand dollars (\$40,000.00) of these funds shall be spent for purposes of matching state general funds under the matching funds program administered by the Wyoming business council.~~ If the amount is collected under a tax imposed countywide, expenditures of this amount shall be made in accordance with the Uniform Municipal Fiscal Procedures Act by a joint powers board established pursuant to law by the county and a majority of incorporated municipalities within the county. Membership of the board shall include at least one (1) representative appointed by each governmental entity made a party to the agreement and the majority of the board membership shall be comprised of representatives of the travel and tourism industry;

(III) If any of the conditions specified in ~~subparagraphs (D) through (G)~~ subparagraph (H) of this paragraph are met, the amount collected less the cost of collection as provided by subparagraph (a)(ii)(A) of this section shall be distributed as follows:

(H) The amount collected shall be distributed as provided in subdivision (B)(III) of this paragraph if the revenue collected by the county, city or town equals or exceeds the amounts as specified in subdivisions (I) through (III)



of this subparagraph, adjusted annually for the percentage increase in the Wyoming cost-of-living index for the previous fiscal year as determined by the division of economic analysis of the department of administration and information:

(I) If the county, city or town is not imposing a lodging tax under W.S. 39-15-204(a)(ii), the amount of assessment revenue received from the two percent (2%) assessment on lodging services imposed pursuant to W.S. 39-15-104(h)(ii) for each of the preceding three (3) years equals or exceeds one million eight hundred fifty thousand dollars (\$1,850,000.00) or it can reasonably be presumed, based on sales tax collection records, that the annual amount that will be received by the city, town or county will equal or exceed one million eight hundred fifty thousand dollars (\$1,850,000.00);

(II) If the county, city or town has imposed a one percent (1%) lodging tax under W.S. 39-15-204(a)(ii), the amount of assessment revenue received from that tax plus the two percent (2%) assessment on lodging services imposed pursuant to W.S. 39-15-104(h)(ii) for each of the preceding three (3) years equals or exceeds two million seven hundred eighty thousand dollars (\$2,780,000.00) or it can reasonably be presumed, based on sales tax collection records, that the annual amount that will be received by the city, town or county will equal or exceed two million seven hundred eighty thousand dollars (\$2,780,000.00);

(III) If the county, city or town has imposed a two percent (2%) lodging tax under W.S. 39-15-204(a)(ii), the amount of assessment revenue received from that tax plus the two percent (2%) assessment on lodging services imposed pursuant to W.S. 39-15-104(h)(ii) for each of the preceding three (3) years equals or exceeds three million seven hundred thousand dollars (\$3,700,000.00) or it can reasonably be presumed, based on sales tax collection records, that the annual amount that will be received by the city, town or county will equal or exceed three million seven hundred thousand dollars (\$3,700,000.00).

**Section 2.** W.S. 39-15-211(a)(ii)(D) through (G) is repealed.

**Section 3.**

(a) If any city, town or county has in place a lodging tax under W.S. 39-15-204(a)(ii) as of January 1, 2021, the current rate of the tax shall continue until the next general election at which the tax would be considered as provided in W.S. 39-15-203(a)(ii)(D). No lodging tax imposed under W.S. 39-15-204(a)(ii) in excess of two percent (2%) shall be continued pursuant to an election under W.S. 39-15-203(a)(ii)(D). A proposition to continue any lodging tax under W.S. 39-15-204(a)(ii) in excess of two percent (2%) at the next election following the effective date of this act shall be presented on the ballot as “for or against the (county, city or town) (one percent (1%) or two



percent (2%) lodging tax.

(b) Notwithstanding W.S. 39-15-104(h)(ii) as created by section 1 of this act, the two percent (2%) assessment on lodging services under W.S. 39-15-104(h)(ii) shall be imposed as follows:

(i) If the county has in place a countywide lodging tax under W.S. 39-15-204(a)(ii) as of January 1, 2021, the two percent (2%) assessment on lodging services shall be effective in that county on the date of the next general election at which the county lodging tax would be considered as provided in W.S. 39-15-203(a)(ii)(D), subject to subsection (a) of this section;

(ii) If a county does not have a countywide lodging tax in place, the two percent (2%) assessment on lodging services shall be effective in that county on the effective date of this act, provided that if any city or town in the county has imposed a lodging tax under W.S. 39-15-204(a)(ii), the two percent (2%) assessment on lodging services shall not be effective within the boundaries of the city or town until the date of the next general election at which the lodging tax would be considered as provided in W.S. 39-15-203(a)(ii)(D), subject to subsection (a) of this section.

**Section 4.** This act is effective January 1, 2021.

Approved March 6, 2020.

## Chapter 15

### DRIVER'S LICENSES AND IDS

#### Original House Bill No. 5

AN ACT relating to motor vehicles; authorizing digital driver's licenses and identification cards; establishing fees; authorizing electronic notice relating to expirations, renewals and other transactions; clarifying which credentials may be possessed; providing definitions; providing rulemaking authority; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 8-1-102(a) by creating a new paragraph (xvii), 31-5-1205(k), 31-7-102(a)(xxv), by creating new paragraphs (xlix) through (lii) and by renumbering (xlix) as (liii), 31-7-103(a), 31-7-106(c), 31-7-113(a) by creating a new paragraph (xii), 31-7-115(c) and by creating a new subsection (d), 31-7-116, 31-7-119(g), 31-7-131(a) through (c), 31-7-137(a) and (b), 31-8-101(a) and by creating new subsections (c), (d) and (e), 31-8-102(a)(intro), 31-8-103(d), 31-8-104 and 31-8-105(a)(iv) are amended to read:

#### **8-1-102. Definitions.**

(a) As used in the statutes unless the legislature clearly specifies a different meaning or interpretation or the context clearly requires a different meaning:

(xvii) “Surrender” when referring to a driver’s license or identification card means as provided in W.S. 31-7-131.

**31-5-1205. Traffic citations; notice to appear in court; release upon written promise to appear; procedure before judge or court; arrest for driving under the influence.**

(k) If a person is arrested, cited or issued a summons for violation of W.S. 31-5-233 or a municipal ordinance which substantially conforms to the provisions of W.S. 31-5-233 or for a violation as defined in W.S. 31-5-234(d), he shall surrender possession of his physical driver’s license, if applicable, whether issued in Wyoming or another jurisdiction, to the arresting or issuing officer. In addition to other requirements of this section and W.S. 31-5-1204, the officer shall issue a temporary license pursuant to W.S. 31-6-102, 31-6-108 or 31-7-138 to the person arrested or cited and shall forward the surrendered license to the department.

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

(a) As used in this act:

(xxv) “License”, “driver’s license”, “digital driver’s license”, “commercial driver’s license”, “instruction permit”, “commercial learner’s permit” or “intermediate permit” means a license or permit secured by a person from the division, in accordance with this act which grants the privilege to drive or operate a motor vehicle on the public highways, streets and roads of this state;

(xlix) “Digital driver’s license” means a secure electronic representation of a physical driver’s license that is stored on the driver’s portable electronic device and may be viewed or verified by a person to whom access is allowed. A digital driver’s license is optional to purchase, supplemental to a physical driver’s license and may be accepted in lieu of a physical driver’s license at the option of the person requesting or requiring proof of licensure or identification;

(l) “Last known address” means the address, email address or other electronic contact information, as applicable, according to the sending method, on file with the division;

(li) “Portable electronic device” means an electronic device that is portable in nature, is easily carried or conveyed by hand and may be used to display, transmit, or both;

(lii) “REAL ID Act” means the REAL ID Act of 2005, Public Law 109–13, 119 Stat. 302, enacted May 11, 2005, and subsequent amendments thereto;

(~~xlix~~)(liii) “This act” means W.S. 31-7-101 through 31-7-313.

**31-7-103. Administration and enforcement.**

(a) The administration of this act shall be exercised by the department, which may prescribe forms and reasonable rules and regulations in conformity with

this act and the Uniform Electronic Transactions Act under W.S. 40-21-101 through 40-21-119. Provisions of this act prevail over the Uniform Electronic Transactions Act if there is a conflict. The department shall keep records of all monies received and disbursed. The records shall be open to examination by the director of the state department of audit or his designee and the legislative service office. The highway patrol and all peace officers of any county or municipality shall aid in the enforcement of this act.

**31-7-106. License required; limited to one license.**

(c) No person shall have more than one (1) valid driver's license or any other state-issued, REAL ID Act-compliant identification card at any time. A person shall surrender to the division all valid physical driver's licenses or state-issued, REAL ID Act or other applicable federal law compliant identification cards in his possession or any person who has been previously licensed or issued an identification card in this or any other state but who does not have in their possession the license or identification card previously issued in this or any other state shall complete an affidavit of "No License/ID Card in Possession", before receiving a driver's license under this act.

**31-7-113. Fees.**

(a) The following fees are imposed:

(xii) Digital driver's license.....\$20.00  
in addition to the applicable physical driver's license fee under this subsection

**31-7-115. Issuance, description and contents.**

(c) Any permit issued in connection with a commercial learner's permit shall be issued ~~on~~as a separate document or digital document, which shall comply with all security measures required by the department to comply with applicable federal law.

(d) A license issued under subsection (a) of this section may include a digital driver's license. A digital driver's license may be issued upon request of a licensee and payment of the required fee. No digital driver's license shall be issued unless the applicant holds the corresponding physical driver's license or unless the corresponding physical driver's license is issued simultaneously. The department may digitally cancel, suspend or revalidate a digital driver's license on the occasions that a physical driver's license would be taken possession of, cancelled, suspended, returned or reinstated, as appropriate. A digital driver's license shall be designed:

(i) To protect to the maximum extent practicable the digital driver's license holder's privacy, including the use of privacy enhancing technologies or other security methods as deemed appropriate by the department;

(ii) So that there is no need for the driver's license holder to relinquish possession of the portable electronic device in which the digital driver's license is stored to present the digital driver's license.

**31-7-116. Carrying and displaying.**

Every licensee shall have his driver's license in his immediate possession at all times when driving a motor vehicle and shall display the license upon demand of any judicial officer, municipal court judge, any officer or agent of the division or any police officer as defined in W.S. 31-5-102(a)(xxxiii). However, no person charged with violating this section shall be convicted if he produces in court a driver's license previously issued to him and valid at the time of his arrest. For the purposes of this section "display" of a physical license means the surrender of ~~his~~the physical license to the demanding officer. After examination the officer shall immediately return the license to the licensee except as provided in W.S. 31-5-1205(k). For purposes of this section "display" of a digital driver's license means that a licensee may provide access to the digital driver's license on the licensee's portable electronic device. No law enforcement or judicial officer demanding display of a licensee's digital driver's license for any licensing or identification verification purpose shall take custody of the licensee's portable electronic device. Display of a digital driver's license shall not serve as consent to search the driver's portable electronic device. Nothing in this section shall be construed to require a person, other than the department if it has chosen to issue a digital driver's license, to accept a digital driver's license or otherwise require the purchase of equipment to verify the accuracy of a digital driver's license.

**31-7-119. Expiration and renewal; required tests; extension.**

(g) The division shall send ~~an application~~a notification for license extension pursuant to subsection (f) of this section to the last known address of an eligible licensee, or notify by electronic means if the eligible licensee has consented to receive notices electronically, within one hundred twenty (120) days prior to license expiration. The license extension application shall be returned to the division with a postmark at least thirty (30) days ~~prior to~~before the license expiration date or, if the eligible licensee has consented to receive notices electronically, by electronic means at least thirty (30) days before the license expiration date. The application shall be accompanied by written evidence that the applicant's visual acuity is 20/40 or better with or without corrective lenses, as tested within one (1) year prior to submitting the application. Upon receipt of a completed application and the fee prescribed by W.S. 31-7-113(a)(v), the division shall issue a license extension to eligible licensees. The division shall provide a summary of changes in the law relating to motor vehicles to licensees who receive a license extension.

**31-7-131. Surrender and return of license.**

(a) Upon cancelling, suspending or revoking a license, the division shall require that ~~the any physical~~ license be surrendered to the division and that any digital driver's license be cancelled or suspended.

(b) Any person whose license has been cancelled, suspended or revoked shall immediately return his physical license to the division.

(c) At the end of a period of a suspension, the division shall return a license to the licensee, if unexpired, and revalidate any digital driver's license, if applicable.

**31-7-137. Proof of receipt of notice or order; change of address or name.**

(a) Evidence that a notice or order from the division under this act was mailed to the last known address of a person is prima facie proof the person received the notice or order five (5) days after the notice or order was mailed. As used in this section, "last known address" means the address on file with the division. Evidence that a notice or order from the division was sent by electronic means to the person's last known address, if the person has consented to receive notices electronically, is prima facie proof that the person received the notice or order one (1) day after the notice or order was sent electronically.

(b) A person licensed under this act shall notify the division in writing within ten (10) days of any change of his address or name. Notification to the division may be by electronic means if the division has made electronic notification available and if the person opts to use electronic means. The division shall maintain a record of the names and addresses of all persons licensed under this act and shall amend the record when notified under this subsection.

**31-8-101. Issuance to residents by department; restrictions; limited to one state-issued credential; digital identification card; definitions; rulemaking.**

(a) Any Wyoming resident may be issued an identification card by the department of transportation if the resident does not possess or surrenders any other state-issued, REAL ID Act or other applicable federal law compliant driver's license or identification card. 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. Before receiving an identification card under this chapter a person who previously has been licensed or issued an identification card in this or any other state but who does not have the credential in their possession shall complete an affidavit of "No License/ID Card in Possession."

(c) An identification card issued under subsection (a) of this section may include a digital identification card. A digital identification card may be issued upon request of a registrant and payment of the required fee. No digital identification card shall be issued unless the applicant holds the corresponding physical identification card or unless the corresponding physical identification card is issued simultaneously. A registrant may display a digital identification

card by providing access to the digital identification card on the registrant's portable electronic device. No law enforcement or judicial officer demanding display of a registrant's digital identification card for any identification verification purpose shall take custody of the registrant's portable electronic device. Display of a digital identification card shall not serve as consent to search the registrant's portable electronic device. A digital identification card shall be designed in accordance with W.S. 31-7-115(d)(i) and (ii). Nothing in this section shall be construed to require a person, other than the department if it has chosen to issue a digital identification card, to accept a digital identification card or otherwise require the purchase of equipment to verify the accuracy of a digital identification card.

(d) As used in this chapter:

(i) "Digital identification card" means a secure, electronic representation of a physical identification card that is stored on the registrant's portable electronic device and may be viewed or verified by a person to whom access is allowed. A digital identification card is optional to purchase, supplemental to a physical identification card and may be accepted in lieu of a physical identification card at the option of the person requesting or requiring proof of identification;

(ii) "Portable electronic device" means as defined in W.S. 31-7-102(a)(li);

(iii) "REAL ID Act" means the REAL ID Act of 2005, Public Law 109-13, 119 Stat. 302, enacted May 11, 2005, and subsequent amendments thereto.

(e) The department may promulgate rules to implement the provisions of this chapter.

### **31-8-102. Contents.**

(a) The identification card or digital identification card shall resemble a Wyoming driver's license or digital driver's license. It shall have:

### **31-8-103. Expiration; records; new cards.**

(d) The division shall send ~~an application~~ a notification for an identification card to the last known address of every eligible registrant, or notify by electronic means if the eligible registrant has consented to receive notices electronically, within one hundred twenty (120) days prior to expiration of the registrant's identification card. Every identification card is renewable upon application and payment of the required fee. As used in this section, "last known address" means the address, email address or other electronic contact information, as applicable according to the sending method, on file with the division.

### **31-8-104. Fees.**

Every applicant for an identification card shall pay ten dollars (\$10.00) to the department plus an additional ten dollars (\$10.00) for a digital identification card if applicable. The state treasurer shall credit identification card fees to

the highway fund. Identification cards, including digital identification cards, issued as a result of the cancellation of a license under W.S. 31-7-122(a)(i) shall be issued without payment of any fee.

**31-8-105. Prohibited acts; penalties.**

(a) No person shall:

(iv) Photograph, photostat, duplicate or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid identification card. Possession and display of a digital identification card shall not be considered a violation of this section;

**Section 2.** This act is effective July 1, 2020.

Approved March 6, 2020.

## Chapter 16

### DIGITAL EXPRESSION PROTECTION

#### Original House Bill No. 8

AN ACT relating to digital expression; providing limitations on criminal liability for digital expression as specified; and providing for an effective date.

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

**Section 1.** W.S. 6-1-205 is created to read:

**6-1-205. Limitations on criminal liability for digital expression.**

(a) A digital expression that does not otherwise constitute a crime or subject the person responsible for creating the digital expression to criminal liability under the Wyoming Criminal Code shall not serve as the sole basis for any criminal liability based on the use of that digital expression by another person.

(b) Hosting or storing a digital expression on a computer, computer network or computer system in Wyoming in a manner that does not otherwise constitute a crime or subject the person hosting or storing the digital expression to criminal liability under the Wyoming Criminal Code shall not serve as the sole basis for any criminal liability based on the use of that digital expression by another person.

(c) Nothing in this section shall be construed to limit or prohibit liability for criminal activity merely because the conduct was in part initiated or carried out by means of a digital expression.

(d) As used in this section:

(i) “Digital expression” means an expression that is communicated through source code or a computer program;



- (ii) “Computer” means as defined in W.S. 6-3-501(a)(ii);
- (iii) “Computer network” means as defined in W.S. 6-3-501(a)(iii);
- (iv) “Computer program” means as defined in W.S. 6-3-501(a)(iv);
- (v) “Computer software” mean as defined by W.S. 6-3-501(a)(v);
- (vi) “Computer system” means as defined in W.S. 6-3-501(a)(vi);
- (vii) “Source code” means any form of work used to create or modify a computer program. “Source code” includes:
  - (A) Instructions and statements expressed in a computer programming language;
  - (B) Computer programming comments, notes and memoranda;
  - (C) Design documents and functional specifications for a computer program.

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

Approved March 9, 2020.

## Chapter 17

### SENIOR HEALTH CARE SPECIAL DISTRICTS

#### Original House Bill No. 62

AN ACT relating to special districts; providing for the establishment of senior health care districts; providing for the management and control of the districts; specifying senior health care district board powers and duties; providing taxing and bonding authority; granting additional powers to the boards of trustees for hospital districts and special rural health care districts as specified; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 35-2-1201 through 35-2-1204 are created to read:

#### ARTICLE 12

#### SENIOR HEALTH CARE DISTRICTS

##### **35-2-1201. Senior health care districts; establishment; definitions.**

(a) A senior health care district may be established under the procedures for petitioning, hearing and election of special districts as set forth in the Special District Elections Act of 1994.

(b) As used in this article “senior health care” means “health care” as defined in W.S. 35-22-402(a)(viii) that is delivered to a person who is at least sixty (60) years of age, a disabled adult who is at least eighteen (18) years of age, or a person with medical or behavioral health care needs as determined by



appropriate medical assessments and is provided:

(i) By a person or facility licensed, certified or otherwise authorized by the laws of this state in the ordinary course of business or practice of a profession to provide health care services;

(ii) Through home care services, assisted living programs, skilled nursing facilities, nursing homes, hospice services, residential care homes or other related facilities; or

(iii) As specified under W.S. 18-15-111(a)(i) through (iii).

**35-2-1202. Body corporate; name and style; powers generally; rules and regulations of trustees.**

(a) Each district is a body corporate and shall be designated by the name of the .... senior health care district. The district name shall be entered upon the commissioners' records and shall be selected by the commissioners of the county in which the greater area of land within the district is located. In the name so selected, the district through its trustees may:

(i) Direct the affairs of the district in the same manner as a rural health care district under W.S. 35-2-703(a)(i) through (xi) for the purpose of providing senior health care;

(ii) Provide directly or by contract for the provision of programs or services under this article. Contracts under this section shall:

(A) Require the provider, if an organization or agency, to be incorporated under the laws of this state as a nonprofit corporation prior to the receipt of any funds;

(B) Specify the manner in which the funds are expended and the programs or services provided; and

(C) Require the provider of the programs or services to present an annual budget for review to determine compliance with this article and for approval by the district.

**35-2-1203. Administration of finances; assessment and levy of taxes.**

(a) The board of trustees of a senior health care district shall administer the finances of the district 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 senior health care special district shall comply with the provisions of W.S. 9-1-507(a)(iii).

(b) The assessor shall assess the property of each senior health care district.

(c) The board of county commissioners, at the time of making the levy for county purposes shall levy a tax for that year upon the taxable property in the district in its county for its proportionate share based on assessed valuation of the estimated amount of funds needed by each senior health care district but

in no case shall the tax for the district exceed in any one (1) year the amount of two (2) mills on each dollar of assessed valuation of the property.

**35-2-1204. Applicability.**

A senior health care district shall be operated, administered and is otherwise subject to the provisions that govern a rural health care district under Wyoming statutes, title 35, chapter 2, article 7, except W.S. 35-2-701, 35-2-705 and 35-2-708 shall not apply. W.S. 35-2-711 through 35-2-722 shall not apply to W.S. 35-2-1203. The question of approval of the issuance of bonds for senior health care purposes pursuant to W.S. 35-2-709(a) shall be submitted to electors only at a general election.

**Section 2.** W.S. 18-8-301(a)(intro), (c)(ii)(B), (C), by creating a new subparagraph (D) and (d), 22-29-103(a) by creating a new paragraph (xiii) and by renumbering (xiii) as (xiv), 35-2-403(c), 35-2-424(a), 35-2-426, 35-2-428, 35-2-703(a)(ix), 35-2-709(a), 35-2-710(a), 35-2-712 and 39-13-104(e) by creating a new paragraph (xiv) are amended to read:

**18-8-301. Additional powers; requirements and conditions; approval by governing body.**

(a) Subject to the requirements of this section, any county memorial hospital, special hospital district established under W.S. 35-2-401 through 35-2-438, ~~and~~ rural health care district established under W.S. 35-2-701 through 35-2-709 and senior health care district established under W.S. 35-2-1201 through 35-2-1203 may, either within the county of its establishment or without, within this state or without:

(c) The authority granted under subsection (a) of this section shall only be exercised:

(ii) With the approval and consent of:

(B) The district board of trustees if a special hospital district; ~~and~~

(C) The board of trustees if a rural health care district; ~~and~~

(D) The board of trustees if a senior health care district.

(d) No county memorial hospital, special hospital district, ~~or~~ rural health care district or senior health care district shall exercise any authority granted by subsection (a) of this section in any Wyoming municipality in which a hospital currently exists unless and until that hospital has been given an opportunity to participate with the undertaking hospital, special hospital district, ~~or~~ rural health care district or senior health care district. This subsection shall not apply to any entity which is organized for the purpose of selling administrative services to health care providers.

**22-29-103. Applicability to special districts; general provisions.**

(a) This act applies to the following districts as specified in subsection (b) of this section:

(xiii) Senior health care districts;

~~(xiii)~~(xiv) Other districts as specified by law.

**35-2-403. Body corporate; name and style; powers generally; rules and regulations of trustees; definitions of certain terms.**

(c) In addition to subsection (a) of this section, each district may engage in activities authorized under:

(i) W.S. 18-8-301 subject to requirements and conditions specified therein;

(ii) W.S. 35-2-1202(a) for the purpose of providing senior health care as defined in W.S. 35-2-1201(b). This paragraph shall not be construed to authorize an increase to the district mill level beyond the limits established in W.S. 35-2-414.

**35-2-424. Securities for acquiring and improving hospitals and related facilities; issuance authorized; lines of credit and tax and revenue anticipation notes.**

(a) The trustees of a hospital district established pursuant to W.S. 35-2-401, are hereby authorized to issue revenue bonds, notes and warrants or other revenue securities, hereinafter referred to as securities, for the purpose of acquiring, erecting, constructing, reconstructing, improving, remodeling, furnishing and equipping hospitals and related facilities including any facilities for senior health care as defined under W.S. 35-2-1201(b), and acquiring a site or sites therefor, from time to time hereafter as the trustees may determine.

**35-2-426. Securities for acquiring hospitals and related facilities; not a general obligation of hospital district or trustees; payable from special fund.**

The securities to be issued hereunder shall not constitute a general obligation of the hospital district, nor of the trustees, but shall be payable solely from a special fund to contain the net revenue to be derived from the operation of the hospitals and related facilities including any facilities for senior health care as defined under W.S. 35-2-1201(b), such revenues being defined as those remaining after paying the costs of operating and maintaining said facilities.

**35-2-428. Securities for acquiring hospitals and related facilities; obligation of trustees to holders; suit for default, misuse of funds.**

The obligation of the trustees to the holders of the securities shall be limited to applying the funds, as set forth above, to the payment of interest and principal on said securities, and the securities shall contain a provision to that effect. In the event of default in the payment of said securities or the interest thereon, and in the event that the trustees are misusing such funds or not using them as provided by this act and the resolution authorizing the securities, or in the event of any other breach of any protective covenant or other contractual limitation, then such holders, or any of them, may bring suit against the trustees

in the district court of the county in which the hospital or any of its related facilities including any facilities for senior health care as defined under W.S. 35-2-1201(b), are located for the purpose of restraining the trustees from using such funds for any purpose other than the payment of the principal and interest on such securities in the manner provided, or for any other appropriate remedy.

**35-2-703. Body corporate; name and style; powers generally; rules and regulations of trustees.**

(a) Each district so established is a body corporate and shall be designated by the name of the .... rural health care district. The district name shall be entered upon the commissioners' records and shall be selected by the board of county commissioners of the county in which the greater area of land within the district is located. In the name so selected, the district through its governing board may:

(ix) Engage in activities authorized under:

(A) W.S. 18-8-301 subject to specified requirements and conditions;

(B) W.S. 35-2-1202(a) for the purpose of providing senior health care as defined in W.S. 35-2-1201(b). This paragraph shall not be construed to authorize an increase to the district mill level beyond the limits established in W.S. 35-2-708.

**35-2-709. Bond issue.**

(a) The board of county commissioners at the request of the board of trustees of any rural health care district may submit to the electors of the district the question of whether the board of trustees shall be authorized to issue the bonds of the district in a certain amount, not to exceed two percent (2%) of the assessed value of the taxable property in the district, and bearing a certain rate of interest, not exceeding ten percent (10%) per annum, payable and redeemable at a certain time, not exceeding twenty-five (25) years, for the purchase of real property, for the construction or purchase of improvements and for equipment for rural health care purposes or senior health care purposes as defined in W.S. 35-2-1201(b). The question shall be submitted at an election called, conducted, canvassed and returned in the manner provided for bond elections by the Political Subdivision Bond Election Law, W.S. 22-21-101 through 22-21-112.

**35-2-710. Securities for acquiring and improving hospitals and related facilities; issuance authorized; lines of credit and tax and revenue anticipation notes.**

(a) The trustees of a rural health care district established pursuant to W.S. 35-2-701, are authorized to issue revenue bonds, notes and warrants or other revenue securities for the purpose of acquiring, erecting, constructing, reconstructing, improving, remodeling, furnishing and equipping hospitals

and related facilities including facilities for senior health care as defined under W.S. 35-2-1201(b), and acquiring a site or sites as the trustees may determine.

**35-2-712. Securities for acquiring hospitals and related facilities; not a general obligation of rural health care district or trustees; payable from special fund.**

The securities issued pursuant to W.S. 35-2-711 through 35-2-722 shall not constitute a general obligation of the rural health care district, nor of the trustees, but shall be payable solely from a special fund to contain the net revenue to be derived from the operation of the hospitals and related facilities including any facilities for senior health care as defined under W.S. 35-2-1201(b), the revenues being defined as those remaining after paying the costs of operating and maintaining the facilities.

**39-13-104. Taxation rate.**

(e) There shall be annually levied and assessed upon the taxable value of property within the limits of the following special districts the following special district taxes when applicable:

(xiv) Not to exceed two (2) mills by a senior health care district as provided by W.S. 35-2-1203.

**Section 3.** This act is effective July 1, 2020.

Approved March 9, 2020.

## Chapter 18

### PROBATION AND PAROLE SANCTIONS-AMENDMENTS

Original Senate File No. 14

AN ACT relating to criminal procedure; clarifying and modifying available administrative sanctions and eligibility for sanctions for probationers and parolees; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 7-13-1104(a)(intro) and by creating a new subsection (b), 7-13-1105(d) and by creating a new subsection (e), 7-18-108(f) and by creating a new subsection (g) and 7-18-115(g) and by creating a new subsection (h) are amended to read:

**7-13-1104. Program participation as a condition of parole.**

(a) Except as provided in subsection (b) of this section, 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:

(b) Placement of a parolee in a program established under W.S. 7-13-1102 as a sanction under W.S. 7-13-1801 through 7-13-1803 or following a modification or revocation of parole shall not require the parolee to be assessed through a validated risk-need assessment as a high risk for reoffending or violating a condition of parole.

**7-13-1105. Placement of probationer in program by sentencing court.**

(d) Except as provided in subsection (e) of this section, 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.

(e) Placement of a probationer in a program established under W.S. 7-13-1102 as a sanction under W.S. 7-13-1801 through 7-13-1803 or following a revocation of probation shall not require the probationer to be assessed through a validated risk-need assessment as a high risk for reoffending or violating a condition of probation.

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

(f) Subject to subsection (b) of this section, the department may, ~~as an administrative sanction pursuant to W.S. 7-13-1801 through 7-13-1803, require~~ impose the administrative sanctions provided in W.S. 7-13-1802(b) on 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.~~

(g) Notwithstanding paragraph (b)(iv) of this section, placement of a probationer in an adult community correctional program as a sanction under subsection (f) of this section and W.S. 7-13-1801 through 7-13-1803 or following a revocation of probation shall not require the probationer to be assessed through a validated risk-need assessment as a high risk for reoffending or violating a condition of probation.

**7-18-115. Assignment of parolee to program by state board of parole; placement by department as administrative sanction.**

(g) Subject to subsection (b) of this section, the department may, ~~as an administrative sanction pursuant to W.S. 7-13-1801 through 7-13-1803, require~~ impose the administrative sanctions provided in W.S. 7-13-1802(b) on 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.~~

(h) Notwithstanding paragraph (b)(v) of this section, placement of a parolee in an adult community correctional program authorized under this article as a sanction under subsection (g) of this section, W.S. 7-13-1801 through 7-13-1803 or following a modification or revocation of parole shall not require the parolee to be assessed through a validated risk-need assessment as a high risk for reoffending or violating a condition of probation.

**Section 2.** The provisions of this act shall apply to all probation and parole conditions resulting from a sentence imposed 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 March 9, 2020.

## Chapter 19

### MISSING AND MURDERED INDIGENOUS PERSONS-AGENCY CO-OPERATION

#### Original Senate File No. 8

AN ACT relating to administration of the government; specifying duties for the division of criminal investigation, Wyoming office of homeland security, division of victim services, highway patrol and others in the reporting, investigation, emergency alert and recovery of missing persons and other offenses; requiring state cooperation with federal, tribal and local law enforcement for alert systems and investigation and resolution of criminal activity; requiring reports; and providing for an effective date.

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

**Section 1.** W.S. 9-1-616(a), 9-1-624(a) by creating new paragraphs (v) and (vi) and (b), 9-1-627(a)(iii), 9-1-638(a) by creating a new paragraph (viii), 19-13-105(c)(v), (vi) and by creating a new paragraph (vii) and 24-12-102 by creating a new subsection (c) are amended to read:

**9-1-616. Cooperation with other law enforcement agencies; concurrent jurisdiction.**

(a) The division shall cooperate with federal, state, tribal and local law enforcement agencies and officers for the efficient investigation of criminal activity and swift apprehension of persons suspected of violating the criminal laws of this state.

**9-1-624. Division of criminal investigation; uniform procedures and forms for collecting and disseminating identification data; missing persons repository; annual crime statistics report; agencies to cooperate.**

(a) The division shall:

(v) Act as a central repository of information and operate a clearinghouse



database on missing persons from Wyoming. As a function of the central repository:

(A) The division shall prepare and make publicly available an annual report on information compiled from the missing person clearinghouse. The report shall include biographical information collected on missing persons and include information submitted by federal, state, tribal and local law enforcement agencies located in Wyoming;

(B) The division may make publicly available information about ongoing missing person investigations to aid the efficient investigation and swift recovery of missing persons or when otherwise in the public interest.

(vi) At least annually, compile a report on Wyoming crime statistics and make the report publicly available. The report shall include crime statistics submitted by federal, state, tribal and local law enforcement agencies in addition to the information received pursuant to W.S. 7-19-407 and 7-20-107.

(b) All law enforcement agencies within the state shall cooperate with the division in establishing and maintaining an efficient and coordinated system of identification and in reporting missing persons information to the division.

**9-1-627. Authority to compile, disseminate and exchange information; immunity; access to information limited; security precautions.**

(a) Any law enforcement officer, the attorney general and his deputies and assistants, and any prosecuting attorney may:

(iii) Disseminate and exchange criminal identification data and criminal intelligence information among themselves and among law enforcement agencies of other states, tribes or of the federal government.

**9-1-638. Division of victim services; duties and responsibilities.**

(a) The division of victim services shall:

(viii) Review division of criminal investigation reports from the missing person clearinghouse, as provided in W.S. 9-1-624(a)(v), and coordinate with members of the judiciary, prosecutors, defense counsel, law enforcement and others to provide training on crimes related to missing and murdered persons in the state of Wyoming, including Indian missing and murdered persons.

**19-13-105. Homeland security program.**

(c) The director is the administrative head of the Wyoming office of homeland security. In addition to the duties described in W.S. 19-13-104(d) the director:

(v) Shall have additional authority, duties and responsibilities authorized by this act as may be prescribed by the governor or the director; ~~and~~

(vi) May prescribe reasonable qualifications for officers and employees of local programs and reasonable regulations for the administration of local programs; ~~and~~



(vii) Shall assist and coordinate with local, state, tribal and federal law enforcement agencies to employ the integrated public alert and warning system or successor system to notify residents of imminent threat by natural disaster or manmade event or to aid in the safe recovery of missing or endangered persons, which adheres to United States department of justice criteria.

**24-12-102. Duties generally; emergencies; coordination.**

(c) The state highway patrol shall coordinate with local, tribal, state and federal law enforcement agencies, the Wyoming office of homeland security and any other appropriate entity to operate an alert system under the integrated public alert and warning system or successor system, adhering to the United States department of justice criteria. The state highway patrol shall report annually to the division of criminal investigation the number of times and dates that the alert system was used, the age, race and gender of the abducted person, whether the abduction was thwarted and whether the alert system assisted in resolving the abduction. In addition:

(i) If the Northern Arapaho and Eastern Shoshone Tribes:

(A) Operate or seek to operate an alert system under the integrated public alert and warning system or successor system on the Wind River Reservation, adhering to the United States department of justice criteria, the Wyoming office of homeland security and state highway patrol shall assist and coordinate with any tribal agency in establishing or operating that system;

(B) Report missing or endangered persons to the state highway patrol, the state highway patrol shall employ the alert system under this subsection to aid in the protection of persons and safe recovery of the reported missing or endangered persons.

(ii) The state highway patrol may also use or manage other alert systems to aid in the safe recovery of missing or endangered persons.

**Section 2.** This act is effective July 1, 2020.

Approved March 9, 2020.

## Chapter 20

### DRILLING UNITS-RISK PENALTIES AND MANDATORY ROYALTIES

#### Original House Bill No. 14

AN ACT relating to oil and gas; amending the calculation of owners' shares for drilling units as specified; providing for the expiration of pooling orders under specified conditions; providing a royalty during payment of risk penalty; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 30-5-109(f), (g)(intro), (ii) and by creating new subsections

(h) and (j) is amended to read:

**30-5-109. Rules and regulations governing drilling units.**

(f) When two (2) or more separately owned tracts are embraced within a drilling unit, or when there are separately owned interests in all or a part of the drilling unit, then persons owning such interests may pool their interests for the development and operation of the drilling unit. In the absence of voluntary pooling, the commission, upon the application of any interested person, may enter an order pooling all interests in the drilling unit for the development and operation thereof. Each such pooling order shall be made after notice and hearing and shall be upon terms and conditions that are just and reasonable. Operations incident to the drilling of a well upon any portion of a unit covered by a pooling order shall be deemed for all purposes to be the conduct of such operations upon each separately owned tract in the unit by the several owners thereof. That portion of the production allocated or applicable to each tract included in a unit covered by a pooling order shall, when produced, be deemed for all purposes to have been produced from such tract by a well drilled thereon. A pooling order issued under this subsection shall expire twelve (12) months after issuance if the person authorized to drill and operate a well fails to commence operations within twelve (12) months of issuance of the pooling order.

(g) Each pooling order shall provide for the drilling and operation of a well on the drilling unit, and for the payment of the cost thereof, as provided in this subsection. The commission is specifically authorized to provide that the owner or owners drilling or paying for the drilling or for the operation of a well for the benefit of all owners shall be entitled to all production from the well which would be received by the owner or owners, for whose benefit the well was drilled or operated, after payment of royalty as provided in the lease, if any, applicable to each tract or interest or after payment of the royalty if required under subsection (h) of this section, and obligations payable out of production, until the owner or owners drilling or operating the well or both have been paid the amount due under the terms of the pooling order or order settling the dispute. In the event of any disputed cost, the commission shall determine the proper cost. The order shall determine the interest of each owner in the unit, and may provide that each owner who agrees with the person or persons drilling and operating the well for the payment by the owner of his share of the costs, unless he has agreed otherwise, shall be entitled to receive, subject to royalty or similar obligations, the share of the production of the well applicable to the tract of the nonconsenting owner. Each owner who does not agree, shall be entitled to receive from the person or persons drilling and operating the well on the unit his share of the production applicable to his interest after the person or persons drilling and operating the well have recovered the following, subject to the provisions of subsection (h) of this section:

(ii) Up to:

(A) Three hundred percent (300%) of that portion of the costs and expenses of drilling, reworking, deepening or plugging back, testing and completing, after deducting any cash contributions received and up to two hundred percent (200%) of that portion of the cost of newly acquired equipment in the well, to and including the wellhead connections, which would have been chargeable to the nonconsenting owner if he had participated therein, if the nonconsenting owner's tract or interest is subject to a lease or other contract for oil and gas development;

(B) For the first well the person drills and operates in a drilling unit and under a pooling order, two hundred percent (200%) of that portion of the costs and expenses of drilling, reworking, deepening or plugging back, testing and completing, after deducting any cash contributions received and up to one hundred twenty-five percent (125%) of that portion of the cost of newly acquired equipment in the well, to and including the wellhead connections, which would have been chargeable to the nonconsenting owner if he had participated therein, if the nonconsenting owner's tract or interest is not subject to a lease or other contract for oil and gas development;

(C) For each subsequent well the person drills and operates in a drilling unit and under a pooling order, one hundred fifty percent (150%) of that portion of the costs and expenses of drilling, reworking, deepening or plugging back, testing and completing, after deducting any cash contributions received and up to one hundred twenty-five percent (125%) of that portion of the cost of newly acquired equipment in the well, to and including the wellhead connections, which would have been chargeable to the nonconsenting owner if he had participated therein, if the nonconsenting owner's tract or interest is not subject to a lease or other contract for oil and gas development.

(h) During the time the person or persons drilling and operating a well are recovering costs from a nonconsenting owner as authorized in a pooling order issued pursuant to subsection (g) of this section, a nonconsenting owner of a tract or interest in a drilling unit that is not subject to a lease or other contract for oil and gas development shall be entitled to a cost-free royalty interest equal to the greater of:

(i) Sixteen percent (16%); or

(ii) The acreage weighted average royalty interest of the leased tracts within the drilling unit.

(j) Upon full payment of the recoverable costs as specified in subsection (g) of this section:

(i) Within thirty (30) days after the producer has fully recovered his costs under subsection (g) of this section, the producer shall send notice to the nonconsenting owner to offer the nonconsenting owner the opportunity

to participate under the pooling order as a working interest owner. The notice shall state that the nonconsenting owner may elect to participate in the pooling order or may elect to continue receiving the royalty specified in subsection (h) of this section;

(ii) Within sixty (60) days after receiving notice, the nonconsenting owner shall inform the producer whether he wishes to make an election to participate under the pooling order as a working interest owner or continue receiving the royalty specified in subsection (h) of this section;

(iii) If the nonconsenting owner fails to respond to the notice within the time specified in paragraph (ii) of this subsection, the nonconsenting owner shall be deemed to elect to continue receiving the royalty specified in subsection (h) of this section;

(iv) Within five (5) business days after receiving notice of election from a nonconsenting owner or upon expiration of the time specified in paragraph (ii) of this subsection, the producer shall notify the commission regarding the nonconsenting owner's election or lack thereof.

**Section 2.** This act is effective July 1, 2020.

Approved March 9, 2020.

## Chapter 21

### SCHOOL DISTRICT PROCUREMENT AMENDMENT

#### Original House Bill No. 23

AN ACT relating to school districts; clarifying that procurement activities by a school district that are conducted through a board of cooperative educational services are subject to publication and competitive bidding requirements; and providing for an effective date.

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

**Section 1.** W.S. 21-3-110(a)(viii) is amended to read:

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

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

(viii) Obtain competitive bids 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. A district shall independently meet the requirements of this paragraph when procuring goods or services that are subject to this paragraph through a board of cooperative educational services. 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 is effective July 1, 2020.

Approved March 9, 2020.

## Chapter 22

### AIR AMBULANCE-MEDICAID COVERAGE AMENDMENTS

#### Original House Bill No. 172

AN ACT relating to Medicaid; requiring the state employees' and officials' group insurance plan to offer air ambulance services under the air ambulance transport services program only upon federal approval of the program; requiring state agency reimbursement for air ambulance services provided under the air ambulance transport services program only upon federal approval of the program; making the operation of air ambulance provisions in Medicaid statutes contingent upon federal approval of the air ambulance transport services program; making the payment of premium taxes for the air ambulance transport services program contingent upon federal approval of the program; making workers' compensation coverage for air ambulance services under Medicaid contingent upon federal approval of the air ambulance transport services program; and providing for an effective date.

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

**Section 1.** W.S. 9-3-219(a) and (b) and 42-4-123(b) as created by 2019 Wyoming Session Laws, Chapter 189, Section 2 are amended 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) and subject to operation of the air ambulance transport services program under W.S. 42-4-123(b).

(b) Contingent on operation of the air ambulance transport services program

under W.S. 42-4-123(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.

**42-4-123. Air ambulance transport services for Wyoming residents; sunset.**

(b) Contingent on federal approval under subsection (a) of this section, there is created the air ambulance transport services program under the department. Operation of the air ambulance transport services program as provided in subsections (c) through (p) of this section shall be contingent on the federal approval required by subsection (a) of this section.

**Section 2.** W.S. 26-4-102(b)(iii), 26-4-103(n) and 27-14-401(j) as amended by 2019 Wyoming Session Laws, Chapter 189, Section 3 are amended to read:

**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) Any 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.**

(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. Application of this subsection shall be contingent on operation of the air ambulance transport services program under W.S. 42-4-123(b).

**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.**

(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. Application of this subsection shall be contingent on operation of the air ambulance transport services program under W.S. 42-4-123(b).

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

Approved March 9, 2020.

## Chapter 23

### ATTORNEY GENERAL AUTHORITY IN BANKRUPTCY ACTIONS

Original House Bill No. 181

AN ACT relating to the administration of government; authorizing the attorney general to act jointly with or on behalf of a county in bankruptcy proceedings; and providing for an effective date.

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

**Section 1.** W.S. 9-1-603 by creating a new subsection (f) is 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; bankruptcy proceedings.**

(f) Notwithstanding W.S. 18-3-302(a)(i) or subsection (c) of this section, at the request of the board of county commissioners and if deemed advisable by the attorney general, the attorney general may consult with or act jointly with the county attorney or may act on behalf of the county in a bankruptcy proceeding where the county has an interest in collecting taxes from the entity seeking bankruptcy. The costs of the bankruptcy proceeding shall be allocated pursuant to an agreement between the state and the county.

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

Approved March 9, 2020.

## Chapter 24

### SCHOOL DISTRICT REPORTING-CERTIFICATION ELIMINATION

Original House Bill No. 190

AN ACT relating to education; amending school district 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. 21-2-203(e)(ii)(intro) is amended to read:



**21-2-203. School district data collection and funding model administration; duties and responsibilities specified; data advisory committee; school district compliance.**

(e) The following shall apply:

(ii) If a district superintendent fails to provide data or reports in compliance with law or rules regarding timeliness, format, completeness or accuracy, without good cause, the state superintendent shall:

**Section 2.** W.S. 21-2-203(e)(i) is repealed.

**Section 3.** This act is effective July 1, 2020.

Approved March 9, 2020.

## Chapter 25

### MOTORBOATS-GASOLINE TAX DISTRIBUTION

Original House Bill No. 195

AN ACT relating to gasoline taxes; authorizing expenditures of amounts attributable to motorboat gasoline tax distributions as specified; and providing for an effective date.

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

**Section 1.** W.S. 39-17-111(c)(iii) is amended to read:

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

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

(iii) Deduct an amount collected on fuel used in motorboats, computed by multiplying the number of motorboats numbered during the current fiscal year under W.S. 41-13-102 plus the number of nonresident motorboats for which aquatic invasive species fees have been paid during the immediately preceding fiscal year in accordance with W.S. 23-4-204 times twenty-eight dollars and seventy-five cents (\$28.75). The amount computed shall be credited to a separate account to be expended by the department of state parks and cultural resources to improve, construct, maintain, operate and ensure the safety of facilities for use by motorboats and motorboat users at state parks and state recreation areas and to provide grants to governmental entities for improvement, construction, maintenance, operation and ensuring the safety of publicly owned boating facilities at public parks and recreational facilities;

**Section 2.** This act is effective July 1, 2020.

Approved March 9, 2020.



**Chapter 26****WYOMING DEPARTMENT OF AGRICULTURE FEES****Original House Bill No. 194**

AN ACT relating to the Wyoming department of agriculture; increasing specified fees; and providing for an effective date.\

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

**Section 1.** W.S. 11-13-105(d), 11-14-104(c) and 40-10-136(a)(i) through (iii) are amended to read:

**11-13-105. Registration; fees; disposition thereof.**

(d) Each application for registration shall be accompanied with a ~~twenty dollar (\$20.00)~~ forty dollar (\$40.00) registration fee per mixture or formula. The registration fee shall be deposited in the state general fund.

**11-14-104. Registration of fertilizer, soil conditioner and soil amendments; applications; fees; disposition thereof; exceptions.**

(c) A registration fee of ~~seventy-five dollars (\$75.00)~~ one hundred fifteen dollars (\$115.00) shall accompany each separate formula of brand and grade of fertilizer, soil conditioner or soil amendment to be registered. The registration expires on December 31 next following the date of application and shall be renewed annually. All registration fees collected shall be deposited in the state general fund and may be appropriated by the legislature for programs authorized by W.S. 11-2-202(a)(v), 11-14-101 through 11-14-116 and 11-16-105(a)(v).

**40-10-136. License required; fee.**

(a) Every person who owns or is responsible for a weight, measure, weighing or measuring device regulated by this act shall obtain an annual license for each establishment on or before April 1 from the department and pay a fee as provided in this subsection. The fees collected by the department under this section shall be deposited in the general fund. Fees shall be set by the department as follows:

(i) Not less than ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00) nor more than ~~twenty-five dollars (\$25.00)~~ forty dollars (\$40.00) for establishments with no more than five (5) devices;

(ii) Not less than ~~twenty-five dollars (\$25.00)~~ forty dollars (\$40.00) nor more than ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00) for establishments with more than five (5) and less than eleven (11) devices;

(iii) Not more than ~~seventy-five dollars (\$75.00)~~ one hundred fifteen dollars (\$115.00) for establishments with eleven (11) or more devices.

**Section 2.** W.S. 11-17-204(b) is amended to read:

**11-17-204. Registration; fees; audit.**

(b) Every registrant of animal remedies shall pay a registration fee of ~~twenty dollars (\$20.00)~~ thirty dollars (\$30.00) per product.

**Section 3.** Section 2 of this act shall not be effective if 2020 House Bill 0088 is enacted into law.

**Section 4.** This act is effective July 1, 2020.

Approved March 9, 2020.

**Chapter 27****SPECIAL PURPOSE DEPOSITORY INSTITUTIONS-AMENDMENTS****Original House Bill No. 45**

AN ACT relating to banking; expanding the authority of special purpose depository institutions to engage in incidental activities with the public as specified; amending the application timeframe for a special purpose depository charter; authorizing the commissioner to provide a fee exemption; specifying the types of security that can be pledged by a special purpose depository institution in lieu of a surety bond; clarifying a continuous appropriation; repealing a provision requiring depositor services and the issuance of special purpose depository accounts; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 13-12-103(b)(vii) and (f), 13-12-104(a)(intro), (c) and by creating a new subsection (d), 13-12-111(d), 13-12-112(a), 13-12-118(b), (c) and (f) through (h) and 13-12-119(d) are amended to read:

**13-12-103. Special purpose depository institutions created as corporations; operating authority; powers; prohibition on lending.**

(b) Each special purpose depository institution may:

(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.; As used in this paragraph, "incidental activity" includes:

(A) Custody, safekeeping and asset servicing, including custodial services under W.S. 34-29-104;

(B) Investment adviser, investment company and broker-dealer activities;

(C) Commodities intermediary activities;

(D) Exercising fiduciary powers similar to those permitted to national banks;

(E) Receiving deposits relating to activities under this paragraph;

(F) Other incidental activities authorized by the commissioner.

(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 activities which is~~ are 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) ~~Except as otherwise provided by subsection (d) of this section,~~ 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:

(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. This subsection shall not apply to activities conducted under subsection (d) of this section.

(d) A special purpose depository institution may conduct incidental activities under W.S. 13-12-103(b)(vii) with persons who do not meet the criteria of paragraphs (a)(i) through (iv) of this section. The lawful business requirements of W.S. 13-12-103(f) shall remain applicable.

#### **13-12-111. Application for charter; fee; subaccount created.**

(d) The special purpose depository institutions subaccount within the financial institutions administration account is created. Funds in the subaccount ~~shall be used~~ are continuously appropriated to the department of audit and shall only be expended 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)~~ one hundred fifty (150) days, after notice from the commissioner to the applicants that the application is in order.

**13-12-118. Surety bond; pledged investments; investment income; bond or pledge increases; hearings.**

(b) In lieu of a bond, a special purpose depository institution may irrevocably pledge specified capital assets 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~~ the assets are the responsibility of the special purpose depository institution. Pledged assets shall be unencumbered and shall not serve as collateral for any other purpose.

(c) ~~Capital Assets~~ 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.

(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 assets~~ 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 assets~~ 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 assets~~ are insufficient, the commissioner may require a special purpose depository institution to increase its surety bond or pledged ~~capital assets~~ 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.**

(d) Unless the commissioner determines an exemption is appropriate because of payment of other fees, 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).

**Section 2.** W.S. 13-12-104(b) is repealed.

**Section 3.** The amendments made by this act shall apply to special purpose depository institutions who file a charter application on or after October 1, 2019.

**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 10, 2020.

## Chapter 28

### GOOD TIME ALLOWANCES FOR JAIL TIME

#### Original House Bill No. 42

AN ACT relating to criminal procedure and sentencing; amending requirements for establishing rules for good time allowances to inmates and parolees; requiring rulemaking; specifying applicability; and providing for effective dates.

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

**Section 1.** W.S. 7-13-420 by creating a new subsection (d) is amended to read:

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

(d) The rules established under subsection (a) of this section shall:

(i) Provide that good time may be awarded for time the sentencing court awards as jail credit in the judgment and sentence if the inmate or parolee would have otherwise received good time credit if the inmate or parolee had served that time in an institution eligible under subsection (a) of this section;

(ii) Provide that good time may be awarded for any time an inmate or parolee spends in custody from the date of sentencing until admission to an institution eligible under subsection (a) of this section;

(iii) Require the department to consult with the county sheriff to determine

whether good time should be awarded to an inmate or parolee before awarding good time for jail credit under this subsection.

**Section 2.**

(a) The provisions of this act shall apply only to:

(i) Sentences of record that are active on the effective date of this act for all persons who are:

(A) Sentenced for any crime and are awaiting transfer to a facility listed in W.S. 7-13-420(a);

(B) Serving a sentence; or

(C) On parole.

(ii) Sentences of record for which a person is received by the department on or after the effective date of this act.

**Section 3.** The governor, in consultation with the board of parole and the department of corrections, shall promulgate any rules necessary to implement this act by July 1, 2020.

**Section 4.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2020.

(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 March 10, 2020.

## Chapter 29

### GOVERNMENT PROCUREMENT-AMENDMENTS

#### Original House Bill No. 50

AN ACT relating to the administration of government; modifying provisions related to procurement and contracting by governmental entities; specifying duties of the state construction department and the University of Wyoming board of trustees; requiring rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 9-2-3006 is created to read:

**9-2-3006. Procurement for capital construction projects.**

(a) Contracts for capital construction projects let by an agency or the University of Wyoming, excluding contracts for professional services under W.S. 9-2-1027 through 9-2-1033 and for capital construction projects delivered through alternate design and construction delivery methods as defined in

W.S. 16-6-701(a)(v), shall be let through the use of competitive negotiation, noncompetitive negotiation or competitive sealed bidding as follows:

(i) For any contract with an estimated value equal to fifty thousand dollars (\$50,000.00) or less, the contract shall be let in accordance with the following:

(A) Except as provided in subparagraph (B) of this paragraph, the contract shall be let by competitive negotiation. In conducting the competitive negotiation, the agency or the university shall solicit not less than three (3) independent cost estimates or proposals prior to letting the contract;

(B) If the principal representative of an agency or the university determines competitive negotiation is not feasible, the contract may be let by noncompetitive negotiation;

(C) The contract shall be let to a resident of the state in accordance with W.S. 16-6-102(a).

(ii) Except as otherwise provided in paragraph (iii) of this subsection, for any contract with an estimated value in excess of fifty thousand dollars (\$50,000.00), the contract shall be let in accordance with the following:

(A) The contract shall be let by competitive sealed bidding. The agency or the university shall give notice of the opportunity to bid on the contract on the state procurement website for not less than two (2) consecutive weeks. The notice shall contain a general description of the proposed contract and shall indicate the procedures by which interested persons may apply for consideration;

(B) The contract shall be let to a responsible bidder making the lowest bid except that the contract shall be let to the responsible certified resident making the lowest bid if the certified resident's bid is not more than five percent (5%) higher than that of the lowest responsible nonresident bidder in accordance with W.S. 16-6-102(a).

(iii) If the principal representative of an agency determines that the use of competitive sealed bidding is not feasible or practical, the principal representative shall submit a written determination to the department. If approved by the department, the contract may be let by competitive negotiation. If competitive negotiation is not feasible or practical, the principal representative shall submit a written determination to the governor. If approved by the governor or the governor's designee the contract may be let by noncompetitive negotiation. Contracts by the university may be let by competitive negotiation or noncompetitive negotiation in accordance with university regulations;

(iv) The director of the department, upon a written finding that it would be more efficient to use federal procurement procedures for capital construction contracts let by the Wyoming military department concerning state owned properties under the control of the adjutant general, may authorize



federal procurement procedures instead of the procedures required under this subsection.

(b) The department shall adopt standard forms and procedures for the procurement of capital construction projects by an agency in accordance with this section.

(c) Any contract by an agency for a capital construction project in an amount exceeding fifty thousand dollars (\$50,000.00) shall require the approval of the governor or the governor's designee prior to state commitment.

(d) Any contract let under this section shall be in accordance with the applicable contracting and residency preference laws of W.S. 16-6-101 through 16-6-121, 16-6-201 through 16-6-206, 16-6-701 through 16-6-708 and 16-6-1001.

(e) Each agency and the University of Wyoming are authorized to determine the qualifications and responsibilities of bidders or respondents for capital construction projects but shall reject any bid with improper or missing signatures or bids that lack legible numerical values. Each agency and the university may:

(i) Reject any or all bids based on the qualifications and responsibilities of bidders and respondents and readvertise for bids or responses;

(ii) Waive informalities or irregularities in any bid.

(f) No contract shall be divided for the purpose of avoiding the requirements of this section.

**Section 2.** W.S. 9-1-403(b)(v) and by creating a new paragraph (viii), 9-2-1016(a) by creating a new paragraph (iv), (b)(iv)(A) through (F), (xix) (A) and (k), 9-2-3001, 9-2-3004(c)(i) through (iii) and (iv)(A), 16-6-119, 21-3-110(a)(viii), 21-15-118(c), 21-17-204 by creating a new subsection (b) and 24-2-108 are amended to read:

**9-1-403. State auditor; duties; prohibited acts; powers; investigative subpoenas.**

(b) The state auditor shall not draw warrants:

(v) For payment on a contract for professional consultant or other services unless the agency has certified that the contract for the services has been reduced to writing before the services are performed, and that the contract is in compliance with procedures of the attorney general, is approved by the attorney general, and, except for contracts for capital construction projects entered into by an agency under W.S. 9-2-3006 and contracts of twenty thousand dollars (\$20,000.00) twenty-five thousand dollars (\$25,000.00) or less which are entered into by the office of an elected state official, is filed with and approved by the department of administration and information. For payment on a contract for professional or other services entered into by the department of transportation, filing of the contract with and approval by the department



of administration and information and approval by the attorney general is not required, however the attorney general shall first review the contract if the contract is over twenty thousand dollars (\$20,000.00);

(viii) For payment on a contract for capital construction projects entered into by an agency under W.S. 9-2-3006 unless the agency has certified that the contract for the project has been reduced to writing before the contract is performed, that the contract is in compliance with procedures of the attorney general, is approved by the attorney general and is filed with and approved by the state construction department.

**9-2-1016. General services division.**

(a) As used in this section:

(iv) "Principal representative" means the governing board of an agency or its designated representative, or, if there is no governing board, the executive head of an agency including an elected state official.

(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:

(iv) Adopt standard forms and procedures providing that bids or contracts for supplies or services shall be awarded through the use of competitive sealed bidding, competitive negotiation, noncompetitive negotiation or small purchase procedures as hereafter provided:

(A) Bids or contracts for supplies or services in excess of ~~seven thousand five hundred dollars (\$7,500.00)~~ fifteen thousand dollars (\$15,000.00) shall be made by competitive sealed bidding when the configuration or performance specifications, or both, are sufficiently designed to permit award on the basis of the lowest evaluated price as determined in accordance with objective, measurable criteria set forth in the invitation for bids, and when available sources, the time and place of performance, and other conditions are appropriate for the use of competitive sealed bidding;

(B) ~~Whenever the administrator determines in writing that~~ If the use of competitive sealed bidding is not feasible or practical, the principal representative shall, except as otherwise provided in this subparagraph, submit a written determination to the department. If approved by the department, contracts for supplies or services may be made by competitive negotiation. An elected state official may ~~also~~ contract for supplies or services for his office by competitive negotiation without department approval if the contract is for ~~twenty thousand dollars (\$20,000.00)~~ twenty-five thousand dollars (\$25,000.00) or less and ~~he~~ the elected state official determines that the use of competitive sealed bidding is not feasible or practical;

(C) Contracts may be made by noncompetitive negotiation only when competition is not feasible, as determined in writing prior to award by the ~~administrator~~ a principal representative and approved by the governor or his designee, except as otherwise provided in this subparagraph. An elected state official may ~~also~~ contract for supplies or services for his office by noncompetitive negotiation without the approval of the governor or the governor's designee if the contract is for ~~twenty thousand dollars (\$20,000.00)~~ twenty-five thousand dollars (\$25,000.00) or less and ~~he~~ the elected state official determines that competition is not feasible;

(D) ~~Bids or~~ Contracts for contractual services, consulting services, and special projects and services, for the purpose of hiring professionals, consultants or contracted services shall be approved as follows:

(I) Contracts by an agency in an amount exceeding one thousand five hundred dollars (\$1,500.00), by an agency but not to exceed fifteen thousand dollars (\$15,000.00), require the approval of the governor or his designee prior to state commitment principal representative or the principal representative's designee before the state executes the contract;

(II) Contracts by an agency in an amount exceeding fifteen thousand dollars (\$15,000.00) require the approval of the governor or the governor's designee before the state executes the contract, except as provided in subdivision (III) of this subparagraph;

(III) Contracts by an elected state official shall not require the approval of the governor or the governor's designee before the state executes the contract.

(E) Agencies shall be authorized to make small purchases in accordance with rules adopted by the department. The rules shall include small purchase procedures which authorize agencies to procure supplies ~~or services~~ not exceeding ~~one thousand five hundred dollars (\$1,500.00)~~ two thousand five hundred dollars (\$2,500.00), or such higher amount established by the department, but not to exceed ~~seven thousand five hundred dollars (\$7,500.00)~~ fifteen thousand dollars (\$15,000.00), without compliance with this paragraph and without prior approval of the department;

(F) This paragraph shall not apply to the procurement by the department of corrections of raw materials used in a correctional industries program to manufacture goods or to provide services under W.S. 7-16-206(a)(i), the procurement of goods or services from the department of corrections under W.S. 7-16-206(a)(i) when the goods or services produced are not available from other Wyoming manufacturers or service providers, the procurement of professional services under W.S. 9-2-1027 through 9-2-1033, the procurement of capital construction projects under W.S. 9-2-3004 and 9-2-3006 nor to purchases of feed by the game and fish department for winter elk ranges. Subparagraph (E) of this paragraph shall not apply to the procurement of

services or supplies by the offices of state elected officials; ~~Subparagraph (D) of this paragraph shall not apply to the procurement of services by the offices of state elected officials if the contract is for twenty thousand dollars (\$20,000.00) or less;~~

(xix) Lease all property for the state in accordance with rules of the state building commission. Leasing of property by the state shall be conducted on a bid and proposal basis with advertising of space needs and square footage in community or local newspapers. Leasing contracts may be entered into by noncompetitive negotiation only if:

(A) The administrator of the department determines in writing that competitive bidding is not feasible; or

(k) Each elected state official shall report annually by October 31, to the joint appropriations ~~interim~~ committee a list of all contracts entered into by the elected state official during the previous fiscal year for supplies or services, if the contract was not awarded by competitive sealed bidding, ~~and the administrator did not determine in writing that the use of competitive sealed bidding was not feasible or practical.~~ The report shall also include a list of all contracts entered into by the elected state official for contractual services, consulting services or special projects and services if the contract was not approved by the governor or his designee.

**9-2-3001. State construction department created; definitions.**

(a) There is created the state construction department.

(b) As used in this article:

(i) “Agency” means any school district, state office, department, board, council, commission, separate operating agency, institution or other instrumentality or operating unit of the state excluding the University of Wyoming, the Wyoming business council and the Wyoming department of transportation. “Agency” shall include a Wyoming community college if the community college is conducting a capital construction project using state funds that requires approval by the community college commission or authorization by the legislature under W.S. 21-18-205(g);

(ii) “Capital construction project” means new construction, demolition, renovation and capital renewal of or to any public building or facility and any other public improvement necessary for the public building or facility, major maintenance as defined in W.S. 16-6-101(a)(v) and major building and facility repair and replacement as defined in W.S. 21-15-109(a)(iii);

(iii) “Competitive negotiation” means to negotiate for a contract through a request for proposals process or any other similar competitive selection process;

(iv) “Department” means the state construction department;

(v) “Informalities or irregularities in any bid” includes:

(A) Ambiguity as to any part of a bid;

(B) A missing unit bid price;

(C) An erasure or change in a unit bid price not initialed in ink by the bidder.

(vi) “Principal representative” means the governing board of an agency or its designated representative or, if there is no governing board, the executive head of an agency. When applicable, “principal representative” shall include the University of Wyoming board of trustees or its designated representative;

(vii) “State procurement website” means a website that the department designates to host information and notices related to procurement under this article.

#### **9-2-3004. Duties of the department.**

(c) The department shall:

(i) Review and make recommendations to the governor concerning capital construction budget requests made by the state building commission, school facilities commission, the University of Wyoming, community college commission and any state agency;

~~(ii) Adopt rules governing procurement for capital construction procurement policies and standards and ensure compliance with the policies and standards by state agencies and school districts using any state funds for capital construction projects pursuant to W.S. 9-2-3006. Wyoming community colleges shall adhere to the rules for any capital construction project using state funds that requires approval by the community college commission or authorization by the legislature under W.S. 21-18-205(g). The University of Wyoming and Wyoming community colleges may adhere to the standards and policies rules to the extent feasible, as determined by the university, or affected college. The university and Wyoming community colleges shall adhere to any other capital construction requirement specified by law;~~

~~(iii) For the procurement of construction of public projects, facilities or structures capital construction projects, be authorized to accept the recommendations of agencies on the award or rejection and readvertisement of bids based upon the qualifications and responsibilities of bidders;~~

(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:

(A) A bid bond or other form of bid guarantee satisfactory to the state may be required in an amount equal to ten percent (10%) of the aggregate amount of the bid or contract when a contract to be awarded under the solicitation is

expected to exceed ~~one thousand five hundred dollars (\$1,500.00)~~ one hundred fifty thousand dollars (\$150,000.00). The bond may be provided by a surety company authorized to do business in the state of Wyoming;

**16-6-119. State construction; right to reject bids or responses; qualifications of bidders and respondents.**

Every state agency, board, commission, department or institution shall be authorized to determine the qualifications and responsibilities of bidders or respondents on contracts for the construction, major maintenance or renovation of a public project, facility or structure ~~using standard forms and procedures adopted by the department of administration and information, and may recommend that the department of administration and information reject any or all bids or responses for which it solicits~~ based on the qualifications and responsibilities of bidders and respondents and readvertise for bids or responses.

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

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

(viii) Obtain competitive bids 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 and on the state procurement website, as defined in W.S. 9-2-3001(b)(vii). ~~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~~ For any contract for a capital construction project with an estimated value in excess of fifty thousand dollars (\$50,000.00), the board shall publish a call for bids in a newspaper of general circulation in the state-district at least once each week for two (2) consecutive weeks. All contracts for capital construction projects shall be let in accordance with W.S. 9-2-3004 and 9-2-3006 except as provided in this paragraph. The district shall reserve the right to reject any and all bids and to waive irregularities and informalities ~~in the bidding any bid, as defined in W.S. 9-2-3001(b)(v)~~. 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;

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

(c) The projects shall be managed and all necessary contracts related to the projects shall proceed in accordance with rules adopted pursuant to W.S. 9-2-3004(c)(ii) and commission rules and regulations promulgated and adopted pursuant to W.S. 21-15-114(a)(xv).

**21-17-204. Additional powers and duties; sectarian or partisan instruction or test prohibited.**

(b) The board of trustees shall adopt university regulations consistent with the requirements of W.S. 9-2-3006 for capital construction projects let by the University of Wyoming.

**24-2-108. Road and bridge construction.**

All road and bridge construction work, any part of the cost of which is paid from the state highway fund, shall be performed in accordance with the plans and specifications prepared by the director of the department of transportation or the chief engineer and approved by the commission, and shall be performed by or under contracts awarded by the commission. The director with the assistance of the chief engineer shall have complete charge, including expenditures for roads now in existence, or in the future to be constructed, which are part of state highway systems which are located within or partially within the national forests' boundaries. All improvements costing more than ~~two hundred thousand dollars (\$200,000.00)~~ two hundred seventy-five thousand dollars (\$275,000.00) shall be constructed under contracts awarded after public notice to the lowest responsible bidder determined qualified by the transportation commission of Wyoming which is given the power to determine the qualifications and responsibilities of bidders. The commission may reject any or all bids and readvertise for bids. Improvements costing ~~less than forty thousand dollars (\$40,000.00)~~ sixty thousand dollars (\$60,000.00) or less may be constructed by the commission upon force account, with its own forces or under contract, as the commission shall determine. A state highway construction job to be completed within any calendar year period and to cost more than ~~forty thousand dollars (\$40,000.00)~~ sixty thousand dollars (\$60,000.00) shall not be constructed by department of transportation forces in sections or parcels so as to come within the ~~forty thousand dollars (\$40,000.00)~~ sixty thousand dollars (\$60,000.00) limitation. Contracts may be entered into with railroad companies for the construction of grade separation structures at actual cost under terms and conditions approved by the commission. Whenever an emergency arises requiring immediate expenditure of funds for the repair or rebuilding of bridges, approaches to bridges and any roadway, when the bridges, approaches to bridges or roadway are required to be rebuilt immediately and in such short time that in the judgment of the commission the people would

be seriously inconvenienced in waiting the regular period for advertising for bids, the commission may enter into contract for any building or rebuilding of bridges, approaches or roadway without advertising for the letting of any contract, provided the amount of the contract shall not exceed one million dollars (\$1,000,000.00) and provided the commission requests proposals from at least two (2) contractors capable of performing the emergency construction or repair. The commission shall adopt general rules and regulations for the publication of notice to bidders, the awarding of contracts, and for determining the qualifications and responsibilities of bidders.

**Section 3.**

(a) The state construction department shall adopt emergency rules necessary to implement this act on or before October 1, 2020 and final rules to implement this act on or before March 1, 2021.

(b) The University of Wyoming board of trustees shall adopt emergency rules necessary to implement this act on or before October 1, 2020 and final rules to implement this act on or before March 1, 2021.

**Section 4.** This act shall apply only to procurement initiated on or after the effective date of this section.

**Section 5.**

(a) Except as provided in subsection (b) of this section, this act is effective October 1, 2020.

(b) Sections 3 and 5 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 10, 2020.

## Chapter 30

### PROFESSIONAL SERVICES PROCUREMENT-AMENDMENTS

#### Original House Bill No. 51

AN ACT relating to professional services procurement; renumbering and amending provisions related to the procurement of professional architectural, engineering and land surveying services; modifying applicability of resident firm selection requirements; specifying duties of the state construction department; making conforming amendments; requiring rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 9-2-1016(b)(iv)(F), 9-2-3004(c) by creating a new paragraph (ix), 9-12-104(a)(xii), 16-6-1001(b), 21-3-110(a) by creating a new paragraph (xxxvii), 21-17-204 by creating a new subsection (b), 21-18-303 by creating a new subsection (c) and 24-2-108 are amended to read:



**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:

(iv) Adopt standard forms and procedures providing that bids or contracts for supplies or services shall be awarded through the use of competitive sealed bidding, competitive negotiation, noncompetitive negotiation or small purchase procedures as hereafter provided:

(F) This paragraph shall not apply to the procurement by the department of corrections of raw materials used in a correctional industries program to manufacture goods or to provide services under W.S. 7-16-206(a)(i), the procurement of goods or services from the department of corrections under W.S. 7-16-206(a)(i) when the goods or services produced are not available from other Wyoming manufacturers or service providers, the procurement of professional services under W.S. 9-2-1027 through 9-2-1033 9-23-101 through 9-23-107, nor to purchases of feed by the game and fish department for winter elk ranges. Subparagraph (E) of this paragraph shall not apply to the procurement of services or supplies by the offices of state elected officials. Subparagraph (D) of this paragraph shall not apply to the procurement of services by the offices of state elected officials if the contract is for twenty thousand dollars (\$20,000.00) or less;

**9-2-3004. Duties of the department.**

(c) The department shall:

(ix) Administer the Professional Architectural, Engineering and Land Surveying Services Procurement Act.

**9-12-104. General powers and duties of the council.**

(a) Except as otherwise limited by this act, the council may:

(xii) Engage the services of consultants on a contract basis for rendering professional, financial and technical assistance and advice, including for studies and investigation likely to lead to business development. The procurement of the professional services of architects, engineers and surveyors shall be in accordance with W.S. 9-23-105(f) through (h) and 9-23-106(g);

**16-6-1001. Capital construction projects restrictions; preference requirements; waivers.**

(b) No funds subject to this section shall be expended unless the contracting agency has submitted a plan to the governor which promotes the employment of responsible Wyoming resident design firms, including professional architectural and engineering services as defined by W.S. 9-2-1028(a)(v)-9-23-102(a)(v), in



the planning and design phases of facilities funded with monies subject to this section. The plans shall allow for partnerships between responsible Wyoming design firms, including professional architectural and engineering services, and nonresident firms when necessary to secure specialized services required for a project. The contracting agency shall evaluate and consider overall qualifications, residency, fee proposal, past performance and level of services in the final decisions.

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

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

(xxxvii) Procure the professional services of architects, engineers and surveyors in accordance with W.S. 9-23-101 through 9-23-107.

**21-17-204. Additional powers and duties; sectarian or partisan instruction or test prohibited; professional services procurement.**

(b) The board of trustees shall procure the professional services of architects, engineers and surveyors in accordance with W.S. 9-23-105(f) through (h) and 9-23-106(g).

**21-18-303. District board generally; powers; board approved additional mill levy.**

(c) The community college district board shall procure the professional services of architects, engineers and surveyors in accordance with W.S. 9-23-105(f) through (h) and 9-23-106(g).

**24-2-108. Road and bridge construction; professional services procurement.**

(a) All road and bridge construction work, any part of the cost of which is paid from the state highway fund, shall be performed in accordance with the plans and specifications prepared by the director of the department of transportation or the chief engineer and approved by the commission, and shall be performed by or under contracts awarded by the commission. The director with the assistance of the chief engineer shall have complete charge, including expenditures for roads now in existence, or in the future to be constructed, which are part of state highway systems which are located within or partially within the national forests' boundaries. All improvements costing more than two hundred thousand dollars (\$200,000.00) shall be constructed under contracts awarded after public notice to the lowest responsible bidder determined qualified by the transportation commission of Wyoming which is given the power to determine the qualifications and responsibilities of bidders. The commission may reject any or all bids and readvertise for bids. Improvements costing less than forty thousand dollars (\$40,000.00) may be constructed by the commission upon force account, with its own forces or under contract, as the commission shall determine. A state highway construction

job to be completed within any calendar year period and to cost more than forty thousand dollars (\$40,000.00) shall not be constructed by department of transportation forces in sections or parcels so as to come within the forty thousand dollars (\$40,000.00) limitation. Contracts may be entered into with railroad companies for the construction of grade separation structures at actual cost under terms and conditions approved by the commission. Whenever an emergency arises requiring immediate expenditure of funds for the repair or rebuilding of bridges, approaches to bridges and any roadway, when the bridges, approaches to bridges or roadway are required to be rebuilt immediately and in such short time that in the judgment of the commission the people would be seriously inconvenienced in waiting the regular period for advertising for bids, the commission may enter into contract for any building or rebuilding of bridges, approaches or roadway without advertising for the letting of any contract, provided the amount of the contract shall not exceed one million dollars (\$1,000,000.00) and provided the commission requests proposals from at least two (2) contractors capable of performing the emergency construction or repair. The commission shall adopt general rules and regulations for the publication of notice to bidders, the awarding of contracts, and for determining the qualifications and responsibilities of bidders.

(b) The commission shall procure the professional services of architects, engineers and surveyors in accordance with W.S. 9-23-105(f) through (h) and 9-23-106(g).

**Section 2.** W.S. 9-2-1027 through 9-2-1033 as 9-23-101 through 9-23-107 are amended and renumbered to read:

#### CHAPTER 23

#### PROFESSIONAL ARCHITECTURAL, ENGINEERING AND LAND SURVEYING SERVICES PROCUREMENT ACT

**~~9-2-1027~~ 9-23-101. Short title.**

This act is known and may be cited as the “Professional Architectural, Engineering and Land Surveying Services Procurement Act”.

**~~9-2-1028~~ 9-23-102. Definitions.**

(a) As used in this act:

(i) “Agency” means any school district, state office, department, board, council, commission, separate operating agency, institution or other operating entity instrumentality or operating unit 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, the Wyoming business council and the Wyoming department of transportation;

(ii) “Department” means the state ~~department of administration and information construction department;~~

(iii) "Firm" means an individual, corporation, partnership, business trust, association, firm or any other legal entity permitted by law to practice in a specified profession;

(iv) "Principal representative" means the governing board of a ~~school district, department, institution or an~~ agency or its designated representative, or; if there is no governing board, the executive head of a ~~department, institution or an~~ agency;

(v) "Professional services" means:

(A) The practice of architecture pursuant to W.S. 33-4-101 through 33-4-117;

(B) The practice of professional engineering or professional land surveying pursuant to W.S. 33-29-201 through 33-29-801.

(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~~ negotiated fees for professional services in an amount equal to ~~twenty million dollars (\$20,000,000.00)~~ one million five hundred thousand dollars (\$1,500,000.00) or less - fifty percent (50%) of the ~~contract costs~~ professional services provided under the firm's contract;

(II) For ~~capital construction~~ any projects with ~~construction contract costs~~ negotiated fees for professional services in an amount greater than ~~twenty million dollars (\$20,000,000.00)~~ one million five hundred thousand dollars (\$1,500,000.00) but less than ~~forty million dollars (\$40,000,000.00)~~ three million dollars (\$3,000,000.00) - forty percent (40%) of the ~~contract costs~~ professional services provided under the firm's contract;

(III) For ~~capital construction~~ any projects with ~~construction contract costs~~ negotiated fees for professional services in an amount equal to ~~forty million dollars (\$40,000,000.00)~~ three million dollars (\$3,000,000.00) or more - thirty percent (30%) of the ~~contract costs~~ professional services provided under

the firm's contract.

(vii) "Negotiated fee" means the fee specified in a written contract for professional services entered into in accordance with W.S. 9-23-106;

(viii) "State procurement website" means a website that the department designates to host information and notices related to procurement under this act;

~~(vii)(ix)~~ "This act" means W.S. 9-2-1027 through 9-2-1033 9-23-101 through 9-23-107.

~~9-2-1029~~ **9-23-103. General duties.**

(a) The department shall:

(i) Develop and maintain approved lists of qualified architects, engineers and land surveyors for selection under this act; and

(ii) Develop and administer notification procedures for obtaining professional services under this act.

~~9-2-1030~~ **9-23-104. Qualification procedures; notice.**

(a) Any firm desiring to provide professional services to an agency, shall ~~annually~~ submit to the department ~~and or~~ the agency a detailed statement of qualifications and performance data, and any other information required by the department or the agency. Each firm shall submit the statement not less than every two (2) years. The department or the agency may request the firm to update its statement before submission in order to reflect changed conditions in the status of the firm.

(b) ~~If professional services in an amount exceeding 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~~ For any professional services fee estimated by the agency to exceed fifty thousand dollars (\$50,000.00), the agency or the department shall give notice of the need for professional services in a newspaper of general circulation in the state at least once each week for two (2) consecutive weeks and on the state procurement website for not less than two (2) consecutive weeks prior to initiation of selection procedures in accordance with W.S. ~~9-2-1031~~ 9-23-105. 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~~ **9-23-105. Selection procedures; emergency waiver.**

(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. 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.

(b) In addition to the requirements of subsection (a) of this section, for any professional services fee estimated by the agency to exceed 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~~ may 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 agency shall keep a record of the interview. The estimated fee, if requested by the agency, may be used as a basis, along with the ~~qualifications listed in subsection (a) considerations and requirements of subsection (f)~~ 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 fifty thousand dollars (\$50,000.00) 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~~ may include an estimated fee and preliminary scope of services based on the agency's description of the work. The estimated fee, if requested by the agency, may be used as a basis along with the ~~qualifications listed in subsection (a) considerations and requirements of subsection (f)~~ of this section; for selection by the principal representative of the most qualified firm for contract negotiations.

(d) Nothing in this section prohibits a principal representative from determining that fewer than three (3) firms with current statements on file or which have submitted applications before selection are qualified to perform the required professional services. If a principal representative makes that determination, subsections (b) and (c) of this section apply with respect to the firms the principal representative considers qualified.

(e) The department, in conjunction with the agencies, shall adopt rules and regulations necessary to implement the selection process provided by this section.

(f) Every agency, the University of Wyoming, each community college district,

the Wyoming business council and the Wyoming department of transportation shall base selection of a firm for professional services in accordance with the following:

(i) Except as provided in paragraph (ii) of this subsection and subsection (g) of this section, the agency, the University of Wyoming, each community college district, the Wyoming business council and the Wyoming department of transportation 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) Nonresident firms may be selected if less than three (3) no 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, the University of Wyoming, the community college district, the Wyoming business council or the Wyoming department of transportation. Consideration of qualified nonresident firms 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 act requiring selection of 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 if:

(i) Any part of the proposed project is to be paid or has the potential to be paid with funds from the federal government or other nonstate source; and

(ii) The federal government or the other nonstate source has applicable requirements concerning residency preferences that are inconsistent with this act.

(h) Whenever an emergency arises requiring professional services, the principal representative of an agency, the University of Wyoming, the community college district, the Wyoming business council and the Wyoming department of transportation may waive any applicable requirement of W.S.

9-23-104 and this section if the requirement endangers the health, welfare or safety of the public.

**9-2-1032-9-23-106. Contract procedure.**

(a) After completing the selection process, the principal representative shall negotiate a written contract with the selected firm as determined by W.S. ~~9-2-1031~~ 9-23-105 for the provision of services. The principal representative shall consider the estimated value, scope, complexity and professional nature of the services to be rendered when determining a reasonable compensation.

(b) If the principal representative is unable to negotiate a satisfactory contract with the selected firm at a price he determines fair and reasonable, negotiations with that firm shall be terminated. The principal representative shall then begin negotiations with the firm ranked second in order of preference pursuant to W.S. ~~9-2-1031~~ 9-23-105. If the principal representative fails to negotiate a contract with the second ranked firm, he shall terminate negotiations. The principal representative shall then begin negotiations with the firm ranked third in order of preference.

(c) If the principal representative is unable to negotiate a satisfactory contract with any of the selected firms, he shall:

(i) Select additional firms in order of their competence and qualifications and continue negotiations in accordance with this section and W.S. ~~9-2-1031~~ 9-23-105, until a contract is reached; or

(ii) Review the contract under negotiation to determine the possible cause for failure to achieve a negotiated contract.

(d) Each contract for professional services entered into by the principal representative shall contain a prohibition against gratuities, kickbacks and contingent fees. The ~~architect, registered land surveyor or professional engineer~~ person providing professional services shall certify ~~under oath~~ that he has not in any way been involved in any gratuities, kickbacks; or contingent fees in connection with his selection or ultimate performance of ~~this~~ the contract.

(e) Each contract for professional services entered into by the principal representative shall contain a prohibition against payment based upon a percentage of the construction cost.

(f) This act shall not prohibit continuing contracts between any person providing professional services and any agency.

(g) ~~Each~~ If selection of a resident firm is required under this act, the contract for professional services entered into by an agency, the University of Wyoming, a community college district, the Wyoming business council or the Wyoming department of transportation 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)~~ 9-23-102(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. This subsection shall not be construed to require a firm to comply with W.S. 9-23-102(a)(vi)(B) if the proposed project is exempt from residence firm selection by W.S. 9-23-105(g) or if selection of a resident firm is waived in accordance with W.S. 9-23-105(h).~~

**~~9-2-1033~~ 9-23-107. Prohibited acts; civil penalty; initiation of action.**

(a) No person, including any agency official or employee, shall:

(i) In any way be involved in any gratuities, kickbacks, or contingent fees in connection with the selection procedure set forth in this act;

(ii) If providing professional services, pay any fee, commission, gift or other consideration contingent upon the award of a contract for professional services pursuant to this act.

(b) Any person violating subsection (a) of this section or ~~subsection (d) of W.S. 9-2-1032~~ W.S. 9-2-1032(d) is liable for a penalty not to exceed five thousand dollars (\$5,000.00). The penalty may be recovered in a civil action and damages shall be assessed by the court.

(c) Any action pursuant to this section shall be initiated in Laramie county by the attorney general.

**Section 3.** W.S. 9-2-1031(f)(iii) renumbered as 9-23-105(f)(iii) by this act is repealed.

**Section 4.** The state construction department shall adopt emergency rules necessary to implement this act on or before October 1, 2020 and final rules to implement this act on or before March 1, 2021.

**Section 5.** This act shall apply only to procurement initiated on or after the effective date of this section.

**Section 6.**

(a) Except as provided in subsection (b) of this section, this act is effective October 1, 2020.

(b) Sections 4 and 6 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 10, 2020.



**Chapter 31****PUBLIC WORKS AND CONTRACTS****Original House Bill No. 52**

AN ACT relating to public works and contracts; modifying and conforming provisions governing public contracting; repealing provisions; and providing for an effective date.

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

**Section 1.** 9-2-3004(c)(iv)(C), 15-1-113(d), (e) and (h), 16-6-101(a) by creating new paragraphs (vi) through (xi) and by renumbering (vi) as (xii), 16-6-102(a), 16-6-105(a)(i)(intro) and (ii), 16-6-106, 16-6-107, 16-6-110(a)(intro), 16-6-112(a) and (b), 16-6-113 through 16-6-117, 16-6-118(b), 16-6-119, 16-6-121(a), (c), (e) and (f), 16-6-202(a) by creating a new paragraph (iv) and by renumbering (iv) as (v), 16-6-203(a)(intro), 16-6-205(b), 16-6-701(a)(ii), (iii), (v) through (vii), (ix)(intro), (A), (B), (D), (E), (xi) through (xiii) and by creating a new paragraph (xiv), 16-6-702 through 16-6-704, 16-6-708(a) and 16-6-1001(a)(intro), (ii)(A)(II), (B) and (C), (iv) and by creating a new subsection (f) are amended to read:

**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:

(C) ~~Before any contract exceeding 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 for a capital construction project 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 guarantee in accordance with the standards and monetary limits provided in W.S. 16-6-112;~~

**15-1-113. Contracts for public improvements.**

(d) Every contract shall be executed by the mayor or in his absence or disability, by the president or other presiding officer of the governing body and by the clerk or designee of the governing body. The successful bidder or respondent shall furnish to the city, town or joint powers board a bond as specified in the advertisement, ~~or if the contract price is one hundred fifty thousand dollars (\$150,000.00) or less, any other form of financial guarantee satisfactory to the city, town or joint powers board. The bond or other form of financial guarantee shall meet the requirements of or other form of guarantee in accordance with W.S. 16-6-112.~~

(e) Before advertising for a bid for any work on the construction of any public improvements and except as provided under W.S. 16-6-707 for alternate design and construction delivery methods, detailed plans and specifications shall be prepared, together with an estimate of the probable cost and a form of the proposed contract. ~~Except as provided under W.S. 16-6-701 through 16-6-706, no contract may provide for the monthly retention of more than ten percent (10%) of the contract price on the amount of work done during the month, as shown by the estimate of the city or town engineer or designated local official. A city, town or joint powers board may withhold a percentage of the calculated value of any work completed as retainage in accordance with W.S. 16-6-702(b).~~ No progress payment may be made until the city or town engineer or designated local official has furnished the estimate, together with a certificate that the amount of work estimated to have been done conforms in all material respects with the requirements of the contract. A joint powers board may designate an official of any member city or town to perform the functions required by this subsection.

(h) ~~Before any contractor or his representative receives a final payment on any contract for which a bond or other financial guarantee is required, The city, town or joint powers board shall publish in a newspaper of general circulation in the city or town, or in the case of a joint powers board in any member city or town, at least ten (10) days prior to the final payment, a notice to the effect that persons having claims for labor and material furnished the contractor shall present them to the city, town or joint powers board prior to the date specified for payment~~ issue payments to contractors in accordance with W.S. 16-6-116(a).

#### **16-6-101. Definitions.**

(a) As used in this act:

(vi) “Laborer” means as defined in W.S. 16-6-202(a)(i);

(vii) “Materialman” means as defined in W.S. 29-1-201(a)(ix);

(viii) “Public entity” means the state of Wyoming, any state office, board, council, commission, separate operating agency, department, institution or other instrumentality or operating unit of the state, including the University of Wyoming, any political subdivision of the state, any county, city, town, school district, community college district or any public corporation of the state;

(ix) “Public work” includes alteration, construction, demolition, enlargement, improvement, major maintenance, reconstruction, renovation and repair of any highway, public building, public facility, public monument, public structure or public system;

(x) “State procurement website” means a website that the state construction department designates to host information and notices related to procurement for public works;

(xi) “Substantial completion” or “substantially complete” means the public entity has determined that the construction of the public work or designated portion thereof is sufficiently complete in accordance with the contract and associated documents so that the work may be occupied or utilized for its intended purposes;

(vi)(xii) “This act” means W.S. 16-6-101 through 16-6-121.

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

(a) ~~If a contract is let by the state, any department thereof, or any county, city, town, school district, community college district or other public corporation of the state for the construction, major maintenance or renovation of any public building, or other public structure, or for making any addition thereto, or for any public work or improvements a public entity for a public work, the contract shall be let, if advertisement for bids or request for proposal is not required, to a resident of the state. If advertisement for bids is required, the contract shall be let to the responsible certified resident making the lowest bid if the certified resident’s bid is not more than five percent (5%) higher than that of the lowest responsible nonresident bidder.~~

**16-6-105. Preference for Wyoming materials and Wyoming agricultural products required in public purchases; exception; cost differential; definition.**

(a) A five percent (5%) materials preference for Wyoming materials shall be applied in public purchases, subject to the following:

(i) The preference requirement shall apply to: all public entities;

(ii) As used in this section, “materials” means supplies, material, agricultural products, equipment, machinery and provisions to be used in ~~the construction, major maintenance, renovation, a public work, including the regular maintenance and upkeep of public institutions a public work;~~

**16-6-106. Statement of Wyoming materials preference in requests for bids and proposals.**

All requests ~~by a public entity for bids and proposals for materials, supplies, agricultural products, equipment, machinery and provisions for the construction, major maintenance and renovation of every state, county, municipal, community college district or school district institution public works~~ shall contain the words “preference is hereby given to materials, supplies, agricultural products, equipment, machinery and provisions produced, manufactured or grown in Wyoming, or supplied by a resident of the state, quality being equal to articles offered by the competitors outside of the state”.

**16-6-107. Wyoming materials preference required in public works; exception.**

All ~~public buildings, courthouses, public school buildings, public monuments and other public structures constructed~~ public works in this state shall be constructed and maintained using materials produced or manufactured in Wyoming ~~for construction, major maintenance and renovation projects~~ if Wyoming materials are suitable and can be furnished in marketable quantities. Preference shall not be granted for materials of an inferior quality to those offered by competitors outside of the state, but a differential of five percent (5%) shall be allowed in cost of materials produced or manufactured in Wyoming.

**16-6-110. Limitation on work hours; overtime; exceptions.**

(a) No person shall require laborers, workmen or mechanics to work more than eight (8) hours in any one (1) calendar day or forty (40) hours in any one (1) week upon any public works of the state or any of its political subdivisions ~~a public entity~~ except as hereafter authorized. ~~An employee~~ A laborer, workman or mechanic may agree to work more than eight (8) hours per day or more than forty (40) hours in any week, provided the ~~employee~~ laborer, workman or mechanic shall be paid at the rate of one and one-half (1 1/2) times the regularly established hourly rate for all work in excess of forty (40) hours in any one (1) week. This section does not apply:

**16-6-112. Contractor's performance and payment 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 a public entity for a public work where the contract price exceeds fifty thousand dollars (\$50,000.00) one hundred fifty thousand dollars (\$150,000.00), shall require any contractor before beginning work under the contract to furnish the state or any political subdivision, as appropriate, public entity a bond, or ~~If the contract price is one hundred fifty thousand dollars (\$150,000.00) or less, the public entity may require the contractor to furnish any other form of guarantee approved by the state or the political subdivision~~ public entity. The bond or other form of guarantee shall be:

(i) ~~Conditioned~~ Available and with such conditions that allow for the payment of all taxes, excises, licenses, assessments, contributions, penalties and interest lawfully due the state or any political subdivision;

(ii) For the use and benefit of any person performing any work or labor or furnishing any material or goods of any kind which were used in the execution of the contract, conditioned for the performance and completion of the contract according to its terms, compliance with all the requirements of law and payment as due of all just claims for work or labor performed, ~~material and~~

~~materials furnished and taxes, excises, licenses, assessments, contributions, penalties and interest accrued in the execution of the contract;~~

(iii) In an amount not less than ~~fifty percent (50%)~~ one hundred percent (100%) of the contract price unless the price ~~exceeds~~ is one hundred fifty thousand dollars (\$150,000.00) or less, in which case the ~~appropriate officer, agent or the governing body~~ public entity may fix a sufficient amount;

(iv) Approved by and filed with the appropriate officer, agent, governing body or other designee of the ~~state or governing body of the political subdivision~~ public entity.

(b) A bond or other guarantee satisfactory to the ~~state or political subdivision, as the case may be,~~ public entity shall include the obligations specified under subsection (a) of this section even though not expressly written into the guarantee.

**16-6-113. Contractor's performance and payment bond or other guarantee; right of action; notice to obligee; intervention by interested parties; pro rata distribution.**

Any person entitled to the protection of a bond or other form of guarantee approved by ~~the state or any political subdivision~~ a public entity under W.S. 16-6-112; may maintain an action for the amount due him. He shall notify the obligee named in the bond or other guarantee of the beginning of the action, giving the names of the parties, describing the guarantee and stating the amount and nature of his claim. No judgment shall be entered in the action within thirty (30) days after the giving of the notice. The obligee or any person having a cause of action may on his motion, be admitted as a party to the action. The court shall determine the rights of all parties to the action. If the amount realized on the bond or other guarantee is insufficient to discharge all claims in full, the amount shall be distributed among the parties pro rata.

**16-6-114. Contractor's performance and payment bond or other guarantee; requiring new or additional bond or other guarantee; failure to furnish.**

If in its judgment any of the sureties on a bond or other form of guarantee approved by the ~~state or any political subdivision~~ public entity under W.S. 16-6-112 are insolvent or for any cause are no longer proper or sufficient sureties, the obligee may within ten (10) days require the contractor to furnish a new or additional bond or other approved guarantee. If ordered by the obligee, all work on the contract shall cease until a new or additional bond or other guarantee is furnished. If the guarantee is not furnished within ten (10) days, the obligee may at its option ~~determine~~ terminate the contract and complete the contract as the agent and at the expense of the contractor and his sureties.

**16-6-115. Contractor's performance and payment bond or other guarantee; limitation of actions.**

No action shall be maintained on any bond or other form of guarantee satisfactory to the ~~state or any political subdivision~~ public entity under W.S. 16-6-112 unless commenced within one (1) year after the date of ~~first publication of notice of final payment of the contract~~ final completion of the public work as provided in W.S. 16-6-116(a)(iv).

**16-6-116. Payment to contractor; substantial completion; final completion; required notices.**

(a) When any public work is let by contract, the ~~commission, board or person public entity~~ under whose direction or supervision the work is being carried on and conducted and ~~upon whose approval intermediate and final estimates are paid for the construction of the work, forty (40) days before the final estimate is paid,~~ shall:

(i) Issue a certificate of substantial completion after determination that the public work, or designated portion thereof the public entity agrees to accept separately, is substantially complete;

(ii) Upon issuance of a certificate of substantial completion, cause notice to be published in a newspaper of general circulation, published nearest the point at which the work is being carried on, once a week for three (3) two (2) consecutive weeks, and also to post in three (3) conspicuous places on the work; a notice setting posted on the state procurement website or the public entity's official website. The notice shall set forth in substance; that the commission, board or person public entity has accepted the work, or designated portion thereof, as completed substantially complete according to the plans and specifications and rules set forth in the contract between the commission, board or person and the contractor, contract and associated documents and that the general contractor is entitled to final settlement therefor. The notice shall also set forth that payment as provided in paragraph (iii) of this subsection upon the 41st day (and the notice shall specify the exact date) after the first publication of the notice was first published and posted. If the contract provides for multiple substantial completions, this paragraph shall apply to each substantial completion designated in the contract;

(iii) Upon the 41st day after the notice required under paragraph (ii) of this subsection was first published and posted, the commission, board or person public entity under whose direction or supervision the work has been carried on will shall pay to the general contractor the full any payment retained by the public entity under W.S. 16-6-702(b) together with any other amount due under the contract, less any amount withheld for the portion of the public work that is incomplete or not completed in accordance with the contract and associated documents;

(iv) Issue a certificate of final completion after determination that the contract is fully performed and all portions of the public work are acceptable

under the contract and associated documents. Any amounts withheld under paragraph (iii) of this subsection for the portion of the public work that was determined incomplete or not in accordance with the contract and associated documents and due under the contract shall be paid to the general contractor. The public entity shall post the date of final completion for the public work on the state procurement website or the public entity's official website.

(b) This section does not relieve the general contractor and the sureties on his bond from any claims for work or labor done or materials or supplies furnished in the execution of the contract.

(c) The public entity shall provide written notice of the requirements of this section in the project specifications.

**16-6-117. Payment to contractor; prerequisite filing of contractor's statement of payment; disputed claims.**

~~In all formal contracts entered into by any person with the state, or any department or commission thereof, or with any county, city, town, school district, high school district, or other public corporation of this state, a public entity for the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or a public work, no final payment payments under W.S. 16-6-116(a) shall be made until the person files with the officer, department or commission of the state, or with the clerk of the county, city, town or school district, or with a similar officer of any other public corporation by public entity with which the contract has been made, a sworn statement setting forth that all claims for material, supplies and labor performed under the contract have been and are paid for the entire period of time for which the final payment is to be made. If any claim for material, and supplies or labor is disputed the sworn statement shall so state, and the amount claimed to be due the laborer shall subcontractor or materialmen may be deducted from the final payment and retained by the state, county, city, town or school district authority or public corporation until the determination of the dispute, either by judicial action or consent of the parties, and then paid by the agent or agency to the persons found entitled thereto. filed by the claimant as a claim against the general contractor's surety bond. Payment to the general contractor under W.S. 16-6-116(a) shall be paid without regard to any pending claims against the general contractor's surety bond unless the public entity has actual knowledge that the surety bond is deficient to settle known present claims, in which case an amount equal to the disputed claims may be withheld.~~

**16-6-118. Unlawful interest of officeholders in public contracts or works; exception.**

(b) Notwithstanding subsection (a) of this section, an act shall not be unlawful under this section if any person who is interested in any public contract or ~~shall~~



~~represent who represents~~ any person, company or corporation, ~~but shall disclose interested in any public contract discloses~~ the nature and extent thereof to all the contracting parties concerned therewith, ~~and shall absent absents~~ himself during the considerations and vote thereon, ~~and does~~ not attempt to influence any of the contracting parties and ~~does~~ not act directly or indirectly for the ~~governing body public entity~~ in ~~the~~ inspection, operation, administration or performance of any contract, ~~then the acts are not unlawful under this section.~~ This section does not apply ~~as~~ to the operation, administration, inspection or performance of banking and deposit contracts and relationships after the selection of a depository.

**16-6-119. Contracts for public works; right to reject bids or responses; qualifications of bidders and respondents.**

~~Every state agency, board, commission, department, or institution public entity~~ shall be authorized to determine the qualifications and responsibilities of bidders or respondents on contracts for ~~the construction, major maintenance or renovation of a public project, facility or structure using standard forms and procedures adopted by the department of administration and information; public works~~ and may recommend that the ~~department of administration and information~~ reject any or all bids or responses based on the qualifications and responsibilities of bidders and respondents and readvertise for bids or responses.

**16-6-121. Notice required to receive protection under a bond or guarantee; limitation; notice required by owner in project specifications.**

(a) Any subcontractor or materialman entitled to the protection of a bond or other form of guarantee approved by ~~the state or any political subdivision a public entity~~ under W.S. 16-6-112 shall give notice of his right to that protection to the ~~prime general~~ contractor. Failure to give notice to a ~~prime general~~ contractor who has complied with subsections (f) and (g) of this section waives the subcontractor or materialman's protection under the bond or guarantee, ~~and waives any right to a lien for materials or services provided.~~

(c) The notice shall be sent to the ~~prime general~~ contractor by certified mail, ~~electronic means~~ or delivered to and received by the ~~prime general~~ contractor or his agent. Notice by certified mail ~~or electronic means~~ is effective on the date the notice is mailed ~~or sent electronically.~~

(e) This section shall only apply where the ~~prime general~~ contractor's contract is for ~~fifty thousand dollars (\$50,000.00) or more~~ ~~an amount exceeding one hundred fifty thousand dollars (\$150,000.00).~~

(f) The ~~prime general~~ contractor shall post on the construction site a prominent sign citing this section and stating that any subcontractor or materialman shall give notice to the ~~prime general~~ contractor of a right to protection under the bond or guarantee and that failure to provide the notice



shall waive the subcontractor or materialman's protection under the bond or guarantee, ~~and shall waive any right to a lien for materials or services provided.~~

**16-6-202. Definitions.**

(a) As used in this act:

(iv) "Public work" means as described in W.S. 16-6-101(a)(ix);

(iv)(v) "This act" means W.S. 16-6-201 through 16-6-206.

**16-6-203. Required resident labor on public works projects; exception.**

(a) Every person who is ~~charged with the duty of construction, reconstructing, improving, enlarging, altering or repairing any public works project or improvement for the state or any political subdivision, municipal corporation, or other governmental unit, responsible for a public work~~ shall employ only Wyoming laborers on the project or improvement public work. Every contract for a public work let by any person shall contain a provision requiring that Wyoming labor be used except other laborers may be used when Wyoming laborers are not available for the employment from within the state or are not qualified to perform the work involved. The contract shall contain a provision requiring specific acknowledgement of the requirements of this section. A person required to employ Wyoming laborers may employ other than Wyoming laborers if:

**16-6-205. Enforcement.**

(b) ~~Along with each application for payment for a contract subject to this act, If requested in writing by the department of workforce services or contracting entity,~~ the general contractor shall provide to the department or contracting entity a payroll report for the period requested for all contractors and subcontractors involved in the project in a form that is consistent with federally certified reporting requirements and includes residency status for each laborer.

**16-6-701. Definitions.**

(a) As used in this act:

(ii) "Contractor" means any person who is a party to a contract with a public entity to construct, renovate or perform major maintenance of any highway, public building, public work or public improvement, structure or system for a public work;

(iii) "Public entity" means this state or a county, city, town or any political subdivision thereof as defined in W.S. 16-6-101(a)(viii);

(v) "Alternate design and construction delivery method" means the delivery method described by any qualifications based procurement of design and construction services, including all procedures, actions, events, contractual relationships, obligations and forms of agreement for the successful completion

of the design and construction, major maintenance or renovation of any public building, work, improvement, facility, structure or system other than by design, bid and build. Alternate design and construction delivery methods available to a public entity include construction manager agent, construction manager at risk or design-builder;

(vi) “Construction manager agent” means a type of construction management delivery where the professional service is procured under existing statutes for professional services. The construction manager agent is a construction consultant providing administrative and management services to the public entity throughout the design and construction phases of a project public work. Under this delivery method, the construction manager agent is not the contracting agent and is not responsible for purchase orders;

(vii) “Construction manager at-risk” means a type of construction management delivery in which the construction manager at-risk is an advocate for the public entity as determined by the contracts throughout the preconstruction phase of a project. In the construction phase of a project public work, the construction manager at-risk is responsible for all project subcontracts and purchase orders and may conduct all or a portion of the ~~construction project public work~~. Under this delivery method, the construction manager at-risk is responsible for providing a guaranteed maximum price for the project public work to the public entity prior to commencing the ~~construction project public work~~ and the construction manager at-risk shall be required to bond any project with a guaranteed maximum price in excess of two hundred fifty thousand dollars (\$250,000.00) in accordance with W.S. 16-6-112;

(ix) “Design-build” means a type of construction delivery method in which there is a single contract between the public entity and a design-builder who furnishes architectural, engineering and other related design services as required for the public project work, as well as labor, materials and other construction services necessary to ~~construct the project for the public work~~. A design-builder may be selected by the public entity based on evaluation of responses to a request for qualifications, fixed scope request for proposal or fixed price request for proposal. The following shall apply:

(A) A design-builder may be selected based solely on a response to a request for qualification for projects public works with an estimated construction cost of five hundred thousand dollars (\$500,000.00) or less provided there are not less than two (2) respondents;

(B) Responses to a fixed scope request for proposal or a fixed price request for proposal shall be used as the bases for selection for a project public work with an estimated construction cost of more than five hundred thousand dollars (\$500,000.00);

(D) The respondent chosen by evaluation to provide the best overall

value for the project public work shall be selected in response to a fixed scope request for proposal or a fixed price request for proposal. The best overall value shall be determined based on criteria set forth by the public entity letting the project public work and may include, but is not limited to, qualifications, price, quality of materials and products, past experience and schedule;

(E) All unsuccessful respondents to a response for a fixed scope request for proposal or fixed price request for proposal may be compensated at the discretion of the public entity based upon a percentage of the price of the project public work as proposed by the successful respondent in the respondent's original proposal. Any compensation provided pursuant to this subparagraph shall be clearly specified in the request for proposal.

(xi) "Fixed price request for proposal" means a request for an oral and written presentation of all qualifications deemed pertinent to the project public work by the public entity in addition to a schematic design and detailed description of all materials and products proposed to accommodate a preliminary project program prepared by the public entity and provided in the fixed price request for proposal. The successful respondent shall construct the project public work described in their design and material and product description for a fixed price prepared by the public entity and provided in the fixed price request for proposal. The final guaranteed maximum price and scope for the project public work may be altered from the request for proposal and negotiated with the successful respondent at the discretion of the public entity;

(xii) "Fixed scope request for proposal" means a request for an oral and written presentation of all qualifications deemed pertinent to the project public work by the public entity in addition to a guaranteed maximum price for a preliminary design prepared by the design builder incorporating all elements of a fixed scope for the project public work prepared by the public entity and provided in the fixed scope request for proposal. The final guaranteed maximum price and scope for the project public work may be altered from the request for proposal and negotiated with the successful respondent at the discretion of the public entity;

(xiii) "Request for qualification" means a request for an oral or written presentation of all qualifications deemed pertinent to the project public work by the public entity. The request for qualification shall include not less than all the provisions contained in W.S. 16-6-707(b);

(xiv) "Public work" means as described in W.S. 16-6-101(a)(ix).

**16-6-702. Public entity; contracts; partial payments; retainage; alternate delivery methods authorized.**

(a) ~~Notwithstanding W.S. 15-1-113(e),~~ A public entity awarding a contract for the construction, major maintenance or renovation of any highway, public

~~building, a public work or public improvement, structure or system shall authorize partial payments of the amount due under the contract as stipulated in the contract document or as soon thereafter as practicable, to the contractor if the contractor is satisfactorily performing the contract.~~

~~(b) In all contracts with a public entity for a public work, the public entity may retain no more than ten percent (10%) five percent (5%) of the calculated value of any work completed shall be withheld until fifty percent (50%) of the work required by the contract has been performed. Thereafter, the public entity may pay any of the remaining installments without retaining additional funds if, in the opinion of the public entity, satisfactory progress is being made in the work but under no condition shall more than ten percent (10%) be withheld on the remaining fifty percent (50%) of the work required as retainage. The retained payment shall be due and payable as prescribed by W.S. 16-6-116(a). The withheld percentage of the contract price of the work, major maintenance, renovation or construction shall be retained payment shall be held in an account in the name of the contractor which account has been assigned to the public entity, until the contract is completed satisfactorily and finally accepted by the public entity. If the public entity finds that satisfactory progress is being made in all phases of the contract it may, upon written request by the contractor, authorize payment from the withheld percentage. Before the payment is made, the public entity shall determine that satisfactory and substantial reasons exist for the payment and shall require written approval from any surety furnishing bonds for the contract work.~~

~~(b)(c) Alternate design and construction delivery methods may be used by a public entity to design, construct, renovate or perform major maintenance of a public works projects for a public work.~~

#### **16-6-703. Public work; completion by public entity; partial payments.**

~~If it becomes necessary for a public entity to take over the completion of any contract public work, all of the amounts owing the contractor, including the withheld percentage any payment retained under W.S. 16-6-702(b), shall first be applied toward the cost of completion of the contract public work. Any balance remaining in of the retained percentage payment remaining after completion of the public work by the public entity shall be payable to the contractor or the contractor's creditors. The retained percentage payment which may be due any contractor shall be due and payable as prescribed by W.S. 16-6-116 16-6-116(a).~~

#### **16-6-704. Interest bearing deposit agreement; option to enter into.**

~~If requested by the general contractor, a public entity shall enter into an interest bearing deposit agreement with any depository designated by the general contractor, after notice to the surety, to provide an agent for the custodial care and servicing of any deposits placed with him pursuant to this act on~~

any contract of more than ~~twenty-five thousand dollars (\$25,000.00)~~ fifty thousand dollars (\$50,000.00). The services shall include the safekeeping of the obligations and the rendering of all services required to effectuate the purposes of this act.

**16-6-708. Responsibilities under alternative delivery contracts.**

(a) Any construction manager agent, construction manager at risk or design-builder contract awarded shall comply with any reporting and administrative requirements as required by the public entity of the recipient of a design, bid and build contract, including ~~retainage~~ retained payments, payment and performance bonding and default of contract.

**16-6-1001. Capital construction projects restrictions; preference requirements; waivers.**

(a) Unless otherwise prohibited by federal law, any funds appropriated to or authorized for expenditure by a public entity 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:

(II) If specified products are not available from any Wyoming resident supplier, specifications addressing performance standards and functional requirements determined by the ~~agency~~ public entity. The ~~agency~~ public entity may specify suggested individual brands or manufacturers, provided that similar products that meet or exceed specifications shall be accepted as substitute 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.~~

(B) No person who was employed by the ~~agency~~ public entity to prepare the bid documents, whether with or without compensation, shall be eligible to bid on the final bid package;

(C) A five percent (5%) preference shall be granted to responsible Wyoming resident suppliers for procurements by public entities ~~subject to this paragraph~~ and that are used in and incorporated into a ~~public~~-capital construction project;

(iv) Contractor progress payments shall be made only in accordance with this paragraph. If a ~~contracting~~-public entity determines that a general contractor in good standing on a project requires a progress payment due for work completed in a workmanlike manner in order to pay a materialman, subcontractor or laborer for their work performed to date, the entity may issue the progress payment upon verification that all materialmen, subcontractors and laborers have been paid for completed work through the date of the most recent previous progress payment, less any contracted amounts lawfully held for retainage. If a progress payment has been withheld by a general contractor due to a reasonable dispute between a general contractor and a materialman; ~~or subcontractor, or laborer, further progress payments shall not be paid to the general contractor but shall be retained in accordance with the guidelines addressing disputed final payments the claimant may present a claim in the disputed amount against the general contractor's surety bond~~ under the provisions of W.S. 16-6-117. A person submitting false information regarding a progress payment subject to this paragraph shall be subject to the provisions of W.S. 16-6-120.

(f) As used in this section:

(i) "Capital construction project" means new construction, demolition, renovation and capital renewal of or to any public building or facility and any other public improvement necessary for the public building or facility, major maintenance as defined in W.S. 16-6-101(a)(v) and major building and facility repair and replacement as defined in W.S. 21-15-109(a)(iii);

(ii) "Public entity" means as defined in W.S. 16-6-101(a)(viii).

**Section 2.** W.S. 16-6-105(a)(i)(A) through (C), 16-6-701(a)(iv) and 16-6-1001(b) through (d) are repealed.

**Section 3.** This act shall apply only to procurement initiated and contracts executed on or after the effective date of this act.

**Section 4.** This act is effective July 1, 2020.

Approved March 10, 2020.

## Chapter 32

### WILDLIFE CONSERVATION EFFORTS-2

#### Original Senate File No. 18

AN ACT relating to wildlife conservation; providing for voluntary donations to support wildlife conservation efforts related to the transportation system; requiring specified applications to allow for voluntary wildlife conservation donations; and providing for an effective date.

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

**Section 1.** W.S. 31-2-225(a)(iv) and by creating a new paragraph (vi), 31-2-231(b), 31-2-404(d) and (f), 31-2-409(c) and (h), 31-2-703(c) and (e), 31-3-101 by creating a new subsection (j), 31-7-104 and 31-7-111(b) by creating a new paragraph (xiv) are amended to read:

**31-2-225. Application requirements; contents; weight certificate; title requirement; liability.**

(a) Applications for registration of vehicles shall be filed in the office of the county treasurer in person, by regular mail, or if available, electronically, in the county in which the owner of the vehicle resides or in any county in any other case and contain:

(iv) Color of the vehicle at the time of registration; ~~and~~

(vi) The option for the owner to donate an additional amount to provide for wildlife conservation efforts related to the transportation system.

**31-2-231. Wildlife conservation license plates; wildlife conservation account.**

(b) The fees collected under subsection (a) of this section shall be payable to the department and shall be accounted for separately. The fees collected under subsection (a) of this section and funds collected under W.S. 31-2-225(a)(vi), 31-2-404(f)(ii), 31-2-409(h)(ii), 31-2-703(e)(ii), 31-3-101(j) and 31-7-111(b)(xiv) shall be distributed to the wildlife conservation account within the state highway fund, which is hereby created. Funds in the wildlife conservation account shall only be used to provide for wildlife conservation efforts related to the transportation system, including signage, wildlife corridors, wildlife crossings and game fences.

**31-2-404. Amount of fee; ad valorem tax exemption; disposition of fees; duties of department of state parks and cultural resources.**

(d) Except as provided in this subsection, the fees forwarded to the department of state parks and cultural resources under this section shall be deposited in the snowmobile trails account created by W.S. 31-2-409(c) and may be expended by the department subject to approval by the legislature. All fees collected under ~~subsection (f) paragraph (f)(i)~~ of this section shall be deposited in the search and rescue account created by W.S. 19-13-301(a). All



fees collected under paragraph (f)(ii) of this section shall be deposited in the wildlife conservation account created by W.S. 31-2-231(b).

(f) Snowmobile registration forms shall contain information about the voluntary fees under this subsection. In addition to the fees under subsection (a) of this section, persons registering snowmobiles in Wyoming may pay a voluntary fee:

~~(i) Of two dollars (\$2.00) or any greater amount to fund search and rescue activities;—Snowmobile registration forms shall contain information about the voluntary fee under this subsection.~~

~~(ii) Of any whole dollar amount to provide for wildlife conservation efforts related to the transportation system.~~

**31-2-409. Snowmobile user fee; amount of fee; disposition of fees; account created; duties of department of state parks and cultural resources; duration of decal; exemptions.**

(c) There is hereby created a snowmobile trails account. Except as provided in this subsection, the monies collected under this section and forwarded to the department of state parks and cultural resources shall be deposited in the account created by this section and may be expended by the department subject to approval by the legislature for the administration of the snowmobile trails program. All voluntary fees collected under ~~subsection (h) paragraph (h)(i)~~ of this section shall be deposited in the search and rescue account created by W.S. 19-13-301(a). All fees collected under paragraph (h)(ii) of this section shall be deposited in the wildlife conservation account created by W.S. 31-2-231(b).

(h) Snowmobile user fee forms shall contain information about the voluntary fees under this subsection. In addition to the fees under subsection (a) of this section, persons paying a user fee for snowmobiles in Wyoming may pay a voluntary fee:

~~(i) Of two dollars (\$2.00) or any greater amount to fund search and rescue activities;—Snowmobile user fee forms shall contain information about the voluntary fee under this subsection.~~

~~(ii) Of any whole dollar amount to provide for wildlife conservation efforts related to the transportation system.~~

**31-2-703. Required user registration fee; disposition of fees; duties of department of state parks and cultural resources.**

(c) There is created an off-road recreational vehicle trails account. Except as provided in this subsection, the fees received by the department of state parks and cultural resources under this article shall be deposited into the account created by this subsection and shall be expended by the department for the administration of the off-road recreational vehicle trails program. All voluntary fees collected under ~~subsection (e) paragraph (e)(i)~~ of this section shall be



deposited in the search and rescue account created by W.S. 19-13-301(a). All fees collected under paragraph (e)(ii) of this section shall be deposited in the wildlife conservation account created by W.S. 31-2-231(b).

(e) Off-road recreational vehicle registration fee forms shall contain information about the voluntary fees under this subsection. In addition to the fees under subsection (a) of this section, persons paying a registration fee for off-road recreational vehicles may pay a voluntary fee:

(i) Of two dollars (\$2.00) or any greater amount to fund search and rescue activities; ~~Off-road recreational vehicle registration fee forms shall contain information about the voluntary fee under this subsection.~~

(ii) Of any whole dollar amount to provide for wildlife conservation efforts related to the transportation system.

**31-3-101. Registration fees; exemptions.**

(j) Any owner of a vehicle who wishes to donate money to provide for wildlife conservation efforts related to the transportation system shall be provided space on the registration form to do so pursuant to W.S. 31-2-225(a)(vi). Revenues collected under this subsection shall be forwarded by the county treasurer to the state treasurer to be deposited into the wildlife conservation account created by W.S. 31-2-231(b).

**31-7-104. Disposition of fees.**

Except as provided in this section, the license fees levied and collected under this act are payable to the department and shall be transmitted to the state treasurer to be credited to the highway fund. The fees collected under W.S. 31-7-113(a)(x) shall be transmitted to the state treasurer to be credited to the motorcycle safety education account created by W.S. 31-5-1506. Funds collected under W.S. 31-7-111(b)(xiv) shall be transmitted to the state treasurer to be credited to the wildlife conservation account created by W.S. 31-2-231(b).

**31-7-111. Application for license or permit generally.**

(b) The application shall include:

(xiv) The option for the applicant to donate an additional amount to provide for wildlife conservation efforts related to the transportation system.

**Section 2.** This act is effective July 1, 2020.

Approved March 10, 2020.

**Chapter 33****LOCAL GOVERNMENT DISTRIBUTIONS****Original Senate File No. 57**

AN ACT relating to local government funding; providing funding to cities and towns; providing funding to counties; providing local government funding formulas and distributions; providing legislative intent; providing an appropriation; and providing for an effective date.

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

**[LOCAL GOVERNMENT DISTRIBUTIONS I]****Section 1.**

(a) From the legislative stabilization reserve account created by W.S. 9-4-219(a) there is appropriated one hundred five million dollars (\$105,000,000.00) to the office of state lands and investments to be allocated pursuant to the following and as further provided in this section:

(i) Two-thirds (2/3) of eighty-nine percent (89%) of the total amount appropriated, for direct distribution to cities and towns provided that five percent (5%) of the amount available under this paragraph shall only be distributed for direct distributions to cities and towns as provided in paragraph (b)(ii) of this section;

(ii) One-third (1/3) of eighty-nine percent (89%) of the total amount appropriated, for direct distribution to counties;

(iii) Five and one-half percent (5.5%) of the total amount appropriated, for direct distribution to cities and towns provided that five percent (5%) of the amount available under this paragraph shall only be distributed for direct distributions to cities and towns as provided in paragraph (b)(ii) of this section;

(iv) Five and one-half percent (5.5%) of the total amount appropriated, for direct distribution to counties.

**[CITY AND TOWN DIRECT DISTRIBUTION ALLOCATIONS]**

(b) Funds appropriated in paragraphs (a)(i) and (iii) of this section shall be distributed to cities and towns with one-half (1/2) of the amount available distributed in the first fiscal year of the biennium and one-half (1/2) of the amount available distributed in the second fiscal year of the biennium. Distributions in each fiscal year shall be made in equal amounts on August 15 and January 15 of each fiscal year as calculated prior to the August 15 distribution, subject to the following:

(i) From these distributions each municipality with a population of thirty-five (35) or less shall first receive fifteen thousand dollars (\$15,000.00) and each municipality with a population over thirty-five (35) shall first receive thirty-five thousand dollars (\$35,000.00). From the remainder, each municipality

shall receive amounts in accordance with a municipal supplemental funding formula as provided in this paragraph. The municipal supplemental funding formula shall be calculated by the office of state lands and investments as follows:

(A) For each fiscal year calculate the per capita sales and use tax revenues available to each municipality using the sales and use tax distributions to each county attributable to fiscal year 2019 for distributions under this paragraph during fiscal year 2021 and the sales and use tax distributions to each county attributable to fiscal year 2020 for distributions under this paragraph during fiscal year 2022, including distributions to each municipality within that county, under W.S. 39-15-111 and 39-16-111, but excluding the distribution exclusively to counties under W.S. 39-15-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-15-104, and excluding the distribution exclusively to counties under W.S. 39-16-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-16-104;

(B) Calculate the inverse by dividing one (1) by the per capita sales and use tax determined under subparagraph (A) of this paragraph for each municipality;

(C) Calculate the normalized per capita sales and use tax number for each municipality by dividing the number determined under subparagraph (B) of this paragraph for the municipality by the total of all inverse per capita sales and use tax numbers calculated under subparagraph (B) of this paragraph;

(D) Multiply the normalized per capita sales and use tax number for each municipality by seventy-five percent (75%);

(E) For each fiscal year calculate the per capita assessed value for the prior tax year corresponding to the most recently completed calendar year for each municipality by dividing the total assessed valuation within the municipality by the population of the municipality;

(F) Calculate the inverse by dividing one (1) by the per capita assessed value determined under subparagraph (E) of this paragraph for each municipality;

(G) Calculate the normalized per capita assessed value number for each municipality by dividing the number determined under subparagraph (F) of this paragraph for the municipality by the total of all inverse per capita assessed value numbers calculated under subparagraph (F) of this paragraph;

(H) Multiply the normalized per capita assessed value number for each municipality by twenty-five percent (25%);

(J) Multiply the sum of subparagraphs (D) and (H) of this paragraph by the population of the municipality;

(K) Calculate the normalized index for each municipality by dividing the number determined under subparagraph (J) of this paragraph for the municipality by the sum of all numbers calculated under subparagraph (J) of this paragraph;

(M) Determine the amount to distribute to each municipality by multiplying the normalized index number determined under subparagraph (K) of this paragraph by the amount remaining available for distribution under this paragraph.

(ii) From the amounts available as provided in paragraphs (a)(i) and (iii) of this section, each city or town shall receive amounts in accordance with a city and town revenue challenged formula as provided in this paragraph. The revenue challenged formula shall be calculated by the office of state lands and investments as follows:

(A) For each fiscal year, calculate the lowest quartile amount received by cities and towns on a per capita basis using amounts received under this section plus amounts distributed to each city and town using the sales and use tax distributions to each county attributable to fiscal year 2019 for distributions under this paragraph during fiscal year 2021 and the sales and use tax distributions to each county attributable to fiscal year 2020 for distributions under this paragraph during fiscal year 2022, including distributions to each municipality within that county, under W.S. 39-15-111 and 39-16-111, but excluding the distribution exclusively to counties under W.S. 39-15-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-15-104 and excluding the distribution exclusively to counties under W.S. 39-16-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-16-104;

(B) Determine each city or town that received a per capita amount that is less than the lowest quartile amount determined under subparagraph (A) of this paragraph;

(C) For each city or town that received a per capita amount that is less than the lowest quartile amount as provided in subparagraph (B) of this paragraph, determine the amount that would be necessary to increase the per capita amount distributed to that city or town to the lowest quartile amount determined under subparagraph (A) of this paragraph;

(D) Determine the amount to distribute to each city or town that received an amount that is less than the lowest quartile amount determined under subparagraph (A) of this paragraph by distributing the amount available under this paragraph on a pro rata basis, up to the lowest quartile amount, based on the amounts determined under subparagraph (C) of this paragraph.

[COUNTY DIRECT DISTRIBUTION ALLOCATIONS]

(c) Funds appropriated in paragraphs (a)(ii) and (iv) of this section are to be

distributed to counties with one-half (1/2) of the amount available distributed in the first fiscal year of the biennium and one-half (1/2) of the amount available distributed in the second fiscal year of the biennium. Distributions in each fiscal year shall be made in equal amounts on August 15 and January 15 of each fiscal year as calculated prior to the August 15 distribution. From these distributions each county shall receive the following:

(i) From these distributions each county with an assessed value for the prior tax year corresponding to the most recently completed calendar year of less than three hundred thousand dollars (\$300,000.00) per mill shall first receive an amount equal to three (3) times the difference between three hundred thousand dollars (\$300,000.00) and the actual value of one (1) mill within the county. From the remainder, each county shall receive amounts in accordance with a county supplemental funding formula as provided in this paragraph. The county supplemental funding formula shall be calculated by the office of state lands and investments as follows:

(A) For each fiscal year calculate the per capita sales and use tax revenues available to each county using the sales and use tax distributions to each county attributable to fiscal year 2019 for distributions under this subsection during fiscal year 2021 and the sales and use tax distributions to each county attributable to fiscal year 2020 for distributions under this subsection during fiscal year 2022, excluding distributions to each municipality within that county, under W.S. 39-15-111 and 39-16-111;

(B) Calculate the inverse by dividing one (1) by the per capita sales and use tax determined under subparagraph (A) of this paragraph for each county;

(C) Calculate the normalized per capita sales and use tax number for each county by dividing the number determined under subparagraph (B) of this paragraph for the county by the total of all inverse per capita sales and use tax numbers calculated under subparagraph (B) of this paragraph;

(D) Multiply the normalized per capita sales and use tax number determined under subparagraph (C) of this paragraph for each county by twenty-four percent (24%);

(E) For each fiscal year calculate the per capita assessed value for each county by dividing the total assessed valuation within the county for the prior tax year corresponding to the most recently completed calendar year by the population of the county;

(F) Calculate the inverse by dividing one (1) by the per capita assessed value determined under subparagraph (E) of this paragraph for each county;

(G) Calculate the normalized per capita assessed value number for each county by dividing the number determined under subparagraph (F) of this paragraph for the county by the total of all inverse per capita assessed value numbers calculated under subparagraph (F) of this paragraph;

(H) Multiply the normalized per capita assessed value number determined under subparagraph (G) of this paragraph for each county by seventy-six percent (76%);

(J) Calculate a cost of government index for each county, which shall be determined by multiplying six hundred twenty-eight (628) by the population of the county and then adding nine million nine hundred thousand (9,900,000) to the result;

(K) Calculate the normalized cost of government index number for each county by dividing the number determined under subparagraph (J) of this paragraph for the county by the total of all cost of government index numbers calculated under subparagraph (J) of this paragraph;

(M) Multiply the sum of subparagraphs (D) and (H) of this paragraph by the normalized cost of government index number determined in subparagraph (K) of this paragraph for each county;

(N) Calculate the normalized index for each county by dividing the number determined under subparagraph (M) of this paragraph for the county by the total of all numbers calculated under subparagraph (M) of this paragraph;

(O) Determine the amount to distribute to each county by multiplying the normalized index number determined under subparagraph (N) of this paragraph by the amount remaining available for distribution under this paragraph.

(d) For purposes of this section, population is to be determined by resort to the 2010 decennial federal census as reported by the economic analysis division within the department of administration and information.

(e) It is the intent of the legislature that the funds distributed under this section shall not be used for salary adjustments, additional personnel or increased personnel benefits.

**Section 2.** This act is effective July 1, 2020.

Approved March 10, 2020.

## Chapter 34

### PUBLIC DEFENDER-INDIGENCY STANDARDS

Original Senate File No. 13

AN ACT relating to criminal procedure; amending indigency qualification procedures and standards for public defender representation; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 7-6-102(a)(iv) and 7-6-106(b) and by creating new subsections

(f) through (h) are amended to read:

**7-6-102. Definitions.**

(a) As used in this act:

(iv) “Needy person” means a person who at the time of his need of an attorney is determined is unable to provide for the full payment of an attorney and all other necessary expenses of representation; without prejudicing his financial ability to provide basic economic necessities for himself or his family considering the person’s available funds and the anticipated cost of the attorney.

**7-6-106. Determination of need; reimbursement for services.**

(b) In determining whether a person is a needy person and in determining the extent of his inability to pay, and, in the case of an unemancipated minor, the inability to pay of his custodial parent or another person who has a legal obligation of support, the court shall consider the standards set forth in subsections (f) through (h) of this section and Rule 44(d), Wyoming Rules of Criminal Procedure. Release on bail does not necessarily prevent a person from being determined to be needy. In each case the person, subject to the penalties for perjury, shall certify in writing, or by other record, the material factors relating to his ability to pay as the court prescribes.

(f) The following income standards shall be used to determine whether a person is needy for purposes of this article:

(i) A person whose annual gross income is less than one hundred twenty-five percent (125%) of the current federally established poverty level for his immediate family unit is needy;

(ii) A person whose annual gross income is between one hundred twenty-five percent (125%) and two hundred eighteen percent (218%) of the current federally established poverty level for his immediate family unit may be deemed needy;

(iii) A person whose annual gross income is greater than two hundred eighteen percent (218%) of the current federally established poverty level for his immediate family unit shall not be deemed needy under this article.

(g) Notwithstanding subsection (f) of this section, a person may be deemed needy if the person is charged with a felony and the court, in its discretion, determines on the record after consideration of the standards set forth in Rule 44(d), Wyoming Rules of Criminal Procedure that extraordinary circumstances exist such that the person is entitled to representation.

(h) Notwithstanding subsection (f) of this section, a person shall be presumed needy if:

(i) He receives at least one (1) of the following types of public assistance:

(A) Temporary Assistance for Needy Families (TANF);



(B) Emergency Aid to Elderly, Disabled and Children (EAEDC);

(C) Poverty related veteran's benefits;

(D) Supplemental nutrition assistance program;

(E) Medicaid;

(F) Supplemental Security Income (SSI).

(ii) He resides in a public mental health facility and has no available funds or liquid assets;

(iii) He is serving a sentence in a state correctional institution and has no available funds or liquid assets; or

(iv) He is in custody in a county jail and has no available funds or liquid assets.

**Section 2.** This act is effective July 1, 2020.

Approved March 10, 2020.

## Chapter 35

### MINING PERMIT APPLICATIONS-OBJECTIONS

Original Senate File No. 44

AN ACT relating to environmental quality; amending and repealing provisions regarding objections to applications for mining permits; making conforming amendments; requiring rulemaking; repealing obsolete provisions; and providing for effective dates.

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

**Section 1.** W.S. 35-11-406(p) and by creating a new subsection (q) and 35-11-431(a)(vi) are amended to read:

**35-11-406. Application for permit; generally; denial; limitations.**

(p) The following objection procedure shall apply to applications for mining permits for coal:

(i) Any interested person has the right to file written objections to the application with the director within thirty (30) days after the last publication of the notice required in subsection (j) of this section. The director shall within five (5) business days forward any objection to the applicant and shall make objections available to the public;

(ii) If an informal conference is requested by the applicant or objector, the director shall hold the informal conference in the locality of the proposed operation within thirty (30) days after the final date for filing objections under paragraph (i) of this subsection unless a different period is stipulated to by the parties. The director shall publish notice of the time, date and location of the



informal conference in a newspaper of general circulation in the locality of the proposed operation at least two (2) weeks before the date of the informal conference;

(iii) The director shall render a decision on the application within thirty (30) days after completion of the notice period the deadline to file objections provided in paragraph (i) of this subsection if no informal conference or hearing is requested. If an the director holds an informal conference, is held; all parties to the conference shall be furnished with a copy of the final written decision of the director issuing or denying the permit within sixty (60) days of the conference. The applicant or objector may appeal the director's written decision after an informal conference to the council. If a hearing is held, the hearing shall be conducted as a contested case in accordance with the Wyoming Administrative Procedure Act and the council shall issue findings of fact and a decision on the application within sixty (60) days after the final hearing. The director shall issue or deny the permit no later than fifteen (15) days from receipt of any findings of fact and decision of the environmental quality council.

(iv) Notwithstanding W.S. 35-11-1001, only the applicant or an objector who participated in a hearing before the council may obtain judicial review of the council's decision.

(q) The following objection procedure shall apply for any other mining permit application:

(i) Any interested person has the right to file written objections to the administrator within thirty (30) days after the last publication of the notice required in subsection (j) of this section. The administrator shall within five (5) business days forward any objection to the applicant and shall make objections available to the public;

(ii) The administrator shall review all objections and shall forward a report and recommendations on the objections to the director. The director shall issue to the applicant and to any objector a final written decision issuing or denying the permit within thirty (30) days after the deadline to file objections provided in paragraph (i) of this subsection;

(iii) The applicant or objector may appeal the director's written decision to the council. If a hearing is held, the council shall issue findings of fact and a decision within sixty (60) days after the final hearing;

(iv) A person who does not object as provided under this subsection has no right of appeal.

#### **35-11-431. Research and development license; renewal; application.**

(a) A special license to conduct research and development testing may be issued by the administrator for a one (1) year period without a permit and may be renewed annually. An application for a research and development testing

license shall be accompanied by a fee of twenty-five dollars (\$25.00) and shall include:

(vi) All requirements of W.S. 35-11-406(j) and ~~(k)~~ 35-11-406(p) or (q); and

**Section 2.** W.S. 35-11-406(k) and (m)(x) is repealed.

**Section 3.** The department of environmental quality and environmental quality council shall promulgate any rules necessary to implement the provisions of this act.

**Section 4.** This act is effective July 1, 2020.

Approved March 10, 2020.

## Chapter 36

### PUBLIC RECORDS-AMENDMENTS

#### Original Senate File No. 82

AN ACT relating to public records; amending provisions related to the designated public records person and ombudsman; specifying gubernatorial appointment of the ombudsman; amending salary reporting requirements for certain governmental entities; amending compilation and formatting requirements; defining terms; clarifying and modifying the release of agricultural information and rulemaking authority; and providing for an effective date.

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

**Section 1.** W.S. 15-1-110(b)(i), 16-4-201(a) by creating a new paragraph (xiv) and by creating a new subsection (c), 16-4-202(a), (d)(ii), (iii) and (e), 16-4-203(d)(xiv)(intro) and 18-3-516(b)(i) are amended to read:

**15-1-110. Minutes of meetings and titles of ordinances passed to be published; exception; contents; publication of salary information of specified officials and employees.**

(b) A city or town required to publish minutes under subsection (a) of this section shall separately publish:

(i) Within sixty (60) days after the end of each fiscal year, the name, position, and ~~gross monthly base annual~~ salary of and amount of overtime pay paid to each full-time employee and each elected official. A brief statement shall accompany the salary publication specifying that all salaries are listed as ~~gross monthly base annual~~ salaries or actual ~~monthly~~ wages, not including any ~~fringe~~ benefits such as health insurance costs, life insurance benefits and pension plans. The statement shall also indicate that ~~the salaries or wages do not include~~ any overtime the employee ~~may earn which would be earned and was paid by the city or town is included~~;

**16-4-201. Definitions; short title; designation of ombudsman.**

(a) As used in this act:

(xiv) "Ombudsman" means the person designated by the governor as required by subsection (c) of this section.

(c) The governor shall designate an ombudsman for purposes of this act. The ombudsman shall:

(i) Receive complaints as provided under this act;

(ii) Upon request of either party, mediate disputes between a governmental entity and an applicant for a public record;

(iii) Keep confidential all records submitted by a governmental entity;

(iv) Provide uniform interpretation and training on the ombudsman's role and recommendations under this act to governmental entities and the general public;

(v) Have other authority and duties as provided in this act.

**16-4-202. Right of inspection; rules and regulations; unavailability; training.**

(a) All public records shall be open for inspection by any person at reasonable times, during business hours of the governmental entity, except as provided in this act or as otherwise provided by law, but the ~~official custodian of any public records~~ governmental entity 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~~ governmental entity. All applications for public records shall be made to the designated public records person.

(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) A governmental entity shall provide an electronic record, if requested, in alternative ~~formats~~ electronic file types unless doing so is impractical or impossible;

(iii) 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 governmental entity's ability to discharge its duties;~~

(e) Each governmental entity shall designate a person to receive all applications for public records. The designated public records person shall be an employee, officer, contractor or agent of the governmental entity. 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.**

(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, a surface or subsurface resource 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 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:

**18-3-516. Publication of proceedings; publication of salary information of certain officials and employees.**

(b) Each board of county commissioners shall post on the county's official website in the manner provided in subsection (f) of this section and publish separate from the minutes of the proceedings:

(i) Within sixty (60) days after the end of each fiscal year, the name, position, ~~and gross monthly base annual~~ salary of ~~and amount of overtime pay paid to~~ each full-time employee and each elected official. A brief statement shall accompany the salary publication specifying that all salaries are listed as ~~gross monthly base annual~~ salaries or actual ~~monthly~~ wages, not including any ~~fringe~~ benefits such as health insurance costs, life insurance benefits and pension plans. The statement shall also indicate that ~~the salaries or wages do not include~~ any overtime that the employee ~~may earn which would be earned and was paid~~ by the county is included.

**Section 2.** This act is effective July 1, 2020.

Approved March 10, 2020.

## Chapter 37

### BUDGET AND FINANCIAL DATA REPORTING

Original Senate File No. 83

AN ACT relating to the administration of government; amending requirements for the Wyoming public finance and expenditure of funds website; and providing for an effective date.

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

**Section 1.** W.S. 9-2-1035(a)(iv) and (vi), 9-2-1036(b)(i), (c)(iii), (d)(ii)(intro), (A)(III), (f), (g)(ii), (iii) and by creating a new subsection (h) and 9-2-1037(a)(ii) are amended to read:

**9-2-1035. Definitions.**

(a) As used in this act:

(iv) "Participating state entity" or "state entity" means the state of Wyoming government including the executive, legislative and judicial branches of government, the University of Wyoming and any department, division, agency, board, commission or other instrumentality of those branches; ~~For purposes of W.S. 9-2-1036(b)(viii), "state entity" shall also include the University of Wyoming;~~

(vi) "Local government entity" means any county, municipality, joint powers board, ~~or airport board, community college district, school district,~~ special district and any other political subdivision of Wyoming;

**9-2-1036. Wyoming public finance and expenditure of funds website.**

(b) The purpose of the Wyoming public finance and expenditure of funds website is to:

(i) Permit Wyoming taxpayers to view and track the use of taxpayer dollars by making participating state entities' and local government entities' public financial information available on the internet;

(c) The department shall:

(iii) Coordinate and process the receipt and posting of public financial information from participating state entities and local government entities.

(d) The department may:

(ii) Determine what public financial information shall be provided by participating state entities and local government entities, provided that the public financial information:

(A) Only includes records that:

(III) Are owned, held or administered by the participating state entity or local government entity that is required to provide the record.

(f) Not later than January 1, 2010, the website shall be operational and permit access to the public financial information of participating state entities. Not later than June 30, 2012 the website shall incorporate features implementing the provisions of paragraph (b)(viii) of this section. Not later than July 1, 2020 the website shall permit access to the public financial information of local government entities.

(g) The state chief information officer shall provide an annual report to the committee on all initiatives, projects and expenditures under this act.

Beginning July 1, 2013, the annual report shall include:

(ii) For each state and local government entity subject to a lodged concern, the number of concerns lodged and number of citizens lodging concerns;

(iii) For each state and local government entity which is the subject of a concern, a summary of the complaint and any action the entity reports to the department that was taken in response to the complaint.

(h) A local government entity shall permit the public to view the public financial information of the local government entity via the website, beginning with information that is generated on or after July 1, 2019.

**9-2-1037. Rulemaking authority.**

(a) The department shall adopt rules to:

(ii) Define the term “public financial information” as it applies to participating state entities and local government entities in accordance with the provisions of this act; and

**Section 2.** The department of administration and information shall promulgate any rules necessary to implement 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 March 10, 2020.

## Chapter 38

### WYOMING POLLUTION DISCHARGE ELIMINATION SYSTEM FEES

Original Senate File No. 60

AN ACT relating to environmental quality; increasing fees for Wyoming pollution discharge elimination system permits; and providing for an effective date.

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

**Section 1.** W.S. 35-11-312(a) is amended to read:

**35-11-312. Fees.**

(a) The department shall implement a surface water point source discharge permit fee system for each permit issued pursuant to W.S. 35-11-302(a)(v). The department shall assess an annual permit fee of ~~one hundred dollars (\$100.00)~~ two hundred dollars (\$200.00) for each Wyoming pollution discharge elimination system permit and for each permit authorization held by any person under W.S. 35-11-301. All payment of permit fees shall be received prior to processing and issuance of the permit. Permit fees shall not be prorated and are nonrefundable upon permit modification, termination or expiration.

The department shall prepare a biennium report on the fee system for review by the joint minerals, business and economic development interim committee by October 31 of the year prior to the Wyoming legislative budget session.

**Section 2.** This act is effective July 1, 2020.

Approved March 10, 2020.

## Chapter 39

### PRESCRIPTION TRACKING PROGRAM

Original Senate File No. 77

AN ACT relating to controlled substances; authorizing the board of pharmacy to release information from the prescription tracking program as specified; and providing for an effective date.

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

**Section 1.** W.S. 35-7-1060(c)(v) and by creating a new paragraph (vii) is amended to read:

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

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

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

(vii) The board may establish data sharing agreements for purposes of this section and may release information to participating states when the release of the information may be of assistance in preventing or avoiding inappropriate use of controlled substances.

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

Approved March 10, 2020.

## Chapter 40

### HATHAWAY NEED-BASED SCHOLARSHIPS-GRADUATE SCHOOL

Original Senate File No. 17

AN ACT relating to the Hathaway scholarship program; limiting Hathaway need-based scholarships for graduate school; and providing for an effective date.

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

**Section 1.** W.S. 21-16-1306(a)(i) by creating a new subparagraph (D) is amended to read:

**21-16-1306. Need based scholarships.**

(a) In addition to scholarships made available under W.S. 21-16-1304 and 21-16-1305 there shall be made available a need based Hathaway scholarship as follows:

(i) The scholarship shall be available only to students qualifying for a scholarship under W.S. 21-16-1304 or 21-16-1305 and for federal financial aid. The scholarships under this section shall be computed and awarded as follows:

(D) For a student enrolled in a graduate degree program, an annual award provided under this section shall not exceed the University of Wyoming's undergraduate cost of attendance for the applicable year less two thousand dollars (\$2,000.00).

**Section 2.** This act is effective July 1, 2022.

Approved March 10, 2020.

## Chapter 41

### COAL FIRED ELECTRIC GENERATION FACILITIES

#### Original Senate File No. 21

AN ACT relating to public utilities; amending authority of the public service commission as specified; providing authority to purchasers of retiring coal fired power plants as specified; amending limitations on retiring facilities; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 37-2-133(a) and by creating new subsections (f) through (h) and 37-3-117(a) are amended 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) Except as otherwise provided in this section, 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. 37-3-117.

(f) A person purchasing an otherwise retiring coal fired electric generation facility may sell electricity generated by the facility to the electric public utility selling the otherwise retiring coal fired electric generation facility, except for a cooperative or municipal public utility, for the benefit of a retail customer



located in the existing service territory of that electric public utility provided that the customer has more than one (1) megawatt average demand and takes service at a primary or transmission voltage level.

(g) If an electric utility purchases electricity from the owner of an otherwise retiring coal fired electric generation facility for the benefit of an eligible retail customer, the utility serving that eligible retail customer shall purchase the electricity at a cost and under terms and conditions that are acceptable to and negotiated between the customer and the owner of the otherwise retiring coal fired electric generation facility. The electric public utility shall pass that cost through to the customer without markup or modification except:

(i) For the collection of applicable taxes and the appropriate uniform assessment, which shall be collected pursuant to W.S. 37-2-106 through 37-2-109;

(ii) To ensure other Wyoming customers are not negatively impacted by the arrangement provided for in this subsection and subsection (f) of this section, the commission shall also authorize the utility to impose additional charges on participating retail customers to the extent the commission determines that a sale of electricity under this subsection and subsection (f) of this section will result in the utility experiencing incremental stranded generation capacity costs or other incremental costs except for the cost of any undepreciated investments associated with the otherwise retiring coal fired electric generation facility.

(h) An eligible retail customer under subsection (g) of this section shall only receive electricity as provided in subsection (g) of this section from the owner of an otherwise retiring coal fired electric generation facility if the customer also purchases partial requirements or equivalent service from the electric public utility under rates, terms and conditions set by the commission to compensate the public utility for its costs.

**37-3-117. 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:;

(i) Any electric public utility seeking to retire a coal fired electric generation facility shall first make a good faith effort to sell the facility for continued use as a coal fired electric generation facility;

(ii) 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.

**Section 2.** This act shall apply to coal fired electric generation facilities retiring on or after July 1, 2021.

**Section 3.** This act is effective July 1, 2021.

Approved March 10, 2020.

## Chapter 42

### SOLID WASTE CEASE AND TRANSFER PROGRAM FUNDING

#### Original Senate File No. 48

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; specifying expenditures for a carcass management project; providing definitions; repealing a prior list of priority cease and transfer projects; requiring 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 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 project.

(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), 2019 Wyoming Session Laws, Chapter 80, Section 323(c) and (d), 2019 Wyoming Session Laws, Chapter 67, Section 1 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	Carcass management project	\$ 100,000
2	Upton, Town of (T)	\$1,300,000
3	Newcastle, City of (T)	\$1,200,000
4	Moorcroft, Town of – Moorcroft #3 (T)	\$1,500,000
5	Glenrock, Town of (C)	\$1,600,000
6	Big Horn County SWDD –North #2 (T)	\$1,500,000
7	Thermopolis, Town of (T)	\$2,000,000
8	Hulett, Town of (C)	\$1,088,000
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) Any municipal solid waste facility operator may apply for the funds associated with the carcass management project listed as priority 1 in subsection (b) of this section. Funds for the carcass management project shall be expended only for infrastructure necessary to haul or compost dead animals. Funds expended under this subsection shall not exceed the amount listed in priority 1 in subsection (b) of this section.

(d) 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.

(e) Not later than October 15 of each year, the department of environmental quality shall report:

(i) 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;

(ii) The names of recipients and amounts expended for the carcass management project established in priority 1 in subsection (b) and subsection (c) of this section to the joint minerals, business and economic development interim committee.

**Section 2.** 2019 Wyoming Session Laws, Chapter 26 is repealed.

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

Approved March 10, 2020.

## Chapter 43

### SCHOOL DISTRICT PROCUREMENT

#### Original Senate File No. 16

AN ACT relating to school districts; amending procurement requirements; providing applicability; and providing for an effective date.

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

**Section 1.** W.S. 21-3-110(a)(viii) is amended to read:

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

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

(viii) Obtain competitive bids when any purchase of insurance, supplies or materials other than textbooks costing more than ~~ten thousand dollars (\$10,000.00)~~ twenty-five thousand dollars (\$25,000.00) and less than ~~twenty-five thousand dollars (\$25,000.00)~~ fifty thousand dollars (\$50,000.00) 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)~~ fifty thousand dollars (\$50,000.00), 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 July 1, 2020.

Approved March 10, 2020.

## Chapter 44

### AD VALOREM-CONFIDENTIALITY EXCEPTION

Original Senate File No. 19

AN ACT relating to ad valorem taxation; authorizing the release of limited taxpayer information as specified; and providing for an effective date.

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

**Section 1.** W.S. 39-13-102(q)(ii) by creating a new subparagraph (E) is amended to read:

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

(q) Confidentiality. The following shall apply:

(ii) Without written authorization from the taxpayer, no current or former official, officer, employee or agent of the state of Wyoming or any political subdivision thereof shall release taxpayer returns and return information pertaining to taxes imposed by this chapter, except:

(E) An itemized list of the taxpayer's taxable tangible personal property provided to the assessor pursuant to W.S. 39-13-107(a)(i) may be disclosed to a new owner of property that is the subject of the taxpayer's returns or return information upon a transfer of that taxable tangible personal property to the new owner.

**Section 2.** This act is effective July 1, 2020.

Approved March 10, 2020.

**Chapter 45****INSURANCE CODE UPDATES**

Original Senate File No. 23

AN ACT relating to insurance; expanding the authority to transmit certain insurance notices or documents electronically; modifying provisions governing nonadmitted insurance; imposing additional requirements on the selection of members of the Wyoming health and life guarantee association board of directors; authorizing a service fee on surplus lines brokers; and providing for an effective date.

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

**Section 1.** W.S. 26-3-501, 26-3-503(a)(intro), 26-11-102(a)(intro), 26-11-103(a)(i), (v), (xiv), (xviii) and (xix), 26-11-104(a)(intro), (i), (ii) and (iii)(A), 26-11-105(b), 26-11-106(a), 26-11-107(d) and by creating a new subsection (h), 26-11-109(a) and (b)(intro), 26-11-110, 26-11-115, 26-11-117(a), (b)(intro) and (c), 26-11-118(e) and by creating a new subsection (j), 26-11-120(c), 26-11-124(a), (b) and by creating a new subsection (d) and 26-42-105(a) are amended to read:

**26-3-501. Applicability.**

(a) This article shall apply ~~only~~ to property and casualty insurance, life insurance and disability insurance, including:-

(i) Accident only insurance;

(ii) Accidental death or dismemberment insurance;

(iii) Credit insurance;

(iv) Dental or vision care insurance;

(v) Medicare supplemental insurance as defined by section 1882(g)(i) of the federal Social Security Act;

(vi) Long-term care insurance, including nursing home fixed indemnity insurance;

(vii) Disability income or a combination of accident only and disability income insurance;

(viii) Insurance issued as a supplement to liability insurance;

(ix) Specified disease insurance;

(x) Workers' compensation insurance;

(xi) Medical payment insurance coverage provided under a motor vehicle insurance policy;

(xii) Hospital confinement indemnity insurance;

(xiii) Limited benefit insurance that is offered and marketed as supplemental health insurance and not as a substitute for hospital or medical insurance or major medical expense insurance.

**26-3-503. Posting of policies on the internet.**

(a) Notwithstanding any other provisions of W.S. 26-3-502, standard ~~property and casualty~~ insurance policies and endorsements to which this article is applicable that do not contain personally identifiable information may be mailed, delivered or posted on the insurer's web site. If the insurer elects to post insurance policies and endorsements on its web site in lieu of mailing or delivering them to the insured, it shall comply with all of the following conditions:

**26-11-102. Home state regulation of nonadmitted insurance; exemptions.**

(a) This chapter does not apply to reinsurance or to the following insurances when placed by licensed ~~agents~~ insurance producers or surplus ~~line~~ lines brokers of this state or when procured directly by an insured from a nonadmitted insurer:

**26-11-103. Definitions.**

(a) As used in this chapter:

(i) "Admitted insurer" means an insurer ~~licensed~~ authorized to ~~engage in~~ transact the business of insurance in this state;

(v) "Nonadmitted insurance" means any property and casualty, accident and health or sickness or disability insurance permitted to be placed directly or through a surplus lines broker with a nonadmitted insurer eligible to accept the insurance;

(xiv) "Nonadmitted insurer" means with respect to a state, an insurer not ~~licensed~~ authorized to ~~engage in~~ transact the business of insurance in the state, but does not include a health maintenance organization or a risk retention group as that term is defined in section 2(a)(4) of the Liability Risk Retention Act of 1986, 15 U.S.C. 3901(a)(4);

(xviii) "Qualified risk manager" means with respect to a policyholder of commercial insurance, a person who meets all of the requirements set forth by department rule and regulation, which requirements shall be in compliance with the Nonadmitted and Reinsurance Reform Act of 2010 or subsequent similar federal enactment;

(xix) "Surplus lines broker" means an individual or business entity which is licensed in a state to sell, solicit or negotiate insurance ~~on properties, risks or exposures located or to be performed in a state~~ with nonadmitted insurers;

**26-11-104. Conditions for export.**

(a) If certain insurance coverages cannot be procured from ~~authorized~~ admitted insurers, those coverages, designated in this chapter as "surplus lines", may be procured from nonadmitted insurers, subject to the following conditions:

(i) The insurance shall be procured through a licensed surplus ~~line~~lines broker;

(ii) The full amount of insurance required is not procurable, after diligent effort has been made by the insurance producer to do so, from among the admitted insurers authorized to transact and actually writing that kind and class type of insurance in this state, and the amount of insurance exported shall be only the excess over the amount procurable from ~~authorized~~admitted insurers. The surplus lines broker shall verify that a properly conducted diligent effort search was performed and documented as prescribed by the commissioner;

(iii) The insurance shall not be exported for the purpose of securing advantages either as to:

(A) A lower premium rate than would be accepted by an authorized admitted insurer; or

**26-11-105. Surplus lines transaction report.**

(b) The report shall be ~~on forms~~in the form and manner prescribed by the commissioner.

**26-11-106. Open lines for export.**

(a) The commissioner, by order, may declare eligible for export generally and without compliance with W.S. 26-11-104(a)(ii) and (iii), any class type of insurance coverage or risk for which he finds, after notice and a hearing, ~~of which notice is given to each insurer authorized to transact those classes in this state,~~ that there is not a reasonable or adequate market among authorized admitted insurers either as to acceptance of the risk, contract terms, premium or premium rate. The order shall continue in effect during the existence of the conditions upon which predicated, but subject to the commissioner's earlier termination.

**26-11-107. Requirements for eligible nonadmitted insurers; publication of eligible insurers.**

(d) The commissioner ~~from time to time~~ may publish create and maintain a list of all surplus lines nonadmitted insurers ~~he deems that qualify as~~ eligible currently and shall mail a copy of the list to each broker at his office last of record ~~with the commissioner nonadmitted insurers in Wyoming. To qualify for inclusion on the list, the nonadmitted insurer shall annually file an application with the commissioner and any other appropriate information as required by the commissioner.~~ This subsection does not obligate the commissioner to determine the actual financial condition or claims practices of any nonadmitted insurer. The status of eligibility, if granted by the commissioner, indicates only that the insurer appears to be sound financially and to have satisfactory claims practices, and that the commissioner has no credible evidence to the contrary. While any such list is in effect the surplus lines broker shall restrict to the



insurers listed all surplus line business he places.

(h) Insurance policy rate and form filings applicable to admitted insurers do not apply to nonadmitted insurers issuing policies under the provisions of this chapter.

**26-11-109. Required information on surplus lines contracts; duty to notify insured.**

(a) ~~Any~~Every new or renewed insurance contract, certificate, cover note or other confirmation of insurance that is procured and delivered as a surplus lines coverage pursuant to this chapter shall have stamped or printed upon it, in at least ten (10) point bold type font, the name and address of the surplus ~~line~~lines broker who procured the coverage, and the following disclosure: “This insurance contract is issued pursuant to the Wyoming Nonadmitted Insurance Laws by an insurer neither licensed by nor under the jurisdiction of the Wyoming Insurance Department. In the event of insolvency of the surplus lines insurer, losses will not be paid by the Wyoming Insurance Guaranty Association or the Wyoming Life and Health Guarantee Association.”

(b) ~~No contract of insurance placed by a surplus lines broker under this chapter shall be binding upon the insured and no premium charged shall be due and payable until the surplus lines broker shall have notified the insured in writing. The insurance producer shall give written notice to every person applying for insurance with a nonadmitted insurer prior to placement. The notice shall provide the disclosure required by subsection (a) of this section and any additional information required by the commissioner. The applicant shall sign and date a copy of the notice acknowledging receipt. The notice shall be in a form acceptable to the commissioner, a signed copy of which shall be maintained by the surplus lines broker with the records of the contract and available for possible examination, that: by the commissioner.~~

**26-11-110. Enforceability and validity of nonadmitted insurance.**

Insurance contracts procured from ~~unauthorized~~nonadmitted insurers in accordance with this chapter are fully valid and enforceable as to all parties and shall be given recognition in all matters and respects to the same effect as like contracts issued by ~~authorized~~admitted insurers.

**26-11-115. Surplus lines broker may accept and place business from producers.**

A licensed surplus ~~line~~lines broker may accept and place surplus line business for any insurance ~~agent~~producer licensed in this state for the kind of insurance involved and may compensate the ~~agent~~producer therefor.

**26-11-117. Surplus lines broker affidavit report.**

(a) Each surplus lines broker, ~~annually~~, on or before ~~March 1~~February 15, May 15, August 15 and November 15 of each year, if applicable, shall file with

the commissioner ~~a verified an affidavit report of verifying that~~ all surplus ~~line lines~~ insurance ~~he~~ transacted during the preceding calendar ~~year~~ quarter has been submitted as required by the commissioner.

(b) The ~~affidavit report of the surplus lines broker shall be on forms in the form and manner~~ the commissioner prescribes, ~~and The report shall show:~~ include a statement as to the diligent efforts made to place the coverage with admitted insurers, the results thereof and any additional information required by the commissioner.

(c) ~~More frequent~~ An alternative reporting and tax payment period may be required by participation in a multistate compact, reciprocal agreement or clearinghouse pursuant to W.S. 26-11-123.

#### **26-11-118. Tax on surplus lines.**

(e) ~~Annually, on or before March 1, At the time of filing an affidavit report required by W.S. 26-11-117, each surplus lines broker shall pay the premium tax due for the policies written during the preceding each~~ calendar year ~~as shown by his annual report filed with quarter's business as reported, in the manner prescribed by the commissioner, unless more frequent~~ An alternative reporting and payment ~~is~~ period may be required by participation in a multistate compact, reciprocal agreement or clearinghouse pursuant to subsection (g) of this section. The surplus lines broker shall pay interest on the amount of any delinquent tax due, at the rate of nine percent (9%) per year, compounded annually, beginning the day the amount becomes delinquent.

(j) The clearinghouse is authorized to collect from the surplus lines broker a reasonable service fee, as approved by the commissioner, as a percentage of total gross premiums of each surplus lines policy or document reported under this chapter to cover the cost of administrative services of the clearinghouse. The service fee shall be paid by the insured.

#### **26-11-120. Service of process against nonadmitted insurer.**

(c) ~~An unauthorized~~ A nonadmitted insurer issuing a policy is deemed to have authorized service of process against it in the manner and to the effect provided in this section. The policy shall contain a provision stating the substance of this section and designating the person to whom the commissioner shall mail process as provided in subsection (b) of this section.

#### **26-11-124. Independently procured insurance; duty to report and pay tax.**

(a) Each insured ~~in whose home state is this state and who independently~~ procures, continues or renews insurance with a nonadmitted insurer, on properties, risks or exposures located or to be performed in whole or in part in this state, other than insurance procured through a surplus lines broker, shall, within forty-five (45) days after the date the insurance was so procured, continued or renewed, file a report with the commissioner, ~~upon forms in the~~

form and manner prescribed by the commissioner, showing the name and address of the insured or insureds, name and address of the insurer, the subject of insurance, a general description of the coverage, the amount of premium currently charged and additional pertinent information requested by the commissioner.

~~(b) At the time of filing the report required in subsection (a) of this section; The insured is subject to the same tax and clearinghouse service fee payment requirements as apply to a surplus lines broker in W.S. 26-11-118.~~

~~(d) This section does not authorize independent procurement of accident and health or sickness or disability insurance.~~

**26-42-105. Board of directors.**

(a) The board of directors of the association consists of not less than five (5) nor more than nine (9) member insurers serving terms as established in the plan of operation provided by W.S. 26-42-108. Membership on the board shall be subject to the following:

~~(i) The members of the board are~~ shall be selected by member insurers subject to the approval of the commissioner;

~~(ii) A majority of the members shall be domestic insurers. If there are not enough domestic insurers for a majority, then all domestic insurers shall be on the board. The domestic insurers shall hold the positions of chairman and at least one (1) other officer position on the board if possible;~~

~~(iii) Each member insurer selected shall identify the individual representing the member insurer on the board and shall provide the individual's name, address, biographical information and position in an affidavit to the commissioner for review and approval;~~

~~(iv) Vacancies on the board are~~ shall be filled for the remaining period of the term by a majority vote of the remaining board members subject to the approval of the commissioner.

**Section 2.** W.S. 26-11-102(a)(ii), 26-11-103(a)(ii), 26-11-106(b) and (c), 26-11-109(b)(i) and (ii) and 26-11-117(b)(ii) through (vii) and (d) are repealed.

**Section 3.** This act is effective July 1, 2020.

Approved March 10, 2020.

**Chapter 46****STATE EMPLOYEES' AND OFFICIALS' GROUP INSURANCE**

Original Senate File No. 24

AN ACT relating to insurance; requiring the state employees' and officials' group insurance program to be administered in accordance with insurance laws and regulations as specified; modifying a definition regarding coverage; authorizing rulemaking; and providing for an effective date.

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

**Section 1.** W.S. 9-3-203(a)(iii), 9-3-205(a)(intro), (iii), (vi) and (c) and 26-2-110 by creating a new subsection (e) are amended to read:

**9-3-203. Definitions.**

(a) As used in this act:

(iii) "Dependent" means an employee's spouse; and each unmarried child under the age of ~~eighteen (18)~~ twenty-six (26) years, including adopted children, stepchildren and foster children, ~~and each unmarried child between the age of eighteen (18) and twenty-three (23) years who is a full-time student in an accredited educational or vocational institution, and for whom the employee is the major source of financial support.~~ "Dependent" includes an otherwise qualified dependent of a deceased employee as provided in W.S. 9-3-209(d);

**9-3-205. Administration and management of group insurance program; powers and duties; adoption of rules and regulations; interfund borrowing authority.**

(a) The department shall administer and manage the state employees' and officials' group insurance program ~~and, in accordance with all provisions of title 26 of the Wyoming statutes governing group health benefit plans and rules promulgated thereto.~~ The department, subject to the provisions of this act:

(iii) Shall determine the methods of claims administration, consistent with title 26 of the Wyoming statutes, under group insurance or supplemental plans, whether by the state or carrier or both;

(vi) Shall establish a procedure by which the department shall hear complaints by insured employees concerning the allowance and payment of claims, eligibility for coverage and other matters. The department shall take into consideration the authority of the department of insurance to investigate complaints pursuant to title 26 of the Wyoming statutes when establishing this procedure. Unless otherwise provided in the group insurance or supplemental plan or plans, any decision of the department upon complaints is not binding upon either the employee or carrier and the provisions of the Wyoming Administrative Procedure Act shall not apply to the proceedings. The group insurance or supplemental plan or plans may provide that the decision of the department shall be binding upon both the employee and the carrier as to

certain disputes and in such event the procedure adopted by the department shall conform to the provisions of the Wyoming Administrative Procedure Act;

(c) For the purposes of determining financial condition, ability to fulfill and the manner of fulfillment of its statutory duties, the nature of its operations and compliance with law, the insurance commissioner shall examine the affairs, accounts, records and assets of the Wyoming state employees' and officials' group insurance plan, as often as he deems advisable but not less frequently than every three (3) years. The insurance commissioner may adopt rules consistent with the provisions of this act and title 26 of the Wyoming statutes to identify procedures for conducting examinations of the Wyoming state employees' and officials' group insurance program.

**26-2-110. Rules and regulations.**

(e) The commissioner may promulgate rules to identify procedures for conducting examinations of the Wyoming state employees' and officials' group insurance program in accordance with W.S. 9-3-205(c).

**Section 2.** This act is effective July 1, 2020.

Approved March 10, 2020.

## Chapter 47

### HEALTH INSURANCE COSTS-BUNDLED PAYMENT STUDY

Original Senate File No. 38

AN ACT relating to state health insurance; requiring the department of administration and information to study and make recommendations for bundled payments to health care providers under the state employees' and officials' group health insurance plan; requiring a report; and providing for an effective date.

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

**Section 1.**

(a) The department of administration and information shall complete an assessment of its claims experience in the state employees' and officials' group insurance plan to identify potential costs savings that could be gained by entering into bundled payment arrangements with Wyoming hospitals or other Wyoming health care providers. Among other appropriate categories, the department shall consider and study bundled payments for high volume procedures and diagnoses and other diagnoses and procedures that are high cost.

(b) In consultation with Wyoming providers, the department of administration and information shall develop a proposed amendment to the state employees' and officials' group health insurance plan that would implement any viable bundled payment cost saving measures identified pursuant to subsection (a) of

this section and that would:

(i) Allow agreements with health care providers who agree to accept bundled payments that provide for volume guarantees or other terms beneficial to the health care providers;

(ii) Allow discounted copayments or other incentives for plan enrollees who agree to receive care from health care providers who accept bundled payment arrangements;

(iii) The department may create and maintain a network of providers who accept bundled payments and maintain ownership of that network.

(c) The department of administration and information shall recommend a procedure for implementation of the proposed amendment to the state employees' and officials' group insurance plan.

(d) The department of administration and information shall study and identify any potential savings to the state that could result from implementation of the proposed amendment to the state employees' and officials' group insurance plan.

(e) The department of administration and information shall recommend any changes to Wyoming law that would be necessary or advisable for implementation of the proposed plan amendment.

(f) The department of administration and information may make any other recommendations that it deems prudent or advisable.

(g) The department of administration and information shall make a report of the findings and recommendations required under this act to the joint labor, health and social services interim committee not later than August 31, 2021.

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

Approved March 10, 2020.

## Chapter 48

### ANIMAL DAMAGE MANAGEMENT FUNDING

#### Original Senate File No. 41

AN ACT relating to wildlife; increasing the request for funding for animal damage management from the game and fish commission; requiring the game and fish commission to recommend expenditures; clarifying who can request funding; establishing a fee for animal damage management funding; repealing provisions related to the wildlife damage management stamp; and providing for an effective date.

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

**Section 1.** W.S. 11-6-202(a)(v), 11-6-307, 11-6-309(a), 23-1-302(j) and

23-2-101 by creating a new subsection (p) are amended to read:

**11-6-202. Administration of districts by district boards; number and qualifications of members; term; filling of vacancies; removal.**

(a) The affairs of each district shall be administered by a board of directors, each of whom shall be a bona fide resident of Wyoming. Directors for the positions identified in paragraphs (i) and (ii) of this subsection shall be elected at an annual meeting of district livestock owners. Directors for the positions identified in paragraphs (iv) and (v) of this subsection shall be appointed as described. The composition of the board shall be as follows:

(v) If the board of directors determines state funds are necessary for an effective predator management program to assure the statutory requirements provided in W.S. 11-6-205 are fulfilled and state funds are appropriated and received for that purpose, then three (3) directors representing sportsmen and hunters from the district shall be appointed to the board of directors by the county commissioners serving the local district. Sportsmen and hunter representatives shall be bona fide residents of the district not engaged in raising sheep or cattle and shall hold or have held ~~either a valid Wyoming fishing or hunting license or a Wyoming wildlife damage management stamp~~ within the preceding twelve (12) month period. County commissioners, to the greatest extent practical, shall select sportsmen and hunter representatives to ensure representation from as broad a geographic distribution of the district as possible. The county commissioners shall determine who of the three (3) sportsmen and hunter directors appointed to a board under this paragraph shall serve an initial term of one (1) year, who shall serve an initial term of (2) years and who shall serve a term of three (3) years. Thereafter, each term shall be for three (3) years.

**11-6-307. Board to request funding from game and fish commission.**

The board shall annually request ~~one hundred thousand dollars (\$100,000.00)~~ two hundred thousand dollars (\$200,000.00) from the Wyoming game and fish commission. These funds shall be expended for wildlife priorities. The game and fish commission ~~may~~ shall provide recommendations to the board regarding expenditure of these funds. Priority shall be given to projects that directly involve predator control that will have the greatest benefit to wildlife or will reduce the cost to the department for animal damage payments.

**11-6-309. Predator management district participation with the ADMB.**

(a) Except as provided in subsection (b) of this section, if the predator management district has elected to participate in providing funding or upon approval of the ADMB, other in-kind resources, to the animal damage management account, the district may solicit funds or receive services from the ADMB under separate negotiated agreement. Two (2) or more districts may jointly solicit funds or receive services from the ADMB for purposes of



this section.

**23-1-302. Powers and duties.**

(j) For the purpose of attaining and maintaining wildlife management objectives, the commission may designate funds not to exceed four percent (4%) of all license fees under this title annually plus any amount collected under W.S. 23-2-101(p) to be used for management and control of predator populations.

**23-2-101. Fees; restrictions; nonresident application fee; nonresident licenses; verification of residency required.**

(p) In addition to other fees under this section, persons applying for a license or tag under this section may pay a voluntary fee of two dollars (\$2.00) or any greater amount to fund predator control activities in the state. The department shall provide information on the license or tag application form that the applicant may pay the fee under this subsection. Any voluntary fees collected pursuant to this subsection shall be deposited in a separate account within the game and fish fund and shall only be expended as determined by the commission for management and control of predator populations and depredating animals. The commission may consider projects that mitigate damage caused to livestock, wildlife and crops by predatory animals, predacious birds and depredating animals or for the protection of human health and safety and may also use these funds for the purposes specified in W.S. 11-6-307 and 23-1-901. As used in this subsection, “depredating animal” means any trophy game animal or furbearing animal that causes damage.

**Section 2.** W.S. 11-6-305(a) and (b) is repealed.

**Section 3.** This act is effective January 1, 2021.

Approved March 10, 2020.

## Chapter 49

### WYOMING ENERGY AUTHORITY-AMENDMENTS

#### Original House Bill No. 3

AN ACT relating to public utilities; amending provisions of the Wyoming energy authority; providing for additional qualifications for energy authority members; amending ex officio members and powers of the authority; amending bonding requirements; repealing a bonding provision; amending definitions; providing the energy authority limited authority to execute administrative obligations 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. 37-5-501(a)(v), 37-5-502(b), (c)(intro), (i), (ii) and (iv), 37-5-503(a) by creating a new paragraph (ix), 37-5-504(a)(vi), (xiv), by creating new paragraphs (xv) and (xvi) and by renumbering (xv) as (xvii),



37-5-505(g)(intro) and 37-5-602(b), as created by 2019 Wyoming Session Laws, Chapter 34, Section 2, are amended to read:

**37-5-501. Definitions.**

(a) As used in this article:

(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, storage or transmission of energy;

**37-5-502. Wyoming energy authority.**

(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. At least two (2) members of the board 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. At least two (2) other members of the board shall have special knowledge, education or experience in the field of natural gas or oil production, transportation, marketing or industrial 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, nonvoting members of the board:

(i) A member of the Wyoming enhanced oil recovery ~~commission~~ institute selected by the ~~commission~~ director of the enhanced oil recovery institute;

(ii) The ~~chairman~~ chief executive officer of the Wyoming business council or a designee;

(iv) The ~~chairman~~ supervisor of the Wyoming oil and gas conservation commission or a designee;

**37-5-503. Purposes; report.**

(a) The authority is created to:

(ix) Support efforts to use natural resources associated with energy for other applications and products including the use of coal for nonfuel products.

**37-5-504. Powers of the authority.**

(a) The authority may:

(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 or any country in good standing with the United States subject to federal law;

(xiv) Advocate for or against or take legal action concerning any energy project before any regulatory body tasked with the oversight of the project;

(xv) Request data from any public or private entity that is necessary to ascertain the location of associated natural resources within the state;

(xvi) Conduct national and international marketing and technology research;

~~(xv)~~(xvii) 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.

**37-5-505. Bonds.**

(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 or shall contract for the operation and maintenance of 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:

**37-5-602. Authority revenue bonds; issuance; amount.**

(b) The authority may issue and have outstanding bonds to finance energy transmission facilities and related infrastructure, pipeline and other transportation and distribution projects consistent with the purposes of W.S. 37-5-503(a), 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.

**Section 2.** W.S. 37-5-602(a), as created by 2019 Wyoming Session Laws, Chapter 34, Section 2, is repealed.

**Section 3.**

(a) Notwithstanding 2019 Wyoming Session Laws, Chapter 34, Sections 2 and 6, the board of the Wyoming energy authority established in W.S. 37-5-502, as created by 2019 Wyoming Session Laws, Chapter 34, Section 2, is authorized to assemble and meet upon the effective date of this section. Before July 1, 2020, the board is authorized to meet and take actions for the following purposes:

(i) Develop priorities and a mission statement based on the purposes and duties of the Wyoming energy authority;

(ii) Hire staff to begin on July 1, 2020, including an executive director;

(iii) Complete administrative tasks necessary for the Wyoming energy authority to effectively function beginning on July 1, 2020, including determining a location and securing office space for the Wyoming energy authority and its staff.

(b) Members of the board may receive per diem, expenses and travel allowance for meetings held before July 1, 2020 as specified in W.S. 37-5-502(b), as created by 2019 Wyoming Session Laws, Chapter 34, Section 2.

(c) There is appropriated fifty thousand dollars (\$50,000.00) or as much thereof as is necessary from the general fund to the office of the governor. This appropriation shall be expended only for the purpose of funding expenditures and Wyoming energy authority board member per diem, expenses and travel allowances incurred by the board in carrying out the actions specified in subsection (a) of this section. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2021. 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.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2020.

(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 March 10, 2020.

**Chapter 50****UNDERGROUND DISPOSAL WELLS-REGULATION**

Original Senate File No. 45

AN ACT relating to oil and gas; amending the authority of the oil and gas conservation commission to regulate underground disposal; requiring rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 30-5-104(d)(vi)(B) is amended to read:

**30-5-104. Oil and gas conservation commission; powers and duties; investigations; rules and regulations.**

(d) The commission has authority:

(vi) To regulate, excluding discharges permitted under the national pollutant discharge elimination system, the:

(B) ~~The noncommercial~~ Underground disposal into Class two injection wells as defined under the federal Safe Drinking Water Act of salt water, nonpotable water and oil field wastes related to oil and gas production in such a manner as to prevent contamination of the waters of the state.

**Section 2.** The oil and gas conservation commission and the department of environmental quality shall promulgate any rules necessary to implement this act.

**Section 3.**

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

(b) Section 1 of this act is effective July 1, 2020.

Approved March 10, 2020.

**Chapter 51****WYOMING COAL MARKETING PROGRAM**

Original House Bill No. 4

AN ACT relating to energy and natural resources; creating the Wyoming coal marketing program; providing program standards and purposes; creating an account; authorizing the acceptance of donations; providing an appropriation; requiring rulemaking; requiring a report; and providing for effective dates.

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

**Section 1.**

(a) There is created the Wyoming coal marketing program to be administered by the governor. The purpose of the program is to protect and expand

Wyoming's coal markets and coal facilities and to address impacts cities, towns and counties have experienced or will experience due to changes in the coal market.

(b) The governor shall expend funds appropriated to the governor for operating the program only on the following:

(i) Projects with a public benefit associated with expanding and protecting Wyoming's coal markets and coal facilities;

(ii) Projects with a public benefit that address impacts cities, towns and counties have experienced or will experience due to changes in the coal market.

(c) No funds shall be provided for projects under this chapter without the written opinion of the attorney general certifying the legality of the transaction and all documents connected therewith.

(d) On or before October 1 of each year, the governor shall report to the joint minerals, business and economic development interim committee on the projects funded by the coal marketing program. The report shall include the amount, the recipient and a description of each project funded.

(e) There is created the Wyoming coal marketing program account. All funds in the account are continuously appropriated to the governor to be expended for the purposes of this chapter and as otherwise specified by law. The governor may expend funds in this account as provided in subsection (b) of this section. Interest earned on funds in the account shall be deposited in the account.

(f) The governor may accept, and shall deposit in the account, any gifts, contributions, donations, grants or federal funds specifically designated for the benefit of the Wyoming coal marketing program or any project funded under the program.

**Section 2.** There is appropriated one million dollars (\$1,000,000.00) from the general fund to the coal marketing program account created by Section 1(e) of this act. The governor shall only expend this appropriation for the Wyoming coal marketing program as provided for in Section 1 of this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose.

**Section 3.** The governor shall promulgate any rules necessary to implement the Wyoming coal marketing program.

**Section 4.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2020.

(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 March 10, 2020.

## Chapter 52

### WYOMING MONEY TRANSMITTERS ACT-EXEMPTION

Original Senate File No. 46

AN ACT relating to trade and commerce; amending the Wyoming Money Transmitter Act to provide an exemption; and providing for an effective date.

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

**Section 1.** W.S. 40-22-104(a) by creating a new paragraph (viii) is amended to read:

**40-22-104. Exemptions; applicability.**

(a) This act shall not apply to:

(viii) A person engaged in the business of money transmission under this act that does not meet the definition of a money services business under 31 C.F.R. 1010.100(ff), as amended as of January 1, 2020.

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

Approved March 10, 2020.

## Chapter 53

### NICOTINE PRODUCTS-TAXATION

Original House Bill No. 73

AN ACT relating to taxation; imposing taxes on nicotine products as specified; providing for collection and distribution of the taxes imposed; requiring a license to sell nicotine products; requiring reporting of nicotine products sold; providing penalties; providing for state preemption of the taxation of nicotine products 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. 14-3-301(a)(v), 39-15-107(a)(i), 39-16-107(a)(i), 39-18-101(a)(iv), (v)(A), (B) and by creating new paragraphs (ix) through (xi), 39-18-102(b), 39-18-103(a) by creating new paragraphs (v) and (vi), (b) and (c) by creating new paragraphs (v) and (vi), 39-18-104 by creating a new subsections (g) and (h), 39-18-106(a), 39-18-107(a)(i), (ii), (c)(i)(intro), (D), 39-18-108(c)(ii)(A), (vi), (vii) and (ix) and 39-18-111(b) are amended to read:

**14-3-301. Definitions.**

(a) As used in this article:

(v) "Electronic cigarette" means a product that employs any mechanical heating element, battery or electronic circuit, regardless of shape or size, that

~~can be used to deliver doses of nicotine vapor by means of heating a liquid nicotine solution contained in a cartridge or other delivery system. any device that can be used to deliver aerosolized or vaporized nicotine or synthetic nicotine to the person using the device and includes any component, part and accessory of the device and any vapor material intended to be aerosolized or vaporized during the use of the device. "Electronic cigarette" includes, without limitation, any electronic cigar, electronic cigarillo, electronic pipe, electronic hooka, vapor pen and any similar product or device. "Electronic cigarette" does not include a battery or battery charger if sold separately from the electronic cigarette and does not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act.~~

**39-15-107. Compliance; collection procedures.**

(a) Returns, reports and preservation of records. The following shall apply:

(i) Each vendor shall on or before the last day of each month file a true return showing the preceding month's gross sales and remit all taxes to the department. The returns shall contain such information and be made in the manner as the department by regulation prescribes. The department may allow extensions for filing returns and paying the taxes by regulation, but no extension may be for more than ninety (90) days. If the total tax to be remitted by a vendor during any month is less than one hundred fifty dollars (\$150.00), a quarterly or annual return as authorized by the department, and remittance in lieu of the monthly return may be made on or before the last day of the month following the end of the quarter or year for which the tax is collected. If the accounting methods regularly used by any vendor are such that reports of sales made during a calendar month would impose unnecessary hardships, the department after receiving a formal request filed by the vendor may accept reports at intervals as would be more convenient to the taxpayer. Any vendor shall report whether the vendor sells ~~cigarettes, cigars, snuff or other tobacco-nicotine~~ products, as defined by W.S. 39-18-101(a)(xi), in this state to the department in the form and manner required by the department. The department may reject any report required under this paragraph of any vendor who does not comply with the ~~tobacco-nicotine~~ sales reporting requirements. Every person purchasing goods or services taxable by this article who does not pay the tax owed to a vendor shall, on or before the last day of each month, file a return showing the gross purchases made during the preceding month and remit all taxes due to the department. The return shall contain such information and be made in the manner as the department shall prescribe by rule and regulation. The department, by rule and regulation, may allow an extension for filing a return and paying any tax due, but no extension shall be granted for more than ninety (90) days;

**39-16-107. Compliance; collection procedures.**



(a) Returns, reports and preservation of records. The following shall apply:

(i) Every vendor shall collect the tax imposed by this article and is liable for the entire amount of taxes imposed. The taxes are due and payable on the last day of the month following the month in which they were collected or as required by the department and each vendor shall on or before the last day of each month file a return showing the total sales of tangible personal property subject to the tax imposed by this article sold during the preceding month and remit all taxes due to the department. The returns shall contain such information required by the department. Any vendor shall report whether the vendor sells ~~cigarettes, cigars, snuff or other tobacco~~ nicotine products, as defined by W.S. 39-18-101(a)(xiii), in this state to the department in the form and manner required by the department. The department may reject any report required under this paragraph of any vendor who does not comply with the ~~tobacco~~ nicotine sales reporting requirements. If the total tax to be remitted by a vendor is less than one hundred fifty dollars (\$150.00) a quarterly or annual return as authorized by the department, and remittance in lieu of the monthly return may be made on or before the last day of the month following the end of the quarter or year for which the tax is collected. Returns shall be signed by the vendor or his agent;

**39-18-101. Definitions.**

(a) As used in this article:

(iv) “Wholesale purchase price” means the established price for which a manufacturer sells the ~~tobacco~~ nicotine product to a wholesaler exclusive of any discount or other reduction;

(v) “Wholesaler” means any person who:

(A) Whether located within or without Wyoming, imports, sells or distributes ~~cigarettes, cigars, snuff or other tobacco~~ nicotine products into this state for sale or resale;

(B) Purchases ~~cigarettes, cigars, snuff or other tobacco~~ nicotine products in this state for sale or resale;

(ix) “Electronic cigarette” means any device that can be used to deliver aerosolized or vaporized nicotine or synthetic nicotine to the person using the device and includes any component, part and accessory of the device and any vapor material intended to be aerosolized or vaporized during the use of the device. “Electronic cigarette” includes, without limitation, any electronic cigar, electronic cigarillo, electronic pipe, electronic hooka, vapor pen and any similar product or device. “Electronic cigarette” does not include a battery or battery charger if sold separately from the electronic cigarette and does not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act;



(x) “Vapor material” means any liquid solution or other material containing nicotine or synthetic nicotine that is depleted as an electronic cigarette is used. “Vapor material” includes liquid solution or other material containing nicotine or synthetic nicotine that is sold with or inside an electronic cigarette;

(xi) “Nicotine product” means tobacco products as defined by W.S. 14-3-301(a)(i), electronic cigarettes and vapor material.

**39-18-102. Administration; confidentiality.**

(b) The ~~tax~~ taxes imposed by W.S. 39-18-103(a)(iii) and (v) shall be paid by the wholesaler. The wholesaler shall be entitled to retain four percent (4%) of any tax collected under W.S. 39-18-103(a)(iii) and (v).

**39-18-103. Imposition.**

(a) Taxable event. The following event shall constitute a taxable event under this article:

(v) In addition to the other taxes imposed by this subsection, there is levied and assessed upon electronic cigarettes and vapor material purchased or imported into this state by wholesalers for resale an excise tax at the rate imposed by W.S. 39-18-104(g);

(vi) The tax imposed by paragraph (v) of this subsection shall also be imposed upon the use or storage by consumers of electronic cigarettes and vapor material in this state, and upon those consumers, at the rate imposed by W.S. 39-18-104(g). This tax shall not apply if the tax imposed by paragraph (v) of this subsection has been paid.

(b) Basis of tax. The state preempts the field of imposing taxes on cigarettes nicotine products and no city, town or county shall impose, levy or collect taxes upon the sale, occupation or privilege of selling cigarettes nicotine products. This subsection shall not be construed to prevent a city, town or county from regulating the public use of nicotine products.

(c) Taxpayer. The following taxpayers are liable for the tax imposed by this article:

(v) In addition to the other taxes imposed by this subsection, there is levied and assessed upon electronic cigarettes and vapor material purchased or imported into this state by wholesalers for resale an excise tax at the rate imposed by W.S. 39-18-104(g);

(vi) The tax imposed by paragraph (v) of this subsection shall also be imposed upon the use or storage by consumers of electronic cigarettes and vapor material in this state, and upon those consumers, at the rate imposed by W.S. 39-18-104(g). This tax shall not apply if the tax imposed by paragraph (v) of this subsection has been paid.

**39-18-104. Taxation rate.**

(g) In addition to the other taxes imposed by this section, there is levied and assessed upon electronic cigarettes and vapor material purchased or imported into this state by wholesalers for resale, an excise tax at the rate of fifteen percent (15%) of the wholesale purchase price at which the electronic cigarettes and vapor material are purchased by wholesalers from manufacturers.

(h) The tax imposed by subsection (g) of this section shall also be imposed upon the use or storage by consumers of electronic cigarettes and vapor material in this state, and upon those consumers, at the rate of seven and one-half percent (7.5%) of the retail price of the electronic cigarettes and vapor material. This tax shall not apply if the tax imposed by subsection (g) of this section has been paid.

**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~~ nicotine 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.

**39-18-107. Compliance; collection procedures.**

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

(i) Each wholesaler shall keep complete and accurate records of all ~~cigarettes, cigars, snuff or other tobacco~~ nicotine products purchased and sold for three (3) years. The records shall be in the form prescribed by the department and will be available for inspection by the department at any reasonable time. The department may investigate and examine the stock of cigarettes upon any premises where they are stored or sold;

(ii) On or before the tenth day of each calendar quarter, every consumer who, during the preceding calendar quarter, has acquired title to or possession of ~~cigars, snuff or other tobacco~~ nicotine products for use or storage in this state, upon which products the tax imposed by W.S. 39-18-103(a)(iii) and (v) has not been paid, shall file a return with the department showing the quantity of such products so acquired. The return shall be made upon a form furnished and prescribed by the department and shall contain such other information as the department may require. The return shall be accompanied by a remittance for the full unpaid tax liability shown by it.

(c) Timelines. The following shall apply:

(i) No later than the twentieth day of the month following the sale of cigarettes, or the month following the end of the calendar quarter for ~~cigars, snuff or other tobacco~~ nicotine products ~~other than cigarettes~~, each wholesaler shall return to the department the following information on forms furnished by the department:

(D) The amount paid by the wholesaler to the manufacturer for ~~cigars, snuff or other tobacco~~ nicotine products other than moist snuff. For sales of moist snuff, the return shall include the net weight as listed by the manufacturer. The department shall compile the information provided under this subparagraph with respect to moist snuff tobacco sales on an annual basis and shall report the information to the legislature every five (5) years beginning on July 1, 2014.

**39-18-108. Enforcement.**

(c) Penalties. The following shall apply:

(ii) The following acts are misdemeanors punishable by a fine of not more than one hundred dollars (\$100.00) or imprisonment in the county jail for not more than six (6) months or both:

(A) Selling or distributing ~~cigarettes, cigars, snuff or other tobacco~~ nicotine products as a wholesaler without a license;

(vi) Any person who purchases any ~~tobacco~~ nicotine product for resale in this state from other than a licensed wholesaler is liable for the tax and any penalties and interest imposed under this paragraph as if he were a wholesaler under this act and shall pay an additional penalty of twenty-five percent (25%) of any tax due. Any wholesaler or other person who fails to file any return or to pay any tax within the time required or permitted by this subsection shall be subject to a penalty of five percent (5%) of the amount of the tax due, plus one percent (1%) of the tax for each month of delinquency or fraction thereof. The department may waive all or any part of this penalty for good cause shown;

(vii) Any person who does any act prohibited by this article, or omits, neglects or refuses to comply with any duty imposed upon him by this article, or causes not to be done any of the things required by this article, or does any act prohibited by this article, may, in addition to any other penalty provided by this article, be liable for a penalty of not to exceed one thousand dollars (\$1,000.00) or five (5) times the retail value of the ~~tobacco~~ nicotine product at issue, whichever is lesser, to be recovered in a civil action;

(ix) Any fixture, equipment or other personal property used by a ~~tobacco~~ nicotine product wholesaler or retailer to commit any of the following acts shall be subject to forfeiture to the state, if the retail value of the cigarettes involved or any tax involved in the act exceeds five hundred dollars (\$500.00):

**39-18-111. Distribution.**

(b) The revenue received from the ~~tax~~taxes imposed by W.S. 39-18-104(c), ~~and (d), (g) and (h)~~ shall be deposited in the general fund.

**Section 2.** This act is effective July 1, 2020.

Approved March 10, 2020.

## Chapter 54

### CHANCERY COURT AMENDMENTS

#### Original House Bill No. 103

AN ACT relating to chancery courts; amending provisions related to the chancery court of the state of Wyoming; clarifying disposition of fees; clarifying the jurisdiction of the chancery court as specified; making technical corrections; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 5-13-102(a), 5-13-109(a)(ii) and (iii) and 5-13-115(b)(vii), (xiii), (xiv), by creating a new paragraph (xvi), (c) and (d) are amended to read:

**5-13-102. Chancery court fund account created; purposes.**

(a) There is created an account entitled “the chancery court account.”: The chancery court 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.

**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:

(ii) A retired district court ~~justice~~judge; or

(iii) A member of a panel of up to five (5) active district court judges selected by the supreme court to serve as a chancery court judge on an ad hoc basis.

**5-13-115. Purpose and jurisdiction.**

(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:

(vii) Shareholder derivative actions. The monetary threshold set forth in this subsection (b) of this section shall not apply to action actions brought under this paragraph;

(xiii) Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships, joint ventures, banks and trust companies. The monetary threshold of set forth in this subsection (b) of this section shall not apply to action actions brought under this paragraph;

(xiv) Transactions governed by the Wyoming Uniform Trust Code; ~~or~~

(xvi) A dispute concerning a trademark, trade name or service mark. The monetary threshold set forth in this subsection shall not apply to actions brought under this paragraph.

(c) The chancery court ~~shall have no~~ may exercise supplemental ancillary jurisdiction over any cause of action not listed in subsection (b) of this section at the discretion of the chancery court.

(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 and to the causes of action for which the chancery court exercises supplemental ancillary jurisdiction under subsection (c) of this section.

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

Approved March 10, 2020.

## Chapter 55

### RESERVE ACCOUNTS-INVESTMENTS

Original House Bill No. 161

AN ACT relating to public funds; authorizing investment of the permanent Wyoming mineral trust fund reserve account and common school permanent fund reserve account in equities as specified; and providing for an effective date.

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

**Section 1.** W.S. 9-4-715 by creating a new subsection (r) and 9-4-719(b)(intro) and (f) are amended to read:

**9-4-715. Permissible investments.**

(r) 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, may invest up to seventy-five percent (75%) of the unobligated, unencumbered balance of the permanent Wyoming mineral trust fund reserve account created under W.S. 9-4-719(b) and common school permanent fund reserve account created under W.S. 9-4-719(f) in equities, including stocks of corporations. Investments under this subsection shall be in accordance with investment policy statements adopted by the board under W.S. 9-4-716. In adopting investment policy statements for the permanent Wyoming mineral trust fund reserve account and common school permanent fund reserve account, the board shall seek to preserve the balance of each account in a manner that strives for the highest possible risk-adjusted total return consistent with an appropriate level of safety and liquidity.

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

(b) There is created the permanent Wyoming mineral trust fund reserve account. All funds within the account shall be invested by the state treasurer as authorized under W.S. 9-4-715(a), (d), (e) and (r) and all investment earnings from the account shall be credited to the 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 2020 and for each fiscal year thereafter:

(f) There is created the common school permanent fund reserve account. All funds within the account shall be invested by the state treasurer as authorized under W.S. 9-4-715(a), (d), (e) and (r) and all investment earnings from the account shall be credited to the account. Beginning July 1, 2017 for fiscal year 2018 and each fiscal year thereafter, the state treasurer shall transfer unobligated funds from this account to the common school account within the permanent land income fund as necessary to ensure that an amount equal to the spending policy amount established in subsection (h) of this section is available for expenditure annually during the fiscal year. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2017, revenues in this account in excess of one hundred fifty percent (150%) of the spending policy

amount shall be credited to the common school account within the permanent land fund.

**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 11, 2020.

## Chapter 56

### TRIBAL ID FOR VOTING

#### Original House Bill No. 26

AN ACT relating to elections; specifying requirements of a tribal identification card for voter registration; specifying a tribal identification card as an item that may be considered in determining registration qualifications; and providing for an effective date.

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

**Section 1.** W.S. 22-3-103(a)(vi) and 22-3-105(b)(intro) and (iv) are amended to read:

**22-3-103. Furnishing of oath forms; contents thereof.**

(a) The county clerk shall furnish voter registration oath forms to registry agents which forms shall require the following voter information from the applicant:

(vi) Either:

(A) His ~~The applicant's~~ Wyoming driver's license number, or if ~~he~~ the applicant has no current, valid Wyoming driver's license, a statement to that effect and the last four (4) digits of ~~his~~ the applicant's social security number, or if ~~he~~ the applicant has neither, a statement to that effect; or

(B) A tribal identification card issued by the governing body of the Eastern Shoshone tribe of Wyoming, the Northern Arapaho tribe of Wyoming or other federally recognized Indian tribe that contains the applicant's Wyoming driver's license number, if the applicant has a Wyoming driver's license, and the last four (4) digits of the applicant's social security number.

**22-3-105. Investigation of voter qualifications; striking names from registry; criteria; notice; appeal.**

(b) Among the criteria ~~he~~ the county clerk may use in determining the qualifications of any person to be registered are the following:

(iv) Wyoming driver's license or tribal identification card that meets the requirements of W.S. 22-3-103(a)(vi)(B);

**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 12, 2020.

## Chapter 57

### GLOBAL SIGNATURE AUTHORITY FOR HEALTH CARE PROVIDERS

Original Senate File No. 91

AN ACT relating to professions and occupations; providing signature authority for physician assistants and advanced practice registered nurses; directing rulemaking; and providing for an effective date.

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

**Section 1.** W.S. 33-21-158 is created to read:

**33-21-158. Advanced practice registered nurses; signature authority.**

Except as otherwise provided by law and including the restriction in W.S. 33-21-120(a)(i)(A), an advanced practice registered nurse acting within the scope of the advanced practice registered nurse's practice may fulfill any requirement for a signature, certification, stamp, verification, affidavit, endorsement or other acknowledgement by a physician. Nothing in this section shall be construed to expand the scope of practice of an advanced practice registered nurse as provided in this article.

**Section 2.** W.S. 33-26-502 by creating a new subsection (e) is amended to read:

**33-26-502. Scope of W.S. 33-26-501 through 33-26-511; signature authority.**

(e) Except as otherwise provided by law and including the restriction in W.S. 33-26-510(c), a physician assistant acting within the scope of the physician assistant's practice may fulfill any requirement for a signature, certification, stamp, verification, affidavit, endorsement or other acknowledgement by a physician. Nothing in this subsection shall be construed to expand the scope of practice of a physician assistant as provided in this article or to expand the duties and responsibilities delegated to a physician assistant by the physician assistant's supervising physician.

**Section 3.** The state board of nursing and the state board of medicine, in consultation with the state board of pharmacy, shall promulgate any rules necessary to implement this act.

**Section 4.** This act is effective July 1, 2020.

Approved March 12, 2020.



## Chapter 58

### SURFACE WATER DIVERSION

Original Senate File No. 22

AN ACT relating to cities and towns; specifying the authority of cities and towns over surface water diversion; and providing for an effective date.

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

**Section 1.** W.S. 15-7-101(a)(iii)(intro) and (B) is amended to read:

**15-7-101. Purposes.**

(a) In addition to all other powers provided by law, any city or town may make public improvements as follows for which bonds may be issued to the contractor or be sold as provided in this chapter to:

(iii) Take any action necessary to establish, purchase, extend, maintain and regulate a water system for supplying water to and diverting surface water runoff from its inhabitants and their property and for any other public purposes, including:

(B) Prescribing and regulating of rates for the use of water and diversion or management of surface water runoff; and

**Section 2.** This act is effective July 1, 2020.

Approved March 12, 2020.

## Chapter 59

### UNDERGROUND FACILITIES NOTIFICATION-EXEMPTION

Original House Bill No. 57

AN ACT relating to underground public utility facilities; exempting specified routine county road maintenance from the provisions of the Wyoming Underground Facilities Notification Act; providing for notice as specified; providing definitions; and providing for an effective date.

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

**Section 1.** W.S. 37-12-301(b) by creating new paragraphs (xv) through (xvii) and by renumbering (xv) as (xviii), 37-12-302 by creating a new subsection (n) and 37-12-305(h)(ii) and by creating a new subsection (j) are amended to read:

**37-12-301. Short title; definitions.**

(b) As used in this act:

(xv) “Area of risk” means an area not to exceed fifty (50) feet from each side of an underground facility that is located under or near a county road and that:

(A) Contains hazardous materials that present an extreme risk to the health and safety of persons; or

(B) Is buried at a depth of less than twenty-four (24) inches.

(xvi) “County road” means a road that is:

(A) Established pursuant to W.S. 24-3-101 through 24-3-127, identified pursuant to W.S. 24-3-201 through 24-3-206 or for which the county is responsible for improvements and maintenance as designated by resolution of a board of county commissioners;

(B) Open to the public;

(C) Depicted on county road maps; and

(D) Identified with county road signage.

(xvii) “Routine county road maintenance” means the regular grading of a county road for the purpose of maintaining the surface condition of the road or a roadside drainage ditch, that does not extend more than four (4) inches below the surface and does not result in alteration of the original grade, width or flow line;

(xv)(xviii) “This act” means W.S. 37-12-301 through 37-12-307.

### **37-12-302. Notices; exceptions; penalty.**

(n) An operator of an underground facility that the operator determines to be within an area of risk may provide to the county in which the underground facility is located written notice that includes a description of the underground facility and the specific location of the underground facility by map, legal description or other reliable method that allows for a current and accurate means of identifying the geographic location of the underground facility. Any notice under this subsection shall be provided:

(i) Except as specified in paragraph (ii) of this subsection, not later than June 1, 2020 and then January 31 of each year thereafter;

(ii) For an operator of a newly installed underground facility, within sixty (60) days of installation of the underground facility.

### **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:

(ii) Adding of granular material to unpaved roads; and road shoulders;

(j) Routine county road maintenance is exempt from the provisions of this act, provided that the maintenance is not within an area of risk as specified in a notice provided under W.S. 37-12-302(n).

**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 12, 2020.

## Chapter 60

### RESIDENT TUITION FOR MILITARY MEMBERS AND FAMILY

#### Original House Bill No. 32

AN ACT relating to education; amending provisions for resident tuition for military members, spouses and children; and providing for an effective date.

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

**Section 1.** W.S. 21-17-105(e)(intro), (ii)(intro) and (g) is amended to read:

**21-17-105. Tuition to be as nearly free as possible; number, qualifications and selection of students for reduced tuition; tuition for veterans, their spouses and children; reciprocal residency.**

(e) ~~Effective for the 2015 summer school session and each semester thereafter,~~ An applicant for resident tuition who is a veteran, eligible individual or covered individual as described in 38 U.S.C. 3679(c)(2), shall qualify as a resident for purposes of tuition at the University of Wyoming or Wyoming community college if the applicant provides:

(ii) Documented evidence before or at the time of enrollment that:

(g) A person who has qualified for resident tuition under subsection (e) of this section shall remain qualified in subsequent years if the person pursues one (1) or more courses of education while remaining continuously enrolled, other than during regularly scheduled breaks, lives in the state during the term of enrollment and, if the person is eligible through a transfer of eligibility pursuant to 38 U.S.C. 3319, the transfer has not been validly revoked. A spouse or child of a uniformed service member who is eligible for resident tuition under subsection (e) of this section at the time of admittance to the University of Wyoming or a Wyoming community college shall not lose eligibility for resident tuition before the time of enrollment at the university or college because the uniformed service member is transferred on military orders outside of this state.

**Section 2.** This act is effective July 1, 2020.

Approved March 12, 2020.

**Chapter 61****WILDLIFE CONSERVATION EFFORTS-1****Original House Bill No. 69**

AN ACT relating to wildlife conservation; providing for voluntary donations to support wildlife conservation efforts related to the transportation system; and providing for an effective date.

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

**Section 1.** W.S. 23-2-101 by creating a new subsection (p), 23-2-201 by creating a new subsection (h), 23-2-306(a)(intro) and by creating a new subsection (d), 24-1-131, 31-2-231(b) and 36-4-121 by creating a new subsection (t) are amended to read:

**23-2-101. Fees; restrictions; nonresident application fee; nonresident licenses; verification of residency required.**

(p) In addition to other fees under this section, persons applying for a license or tag under this section may pay any whole dollar amount to support wildlife conservation efforts related to the transportation system. The department shall provide information on the application form that the applicant may pay the contribution under this subsection. Funds collected under this subsection shall be transmitted to the state treasurer to be credited to the wildlife conservation account created by W.S. 31-2-231(b). The department shall deduct and retain an amount equal to the administrative costs incurred in complying with this subsection.

**23-2-201. Fees; restrictions; verification of residency required.**

(h) In addition to other fees under this section, persons applying for a license under this section may pay any whole dollar amount to support wildlife conservation efforts related to the transportation system. The department shall provide information on the application form specifying that the applicant may pay the contribution under this subsection. Funds collected under this subsection shall be transmitted to the state treasurer to be credited to the wildlife conservation account created by W.S. 31-2-231(b).

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

(a) Subject to subsections (b), ~~and (c)~~ and (d) 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:

(d) In addition to other fees under this section, persons applying for a conservation stamp or a lifetime conservation stamp under this section may pay any whole dollar amount to support wildlife conservation efforts related to the transportation system. The department shall provide information on the application form specifying that the applicant may pay the contribution under this subsection. Funds collected under this subsection shall be transmitted to the state treasurer to be credited to the wildlife conservation account created by W.S. 31-2-231(b). The department shall deduct and retain an amount equal to the administrative costs incurred in complying with this subsection.

#### **24-1-131. Travel centers.**

(a) The transportation commission and the director of the department of transportation shall ensure that all buildings owned or controlled by the department of transportation and utilized as travel centers are directed and operated by one (1) or more agencies appointed by the transportation commission for the best interests of all Wyoming people. For purposes of this section an agency may be defined as a chamber of commerce, or any state or local governmental entity. If no agency is appointed, the commission shall direct and operate the travel centers.

(b) The department of transportation, in consultation with the commission, shall establish facilities at one (1) or more travel centers to accept donations in support of wildlife conservation efforts related to the transportation system. Funds collected under this subsection shall be deposited into the wildlife conservation account created under W.S. 31-2-231(b). In carrying out the requirements of this subsection, the department may enter into agreements with financial institutions or persons operating remote electronic terminals for the collection of donations.

#### **31-2-231. Wildlife conservation license plates; wildlife conservation account.**

(b) The fees collected under subsection (a) of this section shall be payable to the department and shall be accounted for separately. Except as otherwise provided by law, the fees collected under subsection (a) of this section and funds collected under W.S. 23-2-101(p), 23-2-201(h), 23-2-306(d), 24-1-131(b) and 36-4-121(t) shall be distributed to the wildlife conservation account within the state highway fund, which is hereby created. Funds in the wildlife conservation account shall only be used to provide for wildlife conservation efforts related to the transportation system, including signage, wildlife corridors, wildlife crossings and game fences.

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

(t) The department shall include as part of the opportunity to purchase a permit that allows use of state parks, recreation areas, archeological sites and historic sites the option for a permittee to donate an additional amount in support of wildlife conservation efforts related to the transportation system. Funds collected under this subsection shall be deposited into the wildlife conservation account created by W.S. 31-2-231(b).

**Section 2.** This act is effective July 1, 2020.

Approved March 12, 2020.

**Chapter 62****MUNICIPAL BONDS-DIGITAL SECURITIES****Original House Bill No. 20**

AN ACT relating to public securities; authorizing issuance of certain bonds as digital securities; and providing for an effective date.

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

**Section 1.** W.S. 16-5-502 is amended to read:

**16-5-502. Form, payment and transfer of securities.**

(a) The securities described in W.S. 16-5-501 shall be in registered or bearer form, with or without interest coupons, be subject to such conditions for transfer, be subject to such provisions for conversion as to denomination or to bearer or registered form, be made registrable or payable, or both, by the treasurer or other officer of the issuing entity, or by trustee, registrar, paying agent or transfer agent within or without the state of Wyoming, be issued, transferred and registered by book entry, be in a denomination, bear such dates, signatures and authentications, and be held in custody by a depository within or without the state of Wyoming, all as may be determined by the entity or the governing body of the entity authorized or empowered to issue the securities. Payment at designated due dates or in installments may be required by the authorizing proceedings to be by check, draft or other medium of payment and need not be conditioned upon presentation of any security or coupon.

(b) Bonds issued by or on behalf of a political subdivision of the state may be issued as digital securities, as defined by W.S. 34-29-101(a)(iii), if the bonds are otherwise issued in accordance with all applicable state and federal laws and regulations.

**Section 2.** This act is effective July 1, 2020.

Approved March 12, 2020.

**Chapter 63****MOTOR VEHICLE FRANCHISES-TELEPHONE REQUIREMENTS**

Original House Bill No. 34

AN ACT relating to motor vehicles; amending telephone requirements for motor vehicle franchise dealers; and providing for an effective date.

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

**Section 1.** W.S. 31-16-101(a)(xiv)(A) and (B) is amended to read:

**31-16-101. Definitions.**

(a) As used in this act:

(xiv) "Principal place of business" means:

(A) For dealers selling fewer than twelve (12) vehicles in any twelve (12) consecutive month period, a permanent commercial building located within the state of Wyoming at which the business of a new motor vehicle dealer may be lawfully carried on in accordance with the terms of all applicable building codes, zoning and other land-use regulatory ordinances, and in which building the public may contact the vehicle dealer or his vehicle salesman at all reasonable times, and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business. The business shall be sufficiently identified with an exterior sign permanently affixed to the building or land with letters clearly visible from the highway facing the site and designated to indicate the nature of the business and the ~~landline~~-telephone number of the business. A ~~landline~~-dedicated telephone number shall be required ~~in~~for the principal place of business;

(B) For dealers selling twelve (12) or more vehicles in any twelve (12) consecutive month period, a site upon which a permanent building is located containing adequate facilities to carry on the business of a licensed dealer and used to conduct business as a dealer and not primarily used as, or attached directly to, a residence, with space thereon or contiguous thereto adequate to permit the display of at least five (5) vehicles and sufficiently identified with an exterior sign permanently affixed to the building or land with letters clearly visible from the highway facing the site and designated to indicate the nature of the business. The facilities, sign and space for display shall be in compliance with all applicable zoning ordinances prescribed by the municipality or county in which they are located and in which building the public may contact the vehicle dealer or the dealer's salespersons during the declared business hours, and at which place of business shall be kept and maintained the books, records and files as required by W.S. 31-11-107(a) and (b) necessary to conduct the business. A ~~landline~~-dedicated telephone number shall be required ~~in~~for the principal place of business with a published phone number listed ~~to~~in the principal place of business;

**Section 2.** This act is effective July 1, 2020.

Approved March 12, 2020.

## Chapter 64

### JURY PROCEDURE AMENDMENTS

#### Original House Bill No. 65

AN ACT relating to civil procedure; amending provisions related to causes for juror excusal; amending procedures for juror exemption and discharge; and providing for an effective date.

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

**Section 1.** W.S. 1-11-104(b)(i) and 1-11-105 are amended to read:

**1-11-104. Causes for excusal.**

(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~~ been selected as a juror in any court within the judicial district and has taken the oath required under W.S. 1-11-201;

**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~~ submit a declaration under penalty of perjury stating his office, occupation or employment purported grounds for exemption. If the court determines that the ~~affidavit~~ declaration 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~~ submit a declaration under penalty of perjury 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 unless otherwise excused by the court.

**Section 2.** This act is effective July 1, 2020.

Approved March 12, 2020.



**Chapter 65****BUDGET MODIFICATIONS-EXECUTIVE****Original House Bill No. 94**

AN ACT relating to the administration of government; amending reporting and other requirements for revisions to legislatively appropriated budgets; amending reporting and other requirements for acceptance or expenditure of federal funds; clarifying requirements for reporting at-will employee positions; and providing for an effective date.

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

**Section 1.** W.S. 9-2-1005(a)(iv), (vii), (xi), (b)(ii), (iii) and (g), 9-2-1006(a), 9-2-1013(b), 9-2-1022(a)(xi)(F)(VI) and 9-4-206(b) are amended to read:

**9-2-1005. Payment of warrants; budget powers of governor; agency budgets; federal funds; new employees.**

(a) No warrant shall be drawn by the auditor or paid by the treasurer:

(iv) If the expenditure is in nonconformance with the amounts, programs and approved budget authorized by legislative appropriation acts except upon notice to the legislature if required and approval of the governor as provided by subsection (b) of this section;

(vii) If the expenditure is for salaries for employees exceeding the maximum number of employees for the agency authorized by a legislative appropriation act except upon notice to the legislature if required and approval of the governor as provided by subsection (b) of this section;

(xi) If the expenditure is requested from federal revenues exceeding the amount authorized by a legislative appropriation act except upon notice to the legislature and approval of the governor as provided by subsection (b) of this section;

(b) Subject to subsection (c) of this section, the governor may:

(ii) Authorize revisions, changes, redistributions or increases to amounts authorized for expenditure by legislative appropriation acts from non-general fund sources ~~after notifying the legislature that if~~ in his opinion an emergency financial situation exists, general fund appropriations can be conserved, agency program requirements have significantly changed or unanticipated non-general fund revenues become available and qualify pursuant to W.S. 9-2-1006(a); For any revision, change, redistribution or increase in amounts authorized for expenditure under this paragraph in excess of one hundred thousand dollars (\$100,000.00), the governor's office shall:

(A) Notify the legislature at least ten (10) days in advance of the exercise of authority;

(B) Notify the legislature as soon as practicable after the exercise of authority if the governor determines immediate action is necessary to preserve

the public health, safety or welfare or to prevent the potential loss of funds;

(C) Identify in the notice the amount, purpose and non-general fund source of the revision, change, redistribution or increase.

(iii) Subject to subsection (g) of this section, authorize the receipt and expenditure of federal revenues exceeding the amount authorized by a legislative appropriation act as provided by W.S. 9-4-206(b);

(g) No federal funds in excess of amounts approved by any legislative appropriations act may be accepted or expended until approved by the governor in writing, ~~with a copy to the joint appropriations interim committee.~~ If the governor disapproves the acceptance or expenditure of federal funds under this subsection and the federal funds are accepted or expended, the state auditor shall not draw any warrant nor shall the state treasurer pay any warrant which would result in the disbursement of funds, directly or indirectly through contracts for services, to the public or private entity involved. For any acceptance or expenditure of federal funds under this paragraph in excess of one million dollars (\$1,000,000.00), the governor's office shall:

(i) Notify the legislature at least ten (10) days in advance of approving the acceptance or expenditure of federal funds;

(ii) Notify the legislature as soon as practicable after approving the acceptance or expenditure of federal funds if the governor determines immediate action is necessary to preserve the public health, safety or welfare or to prevent the potential loss of funds;

(iii) Identify in the notice the amount, intended use and source of the federal funds.

**9-2-1006. Revenues or income of state agencies not part of appropriation or budget; exception; additions to appropriation or budget; reports concerning enterprise fund accounts.**

(a) Revenues or income from any source collected, received or accruing to any agency shall not become a part of its appropriation or budget unless such revenues or income is specified by law to be used for such purpose and is approved by the governor after notice is provided to the legislature pursuant to W.S. 9-2-1005(b). Any amount added to its appropriation or budget constitutes the entire appropriation for the full fiscal period.

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

(b) The budget division of the department shall furnish to the legislative service office copies of all authorizations by the governor pursuant to W.S. 9-2-1005(b) within ten (10) days following the authorization. The legislative service office shall make quarterly reports of all authorizations by the governor to the legislative management council and the joint appropriations interim

committee. The furnishing of copies of authorizations required under this subsection shall be in addition to the notice required by W.S. 9-2-1005(b).

**9-2-1022. Duties of department performed through human resources division.**

(a) Subject to subsection (b) of this section, the department through the human resources division shall:

(xi) Promulgate reasonable rules:

(F) Necessary to administer a program whereby at-will contract employees may be utilized by agencies to meet programmatic needs. These rules shall be structured so that:

(VI) No at-will employee contract position shall be created unless specifically authorized by legislation or approved by the governor. Any position approved by the governor shall be reported to the joint appropriations committee, ~~as provided by W.S. 9-2-1005(b).~~ Continued authorization of any at-will employee contract position created by the governor shall be subject to legislative review and approval pursuant to W.S. 9-2-1012(h).

**9-4-206. Disposition of revenue; cash accounts; investment of monies held by state institutions.**

(b) Supplemental additions to approved budgets for acceptance and expenditure of federal funds authorized for acceptance by the governor after notice is provided to the legislature pursuant to W.S. 9-2-1005(b) shall be in writing, signed by the governor or his designated representative with copies to the state auditor and department of administration and information. Upon approval by the governor, federal revenue that is accepted and which will result in a saving or replacement of state monies to accomplish a budgeted activity or function shall be transferred to the general fund with appropriate explanation.

**Section 2.** This act is effective July 1, 2020.

Approved March 12, 2020.

## Chapter 66

### COURT AUTOMATION FEES

Original House Bill No. 193

AN ACT relating to courts; increasing and conforming specified court automation and filing fees; and providing for an effective date.

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

**Section 1.** W.S. 2-2-401(a)(iii), 5-2-202, 5-3-206(a)(i), (vii) and (x), 5-6-108(a)(i), 5-9-135, 5-13-202, 6-10-102 and 6-10-103 are amended to read:

**2-2-401. Schedule; additional charges.**

(a) For probate matters filed or commenced, the clerk of the district court shall collect fees as follows:

(iii) In addition to the original filing fee under paragraph (a)(i) of this subsection, a court automation fee in the amount of ~~thirty dollars (\$30.00)~~ forty dollars (\$40.00) which shall be deposited into the judicial systems automation account established by W.S. 5-2-120;

**5-2-202. Collection of fees.**

The clerk of the supreme court shall collect the following fees from the plaintiff in error or appellant, or in case of an original proceeding the plaintiff or relator shall, at the time of filing the petition in error or record on appeal or when commencing the cause in this court, the sum of ~~twenty-five dollars (\$25.00)~~ seventy-five dollars (\$75.00). At the time of filing, the clerk also shall collect a court automation fee in the amount of ~~twenty-five dollars (\$25.00)~~ fifty-five dollars (\$55.00) which shall be deposited into the judicial systems automation account established by W.S. 5-2-120, and an indigent civil legal services fee in the amount of ten dollars (\$10.00) which shall be deposited into the indigent civil legal services account established by W.S. 5-2-121. Other fees or charges to be assessed within the clerk's office are to be determined under rules of the supreme court.

**5-3-206. Fees.**

(a) For all civil matters filed or commenced, the clerk of each district court shall charge the following fees:

(i) For filing instruments or documents in each civil action and certifying one (1) copy of any order, decree or judgment at the time of its filing for each party, an original filing fee of ~~one hundred ten dollars (\$110.00)~~ one hundred twenty dollars (\$120.00) 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. ~~Thirty dollars (\$30.00)~~ Forty dollars (\$40.00) of the filing fee shall be for court automation, ten dollars (\$10.00) shall be for indigent civil legal services and both shall be remitted as provided in W.S. 5-3-205;

(vii) For all transcripts in cases appealed to the supreme court, ~~eighty-five dollars (\$85.00)~~ one hundred dollars (\$100.00), including certificates, seals and transmission. ~~Twenty-five dollars (\$25.00)~~ Forty dollars (\$40.00) of the fee under this paragraph shall be for court automation, ten dollars (\$10.00) shall be for indigent civil legal services and both shall be remitted as provided in W.S. 5-3-205;

(x) For docketing and in payment of clerk's fee after docketing incident to any appeal or bill of exception from a circuit court, ~~eighty-five dollars (\$85.00)~~

one hundred dollars (\$100.00), and for docketing any transcript of judgment from a circuit court upon the judgment and execution dockets, ~~eighty-five dollars (\$85.00)~~ one hundred dollars (\$100.00), which amount shall be paid by appellant, or by judgment holder to the clerk at time of docketing. ~~Twenty-five dollars (\$25.00)~~ Forty dollars (\$40.00) of any fee imposed under this paragraph shall be for court automation, ten dollars (\$10.00) shall be for indigent civil legal services and both shall be remitted as provided in W.S. 5-3-205.

#### **5-6-108. Costs.**

(a) Each city or town in the state of Wyoming may prescribe by ordinance such costs in all trials before municipal courts as may be necessary or deemed expedient. However, the costs shall not exceed ten dollars (\$10.00). All costs collected shall be turned into the treasury of the city or town. By ordinance a city or town may prescribe:

(i) A court automation fee of ~~twenty-five dollars (\$25.00)~~ forty dollars (\$40.00) as a cost to be paid by every person guilty of a violation of a city or town ordinance;

#### **5-9-135. Filing fee.**

For all civil matters the circuit court shall collect from the plaintiff an original filing fee of twenty dollars (\$20.00), a court automation fee of ~~twenty-five dollars (\$25.00)~~ forty dollars (\$40.00), and an indigent civil legal services fee of ten dollars (\$10.00) excluding small claims civil actions as provided in W.S. 1-21-201 through 1-21-205 which shall have a filing fee of ten dollars (\$10.00). The court automation fee shall be deposited into the judicial systems automation account and the indigent civil legal services fee shall be deposited into the indigent civil legal services account as provided by W.S. 5-9-144.

#### **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)~~ one hundred dollars (\$100.00) 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.

#### **6-10-102. Imposition of fine for any felony; maximum fine where not established by statute; court automation fee; indigent civil legal services fee.**

The court may impose a fine as part of the punishment for any felony. If the statute does not establish a maximum fine, the fine shall be not more than ten thousand dollars (\$10,000.00). The court shall impose a court automation fee of ~~twenty-five dollars (\$25.00)~~ forty dollars (\$40.00) in every criminal case

wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under W.S. 7-13-301. The fee shall be remitted as provided by W.S. 5-3-205. In addition to the court automation fee the court shall impose an indigent civil legal services fee of ten dollars (\$10.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under W.S. 7-13-301 or 35-7-1037. The indigent civil legal services fee shall be remitted as provided in W.S. 5-3-205(a)(ii).

**6-10-103. Penalties for misdemeanors where not prescribed by statute; court automation fee; indigent civil legal services fee.**

Unless a different penalty is prescribed by law, every crime declared to be a misdemeanor is punishable by imprisonment in the county jail for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. The court shall impose a court automation fee of ~~twenty-five dollars (\$25.00)~~ forty dollars (\$40.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under W.S. 7-13-301. The fee shall be remitted as provided by W.S. 5-3-205. In addition to the court automation fee the court shall impose an indigent civil legal services fee of ten dollars (\$10.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under W.S. 7-13-301. The indigent civil legal services fee shall be remitted as provided in W.S. 5-3-205(a)(ii).

**Section 2.** This act is effective July 1, 2020.

Approved March 12, 2020.

## Chapter 67

### INSURANCE INVESTMENTS-DIGITAL ASSETS

#### Original House Bill No. 21

AN ACT relating to insurance; authorizing investment in digital assets by an insurer; and providing for an effective date.

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

**Section 1.** W.S. 26-7-104(a) and 26-7-107(a) by creating a new paragraph (xvi) are amended to read:

**26-7-104. General qualifications for investments.**

(a) No security or investment, other than property acquired under W.S. 26-7-107(a)(xiii), is eligible for acquisition unless it is interest bearing or interest accruing or dividend or income paying, is not then in default and the insurer is entitled to receive for its exclusive account and benefit the interest or income accruing thereon. Any stock or digital security as defined by W.S.

34-29-101(a)(iii) which has the ability to appreciate in value shall be considered to be income paying for purposes of this subsection.

**26-7-107. Authorized investments.**

(a) An insurer may invest in:

(xvi) Digital assets, as defined by W.S. 34-29-101(a)(i) and excluding digital consumer assets as defined by W.S. 34-29-101(a)(ii), that otherwise comply with all applicable requirements of this chapter for the applicable asset class or for the most analogous asset class.

**Section 2.** This act is effective July 1, 2020.

Approved March 12, 2020.

## Chapter 68

### PRESCRIPTION TRACKING PROGRAM RULES

Original House Bill No. 85

AN ACT relating to controlled substances; providing rulemaking authority related to the controlled substance prescription tracking program; amending program requirements as specified; and providing for an effective date.

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

**Section 1.** W.S. 35-7-1060(a), (b) and by creating a new subsection (f) is amended to read:

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

(a) In addition to other duties and responsibilities as provided by this act, the board shall maintain a computerized program to track prescriptions for controlled substances for the purposes of assisting patients, practitioners and pharmacists to avoid inappropriate use of controlled substances and of assisting with the identification of illegal activity related to the dispensing of controlled substances. The tracking program and any data created thereby shall be administered by the board, and the board may charge reasonable fees to help defray the costs of operating the program. Any fee shall be included with and in addition to other registration fees established by the board as authorized in W.S. 35-7-1023. The board shall promulgate rules to administer the tracking program under this section. Rules adopted under this subsection may specify requirements and procedures for practitioners, pharmacists and any other person authorized or required to use the 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 as needed thereafter based on current best practice guidelines for the practitioner's licensed profession, except for prescribed opioids for which the practitioner or his delegate shall repeat the search every three (3) months thereafter for as long as the controlled substance remains prescribed opioids remain 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, provide exemptions from the requirements of this subsection including but not limited to exemptions for prescriptions dispensed in certain inpatient health care settings, for settings where the risk for diversion or misuse of medication is found by the board to be minimal 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.

(f) The board may conduct a survey or audit of a practitioner's usage of the state computerized program to track prescriptions in relation to the practitioner's prescribing patterns. If the board finds low or inappropriate usage of the program the board shall report its findings to the practitioner's professional licensing 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 March 12, 2020.

## Chapter 69

### FOOD FREEDOM AMENDMENTS

#### Original House Bill No. 84

AN ACT relating to marketing homemade foods; authorizing the sale of certain homemade food items by parties other than the producer of the item as specified; providing and amending definitions; making conforming changes; repealing a provision relating to consumption location; providing limitations on retail food sales; and providing for an effective date.

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



**Section 1.** W.S. 11-49-102(a)(vi), by creating new paragraphs (ix) and (x) and by renumbering (ix) as (xi) and 11-49-103(a)(intro), (b), (c)(i), (vi), (d)(intro), (e) and by creating a new subsection (k) are amended to read:

**11-49-102. Definitions.**

(a) As used in this act:

(vi) “Producer” means any person who grows, harvests, prepares or processes any food or drink products on the person’s owned or leased property, does not produce more than two hundred fifty thousand (250,000) individual food or drink products annually and does not exceed two hundred fifty thousand dollars (\$250,000.00) in gross revenue annually from the food and drink products;

(ix) “Non-potentially hazardous food” means food that does not require time or temperature control for safety including limiting pathogenic microorganism growth or toxin formation. “Non-potentially hazardous food” includes, but is not limited to, jams, uncut fruits and vegetables, pickled vegetables, hard candies, fudge, nut mixes, granola, dry soup mixes excluding meat based soup mixes, coffee beans, popcorn and baked goods that do not include dairy or meat frosting or filling or other potentially hazardous frosting or filling;

(x) “Potentially hazardous food” means food that requires time or temperature control for safety including limiting pathogenic microorganism growth or toxin formation. “Potentially hazardous food” includes, but is not limited to, foods requiring refrigeration, dairy products, quiches, pizzas, frozen doughs, meat and cooked vegetables and beans;

(ix)(xi) “This act” means W.S. 11-49-101 through 11-49-103.

**11-49-103. Wyoming Food Freedom Act; purpose; exemptions; assumption of risk.**

(a) The purpose of the Wyoming Food Freedom Act is to allow for a producer’s production and sale of homemade food or drink products for an informed end consumer’s home consumption ~~consumer~~ and to encourage the expansion of agricultural sales at farmers markets, ranches, farms and producers’ homes by:

(b) Unless otherwise provided in this section, homemade food products produced, sold and consumed in compliance with the Wyoming Food Freedom Act shall be exempt from state licensure, permitting, inspection, packaging and labeling requirements.

(c) Transactions under this act shall:

(i) Be directly between the producer/seller and the informed end consumer. The seller of a homemade food product consisting of non-potentially hazardous food may be the producer of the item, an agent of the producer or a third party vendor including a retail shop or grocery store as long as the sale is made in

compliance with this act. The seller of a homemade food item consisting of potentially hazardous food shall be the producer of the item;

(vi) Only occur at farmers markets, farms, ranches, producer's homes or offices, the retail location of the third party seller of non-potentially hazardous foods or any location the producer and the informed end consumer agree to.

(d) Except for raw, unprocessed fruits and vegetables, food shall not be sold or used in any commercial food establishment unless the food has been labeled, licensed, packaged, regulated or inspected as required by law. Nothing in this section shall prohibit the sale of homemade food ~~for home consumption~~ from a retail space located at the ranch, farm or home where the food is produced or at the retail location of a third party seller for non-potentially hazardous food. A retail space selling homemade food under this section shall inform the end consumer that the homemade food has not been inspected and shall display a sign indicating that the homemade food has not been inspected. ~~If the a~~ a retail space selling potentially hazardous food is in any way associated with a commercial food establishment or offers for sale any inspected product, the retail space selling potentially hazardous homemade food shall comply with rules adopted by the department of agriculture which shall require:

(e) The producer shall inform the end consumer that any food product or food sold at a farmers market or through ranch, farm or home based sales pursuant to this act is not certified, labeled, licensed, packaged, regulated or inspected. A third party seller offering non-potentially hazardous food for sale pursuant to this act shall inform the end consumer that the homemade food is not certified, labeled, licensed, packaged, regulated or inspected.

(k) In addition to the requirements of this section, for sales of non-potentially hazardous food at a retail location or grocery store the food shall not be displayed or offered for sale on the same shelf or display as food produced in a licensed establishment and shall be clearly and prominently labeled with "this food was made in a home kitchen, is not regulated or inspected and may contain allergens".

**Section 2.** W.S. 11-49-103(c)(ii) is repealed.

**Section 3.** This act is effective July 1, 2020.

Approved March 12, 2020.

## Chapter 70

### SCHOOL BUILDINGS AND FACILITIES-LEASE REIMBURSEMENTS

Original Senate File No. 7

AN ACT relating to school finance; limiting state reimbursements for buildings leased by a school district or charter school; and providing for an effective date.

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

**Section 1.** W.S. 21-3-110(a)(x)(B) is amended to read:

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

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

(x) Subject to review by the state construction department under W.S. 21-15-115 for any project involving state capital construction assistance, fix the site of each school building and facility considering the needs of the people of each portion of the district. If the district enters into an agreement to lease buildings and facilities owned by the district and the buildings and facilities are included within the statewide database maintained by the state construction department under W.S. 21-15-123(f)(iv), the district shall, except as provided under W.S. 21-15-109(c)(i)(A)(II) and (III) and (B), ensure the lease agreement requires sufficient payment from the lessee to cover expenses necessary to adequately maintain the facility or building in accordance with statewide adequacy standards prescribed by the commission. If the district or a charter school operating pursuant to a contract with the district enters into an agreement to lease buildings and facilities under which the district or the charter school is the lessee and the building is to be used for the provision of the required educational program within the district, the lease agreement shall require the lessor to adequately maintain the buildings and facilities in accordance with standards prescribed by the commission. The district shall be reimbursed for the lease payment of the district or the charter school if the square footage of the leased facility is not included within the district's total square footage for purposes of major maintenance computations under W.S. 21-15-109, subject to the following:

(B) Any payment made by the department pursuant to this paragraph for a leased building or facility shall not exceed the average cost per square foot to lease buildings or facilities comparable to those appropriate for public K-12 education multiplied by the total square feet leased by the district or charter school necessary to deliver the required educational program. The average cost per square foot for comparable buildings or facilities shall:

(I) Be as determined by the department; and shall

(II) Be comparable in location and type to the building or facility leased by the district or charter school; and

(III) Not include any cost for utilities or routine maintenance.

**Section 2.** This act is effective July 1, 2020.

Approved March 12, 2020.

**Chapter 71****DISCOVERED PROPERTY-PROBATE PROCEDURES**

Original Senate File No. 27

AN ACT relating to wills and probate; specifying the determination of heirship and distribution of a decedent's known and unknown real property; specifying procedures; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 2-9-203 and 34-11-101(c) are amended to read:

**2-9-203. Application by petition two years after death; hearing; determination and decree.**

(a) Upon hearing, if it appears to the court that more than two (2) years have elapsed since the death of the deceased, that he died seized of an interest in lands in this state or that he died intestate having entered government lands and not having received a patent therefor, and there has been no previous record judicial determination of the decedent's heirs or the right of descent of the real property interest, the court shall determine the date of the decedent's death, who were the heirs of the deceased upon the date of death, their degree of kinship, ~~and the right of descent of the real property or interest therein of which the deceased died seized or on which he had made an entry but had not yet received a patent therefor~~ and the distribution each heir is entitled to receive from the known and unknown real property interests of the decedent based on the determination of the right of descent, and shall make and enter its decree accordingly.

(b) The findings of the court relating to a decedent's date of death, intestacy, heirs, degree of kinship and right of descent shall apply to any other real property in this state subsequently discovered in which the decedent had a property interest at the time of his death as identified by an affidavit recorded pursuant to W.S. 34-11-101, provided that:

(i) A copy of the judicial determination of the decedent's heirs or right of descent shall be included with an affidavit filed under W.S. 34-11-101 for the subsequently discovered property;

(ii) No other recorded judicial determination has been made relating to the right of descent for that property.

**34-11-101. Recorded affidavit as evidence; subjects; facts.**

(c) The affidavits shall include a description of the land, title to which may be affected by facts stated in the affidavit, and shall state the name of the person appearing by the record to be the owner of the land at the time of the recording of the affidavit. For affidavits involving subsequently discovered real property under W.S. 2-9-203, the affidavit shall also include a copy of the judicial

determination of the decedent's heirs or right of descent. The county clerk shall index the affidavit in the name of the record owner and in the same manner as deeds are recorded.

**Section 2.** This act is effective July 1, 2020.

Approved March 12, 2020.

## Chapter 72

### STATEMENTS OF CONSIDERATION

Original Senate File No. 39

AN ACT relating to property; amending requirements related to filing instruments related to the transfer of property; specifying exceptions to the filing requirements; making conforming changes; and providing for an effective date.

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

**Section 1.** W.S. 34-1-119(a), 34-1-142(a), (b), (c)(intro), (e) and (g)(intro) and 39-13-109(a) are amended to read:

**34-1-119. Duties of county clerk generally.**

(a) The county clerk of each county within this state shall receive and record at length all deeds, mortgages, conveyances, patents, certificates and instruments left with him for that purpose, and he shall endorse on every such instrument the day and hour on which it was filed for record. The county clerk shall not record any document until the address of the grantee, mortgagee or assignee of the mortgagee is furnished to the county clerk, but this requirement shall not affect the validity of the recording of any instrument except to the extent provided in W.S. 34-1-142(b). Only instruments which are the originally signed documents, including electronic documents recorded pursuant to the Uniform Real Property Electronic Recording Act, W.S. 34-1-401 through 34-1-407, or properly certified or authenticated copies thereof may be properly recorded. A document is properly certified if in compliance with Rule 902 of the Wyoming Rules of Evidence or other applicable rule or statute.

**34-1-142. Instrument transferring title to real property; procedure; exceptions; confidentiality.**

(a) When a deed, contract or other document transferring legal or equitable title to real property, including instruments conveying ownership of structures on lands not owned by the transferring party, is presented to a county clerk for recording, the instrument shall be accompanied by a statement under oath by the grantee or his agent disclosing the name of the grantor and grantee, the addresses and contact information of the grantor and grantee, the date of transfer, date of sale, a legal description of the property transferred, the actual full amount paid or to be paid for the property, terms of sale and an estimate of

the value of any nonreal property included in the sale.

(b) No instrument evidencing a transfer of real property may be accepted for recording until the completed sworn statement is received by the county clerk. The validity or effectiveness of an instrument as between the parties is not affected by the failure to comply with subsection (a) of this section.

~~(c) This section does not apply to~~ For instruments transferring title as described in this subsection, the presenting party may omit from the statement the amount paid or other consideration exchanged for the property, the terms of the sale and an estimate of the value of any nonreal property included in the sale that would otherwise be required to be included in the statement under subsection (a) of this section:

~~(e) The statement is not a public record and shall be held confidential by the county clerk, county assessor, county board of equalization, the state board of equalization and the department of revenue, and when~~ A statement may be disclosed under subsection (g) of this section, pursuant to W.S. 39-13-109(a) (i) to any person wishing to review or contest his property tax assessment or valuation, and the county board of equalization. These statements The statement shall not be subject to discovery in any other county or state proceeding.

~~(g) Any person or his agent who wishes to review his property tax assessment or who contests his property tax assessment or valuation in a timely manner pursuant to W.S. 39-13-109(b)(i) is entitled to review statements of consideration for properties of like use and geographic area available to the county assessor in determining the value of the property at issue as provided under W.S. 39-13-109(b)(i). During a review, the county assessor shall disclose information sufficient to permit identification of the real estate parcels used by the county assessor in determining the value of the property at issue and provide the person or his agent papers of all information, including statements of consideration, the assessor relied upon in determining the property value and including statements of consideration for properties of like use and geographic area which were available to the assessor and are requested by the person or his agent. The county assessor shall, upon request, provide the person or his agent a statement indicating why a certain property was not used in determining the value of the property at issue. The county assessor and the contestant shall disclose those statements of consideration to the county board of equalization in conjunction with any hearing before the board with respect to the value or assessment of that property. As used in W.S. 34-1-142 through 34-1-144:~~

### **39-13-109. Taxpayer remedies.**

~~(a) Interpretation requests. There are no specific applicable provisions for interpretation requests for this chapter. The following shall apply:~~

(i) Any person or his agent who wishes to review his property tax assessment or who contests his property tax assessment or valuation in a timely manner

pursuant to paragraph (b)(i) of this section is entitled to review statements of consideration for properties of like use and geographic area available to the county assessor in determining the value of the property at issue as provided under paragraph (b)(i) of this section. During a review, the county assessor shall disclose information sufficient to permit identification of the real estate parcels used by the county assessor in determining the value of the property at issue and provide the person or his agent papers of all information, including statements of consideration, the assessor relied upon in determining the property value and including statements of consideration for properties of like use and geographic area which were available to the assessor and are requested by the person or his agent. The county assessor shall, upon request, provide the person or his agent a statement indicating why a certain property was not used in determining the value of the property at issue. The county assessor and the contestant shall disclose those statements of consideration to the county board of equalization in conjunction with any hearing before the board with respect to the value or assessment of that property. As used in this paragraph:

(A) A “review” is considered the initial meetings between the taxpayer and the county assessor’s office pursuant to paragraph (b)(i) of this section;

(B) “Contest” means the filing of a formal appeal pursuant to paragraph (b)(i) of this section;

(C) “Geographic area” may include any area requested by the property owner or his agent within the boundaries of the county in which the subject property is located.

**Section 2.** This act is effective July 1, 2020.

Approved March 12, 2020.

## Chapter 73

### APPRAISAL MANAGEMENT COMPANIES-AMENDMENTS

#### Original Senate File No. 62

AN ACT relating to professions and occupations; clarifying regulations regarding appraisal management company license reinstatement; removing a probationary period for an appraiser panelist; and providing for an effective date.

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

**Section 1.** W.S. 33-39-202(a) by creating a new paragraph (xiv), 33-39-209(a) and (b)(iii), 33-39-211(a)(i) and 33-39-223 are amended to read:

#### **33-39-202. Definitions.**

(a) As used in this article:

(xiv) “Adverse action” means the refusal, denial, cancellation, suspension,



revocation or surrender in lieu of revocation of a license or certificate to practice as an appraiser.

**33-39-209. Owner requirements.**

(a) No appraisal management company shall be eligible for registration in this state if the company, 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~~ an adverse action in any jurisdiction for a substantive cause as determined by the board. If a person has had an adverse action, but the person certifies to the board that the adverse action was for other than a substantive cause and that the person's license or certificate has been issued or reinstated, as applicable, this subsection shall not apply.

(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:

(A) ~~The person has never had a certificate or license to act as an appraiser refused, denied, cancelled, revoked or surrendered in lieu of revocation~~ an adverse action in this state or in any other jurisdiction; or

(B) The adverse action was for other than a substantive cause and the person's license or certificate has been issued or reinstated, as applicable, by the state or states in which the appraiser was licensed or certified.

**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:

(A) ~~The person has never had a certificate or a license issued by the board of this state, or the board of any other jurisdiction, to act as an appraiser refused, denied, cancelled, revoked or surrendered in lieu of revocation~~ an adverse action in this state or in any other jurisdiction; or

(B) The adverse action was for other than a substantive cause and the person's license or certificate has been issued or reinstated, as applicable, by the state or states in which the appraiser was licensed or certified.

**33-39-223. Notification of dismissal.**

~~Except within the first ninety (90) days after an independent appraiser is added to the appraiser panel of an appraisal management company, An appraisal management company shall not remove an appraiser from its appraiser panel or otherwise refuse to assign requests for real estate appraisal services to an independent appraiser without notifying the appraiser in writing of the reasons for the action.~~



**Section 2.** This act is effective July 1, 2020.

Approved March 12, 2020.

## Chapter 74

### RURAL HEALTH CARE DISTRICT AUTHORITY

Original Senate File No. 69

AN ACT relating to rural health care districts; clarifying the authority of districts to own and operate a nursing home as specified; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 35-2-703(a)(xi), 35-2-710(a), 35-2-712 and 35-2-721 are amended to read:

**35-2-703. Body corporate; name and style; powers generally; rules and regulations of trustees.**

(a) Each district so established is a body corporate and shall be designated by the name of the .... rural health care district. The district name shall be entered upon the commissioners' records and shall be selected by the board of county commissioners of the county in which the greater area of land within the district is located. In the name so selected, the district through its governing board may:

(xi) Construct, purchase or own a hospital, nursing home and related facilities.

**35-2-710. Securities for acquiring and improving hospitals, nursing homes and related facilities; issuance authorized; lines of credit and tax and revenue anticipation notes.**

(a) The trustees of a rural health care district established pursuant to W.S. 35-2-701, are authorized to issue revenue bonds, notes and warrants or other revenue securities for the purpose of acquiring, erecting, constructing, reconstructing, improving, remodeling, furnishing and equipping hospitals, nursing homes and related facilities and acquiring a site or sites as the trustees may determine.

**35-2-712. Securities for acquiring hospitals, nursing homes and related facilities; not a general obligation of rural health care district or trustees; payable from special fund.**

The securities issued pursuant to W.S. 35-2-711 through 35-2-722 shall not constitute a general obligation of the rural health care district, nor of the trustees, but shall be payable solely from a special fund to contain the net revenue to be derived from the operation of the hospitals, nursing homes and related facilities, the revenues being defined as those remaining after paying the

costs of operating and maintaining the facilities.

**35-2-721. Charges and rentals.**

The trustees shall establish and collect charges for services and rentals for use of facilities furnished, acquired, constructed or purchased from the proceeds of the securities sufficient to pay the principal or the interest, or both, on the securities as they become due and payable, together with the additional sums as may be deemed necessary for accumulating reserves and providing for obsolescence and depreciation and to pay the expenses of operating and maintaining the facilities. The trustees shall establish all other charges, fees and rates to be derived from the operation of the hospital, nursing home or any other facility of the rural health care district.

**Section 2.** This act is effective July 1, 2020.

Approved March 12, 2020.

## Chapter 75

### 2020 LARGE PROJECT FUNDING

Original Senate File No. 112

AN ACT relating to the Wyoming Wildlife and Natural Resource Funding Act; providing for funding of large projects under that act; authorizing the additional grant of funds for a large project; specifying projects approved for funding in 2020; authorizing distributions from the Wyoming wildlife and natural resource trust income account for approved projects; providing for reversion of funds; 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 (e) of this section.

(c) Sublette Cheatgrass II:

(i) Project sponsor: Sublette County Weed and Pest District;

(ii) Project purpose: Chemical, mechanical and other treatments of noxious Bromus species 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 wildfires;
- (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 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.

(d) Sheridan Invasive Grasses II:

(i) Project sponsor: Sheridan County Weed and Pest District;

(ii) Project purpose: Chemical, mechanical and other treatments of noxious Medusahead and Ventenata species on approximately forty-four thousand (44,000) acres in Sheridan county in order to:

- (A) Improve habitats for native wildlife species;
- (B) Reduce and eliminate the potential for catastrophic wildfires;
- (C) Reduce or eliminate the potential spread of highly invasive grass species;
- (D) Enhance rangelands for livestock use.

(iii) Project description: Invasive species elimination;

(iv) Total project budget: One million five hundred fifty-five thousand dollars (\$1,555,000.00);

(v) Project grant: The board is authorized to grant four hundred forty-six thousand dollars (\$446,000.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board four hundred forty-six thousand dollars (\$446,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(e) Sunlight Basin Habitat II:

(i) Project sponsor: Wyoming Game and Fish Commission;

(ii) Project purpose: Restoration of stream function and adjacent meadow and riparian uplands on approximately four hundred (400) acres of lands

providing crucial winter range to elk, mule deer, bighorn sheep and moose in Park county in order to:

- (A) Maintain habitats and migration passage for game species;
  - (B) Reduce or eliminate sediment loads on Sunlight, Painter and Trail creeks;
  - (C) Stabilize streambanks and adjacent riparian habitats to maintain proper stream function;
  - (D) Increase the amount of forage available for wintering ungulates.
- (iii) Project description: River and rangeland restoration;
- (iv) Total project budget: Two million nine hundred ninety-three thousand eight hundred twenty-nine dollars (\$2,993,829.00);
- (v) Project grant: The board is authorized to grant one hundred fifty thousand dollars (\$150,000.00) to the sponsor for the purposes specified in this subsection;
- (vi) Appropriation: There is appropriated from the income account to the board one hundred fifty thousand dollars (\$150,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(f) Unexpended and unobligated funds appropriated under this section shall revert to the income account on June 30, 2023.

**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 12, 2020.

## Chapter 76

### LIVESTOCK BRAND ADMINISTRATION

#### Original Senate File No. 81

AN ACT relating to brands; amending provisions related to the rerecording of brands; authorizing the extension of the rerecording period for up to one hundred years; amending the recording fee; providing for notice of continuation; repealing the provision for permanently recorded brands; and providing for an effective date.

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

**Section 1.** W.S. 11-20-115 and 11-20-116(a) are amended to read:

**11-20-115. Rerecording; when required; notice; abandonment.**

(a) Except as provided in W.S. 11-20-126, every tenth year after recording a brand, Every owner of a brand shall rerecord the brand according to the applicable time periods established by the board pursuant to subsection (c) of

this section, 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~~ owner of 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~~ owner of 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 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~~ owner of 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) The term of the rerecording period shall ~~not exceed~~ be in ten (10) years year increments, not to exceed one hundred (100) years at the option of the owner of the brand. The renewal schedule and the method of renewal shall be established by the board. Every owner of a brand shall rerecord the brand ~~every ten (10) years pursuant to the renewal schedule established by the board~~ 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 a rerecording notice or abandonment notice sent under subsection (a) of this section, the board shall offer the option to ~~a party the owner of the brand~~ the owner of the brand to rerecord all brands ~~that the party owns~~ owned by the same person 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~~ ten (10) year term established by subsection (c) of this section. The board shall offer the option to the owner of the brand to extend the rerecording period in ten (10) year increments not to exceed one hundred (100) years upon payment of the appropriate fee as specified in W.S. 11-20-116(a).

(e) ~~A party owning~~ The owner of 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.

**11-20-116. Fees for renewal, transfer of ownership or alteration of brand; recording bill of sale deemed renewal.**

(a) For renewing any brand previously recorded and issuing a certificate of renewal, the board shall charge not less than three hundred dollars (\$300.00)

for each ten (10) year period, provided that if the renewal is for more than fifty (50) years, the fee shall be not less than one hundred dollars (\$100.00) for each ten (10) year period beyond fifty (50) years. The fee shall cover any additional species of livestock for which the brand was previously recorded.

**Section 2.** W.S. 11-20-126 is repealed.

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

Approved March 12, 2020.

## Chapter 77

### PUBLIC UTILITIES-LIABILITY EXEMPTION

Original Senate File No. 122

AN ACT relating to civil procedure; codifying an exemption from civil liability for public utilities as specified; specifying applicability of the Wyoming Governmental Claims Act; specifying legislative intent; and providing for an effective date.

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

**Section 1.** W.S. 1-1-139 is created to read:

**1-1-139. Public utility exemption from civil liability; catastrophes caused by an act of God.**

(a) Except as provided in subsection (b) of this section, a public utility is not liable for damages to real or personal property or damages for claims resulting from economic losses in any civil action against the public utility for a catastrophe caused by an act of God.

(b) Subsection (a) of this section shall not apply to damages if a negligent, willful, wanton or reckless act of the public utility was a proximate cause of the catastrophe.

(c) As used in this section:

(i) "Economic losses" includes damages caused by a failure to provide an adequate supply of gas, electricity, water, solid or liquid waste collection or disposal, heating and ground transportation;

(ii) "Municipality" means as defined in W.S. 37-1-101(a)(iii);

(iii) "Public utility" means as defined in W.S. 37-1-101(a)(vi), excluding the state or a municipality.

(d) Should any grant of immunity, exception or imposition of liability within the Wyoming Governmental Claims Act, W.S. 1-39-101 through 1-39-120, conflict with any provision of this section, the Wyoming Governmental Claims

Act shall prevail.

**Section 2.** It is intended by this act to codify the common law existing in this state as of July 1, 2020, as it relates to the liability of a public utility for damages to real or personal property or damages for claims resulting from economic losses in a civil action against a public utility for a catastrophe caused by an act of God.

**Section 3.** This act is effective July 1, 2020.

Approved March 12, 2020.

## Chapter 78

### IMPORTATION OF PRESCRIPTION DRUGS-STUDY

#### Original House Bill No. 113

AN ACT relating to food and drugs; requiring the department of health to study the feasibility of a prescription drug importation program for possible implementation in Wyoming; specifying study parameters; requiring a report; and providing for an effective date.

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

#### **Section 1.**

(a) Not later than October 1, 2020, the department of health shall complete a study on the feasibility of establishing a prescription drug importation program for distributing prescription drugs to voluntarily participating, state-licensed pharmacies in Wyoming for retail sale to persons in Wyoming with valid prescriptions. As part of this study, the department shall consider the following:

(i) The potential savings Wyoming residents and state agencies may gain from the implementation of a prescription drug importation program;

(ii) Which prescription drugs may have the highest potential for consumer savings and budget savings through importation including the amounts and dosages needed for the most commonly prescribed drugs;

(iii) The need for any necessary federal certification for implementation of a prescription drug importation program in Wyoming, including complying with the federal importation requirements of 21 U.S.C. § 384 and the federal Drug Supply Chain Security Act and the procedures necessary to achieve that certification;

(iv) Any impacts that a prescription drug import program may have on payers, pharmacies, other health care providers and suppliers in Wyoming;

(v) Any impacts that a prescription drug import program may have on Wyoming consumers, including the impact imported prescription drugs may have on overall consumer costs and the impact imported drugs may have on

the accessibility of prescription drugs throughout Wyoming;

(vi) The establishment of a process and any necessary procedures for the department of health, the state board of pharmacy and any other state agency involved with the procurement, storage and distribution of prescription drugs for implementing a prescription drug importation program in Wyoming;

(vii) Any administrative costs, impacts and savings to the department of health, the state board of pharmacy and any other state agency that provides healthcare to persons in Wyoming associated with the implementation and supervision of a prescription drug importation program in Wyoming;

(viii) Any funding, spending or borrowing authorization necessary to maintain a month-to-month cash flow of funds necessary for administering a prescription drug importation program.

(b) In completing the study provided under subsection (a) of this section, the department shall study for comparative purposes other factors affecting access to, and the affordability of, prescription drugs in Wyoming, including but not limited to:

(i) The methods health insurers and pharmacy benefit managers use to manage prescription drug costs;

(ii) The use of pharmaceutical manufacturer rebates and discounts used by health insurers and pharmacy benefit managers;

(iii) The portion of prescription drug prices attributable to drug manufacturer:

(A) Costs for research and development; and

(B) Profit margins.

(iv) Other arrangements, including direct contracts with prescription drug suppliers, statewide distribution agreements with wholesale or retail prescription drug providers, price agreements and the possibility of group purchasing with other states;

(v) The group purchasing of Hepatitis C drugs in conjunction with other states to meet the needs of both the Medicaid program and the department of corrections. This study shall not be deemed to prevent implementation of a group purchasing effort for these drugs prior to the completion of the study.

(c) Not later than October 1, 2020, the department of health shall report to the joint labor, health and social services interim committee on the results of the study required by subsections (a) and (b) of this section. As part of this report, the department of health shall recommend whether it is feasible to implement a prescription drug importation program in Wyoming and whether the program is likely to result in significant savings to Wyoming state agencies and consumers.



(d) The joint labor, health and social services interim committee may sponsor any legislation necessary to implement the recommendations the department of health makes as part of the study required under subsections (a) and (b) of this section.

(e) No state agency shall implement or seek federal approval to implement a prescription drug importation program in Wyoming without legislative authorization.

**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 12, 2020.

## Chapter 79

### TRANSPORTATION OF NONRESIDENT STUDENTS

Original House Bill No. 178

AN ACT relating to school finance; limiting transportation for nonresident students as specified; and providing for an effective date.

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

**Section 1.** W.S. 21-13-320 by creating a new subsection (n) is amended to read:

**21-13-320. Student transportation; amount within school foundation program formula for transportation maintenance and operations expenditures and school bus purchases; district reporting requirements.**

(n) Except as needed to ensure shared services for the purpose of efficiency, educational stability for a child taken into protective custody or pursuant to an agreement under W.S. 21-4-502, no district shall send or arrange to send any bus or other form of transportation into another school district for the purposes of loading or discharging students residing in that district.

**Section 2.** This act is effective July 1, 2020.

Approved March 12, 2020.

## Chapter 80

### GENERAL GOVERNMENT APPROPRIATIONS

Original Senate File No. 1

AN ACT to make appropriations for the fiscal biennium commencing July 1, 2020 and ending June 30, 2022; providing definitions; providing for appropriations and transfers of funds for the period of the

budget and for the remainder of the current biennium as specified; providing for carryover of certain funds beyond the biennium as specified; providing for employee positions as specified; providing for duties, terms and conditions and other requirements relating to appropriations for the remainder of the current biennium and the period of the budget as specified; providing for position and other budgetary limitations; amending existing law by redirecting revenues and making transfers for the period of the budget; authorizing temporary surcharges; creating accounts; providing for a continuous appropriation; providing for reports related to appropriations; 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) “SR” means an agency’s account within the special revenue fund;
- (n) “S1” means water development account I created by W.S. 41-2-124(a)(i);
- (o) “S2” means water development account II created by W.S. 41-2-124(a)(ii);
- (p) “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);
- (q) “S5” means the school foundation program account;
- (r) “S6” means the school capital construction account;
- (s) “S7” means the highway fund;
- (t) “S10” means the legislative stabilization reserve account;
- (u) “S13” means the strategic investments and projects account created by W.S. 9-4-220;
- (w) “S0” means other funds identified by footnote;
- (y) “T2” means the miners’ hospital permanent land income fund;

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

(z) "T3" means the state hospital permanent land fund;

(aa) "T4" means the poor farm account within the permanent land fund as established by W.S. 9-4-310(a)(v);

(bb) "T0" means other expendable trust funds administered by individual agencies for specific functions within the agencies' authority;

(cc) "TT" means the tobacco settlement trust income account;

(dd) "This appropriation" when used in a footnote shall be construed as a reference to that portion of the appropriated funds identified in the footnote.

**Section 2.** The following sums of money, or so much thereof as is necessary, are appropriated to be expended during the two (2) years beginning July 1, 2020 and ending June 30, 2022, or as otherwise specified, for the purposes, programs and number of employees specified by this act and the approved budget of each agency. Unless otherwise specifically provided, the conditions, terms and other requirements on appropriations in this act are effective until June 30, 2022, subject to accrual accounting principles.

### Section 001. OFFICE OF THE GOVERNOR

#### PROGRAM

Administration <sup>1</sup>	7,276,342				7,276,342
Tribal Liaison	430,074				430,074
Commission on Uniform Laws	94,903				94,903
Special Contingency	1,000,000				1,000,000
Homeland Security	2,385,361	20,570,800	861,029	SR	23,817,190
Natural Resource Policy <sup>2, [3]</sup>	1,000,000		250,000	S13	1,250,000
Endangered Species Admin.	750,000				750,000
Baseline Scientific Assess.	307,150				307,150
TOTALS	13,243,830	20,570,800	1,111,029		34,925,659

#### AUTHORIZED EMPLOYEES

Full Time	42
Part Time	0
TOTAL	42

1. Of this general fund appropriation, two hundred fifty thousand dollars (\$250,000.00) is appropriated to identify impediments and act on opportunities to improve Wyoming's access to and export growth in international markets. Expenditures may include international travel to improve the state's relative strength in the global marketplace, expand access to markets and advance trade representation for Wyoming commodities and products.

2. This general fund appropriation shall be deposited into the federal natural resource policy account created by W.S. 9-4-218(a).

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

~~3. Of this other funds appropriation, two hundred fifty thousand dollars (\$250,000.00) is appropriated from the strategic investments and projects account to assist the state in determining the fair taxable value of federally owned lands in Wyoming, including lands managed and administered by the United States department of interior and the United States department of agriculture, for purposes of negotiating payment in lieu of taxes (PILT) payments. The governor may use this appropriation to contract with qualified professionals possessing the experience and technological resources to conduct efficient valuations. This appropriation shall not be transferred or expended for any other purpose. It is the intent of the legislature that this appropriation not be included in the office of the governor's standard budget for the immediately succeeding fiscal biennium. If 2020 Senate File 0110 is enacted into law, this footnote and this appropriation shall not be effective. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]~~

### Section 002. SECRETARY OF STATE

#### PROGRAM

Administration <sup>1</sup>	8,678,041	199,251			8,877,292
Securities Enforcement			682,668	SR	682,668
Bucking Horse & Rider			20,000	SR	20,000
TOTALS	8,678,041	199,251	702,668		9,579,960

#### AUTHORIZED EMPLOYEES

Full Time	31
Part Time	0
TOTAL	31

1. Of this general fund appropriation, one hundred fifty-four thousand dollars (\$154,000.00) is appropriated for costs of publication required by W.S. 22-20-104 for any joint resolution adopted by the legislature that would propose amendment to the constitution on the 2020 statewide election ballot. This appropriation shall not be transferred or expended for any other purpose. It is the intent of the legislature that this appropriation not be included in the secretary of state's standard budget for the immediately succeeding fiscal biennium. Any unexpended, unobligated funds remaining from the appropriation associated with this footnote shall revert as provided by law on June 30, 2021. If 2020 House Joint Resolution 0001 is not adopted by the legislature, eighty-two thousand dollars (\$82,000.00) of this appropriation shall not be effective. If 2020 House Joint Resolution 0004 is not adopted by the legislature, seventy-two thousand dollars (\$72,000.00) of this appropriation shall not be effective.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

**Section 003. STATE AUDITOR****PROGRAM**

Administration	16,936,749			16,936,749
GF License Revenue Recoup.	1,638,128			1,638,128
<b>TOTALS</b>	<b>18,574,877</b>	<b>0</b>	<b>0</b>	<b>18,574,877</b>

**AUTHORIZED EMPLOYEES**

Full Time	26
Part Time	0
<b>TOTAL</b>	<b>26</b>

**Section 004. STATE TREASURER****PROGRAM**

Treasurer's Operations <sup>1</sup>	4,197,412		45,001	SR	4,242,413
Veterans' Tax Exemption <sup>2</sup>	11,059,696				11,059,696
Invest. & Fin. Acct.	218,168		53,261,191	SR	53,479,359
Unclaimed Property			1,772,252	SR	1,772,252
Internal Investments <sup>3,4</sup>			8,000,000	SR	8,000,000
Native American Exemption	692,821				692,821
<b>TOTALS</b>	<b>16,168,097</b>	<b>0</b>	<b>63,078,444</b>		<b>79,246,541</b>

**AUTHORIZED EMPLOYEES**

Full Time	38
Part Time	0
<b>TOTAL</b>	<b>38</b>

1. (a) A portion of this general fund appropriation may be expended to carry out the purposes of this footnote. In accordance with W.S. 9-1-205(a), during the period beginning with the effective date of this footnote and ending December 31, 2022, the state treasurer's office shall provide monthly information to the legislature and the state loan and investment board concerning the following:

(i) The monthly and fiscal year status of all distributions and transfers of state funds required by law to occur during this period and the expected date for the completion of the distributions and transfers;

(ii) The monthly and fiscal year status of investment earnings, interest, dividends and realized and unrealized gains and losses for each of the investment pools under the control of the state treasurer's office and each investment manager under contract with the state treasurer's office;

(iii) Any issues, including delays, identified by the state treasurer's office related to investment and accounting of funds under the control of the state treasurer's office and any actions planned to address the identified issues.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

(b) This footnote is effective immediately.

2. Of this general fund appropriation, three hundred fifty-nine thousand two hundred fifty-nine dollars (\$359,259.00) is effective immediately.

3. It is the intent of the legislature that this division's appropriation be expended and accounted for in the 2021-2022 biennium and requested by the state treasurer in the 2023-2024 biennial budget request in three (3) separate units, one (1) each for investment staff, accounting staff and administrative staff.

4. Beginning with the effective date of this footnote and ending June 30, 2022, except for performance compensation authorized under W.S. 9-1-409(e), no funds shall be expended to increase the compensation of state treasurer's office investment staff listed in W.S. 9-1-409(e)(ii) without further legislative action. This footnote is effective immediately.

**Section 006. ADMINISTRATION AND INFORMATION**

**PROGRAM**

Director's Office	4,121,146		362,961	SR	4,484,107
Professional Licensing Bds.			1,289,808	SR	1,289,808
Budget Division	2,465,611				2,465,611
General Services <sup>1, 2, [3], 4</sup>	55,788,966		27,354,672	IS	
			223,623	SR	83,367,261
Human Resources Division	3,504,866				3,504,866
Employees' Group Insurance			761,533,121	IS	
			8,000,000	SR	769,533,121
Economic Analysis	1,312,533				1,312,533
State Library	4,391,607	1,171,034	4,067,901	SR	9,630,542
<b>TOTALS</b>	<b>71,584,729</b>	<b>1,171,034</b>	<b>802,832,086</b>		<b>875,587,849</b>

**AUTHORIZED EMPLOYEES**

Full Time <sup>1</sup>	213
Part Time	<u>1</u>
<b>TOTAL</b>	<b>214</b>

1. It is the intent of the legislature that of this general fund appropriation, ninety-nine thousand four hundred ninety-six dollars (\$99,496.00) and of these authorized full-time employees, one (1) full-time employee not be included within the department of administration and information's standard budget for the immediately succeeding fiscal biennium.

2. It is the intent of the legislature that the Rockwell building maintenance unit be expended and accounted for in the trades management unit for the 2021-2022 biennium and included in the trades management unit in the department of administration and information's 2023-2024 biennial budget request.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

~~3. Of this general fund appropriation, sixty-five thousand dollars (\$65,000.00) is appropriated for purposes of providing additional custodial services in all legislative spaces in the capitol, capitol extension and Herschler building 1W before, during and immediately after the 2021 and 2022 legislative sessions. This appropriation shall not be transferred or expended for any other purpose. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]~~

4. Of this general fund appropriation, not more than twenty-four million eight hundred fifty-two thousand six hundred sixty-three dollars (\$24,852,663.00) shall be expended on real property leasing for state agencies.

**Section 007. WYOMING MILITARY DEPARTMENT**

**PROGRAM**

Military Dept. Operation	10,563,162				10,563,162
Air National Guard <sup>1</sup>	977,458	12,778,581			13,756,039
Camp Guernsey			999,027	SR	999,027
Army National Guard <sup>2</sup>	41,241	43,430,767	2,970,058	S5	46,442,066
Veterans' Services	3,572,393	230,878	7,500	SR	3,810,771
Oregon Trail Cemetery	595,427		20,000	SR	615,427
Military Support	68,447				68,447
Civil Air Patrol	235,717				235,717
<b>TOTALS</b>	<b>16,053,845</b>	<b>56,440,226</b>	<b>3,996,585</b>		<b>76,490,656</b>

**AUTHORIZED EMPLOYEES**

Full Time <sup>1, 2</sup>	249
Part Time	29
<b>TOTAL</b>	<b>278</b>

1. Pursuant to W.S. 19-7-103(b)(xxii), authority is granted to the military 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 military 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 military

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

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 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 military 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).

### Section 008. OFFICE OF THE PUBLIC DEFENDER

#### PROGRAM

Administration <sup>1</sup>	23,682,419		4,141,762	SR	27,824,181
Guardian Ad Litem	4,358,051		1,159,570	SR	5,517,621
Capital Case <sup>2</sup>	1,236,750		218,250	SR	1,455,000
TOTALS	29,277,220	0	5,519,582		34,796,802

#### AUTHORIZED EMPLOYEES

Full Time <sup>1</sup>	89
Part Time	16
TOTAL	105

1. Of this general fund appropriation, two million five hundred fifty thousand dollars (\$2,550,000.00) and of this other funds appropriation, four hundred fifty thousand dollars (\$450,000.00)SR may be expended for contract trial attorneys, contract legal support or compensation for up to five (5) full-time employee positions included in the total authorized positions under this section in a manner that addresses caseload work requirements and geographic distribution in the most effective and efficient manner as determined by the public defender.

2. Of this general fund appropriation, one million two hundred thirty-six thousand seven hundred fifty dollars (\$1,236,750.00) and of this other funds appropriation, two hundred eighteen thousand two hundred fifty dollars (\$218,250.00)SR is effective immediately.

### Section 009. WYOMING PIPELINE AUTHORITY

#### PROGRAM

Administration <sup>1</sup>	1,150,000				1,150,000
TOTALS	1,150,000	0	0		1,150,000



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

1. This general fund appropriation is effective immediately, available for transfer to the Wyoming energy authority in accordance with 2019 Wyoming Session Laws, Chapter 34 and shall not be expended by the Wyoming pipeline authority.

**Section 010. DEPARTMENT OF AGRICULTURE**

**PROGRAM**

Administration Div.	2,557,246		5,000	SR	2,562,246
Ag. Education and Info.	20,000		20,000	SR	40,000
Consumer Prot. Div. <sup>1,2</sup>	12,764,090	1,307,430	1,438,725	SR	15,510,245
Natural Resources Div. <sup>3</sup>	4,694,321	7,914	656,008	S1	5,358,243
Pesticide Registration	773,671				773,671
State Fair <sup>4</sup>	3,191,837		1,175,148	SR	4,366,985
Weed & Pest Control			856,477	SR	856,477
Predator Management <sup>5</sup>	6,557,973				6,557,973
Wyoming Beef Council			2,271,530	SR	2,271,530
Wyo Wheat Mktg. Comm.			178,700	SR	178,700
Dry Bean Commission			300,000	SR	300,000
Leaf Cutter Bee			11,195	SR	11,195
TOTALS	30,559,138	1,315,344	6,912,783		38,787,265

**AUTHORIZED EMPLOYEES**

Full Time	78
Part Time	7
TOTAL	85

1. Of this general fund appropriation, one hundred twenty thousand dollars (\$120,000.00) is appropriated for the regulation of hemp production. It is the intent of the legislature that this appropriation not be included within the department of agriculture’s standard budget for the immediately succeeding fiscal biennium.

2. Of this other funds appropriation, up to one hundred twenty thousand dollars (\$120,000.00)SR is appropriated to reimburse the general fund for any amounts expended by the department of agriculture from the general fund associated with footnote 1 of this section. This appropriation shall not be transferred or expended for any other purpose.

3. Of this general fund appropriation, three hundred thousand dollars (\$300,000.00) is appropriated for Wyoming agriculture in the classroom. This

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

appropriation shall not be transferred or expended for any other purpose. It is the intent of the legislature that this appropriation not be included within the department of agriculture’s standard budget for the immediately succeeding fiscal biennium.

4. Of this general fund appropriation, thirty-two thousand three hundred dollars (\$32,300.00) is appropriated for the acquisition of farm and shop equipment [~~including a rock screen, maintenance broom attachment and metal detector for the state fair grounds~~]. This appropriation shall not be transferred or expended for any other purpose. **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]**

5. Of this general fund appropriation, one hundred forty-five thousand dollars (\$145,000.00) is appropriated for expenditure in accordance with chapter 2 of the Wyoming animal damage management board rules and for gray wolf depredation compensation. This appropriation shall not be transferred or expended for any other purpose.

**Section 011. DEPARTMENT OF REVENUE**

PROGRAM

Administration	3,141,865			3,141,865
Revenue Division	8,888,198		839,893 SR	9,728,091
Valuation Division <sup>1</sup>	6,795,121			6,795,121
Liquor Division			8,878,655 EF	8,878,655
Liquor Sales & Purchases			175,000,000 EF	175,000,000
General Fund Transfers			27,000,000 EF	27,000,000
TOTALS	18,825,184	0	211,718,548	230,543,732

AUTHORIZED EMPLOYEES

Full Time	114
Part Time	0
TOTAL	114

1. Of this general fund appropriation, two million dollars (\$2,000,000.00) is appropriated for the property tax refund program pursuant to W.S. 39-13-109(c) (v). It is the intent of the legislature that this appropriation not be included within the department of revenue’s standard budget for the immediately succeeding fiscal biennium.

**Section 014. MINERS’ HOSPITAL BOARD**

PROGRAM

Miners’ Hospital Board	9,694,055	T2	9,694,055
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APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
TOTALS	0	0	9,694,055	9,694,055

**AUTHORIZED EMPLOYEES**

Full Time	3
Part Time	0
TOTAL	3

**Section 015. ATTORNEY GENERAL****PROGRAM**

Law Office	19,830,820	812,420	1,744,131	\$5	
			4,043,082	SR	
			595,203	TT	27,025,656
Criminal Investigations	28,145,523	4,404,939	1,020,072	SR	33,570,534
Law Enforcement Academy	5,540,362		1,227,051	EF	6,767,413
Peace Off. Stds. & Trng.	369,074	50,000	38,400	SR	457,474
Medical Review Panel	307,945				307,945
Victim Services Division	7,178,597	17,372,367	5,108,478	SR	29,659,442
Governor's Council on DD	435,757	956,205	16,000	SR	1,407,962
TOTALS	61,808,078	23,595,931	13,792,417		99,196,426

**AUTHORIZED EMPLOYEES**

Full Time	240
Part Time	2
TOTAL	242

**Section 020. DEPARTMENT OF ENVIRONMENTAL QUALITY****PROGRAM**

Administration	7,564,411				7,564,411
Air Quality <sup>1</sup>	6,991,445	1,531,570	13,349,966	SR	21,872,981
Water Quality <sup>[2-]</sup> <sup>3</sup>	12,892,133	9,620,006	400,000	SR	22,912,139
Land Quality	4,796,103	4,592,474			9,388,577
Industrial Siting	689,302				689,302
Solid Waste Management	4,868,446	3,484,253	3,630,105	SR	11,982,804
Uranium NRC Agreement			2,081,113	SR	2,081,113
Abandoned Mine Reclam.		103,067,541			103,067,541
Subsidence Loss Ins.			213,943	SR	213,943
TOTALS	37,801,840	122,295,844	19,675,127		179,772,811

**AUTHORIZED EMPLOYEES**

Full Time <sup>1</sup>	264
Part Time	0
TOTAL	264

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

1. It is the intent of the legislature that of this general fund appropriation eighty-five thousand five hundred two dollars (\$85,502.00) and of this other funds appropriation one hundred ninety-nine thousand five hundred eight dollars (\$199,508.00)SR and one (1) authorized full-time position not be included in the department of environmental quality’s standard budget for the immediately succeeding fiscal biennium.

~~**[2. Of this general fund appropriation, two hundred fifty thousand dollars (\$250,000.00) is appropriated for a comprehensive surface water discharge plan for coal bed methane production in southern Wyoming. Expenditure of this appropriation is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated general funds to not less than one dollar (\$1.00) of matching funds from a nonstate entity. This appropriation shall not be transferred or expended for any other purpose. This appropriation is effective immediately.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]**~~

3. This general fund appropriation shall be reduced by an amount equal to the total increased fee revenue collected and attributable to 2020 Senate File 0060 if enacted into law as determined by the department of environmental quality. A like amount of other funds (SR) are appropriated to replace any reduction in the general fund appropriation associated with this footnote.

**Section 021. DEPARTMENT OF AUDIT**

PROGRAM

Administration	566,691	291,609	286,098	SR	1,144,398
Banking			6,321,286	SR	6,321,286
Public Fund	5,768,361				5,768,361
	3,081,721	5,174,455	206,300	SR	8,462,476
Excise	4,141,570		91,000	S7	4,232,570
TOTALS	13,558,343	5,466,064	6,904,684		25,929,091

AUTHORIZED EMPLOYEES

Full Time	109
Part Time	0
TOTAL	109

**Section 023. PUBLIC SERVICE COMMISSION**

PROGRAM

Administration		361,346	7,805,042	SR	8,166,388
Consumer Advocate Div.			2,108,616	SR	2,108,616
Universal Service Fund			5,340,012	SR	5,340,012
TOTALS	0	361,346	15,253,670		15,615,016

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	37			
Part Time	0			
TOTAL	37			

**Section 024. STATE PARKS & CULTURAL RESOURCES**

**PROGRAM**

Administration & Support	3,229,045				3,229,045
Cultural Resources <sup>1., 2., 3.,</sup>	10,803,968	3,359,181	200,000	EF	
<sup>4.</sup>			4,583,431	SR	18,946,580
St. Parks & Hist. Sites <sup>5.,</sup>	18,775,472	3,901,326	80,000	EF	
<sup>6.</sup>			14,362,777	SR	37,119,575
TOTALS	32,808,485	7,260,507	19,226,208		59,295,200

**AUTHORIZED EMPLOYEES**

Full Time	161
Part Time	88
TOTAL	249

1. Of this general fund appropriation, not less than sixty-three thousand dollars (\$63,000.00) is appropriated to support manuscripts and publication of the annals of Wyoming.

2. Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) is appropriated for purposes of the “We the People” educational program. No funds from this appropriation shall be expended to pay or reimburse the University of Wyoming indirect cost recovery or overhead expenses for the administration of the “We the People” educational program.

3. Of this general fund appropriation, one million dollars (\$1,000,000.00) shall be deposited into the corpus of the Wyoming cultural trust fund created by W.S. 9-2-2304.

4. Of this general fund appropriation, thirty thousand dollars (\$30,000.00) is appropriated to support the Wyoming centennial farm and ranch program. This appropriation shall not be transferred or expended for any other purpose.

5. Of this other funds appropriation, two hundred eighty-seven thousand five hundred dollars (\$287,500.00)SR is effective immediately.

6. The department may extend any contract or lease with a for profit business concession that expired or was terminated according to 2019 Wyoming Session Laws, Chapter 66, Section 3(a), notwithstanding the termination dates specified in 2019 Wyoming Session Laws, Chapter 66, Section 3(a). Any contract or lease extended pursuant to this footnote shall be managed on a month to month basis and shall not be extended beyond December 31, 2020.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

**Section 027. STATE CONSTRUCTION DEPARTMENT****PROGRAM**

Operations	1,794,713		4,352,268	S6	6,146,981
School Facilities Div. <sup>1</sup>			157,070,206	S6	157,070,206
Construction Management	1,434,992				1,434,992
<b>TOTALS</b>	<b>3,229,705</b>	<b>0</b>	<b>161,422,474</b>		<b>164,652,179</b>

**AUTHORIZED EMPLOYEES**

Full Time	29
Part Time	0
<b>TOTAL</b>	<b>29</b>

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, 2020 and ending June 30, 2022 for school building and facility safety and security needs. No expenditure shall be made under this footnote without the approval of the state construction department.

**Section 029. WYO WATER DEVELOPMENT OFFICE****PROGRAM**

Administration			8,098,333	S1	8,098,333
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>8,098,333</b>		<b>8,098,333</b>

**AUTHORIZED EMPLOYEES**

Full Time	25
Part Time	0
<b>TOTAL</b>	<b>25</b>

**Section 032. WYOMING INFRASTRUCTURE AUTHORITY****PROGRAM**

Administration <sup>1</sup>	1,150,000				1,150,000
<b>TOTALS</b>	<b>1,150,000</b>	<b>0</b>	<b>0</b>		<b>1,150,000</b>

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
<b>TOTAL</b>	<b>0</b>

1. This general fund appropriation is effective immediately, available for transfer to the Wyoming energy authority in accordance with 2019 Wyoming Session Laws, Chapter 34 and shall not be expended by the Wyoming infrastructure authority.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

**Section 037. STATE ENGINEER**

**PROGRAM**

Administration	2,132,672			2,132,672
Ground Water Div.	3,187,774			3,187,774
Surface Water Div.	2,339,282			2,339,282
Board of Control Div.			14,278,062	14,278,062 S1
Support Services Div.	2,158,744			2,158,744
Board of Registration PE			976,556	976,556 SR
Interstate Streams Div.	1,303,372		102,953	1,406,325 S1
Special Projects			17,820	17,820 SR
North Platte Settlement	1,462,188			1,462,188
Well Drillers' Licensing			266,946	266,946 SR
<b>TOTALS</b>	12,584,032	0	15,642,337	28,226,369

**AUTHORIZED EMPLOYEES**

Full Time	113
Part Time	8
<b>TOTAL</b>	121

**Section 039. WILDLIFE/NATURAL RESOURCE TRUST**

**PROGRAM**

Administration <sup>1, 2, 3, [4]</sup>	7,000,000		3,000,000	8,037,298 S13
			8,037,298	8,037,298 SR
Trust Corpus <sup>5</sup>	3,000,000			3,000,000
<b>TOTALS</b>	10,000,000	0	11,037,298	21,037,298

**AUTHORIZED EMPLOYEES**

Full Time	2
Part Time	0
<b>TOTAL</b>	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).

2. Of this general fund appropriation, one million dollars (\$1,000,000.00) is appropriated for the Wyoming landscape conservation initiative. Expenditure of this appropriation is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated general funds to not less than one dollar (\$1.00) of matching funds from the United States department of the interior, the United State department of agriculture, or both. This appropriation shall not be transferred or expended for any other purpose.

3. Of this other funds appropriation, three million dollars (\$3,000,000.00)

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

S13 shall be deposited into the Wyoming wildlife and natural resource trust income account created by W.S. 9-15-103(b) and shall only be used to provide for wildlife crossings and game fences in support of the highway system. Expenditure of this appropriation is conditioned upon a match of funds from available highway safety funds or other available department of transportation funds or, if highway safety funds or department of transportation funds are unavailable, a like amount of matching funds from any other source in the ratio of one dollar (\$1.00) of appropriated other funds associated with this footnote to not less than one dollar (\$1.00) of matching funds. This appropriation shall not be transferred or expended for any other purpose.

**[4. If any funds within the Wyoming wildlife and natural resource trust income account created by W.S. 9-15-103(b) are expended for wildlife corridors, wildlife crossings or game fences whose construction results in new ungulate migration bottlenecks or ungulate high-use areas, those ungulate migration bottlenecks or high-use areas shall not be designated as migration corridors or subject to infrastructure, recreational use and development conditions associated with migration corridors.]**  
**[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]**

5. 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 041. FIRE PREVENTION & ELEC SAFETY**

PROGRAM

Administration	960,894			960,894
Fire Prevention Admin.	1,947,256			1,947,256
Electrical Safety Admin.	1,539,477		869,270 SR	2,408,747
Training	1,546,785			1,546,785
Fire Academy	476,641			476,641
TOTALS	6,471,053	0	869,270	7,340,323

AUTHORIZED EMPLOYEES

Full Time	33
Part Time	0
TOTAL	33

**Section 042. GEOLOGICAL SURVEY**

PROGRAM

Geologic Program <sup>1,2</sup>	4,859,933			4,859,933
TOTALS	4,859,933	0	0	4,859,933



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

**AUTHORIZED EMPLOYEES**

Full Time	21
Part Time	0
TOTAL	21

1. Of this general fund appropriation, eighty thousand dollars (\$80,000.00) is appropriated for fieldwork, sample analyses, economic geologic evaluation and report preparation of any mineral deposits or occurrences discovered in the Big Horn mountains, Medicine Bow mountains, central Laramie range, Kemmerer coal seam and Bridger coal seam. Activities funded by this appropriation shall consider extractable minerals including cobalt, titanium, uranium, tungsten, vanadium, nickel, chromium, rare earths, gold, platinum, kimberlite chimney, helium and other minerals of similar economic value. The results of any analyses shall be publicly disseminated. It is the intent of the legislature that this appropriation not be included in the geological survey's standard budget for the immediately succeeding fiscal biennium.

2. Of this general fund appropriation, fifty thousand dollars (\$50,000.00) is appropriated for aeronautical magnetometer, earth magnetic resonance imaging and light detection evaluation of mountain ranges in southeast Wyoming. Expenditure of this appropriation is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated general funds to not less than nine dollars (\$9.00) of federal or other funding. It is the intent of the legislature that this appropriation not be included in the geological survey's standard budget for the immediately succeeding fiscal biennium.

**Section 044. INSURANCE DEPARTMENT****PROGRAM**

Administration			6,384,806	SR	6,384,806
Health Insurance Pool	4,412,348		8,881,732	EF	13,294,080
TOTALS	4,412,348	0	15,266,538		19,678,886

**AUTHORIZED EMPLOYEES**

Full Time	26
Part Time	0
TOTAL	26

**Section 045. DEPARTMENT OF TRANSPORTATION <sup>[1-]</sup>****PROGRAM**

Administration			3,742,531	S7	3,742,531
Administrative Services <sup>[2]</sup>		168,150	53,694,642	S7	
			14,636,000	SR	68,498,792
Law Enforcement <sup>3</sup>		6,831,296	86,288,942	S7	

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
			305,615 SR	93,425,853
WyoLink <sup>4</sup>			1,358,851 IS	
			4,565,058 S4	
			16,842,197 S7	22,766,106
Aeronautics Admin.		310,300	4,196,395 S7	4,506,695
Operational Services			2,405,010 IS	2,405,010
Aeronautics		45,225,000	160,394 IS	
			20,688,329 S7	66,073,723
TOTALS	0	52,534,746	208,883,964	261,418,710

#### AUTHORIZED EMPLOYEES

Full Time	560
Part Time	0
TOTAL	560

**[1. If any department of transportation funds are expended for wildlife corridors, wildlife crossings or game fences whose construction results in new ungulate migration bottlenecks or ungulate high use areas, those ungulate migration bottlenecks or high use areas shall not be designated as migration corridors or subject to infrastructure, recreational use and development conditions associated with migration corridors.]** [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]

2. (a) For the period beginning July 1, 2020 and ending June 30, 2022, the department of transportation **[shall assess and collect or cause to be collected a transportation information surcharge of five dollars (\$5.00) at the time the following fees are collected:**

**(i) Fees imposed by W.S. 31-3-101(a)(ii)(A), (B), (D) and (E);**

**(ii) Fees imposed by W.S. 31-18-401(a)(ii)(A) and (iii):** [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]

**[(b) Of this other funds appropriation, up to twelve million eight hundred thousand dollars (\$12,800,000.00)SR or as much thereof as] is [collected under the transportation information surcharge] authorized [by this footnote is appropriated] to replace the existing revenue information system and for continued modernization and maintenance of the replacement transportation information system. [Expenditure of this appropriation is conditioned upon the expenditure of highway funds for the purposes of this footnote in an amount equal to one dollar (\$1.00) in highway funds to two dollars (\$2.00) in other funds raised by the surcharge.]** [BRACKETED

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

**LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]**

3. Of this other funds appropriation, up to five hundred twenty-three thousand two hundred seventy-seven dollars (\$523,277.00)S7 may be expended for law enforcement personnel expenses of authorized positions within the personal services series (100) or through the contractual services series (900) as necessary to meet capitol security needs in the most effective and efficient manner.

4. Of this other funds appropriation, four million five hundred sixty-five thousand fifty-eight dollars (\$4,565,058.00)S4 is appropriated to fund the ongoing costs of hardware and software maintenance for the WyoLink system. As a condition of this appropriation, the department of transportation shall administer a billing system for the use of the WyoLink statewide public safety interoperable radio system. This appropriation shall be used to pay any charges to local governments until the appropriation is exhausted.

**Section 048. DEPARTMENT OF HEALTH**

**PROGRAM**

Director's Office	11,110,939	1,979,109	275,334	SR	13,365,382
Health Care Financing <sup>1,2</sup> .	647,294,799	754,223,867	47,834,129	SR	1,449,352,795
Public Health <sup>3, 4, 5</sup> .	42,313,511	61,675,928	83,075	A4	
			18,329,508	SR	
			9,768,625	TT	132,170,647
Behavioral Health <sup>3, 6, 7</sup> .	256,128,703	9,471,141	52,246,986	SR	
			666,024	T3	
			657,727	T4	
			14,511,175	TT	333,681,756
Aging	32,989,241	17,661,171	13,586,574	SR	64,236,986
<b>TOTALS</b>	<u>989,837,193</u>	<u>845,011,216</u>	<u>157,959,157</u>		<u>1,992,807,566</u>

**AUTHORIZED EMPLOYEES**

Full Time <sup>3</sup> .	1,349
Part Time	<u>68</u>
<b>TOTAL</b>	1,417

1. The director of the department of health, 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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

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, fourteen million dollars (\$14,000,000.00)SR and of this federal funds appropriation, fourteen million dollars (\$14,000,000.00) is authorized for expenditure only if the state Medicaid plan amendment specified by this footnote is or has been approved and shall be expended solely for purposes of making provider payments or reimbursements under the amended state Medicaid plan.

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, 2020 and ending June 30, 2022 shall be as follows:

(i) Twenty-five dollars (\$25.00) for an individual living in his own household;

(ii) Twenty-seven dollars and eighty cents (\$27.80) for each member of a couple living in their own household;

(iii) Twenty-eight dollars and seventy-two cents (\$28.72) for an individual living in the household of another;

(iv) Thirty dollars and fifty-seven cents (\$30.57) for each member of a couple living in the household of another.

3. In accordance with W.S. 35-1-243(e), eight (8) full-time employees are reduced in the public health nursing unit. Eight (8) additional full-time employees are authorized in the Wyoming state hospital unit.

4. Of this total appropriation, not less than eight million dollars (\$8,000,000.00) is appropriated for expenditure through the substance abuse and tobacco prevention unit 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 dollar (\$8,000,000.00) appropriation, not less than two million dollars (\$2,000,000.00) shall be expended on grants to counties for suicide prevention. This appropriation shall not be transferred or expended for any other purpose.

5. Of this other funds appropriation, one million four hundred ninety-one thousand eight hundred thirty-three dollars (\$1,491,833.00)TT is effective immediately.

6. Of this other funds appropriation, four hundred fourteen thousand nine hundred thirty-nine dollars (\$414,939.00)TT is effective immediately.

7. (a) As a condition of this total appropriation, not later than October 1,

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

2020, the department of health shall conduct a comprehensive review and rate rebasing assessment of developmental preschool services funding under W.S. 21-2-706 and report the results to the joint appropriations committee and the joint labor, health and social services interim committee. The report shall include the following:

- (i) The adequacy of funding for the services specified in W.S. 21-2-706;
- (ii) The method of requesting fiscal year appropriations;
- (iii) The mechanism for calculating payments and distributing funds to developmental preschool service providers;
- (iv) Any related recommendations.

**Section 049. DEPARTMENT OF FAMILY SERVICES**

**PROGRAM**

Energy Assistance & WX		22,739,776			22,739,776
Institutions	29,729,364	339,673	240,000	SR	30,309,037
Assistance & Services <sup>1., 2., 3., [4*] 5.</sup>	118,500,441	110,773,632	4,718,317	SR	
			5,026,293	TT	239,018,683
<b>TOTALS</b>	148,229,805	133,853,081	9,984,610		292,067,496

**AUTHORIZED EMPLOYEES**

Full Time	689
Part Time	19
<b>TOTAL</b>	708

1. For the period beginning July 1, 2020 and ending June 30, 2022, the department of family services shall not expend funds from this total appropriation to support the overall capacity of residential and group home beds in excess of the number of certified beds on January 1, 2020.

2. Of these general fund and federal funds appropriations, not less than eighty-three thousand seven hundred five dollars (\$83,705.00) is appropriated for adult protection services.

3. Of this general fund appropriation, two hundred thousand dollars (\$200,000.00) is appropriated for court ordered social services. It is the intent of the legislature that this appropriation not be included in the department of family services' standard budget for the immediately succeeding fiscal biennium. This appropriation is effective immediately.

~~4. Of this general fund appropriation, one hundred twenty-three thousand dollars (\$123,000.00) is appropriated for purposes of increasing the budgeted amount provided for burial and cremation expenses authorized by W.S. 42-2-103(c) by five hundred dollars (\$500.00) per individual burial~~

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

~~or cremation. The joint labor, health and social services interim committee shall identify and recommend options to provide a sustainable source of revenue to adequately supplement the cost of the indigent burials and cremations and shall consider the funding needs for county paid unclaimed body burials. This appropriation shall be for the period beginning with the effective date of this footnote and ending June 30, 2021. 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.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]~~

5. Of this general fund appropriation twenty-five thousand six hundred dollars (\$25,600.00) and of this federal funds appropriation, thirty-nine thousand six hundred dollars (\$39,600.00) is appropriated for the payment of increased court fees by the department of family services. These appropriations shall not be transferred or expended for any other purpose. These appropriations shall only be effective if 2020 House Bill 0193 is enacted into law.

**Section 051. LIVESTOCK BOARD**

**PROGRAM**

Administration	1,598,989	21,186	329,185	SR	1,949,360
Animal Health <sup>1</sup>	1,228,849		245,866	SR	1,474,715
Brucellosis <sup>2</sup>	983,052	416,216			1,399,268
Estrays	43,050				43,050
Brand Inspection	1,851,039		10,362,037	SR	12,213,076
Predator Control Fees			2,105,212	SR	2,105,212
TOTALS	5,704,979	437,402	13,042,300		19,184,681

**AUTHORIZED EMPLOYEES**

Full Time	17
Part Time	0
TOTAL	17

1. Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) and of this other funds appropriation, fifty thousand dollars (\$50,000.00)SR shall be deposited into the livestock law enforcement account created under W.S. 11-18-120(a).

2. It is the intent of the legislature that of this general fund appropriation, one hundred thousand dollars (\$100,000.00) not be included in the livestock board's standard budget for the immediately succeeding fiscal biennium.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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**Section 053. DEPARTMENT OF WORKFORCE SERVICES**

**PROGRAM**

Administration & Support	13,211,224	29,662,618	2,769,841	EF	
			6,564,328	SR	52,208,011
Vocational Rehab.	4,751,807	25,976,158	2,890,284	SR	33,618,249
Unemployment Insurance		33,111,531	143,019	EF	
			6,143,113	SR	39,397,663
Labor Standards	3,032,955				3,032,955
Workers' Comp. & OSHA <sup>1</sup>	4,535	4,444,658	65,402,293	EF	69,851,486
Disability Determination	192,058	7,614,807			7,806,865
<b>TOTALS</b>	<b>21,192,579</b>	<b>100,809,772</b>	<b>83,912,878</b>		<b>205,915,229</b>

**AUHZORIZED EMPLOYEES**

Full Time	553
Part Time	0
<b>TOTAL</b>	<b>553</b>

1. It is the intent of the legislature that of this other funds appropriation, eight million eight hundred four thousand two hundred seventy-eight dollars (\$8,804,278.00)EF not be included in the department of workforce services' standard budget for the immediately succeeding fiscal biennium.

**Section 055. OIL AND GAS COMMISSION**

**PROGRAM**

Administration <sup>1</sup>		250,415	12,123,656	SR	12,374,071
Orphan Wells			7,500,000	SR	7,500,000
<b>TOTALS</b>	<b>0</b>	<b>250,415</b>	<b>19,623,656</b>		<b>19,874,071</b>

**AUTHORIZED EMPLOYEES**

Full Time	41
Part Time	0
<b>TOTAL</b>	<b>41</b>

1. It is the intent of the legislature that of this other funds appropriation, two million three hundred fourteen thousand nine hundred forty-five dollars (\$2,314,945.00)SR not be included in the oil and gas conservation commission's standard budget for the immediately succeeding fiscal biennium

**Section 057. COMMUNITY COLLEGE COMMISSION**

**PROGRAM**

Administration	6,795,653		216,575	S5	7,012,228
State Aid	235,166,422				235,166,422
Contingency Reserve			3,200,000	SR	3,200,000

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Adult Education	2,144,364	1,873,758		4,018,122
WYIN Loan & Grant Prog.	6,055,747			6,055,747
Veterans' Tuition Waiver	1,231,250			1,231,250
WY Teacher Shortage Prog.			95,000	S5 95,000
Public Television	3,521,765		110,000	SR 3,631,765
TOTALS	254,915,201	1,873,758	3,621,575	260,410,534

#### AUTHORIZED EMPLOYEES

Full Time	13
Part Time	0
TOTAL	13

#### Section 060. STATE LANDS AND INVESTMENTS PROGRAM

Operations <sup>1,2</sup>	12,938,048	23,705,736	1,000,000	S0	
			1,152,779	S1	
			392,800	S5	
			3,817,504	SR	43,006,867
Forestry	7,850,909	771,489	225,622	SR	8,848,020
County Emergency Suppr. <sup>3</sup>			10,000,000	SR	10,000,000
Fire	4,190,925				4,190,925
Mineral Royalty Grants <sup>4</sup>			25,400,000	S4	25,400,000
Federal Forestry Grants		6,335,000			6,335,000
Fire Prot. Revolving Acct.			6,061,407	SR	6,061,407
Transp. Enterprise Fund			2,000,000	SR	2,000,000
TOTALS	24,979,882	30,812,225	50,050,112		105,842,219

#### AUTHORIZED EMPLOYEES

Full Time	95
Part Time	4
TOTAL	99

1. Of this general fund appropriation, five hundred thousand dollars (\$500,000.00) in excess of the governor's recommended budget for the 2021-2022 biennium is appropriated for state trust land preservation and enhancement projects that specifically address invasive or noxious weed species on state lands.

2. Of this other funds appropriation, one million dollars (\$1,000,000.00)S0 is appropriated from investment earnings (revenue code 4601R) from the state agency pool that would otherwise be deposited into the general fund. These funds are appropriated to fund the state loan and investment board's retention of a consultant to conduct an operational audit of the investments and financial



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

accounting within the state treasurer’s office. This appropriation shall not be transferred or expended for any other purpose. It is the intent of the legislature that this appropriation not be included in the standard budget for the office of state lands and investments for the immediately succeeding fiscal biennium. This appropriation is effective immediately.

3. Of this other funds appropriation, five hundred thousand dollars (\$500,000.00)SR is appropriated to address the effects of insect infestations for each year of the 2021-2022 biennium. In each year, funds are appropriated for expenditure on or after September 1 and only upon approval of the governor. This appropriation may be expended for insect infestation mitigation on private, state or federal lands pursuant to memoranda of agreement entered into by the division and any local, state or federal agency. It is the intent of the legislature that this appropriation not be included in the office of state lands and investments’ standard budget for the immediately succeeding fiscal biennium.

4. Of this other funds appropriation, eleven million two hundred fifty thousand dollars (\$11,250,000.00)S4 is only available for expenditure in an amount equal to the actual federal coal lease bonus payments deposited into the capital construction account under W.S. 9-4-601(b)(i)(A) for the period beginning July 1, 2020 and ending June 30, 2022.

**Section 063. GOVERNOR’S RESIDENCE**

**PROGRAM**

Residence Operation	583,255			583,255
Governor’s Residence	4,925			4,925
<b>TOTALS</b>	<b>588,180</b>	<b>0</b>	<b>0</b>	<b>588,180</b>

**AUTHORIZED EMPLOYEES**

Full Time	2
Part Time	0
<b>TOTAL</b>	<b>2</b>

**Section 066. WYOMING TOURISM BOARD**

**PROGRAM**

Wyoming Tourism Board <sup>1</sup>	26,512,363		23,600	SR	26,535,963
<b>TOTALS</b>	<b>26,512,363</b>	<b>0</b>	<b>23,600</b>		<b>26,535,963</b>

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
<b>TOTAL</b>	<b>0</b>

1. Of this general fund appropriation, two hundred thousand dollars

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

(\$200,000.00) is appropriated for purposes of a continuing grant for regional marketing efforts to increase tourism targeted at activities related to “salt to stone” attractions within southwest Wyoming. This appropriation shall not be transferred or expended for any other purpose.

**Section 067. UNIVERSITY OF WYOMING** <sup>1, 2.</sup>

PROGRAM

State Aid <sup>3, 4.</sup>	350,840,070			350,840,070
Family Medical Residency	17,452,926			17,452,926
WWAMI Medical Education	17,339,793			17,339,793
School of Energy Res. <sup>5.</sup>	27,185,027			27,185,027
Tier 1 Engineering	9,538,053			9,538,053
NCAR MOU	1,802,339			1,802,339
Endowments & Matching <sup>6.,</sup>	21,250,000			21,250,000
<sup>7., 8.</sup>				
TOTALS	445,408,208	0	0	445,408,208

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

1. (a) As a condition of these appropriations, the University of Wyoming shall not expend any general funds, federal funds or other funds under its control for any of the following:

(i) Elective abortions for students, except under the circumstances described in W.S. 35-6-117;

(ii) Group health insurance that provides coverage of elective abortions for students, except under the circumstances described in W.S. 35-6-117.

2. The university is authorized to use up to five hundred thousand dollars (\$500,000.00) from its unobligated reserve accounts to provide matching funds for the provision of facilities for the departments of military science and aerospace studies. Expenditure of the funds in this footnote is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of reserve funds to not less than one dollar (\$1.00) of matching funds from a nonstate entity. Not later than October 1, 2020, the university shall report to the joint appropriations committee and the governor on its progress and plans for providing facilities for the departments of military science and aerospace studies.

3. Of this general fund appropriation, three hundred ten thousand two hundred dollars (\$310,200.00) is appropriated for a clinical assistant professor serving as a veterinary pathologist and one hundred eighty-one thousand six hundred

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

eighty dollars (\$181,680.00) is appropriated for a technician III at the biosafety level three (3) laboratory at the University of Wyoming. These appropriations shall only be authorized for transfer to the University of Wyoming if the supported positions are hired by January 1, 2021. These appropriations shall not be transferred or expended for any other purpose.

4. (a) Of this general fund appropriation, ten million dollars (\$10,000,000.00) is appropriated 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:

(i) Be retained by the state treasurer for distribution in accordance with the provisions of this footnote;

(ii) Be expended only for the purposes of:

(A) 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;

(B) Athletic training equipment.

(iii) Not be used for salaries or capital construction projects;

(iv) To the extent funds are available, be matched on a quarterly basis by the state treasurer for each cash or cash equivalent contribution actually received by the University of Wyoming for the purposes specified in this footnote for the period beginning July 1, 2020 and ending June 30, 2022 by distributing to the university an amount equal to the amount of qualifying contributions for the quarter.

(b) Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose not specified in this footnote and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2022.

5. (a) Of this general fund appropriation, seven million dollars (\$7,000,000.00) is appropriated for any of the following prioritized exception budget requests of the University of Wyoming:

(i) Agricultural field trials of a coal-based soil amendment product augmented with Wyoming sourced nutrient material;

(ii) Batch commercial manufacture of a developed dry methane reforming catalyst for converting carbon dioxide into petrochemical products;

(iii) Pilot plant testing of thermo-chemical processing of coal;

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

(iv) Demonstration of coal-derived asphalt paving materials;

(v) Precommercial manufacture of construction materials derived from Wyoming coal;

(vi) Matching funds for precommercial technology solution to benefitate Wyoming coal. Expenditure of funds associated with this priority is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated general funds to not less than two dollars (\$2.00) of matching funds from a nonstate entity.

(b) Any expenditure under subsection (a) of this footnote shall be conditioned upon approval of the University of Wyoming energy resources council.

6. Of this general fund appropriation, three million dollars (\$3,000,000.00) is appropriated to match research grants and contracts related to flow through porous media. Expenditure of this appropriation is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated general funds to not less than one dollar (\$1.00) of matching funds from a nonstate entity and upon approval of the University of Wyoming energy resources council. This appropriation shall not be transferred or expended for any other purpose.

7. Of this general fund appropriation, twelve million dollars (\$12,000,000.00) is appropriated to match research grants and contracts related to flameless pressurized oxy-combustion technology. Expenditure of this appropriation is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated general funds to not less than four dollars (\$4.00) of matching funds from the federal government. Upon determination by the University of Wyoming that the funds from this appropriation will not be matched or expended for the purposes of this footnote, any remaining funds, upon approval of the energy resources council and the governor, may be expended on any project to be constructed in Wyoming under United States department of energy grant identification DE-FOA-0001788. If funds remain after any grant expenditures, remaining funds shall be deposited into an account and available for expenditure by only the Wyoming energy authority subject to approval by the University of Wyoming energy resources council and the governor for purposes of a rare earth pilot processing facility at the western research institute conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated general funds to not less than one dollar (\$1.00) of matching funds from a nonstate entity, thorium related research conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated general funds to not less than one dollar (\$1.00) of matching funds from a nonstate entity and a statewide energy commercialization plan. Except as provided in this footnote, this appropriation shall not be transferred or expended for any

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

other purpose. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall remain in effect and not lapse or revert at the end of the fiscal period except upon further legislative action.

8. Of this general fund appropriation, six million two hundred fifty thousand dollars (\$6,250,000.00) is appropriated for the University of Wyoming endowment challenge program for expenditure as provided in W.S. 21-16-901 through 21-16-904. One million dollars (\$1,000,000.00) of this amount is appropriated to be expended for purposes of either tier 1 engineering or the science initiative for which matching funds are received. One million five hundred thousand dollars (\$1,500,000.00) of this amount is appropriated to be expended for purposes of the endowed professorships associated with excellence in agricultural education and research for which matching funds are received. Two million five hundred thousand dollars (\$2,500,000.00) of this amount is appropriated to be expended for programs associated with excellence in agricultural education and research for which matching funds are received. The annual earnings from investment of the excellence in agricultural education and research endowment contributions in this footnote shall be used for production agriculture, with an emphasis on ranch and range management programs. One million two hundred fifty thousand dollars (\$1,250,000.00) of this amount is appropriated for a permanent endowment to support the college of law's clinical and experiential learning program. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, any unexpended, unobligated monies from the appropriations subject to this footnote shall not revert until June 30, 2026.

**Section 069. WICHE**

**PROGRAM**

Administration & Grants	5,105,619			5,105,619
TOTALS	5,105,619	0	0	5,105,619

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 070. ENHANCED OIL RECOVERY COMM**

**PROGRAM**

Commission & Support	542,008			542,008
Tech. Outreach & Research	4,643,411			4,643,411
TOTALS	5,185,419	0	0	5,185,419

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	0			
TOTAL	0			

**Section 072. RETIREMENT SYSTEM****PROGRAM**

Administration <sup>1</sup>			17,718,580	PF	17,718,580
Highway Patrol			51,000	SR	51,000
Game & Fish-Wardens			75,945	SR	75,945
Deferred Compensation			2,045,510	P2	2,045,510
TOTALS	0	0	19,891,035		19,891,035

**AUTHORIZED EMPLOYEES**

Full Time	43
Part Time	0
TOTAL	43

1. Beginning with the effective date of this footnote and ending June 30, 2022, except for performance compensation authorized under W.S. 9-3-406(a), no funds shall be expended to increase the compensation of Wyoming retirement system investment staff listed in W.S. 9-3-406(a)(ii) without further legislative action. This footnote is effective immediately.

**Section 077. ENTERPRISE TECHNOLOGY SERVICES****PROGRAM**

Enterprise Operations <sup>1</sup>	59,051,183				59,051,183
IT Enhanced Services			45,338,234	IS	45,338,234
Depreciation Reserve			912,004	IS	912,004
WUN Infrastructure			19,897,786	S5	19,897,786
TOTALS	59,051,183	0	66,148,024		125,199,207

**AUTHORIZED EMPLOYEES**

Full Time	240
Part Time	1
TOTAL	241

1. Of this general fund appropriation, eight million five hundred fifty-seven thousand sixty-one dollars (\$8,557,061.00) is effective immediately.

**Section 080. DEPARTMENT OF CORRECTIONS****PROGRAM**

WDOC Commissaries			4,552,512	EF	4,552,512
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APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
WDOC Assistance Fund			939,783	SR 939,783
WDOC Inmate Medical	38,276,502			38,276,502
WDOC Subst. Abuse Trt.	2,310,181	100,000	3,041,011	TT 5,451,192
Corrections Operations <sup>1</sup>	24,787,738	301,599	1,567,944	SR
			1,222,539	TT 27,879,820
Field Services <sup>2</sup>	40,876,392		3,863,417	TT 44,739,809
Honor Conservation Camp	17,250,049			17,250,049
Women's Center	15,983,449		45,000	SR 16,028,449
Honor Farm	14,963,838		863,783	IS 15,827,621
State Penitentiary	61,323,240			61,323,240
WY Medium Corr. Inst.	55,838,339			55,838,339
TOTALS	271,609,728	401,599	16,095,989	288,107,316

#### AUTHORIZED EMPLOYEES

Full Time	1,226
Part Time	<u>3</u>
TOTAL	1,229

1. Of this general fund appropriation, three hundred forty-four thousand two hundred forty-four dollars (\$344,244.00) for payments to local governments for out-of-facility inmate housing and two million one hundred fifty-five thousand seven hundred fifty-six dollars (\$2,155,756.00) for contract services for out-of-facility inmate housing is effective immediately.

2. Of this general fund appropriation, two million dollars (\$2,000,000.00) is appropriated for probation and parole incentives and sanctions consistent with 2019 Wyoming Session Laws, Chapter 116.

#### Section 081. BOARD OF PAROLE

##### PROGRAM

Administration	1,737,745			1,737,745
TOTALS	1,737,745	0	0	1,737,745

#### AUTHORIZED EMPLOYEES

Full Time	7
Part Time	<u>0</u>
TOTAL	7

#### Section 085. WYOMING BUSINESS COUNCIL

##### PROGRAM

Wyoming Business Council	12,325,850	6,252,924	474,150	SR	19,052,924
Economic Divers.	7,014,419		1,278,091	SR	8,292,510
Investment Ready Comm.	21,300,000		8,000,000	S4	29,300,000
TOTALS	40,640,269	6,252,924	9,752,241		56,645,434

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	0			
TOTAL	0			

**Section 101. SUPREME COURT****PROGRAM**

Administration	10,251,399	1,727,606	3,002,432	SR	14,981,437
Judicial Nominating Comm.	17,942				17,942
Chancery Court	1,135,365				1,135,365
Law Library <sup>1</sup> .	1,500,916				1,500,916
Circuit Courts	32,198,936				32,198,936
Court Automation <sup>2, 3, 4, 5</sup> .	9,677,925		17,074,398	SR	26,752,323
Judicial Retirement	2,127,093				2,127,093
Board of Judicial Policy	655,424				655,424
TOTALS	57,565,000	1,727,606	20,076,830		79,369,436

**AUTHORIZED EMPLOYEES**

Full Time	212
Part Time	26
TOTAL	238

1. It is the intent of the legislature that of this general fund appropriation, thirty-three thousand dollars (\$33,000.00) not be included in the supreme court's standard budget for the immediately succeeding fiscal biennium.

2. Of this general fund and other funds appropriation, expenditures for courtroom audio and video upgrades shall be prioritized after cybersecurity, information technology infrastructure upgrades, software maintenance, hardware upgrades, licensing and appellate case management and electronic filing updates.

3. It is the intent of the legislature that of this general fund appropriation, three million seven hundred forty-one thousand dollars (\$3,741,000.00) not be included in the supreme court's standard budget for the immediately succeeding fiscal biennium.

4. No later than September 1, 2020, the supreme court shall provide a report to the joint appropriations committee and the joint judiciary interim committee on the court's progress on the implementation of the e-filing system, the status of all contracts with vendors engaged to implement the e-filing system and the systems and funding required before e-filing can be accomplished.

5. Of this general fund appropriation, three million dollars (\$3,000,000.00) shall be effective only if 2020 House Bill 0193 is not enacted into law.



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

**Section 102. BOARD OF LAW EXAMINERS**

## PROGRAM

Administration			240,000	SR	240,000
TOTALS	0	0	240,000		240,000

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 103. COMM ON JUDICIAL CONDUCT & ETHICS**

## PROGRAM

Administration	370,594			370,594
TOTALS	370,594	0	0	370,594

## AUTHORIZED EMPLOYEES

Full Time	1
Part Time	0
TOTAL	1

**Section 120. JUDICIAL DISTRICT 1A**

## PROGRAM

Administration	1,122,148			1,122,148
TOTALS	1,122,148	0	0	1,122,148

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 121. JUDICIAL DISTRICT 1B**

## PROGRAM

Administration	1,179,896			1,179,896
TOTALS	1,179,896	0	0	1,179,896

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 122. JUDICIAL DISTRICT 2A**

## PROGRAM

Administration	1,148,944			1,148,944
TOTALS	1,148,944	0	0	1,148,944

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	4			
Part Time	0			
TOTAL	<u>4</u>			

**Section 123. JUDICIAL DISTRICT 2B**

<b>PROGRAM</b>				
Administration	1,128,864			1,128,864
TOTALS	<u>1,128,864</u>	<u>0</u>	<u>0</u>	<u>1,128,864</u>

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	<u>4</u>

**Section 124. JUDICIAL DISTRICT 3B**

<b>PROGRAM</b>				
Administration	1,169,821			1,169,821
TOTALS	<u>1,169,821</u>	<u>0</u>	<u>0</u>	<u>1,169,821</u>

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	<u>4</u>

**Section 125. JUDICIAL DISTRICT 3A**

<b>PROGRAM</b>				
Administration	1,133,731			1,133,731
TOTALS	<u>1,133,731</u>	<u>0</u>	<u>0</u>	<u>1,133,731</u>

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	<u>4</u>

**Section 126. JUDICIAL DISTRICT 4**

<b>PROGRAM</b>				
Administration	1,198,432			1,198,432
TOTALS	<u>1,198,432</u>	<u>0</u>	<u>0</u>	<u>1,198,432</u>

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	<u>4</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

**Section 127. JUDICIAL DISTRICT 5A**

PROGRAM

Administration	1,189,493			1,189,493
TOTALS	1,189,493	0	0	1,189,493

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 128. JUDICIAL DISTRICT 5B**

PROGRAM

Administration	1,146,540			1,146,540
TOTALS	1,146,540	0	0	1,146,540

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 129. JUDICIAL DISTRICT 6A**

PROGRAM

Administration	1,142,661			1,142,661
TOTALS	1,142,661	0	0	1,142,661

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 130. JUDICIAL DISTRICT 7A**

PROGRAM

Administration	1,245,722			1,245,722
TOTALS	1,245,722	0	0	1,245,722

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	1
TOTAL	5

**Section 131. JUDICIAL DISTRICT 7B**

PROGRAM

Administration	1,207,361			1,207,361
TOTALS	1,207,361	0	0	1,207,361

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	1
TOTAL	5

**Section 132. JUDICIAL DISTRICT 9A**

**PROGRAM**

Administration <sup>1</sup>	1,333,212	0	0	1,333,212
TOTALS	1,333,212	0	0	1,333,212

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	1
TOTAL	5

1. Of this general fund appropriation, sixty-two thousand six hundred ninety-four dollars (\$62,694.00) is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated general funds to not less than one dollar (\$1.00) of matching funds from Fremont county in order to pay for one-half (1/2) of the salary and benefits for the authorized permanent, part-time administrative assistant position.

**Section 133. JUDICIAL DISTRICT 8A**

**PROGRAM**

Administration	1,130,239	0	0	1,130,239
TOTALS	1,130,239	0	0	1,130,239

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 134. JUDICIAL DISTRICT 9B**

**PROGRAM**

Administration <sup>1</sup>	1,320,624	0	0	1,320,624
TOTALS	1,320,624	0	0	1,320,624

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

1. It is the intent of the legislature that of this general fund appropriation, ten thousand dollars (\$10,000.00) not be included in judicial district 9B's standard budget for the immediately succeeding fiscal biennium and that this district's

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

budget request for the immediately succeeding fiscal biennium include a summary of the purposes and actual expenditures for in-state travel during the 2021-2022 biennium.

### Section 135. JUDICIAL DISTRICT 6B

#### PROGRAM

Administration	1,198,682			1,198,682
TOTALS	1,198,682	0	0	1,198,682

#### AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

### Section 136. JUDICIAL DISTRICT 8B

#### PROGRAM

Administration	1,119,516			1,119,516
TOTALS	1,119,516	0	0	1,119,516

#### AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

### Section 137. LARAMIE CO DISTRICT 1C

#### PROGRAM

Administration	1,299,130			1,299,130
TOTALS	1,299,130	0	0	1,299,130

#### AUTHORIZED EMPLOYEES

Full Time	5
Part Time	0
TOTAL	5

### Section 138. SWEETWATER CO DISTRICT 3C

#### PROGRAM

Administration	1,124,534			1,124,534
TOTALS	1,124,534	0	0	1,124,534

#### AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

**Section 139. NATRONA CO DISTRICT 7C**

## PROGRAM

Administration	1,174,425			1,174,425
TOTALS	1,174,425	0	0	1,174,425

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 140. JUDICIAL DISTRICT 6C**

## PROGRAM

Administration	1,161,278			1,161,278
TOTALS	1,161,278	0	0	1,161,278

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 141. JUDICIAL DISTRICT 9C**

## PROGRAM

Administration	1,110,301			1,110,301
TOTALS	1,110,301	0	0	1,110,301

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 142. JUDICIAL DISTRICT 4B**

## PROGRAM

Administration	1,160,317			1,160,317
TOTALS	1,160,317	0	0	1,160,317

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 143. Judicial District 1D**

## PROGRAM

Administration	1,201,715			1,201,715
TOTALS	1,201,715	0	0	1,201,715

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 151. DISTRICT ATTORNEY/JUD DIST #1**

**PROGRAM**

Administration	4,399,501	678,427		5,077,928
TOTALS	4,399,501	678,427	0	5,077,928

**AUTHORIZED EMPLOYEES**

Full Time	23
Part Time	0
TOTAL	23

**Section 157. DISTRICT ATTORNEY/JUD DIST #7**

**PROGRAM**

Administration	4,289,330			4,289,330
TOTALS	4,289,330	0	0	4,289,330

**AUTHORIZED EMPLOYEES**

Full Time	20
Part Time	0
TOTAL	20

**Section 160. COUNTY & PROS ATTORNEYS**

**PROGRAM**

Administration <sup>1</sup>	6,431,039			6,431,039
TOTALS	6,431,039	0	0	6,431,039

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

1. Of this general fund appropriation, ninety-four thousand seven hundred one dollars (\$94,701.00) is effective immediately.

**Section 205. EDUCATION-SCHOOL FINANCE**

**PROGRAM**

School Foundation Program <sup>1</sup>	1,799,996,000	S5	1,799,996,000
Court Ordered Placements	17,183,639	S5	17,183,639
Foundation-Specials	4,380,000	S5	4,380,000
Education Reform	7,749,308	S5	7,749,308

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Student Performance Data			6,380,430	\$ 6,380,430
TOTALS	0	0	1,835,689,377	1,835,689,377

#### AUTHORIZED EMPLOYEES

Full Time	3
Part Time	0
TOTAL	3

1. (a) This other funds appropriation includes funding for an external cost adjustment to the education resource block grant model computed as follows:

(i) Effective for school year 2020-2021 only:

(A) For the “professional labor” category of model components inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment “A”(a)(vi)], one and four hundred eighty-eight thousandths percent (1.488%), based upon the inflationary percentage computed under the 2018 Wyoming Comparable Wage Index;

(B) For the “nonprofessional labor” category of model components inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment “A”(a)(v)], two and ninety-one thousandths percent (2.091%), based upon the inflationary percentage computed under the 2018 Wyoming High School Comparable Wage Index;

(C) For the “educational materials” category of model components inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment “A”(a)(iii)], five and eight hundred fifty-seven thousandths percent (5.857%), measured by the BLS Producer Price Index for Office Supplies and Accessories;

(D) For the “energy” category of model components inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment “A”(a)(iv)], nine hundred thirty-six thousandths percent (0.936%), 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%).

(ii) Effective for school year 2021-2022 only, the external cost adjustment provided in paragraph (a)(i) of this footnote shall be removed from the education resource block grant model and the following external cost adjustment shall be included:

(A) For the “professional labor” category of model components inclusive



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment “A”(a)(vi)], seven hundred forty-four thousandths percent (0.744%);

(B) For the “nonprofessional labor” category of model components inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment “A”(a)(v)], one and forty-six thousandths percent (1.046%);

(C) For the “educational materials” category of model components inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment “A”(a)(iii)], two and nine hundred twenty-nine thousandths percent (2.929%);

(D) For the “energy” category of model components inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment “A”(a)(iv)], four hundred sixty-eight thousandths percent (0.468%).

**Section 206. DEPARTMENT OF EDUCATION <sup>1</sup>.**

**PROGRAM**

State Board Of Education	241,310		443,050	S5	684,360
Leadership, Finance & IT	9,039,667	16,013	200,000	SR	9,255,680
Accountability & Commun.	5,169,251	20,638,010	4,950,689	S5	
			218,000	SR	
			1,000	T0	30,976,950
School Support	3,636,095	276,341,252	815,077	S5	
			3,109,129	SR	
			468,495	T0	284,370,048
<b>TOTALS</b>	<b>18,086,323</b>	<b>296,995,275</b>	<b>10,205,440</b>		<b>325,287,038</b>

**AUTHORIZED EMPLOYEES**

Full Time	107
Part Time	2
<b>TOTAL</b>	<b>109</b>

1. Up to fifty thousand dollars (\$50,000.00) from any appropriation to the department of education under this section is authorized to be expended by the department during school years 2020-2021 and 2021-2022 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.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

**Section 211. BOARD OF EQUALIZATION**

PROGRAM

Equalization/Tax Appeals	1,820,017			1,820,017
TOTALS	1,820,017	0	0	1,820,017

AUTHORIZED EMPLOYEES

Full Time	6
Part Time	0
TOTAL	6

**Section 220. ENVIRONMENTAL QUALITY COUNCIL**

PROGRAM

Equalization/Tax Appeals	720,918			720,918
TOTALS	720,918	0	0	720,918

AUTHORIZED EMPLOYEES

Full Time	2
Part Time	0
TOTAL	2

**Section 270. OFFICE OF ADMINISTRATIVE HEARINGS**

PROGRAM

Administration			4,162,283	SR	4,162,283
TOTALS	0	0	4,162,283		4,162,283

AUTHORIZED EMPLOYEES

Full Time	12
Part Time	0
TOTAL	12

**Section 012. BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS**

PROGRAM

Administration			223,561	SR	223,561
TOTALS	0	0	223,561		223,561

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

**Section 016. BOARD OF BARBER EXAMINERS**

## PROGRAM

Administration			50,335	SR	50,335
TOTALS	0	0	50,335		50,335

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 017. BOARD OF RADIOLOGIC TECHNOLOGISTS EXAMINERS**

## PROGRAM

Administration			96,586	SR	96,586
TOTALS	0	0	96,586		96,586

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 018. REAL ESTATE COMMISSION**

## PROGRAM

Administration			1,205,168	SR	1,205,168
Real Estate Recovery			10,000	SR	10,000
Real Estate Education			81,400	SR	81,400
Real Estate Appraiser			274,905	SR	274,905
Appraiser Education			29,000	SR	29,000
Appraisal Management			368,327	SR	368,327
TOTALS	0	0	1,968,800		1,968,800

## AUTHORIZED EMPLOYEES

Full Time	6
Part Time	0
TOTAL	6

**Section 019. PROFESSIONAL TEACHING STANDARDS BOARD**

## PROGRAM

Prof. Teaching Stds. Board			1,854,914	SR	1,854,914
TOTALS	0	0	1,854,914		1,854,914

## AUTHORIZED EMPLOYEES

Full Time	7
Part Time	0
TOTAL	7

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

**Section 022. BOARD FOR RESPIRATORY CARE**

## PROGRAM

Administration			57,564	SR	57,564
TOTALS	0	0	57,564		57,564

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 028. BOARD OF REGISTRATION IN PODIATRY**

## PROGRAM

Administration			36,267	SR	36,267
TOTALS	0	0	36,267		36,267

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 030. BOARD OF CHIROPRACTIC EXAMINERS**

## PROGRAM

Administration			101,701	SR	101,701
TOTALS	0	0	101,701		101,701

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 031. COLLECTION AGENCY BOARD**

## PROGRAM

Administration			224,663	SR	224,663
TOTALS	0	0	224,663		224,663

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 033. BOARD OF COSMETOLOGY**

## PROGRAM

Administration			1,061,850	SR	1,061,850
TOTALS	0	0	1,061,850		1,061,850

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

**Section 034. BOARD OF DENTAL EXAMINERS**

**PROGRAM**

Administration	<u>                    </u>	<u>                    </u>	372,560	SR	<u>372,560</u>
TOTALS	0	0	372,560		372,560

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	<u>0</u>
TOTAL	0

**Section 035. BOARD OF FUNERAL SERVICE PRACTITIONERS**

**PROGRAM**

Administration	<u>                    </u>	<u>                    </u>	54,269	SR	<u>54,269</u>
TOTALS	0	0	54,269		54,269

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	<u>0</u>
TOTAL	0

**Section 036. BOARD OF MIDWIFERY**

**PROGRAM**

Administration	<u>                    </u>	<u>                    </u>	28,298	SR	<u>28,298</u>
TOTALS	0	0	28,298		28,298

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	<u>0</u>
TOTAL	0

**Section 038. PARI-MUTUEL COMMISSION**

**PROGRAM**

Administration	<u>                    </u>	<u>                    </u>	2,359,341	SR	<u>2,359,341</u>
Wyoming Breeders Fund	<u>                    </u>	<u>                    </u>	10,953,150	SR	<u>10,953,150</u>
TOTALS	0	0	13,312,491		13,312,491

**AUTHORIZED EMPLOYEES**

Full Time	6
Part Time	<u>1</u>
TOTAL	7

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

**Section 043. DIETETICS LICENSING BOARD**

## PROGRAM

Administration			28,304	SR	28,304
TOTALS	0	0	28,304		28,304

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 046. MIXED MARTIAL ARTS BOARD**

## PROGRAM

Administration			27,525	SR	27,525
TOTALS	0	0	27,525		27,525

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 052. BOARD OF MEDICINE**

## PROGRAM

Administration			2,519,296	SR	2,519,296
TOTALS	0	0	2,519,296		2,519,296

## AUTHORIZED EMPLOYEES

Full Time	7
Part Time	0
TOTAL	7

**Section 054. BOARD OF NURSING**

## PROGRAM

Administration			2,955,304	SR	2,955,304
TOTALS	0	0	2,955,304		2,955,304

## AUTHORIZED EMPLOYEES

Full Time	10
Part Time	0
TOTAL	10

**Section 056. BOARD OF EXAMINERS IN OPTOMETRY**

## PROGRAM

Administration			75,588	SR	75,588
TOTALS	0	0	75,588		75,588

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 058. BOARD OF EXAMINERS OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY****PROGRAM**

Administration			98,730	SR	98,730
TOTALS	0	0	98,730		98,730

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 059. BOARD OF PHARMACY****PROGRAM**

Licensing Board <sup>1</sup>			2,056,662	SR	2,056,662
TOTALS	0	0	2,056,662		2,056,662

**AUTHORIZED EMPLOYEES**

Full Time	6
Part Time	0
TOTAL	6

1. Of this other funds appropriation, one hundred fifty-nine thousand two hundred sixty-nine dollars (\$159,269.00)SR is appropriated for purposes of compensation for one (1) at-will contract employee.

**Section 061. BOARD OF CERTIFIED PUBLIC ACCOUNTANTS****PROGRAM**

Administration			732,084	SR	732,084
TOTALS	0	0	732,084		732,084

**AUTHORIZED EMPLOYEES**

Full Time	2
Part Time	0
TOTAL	2

**Section 062. BOARD OF PHYSICAL THERAPY****PROGRAM**

Administration			164,851	SR	164,851
TOTALS	0	0	164,851		164,851

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 064. BOARD OF HEARING AID SPECIALISTS****PROGRAM**

Administration			27,777	SR	27,777
TOTALS	0	0	27,777		27,777

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 065. BOARD OF ATHLETIC TRAINERS****PROGRAM**

Administration			26,704	SR	26,704
TOTALS	0	0	26,704		26,704

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 068. BOARD OF PSYCHOLOGY****PROGRAM**

Administration			137,266	SR	137,266
TOTALS	0	0	137,266		137,266

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 075. BOARD OF OUTFITTERS AND GUIDES****PROGRAM**

Administration			808,145	SR	808,145
TOTALS	0	0	808,145		808,145

**AUTHORIZED EMPLOYEES**

Full Time	3
Part Time	0
TOTAL	3



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

**Section 078. MENTAL HEALTH PROFESSIONS LICENSING BOARD**

## PROGRAM

Administration			260,054 SR	260,054
TOTALS	0	0	260,054	260,054

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 079. BOARD OF NURSING HOME ADMINISTRATORS**

## PROGRAM

Administration			112,304 SR	112,304
TOTALS	0	0	112,304	112,304

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 083. BOARD OF OCCUPATIONAL THERAPY**

## PROGRAM

Administration			127,919 SR	127,919
TOTALS	0	0	127,919	127,919

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 084. BOARD OF PROFESSIONAL GEOLOGISTS**

## PROGRAM

Administration			533,544 SR	533,544
TOTALS	0	0	533,544	533,544

## AUTHORIZED EMPLOYEES

Full Time	2
Part Time	0
TOTAL	2

**Section 251. BOARD OF VETERINARY MEDICINE**

## PROGRAM

Administration			131,840 SR	131,840
TOTALS	0	0	131,840	131,840

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	0			
TOTAL	0			

**Section 252. BOARD OF ACUPUNCTURE**

PROGRAM				
Administration			42,322 SR	42,322
TOTALS	0	0	42,322	42,322

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

[BUDGET BALANCERS - TRANSFERS]

**Section 300.**

(a) The state auditor is authorized to transfer to the general fund, from any funds within the budget reserve account other than funds appropriated or transferred to the legislative stabilization reserve account, amounts to maintain an unencumbered, unobligated and unappropriated general fund balance adequate for cash flow needs.

(b) Any unappropriated funds in the budget reserve account on June 30, 2022 in excess of one hundred thirteen million one hundred eighty-five thousand dollars (\$113,185,000.00) shall be transferred to the legislative stabilization reserve account.

(c) Notwithstanding W.S. 9-4-1203(d), no funds within the separate income account created by W.S. 9-4-1203(b) shall be credited to the Wyoming tobacco settlement trust fund created by W.S. 9-4-1203(a) for the period beginning with the effective date of this subsection and ending June 30, 2021. This subsection is effective immediately.

(d) The state auditor shall transfer twenty-three million five hundred forty-nine thousand ninety-one dollars (\$23,549,091.00) from the school foundation program reserve account to the school capital construction account.

(e) The state auditor shall transfer thirty-eight million two hundred thirty-three thousand seven hundred fifty-nine dollars (\$38,233,759.00) from the strategic investments and projects account to the school capital construction account.

(f) The state auditor shall transfer two million five hundred ninety-five thousand two hundred ninety dollars (\$2,595,290.00) from the general fund to

the mineral severance tax distribution account (fund 435).

(g) For purposes of funding school district major maintenance and school district capital construction, at intervals determined by the state auditor to manage cash flow, for the period beginning July 1, 2020 and ending June 30, 2022, the state auditor shall:

(i) Transfer to the school capital construction account all funds from revenue earned during fiscal years 2021 and 2022 under accrual accounting principles in the following accounts:

(A) The school major maintenance subaccount within the strategic investments and projects account; and

(B) The school lands mineral royalties account.

(ii) This subsection shall not be effective if 2020 House Bill 0015 is enacted into law.

[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.

(b) The state treasurer may utilize interfund loans of up to sixty million dollars (\$60,000,000.00) at any point in time from the legislative stabilization reserve account to the school capital construction account to assist the cash flow needs of the school capital construction account and to enable statutory payments or payments sufficient to meet the appropriations contained in this act to be made when dedicated revenues are not yet received. Any interfund loans executed pursuant to this subsection shall be repaid in whole or in part periodically as soon as school capital construction account revenues are available.

(c) The state treasurer is authorized to borrow from the legislative stabilization reserve account amounts necessary to meet cash flow requirements of the Hathaway scholarship program created in W.S. 21-16-1303(a). The state treasurer shall borrow funds under this section only to assist the month-to-month cash flow of the program and shall not borrow funds under this subsection when total expenditures together with outstanding encumbrances and obligations for a fiscal year exceed projected revenues and fund balances available for that fiscal year for the program. The amounts borrowed shall be

repaid when sufficient revenue is available in the Hathaway student scholarship reserve account or the Hathaway scholarship expenditure account.

~~[(d) Notwithstanding W.S. 9-1-417, no interest shall be charged on any loans authorized by this section.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]~~

[BORROWING AUTHORITY - EXECUTIVE PROGRAMS]

### Section 302.

(a) The governor is authorized to borrow from the legislative stabilization reserve account up to twenty million dollars (\$20,000,000.00) as necessary to meet funding requirements to fight wildland fires in the event reserves in the office of state lands and investments' forestry division, homeland security disaster contingency budget and the governor's office special contingency budget have been exhausted. The governor shall report to the joint appropriations committee, the president of the senate and the speaker of the house of representatives immediately upon exercise of this authority ~~[and shall make a budget request at the next available opportunity to repay any expended funds not repaid from other sources]~~. Interest charged on the amounts borrowed shall be the interest rate earned on pooled fund investments in the previous fiscal year. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]

(b) At the recommendation of the director of the department of administration and information and with the approval of the governor ~~[and budget division]~~, the state auditor and the state treasurer are authorized to borrow from the legislative stabilization reserve account up to thirty million dollars (\$30,000,000.00) as necessary to meet cash flow requirements of the state employees' and officials' group insurance plan. The governor shall report to the joint appropriations committee, the president of the senate and the speaker of the house of representatives immediately upon exercise of this authority. The director of the department of administration and information shall report to the joint appropriations committee and the governor within thirty (30) days of exercise of this loan authority with a recommendation on the change of employee payroll deductions, an increase in employer paid premiums, other modifications to the plan or any combination thereof. ~~[Notwithstanding W.S. 9-1-417, no interest shall be charged on any loans authorized by this subsection.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]~~

(c) The governor is authorized to borrow from the legislative stabilization reserve account up to ten million dollars (\$10,000,000.00) as necessary to meet funding requirements to address irrigation or other public works infrastructure disasters in the event the governor's office special contingency budget has been

exhausted. The governor shall report to the joint appropriations committee, the president of the senate and the speaker of the house of representatives immediately upon exercise of this authority [~~and shall make a budget request at the next available opportunity to repay any expended funds not repaid from other sources~~]. Interest charged on the amounts borrowed shall be the interest rate earned on pooled fund investments in the previous fiscal year. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]

[CARRYOVER APPROPRIATIONS]

**Section 303.**

[DISASTER CONTINGENCY]

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, of unexpended, unobligated monies appropriated from the general fund to the governor's office under 2018 Wyoming Session Laws, Chapter 134, Section 2, Section 001 as amended by 2019 Wyoming Session Laws, Chapter 80, Section 2, Section 001 for disaster contingency, up to five hundred thousand dollars (\$500,000.00) or as much thereof as is available, shall not revert on June 30, 2020 and are hereby reappropriated to the governor's office for disaster contingency.

[MILITARY DEPARTMENT ROUTINE MAINTENANCE]

(b) In accordance with 2018 Wyoming Session Laws, Chapter 134, Section 308(b), unexpended, unobligated monies appropriated from the general fund to the state construction department and subsequently allocated to the military department shall not revert. Any remaining funds from this appropriation and subsequent allocation are authorized for expenditure for routine facility projects within the military department. Any expenditures 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).

[CAPITAL CASES - GENERAL FUNDS]

(c) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, of unexpended, unobligated monies reappropriated from the general fund to the office of the public defender for court ordered capital case funding under 2018 Wyoming Session Laws, Chapter 134, Section 303(a), up to one million sixty-two thousand five hundred dollars (\$1,062,500.00) or as much thereof as is available shall not revert on June 30, 2020 and are hereby reappropriated to the office of the public defender for purposes of court ordered capital case funding.

[CAPITAL CASES - OTHER FUNDS]

(d) Notwithstanding W.S. 9-2-1008 and 9-4-207, of unexpended, unobligated monies reappropriated from other funds to the office of the public defender for court ordered capital case funding under 2018 Wyoming Session Laws,

Chapter 134, Section 303(b), up to one hundred eighty-seven thousand five hundred dollars (\$187,500.00)SR or as much thereof as is available shall not revert on June 30, 2020 and are hereby reappropriated to the office of the public defender for purposes of court ordered capital case funding.

[HEMP PRODUCTION]

(e) After all transfers required under subsection (g) of this section are complete and notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, of unexpended, unobligated monies appropriated from the general fund to the department of agriculture under 2019 Wyoming Session Laws, Chapter 173, Section 4 for the regulation of hemp, up to four hundred thirty-five thousand dollars (\$435,000.00) or as much thereof as is available shall not revert on June 30, 2020 and are hereby reappropriated to the department of agriculture for purposes of regulation of hemp.

[DEPARTMENT OF FAMILY SERVICES ELIGIBILITY SYSTEM]

(f) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, of unexpended, unobligated monies appropriated from the general fund to the department of family services under 2018 Wyoming Session Laws, Chapter 134, Section 2, Section 049, footnote 4, as amended by 2019 Wyoming Session Laws, Chapter 80, Section 2, Section 049 for the Wyoming eligibility system integration, up to nine million three hundred seventeen thousand four hundred ninety dollars (\$9,317,490.00) or as much thereof as is available and of unexpended, unobligated monies appropriated from federal funds to the department of family services under 2018 Wyoming Session Laws, Chapter 134, Section 2, Section 049, as amended by 2019 Wyoming Session Laws, Chapter 80, Section 2, Section 049 for the Wyoming eligibility system integration, up to nine million three hundred seventeen thousand four hundred ninety dollars (\$9,317,490.00) or as much thereof as is available shall not revert on June 30, 2020 and are hereby reappropriated to the department of family services to modernize, revise the platform, rewrite and restructure the current department eligibility system.

[EMPLOYEE GROUP HEALTH INSURANCE]

(g) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, any unexpended, unobligated monies appropriated for purposes of employer paid health, dental and life insurance benefits under 2018 Wyoming Session Laws, Chapter 134, as amended by 2019 Wyoming Session Laws, Chapter 80, including amounts reappropriated under Section 303(g), as amended, shall not revert on June 30, 2020 and are hereby reappropriated to the state auditor's office, to be held in a newly established standalone account for purposes provided for in this subsection. Interest free 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, or that an accrual-based deficit exists within the employee group health insurance funds, during the period beginning with the effective date of this section and ending June 30, 2022. 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, or to the employee group health insurance funds for the purpose of an accrual-based deficit in those funds. Loans shall be repaid from 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. 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, 2022.

[LIVESTOCK LAW ENFORCEMENT ACCOUNT]

(h) Notwithstanding W.S. 9-2-1008, 9-2-1012(e), 9-4-207 and 11-18-120(a), of unexpended, unobligated monies appropriated from the general fund to the livestock law enforcement account under 2019 Wyoming Session Laws, Chapter 182, Section 3, up to two hundred fifty thousand dollars (\$250,000.00) or as much thereof as is available shall not revert on June 30, 2020 and are hereby reappropriated to the livestock law enforcement account for purposes of W.S. 11-18-120.

[PROBATION AND PAROLE INCENTIVES AND SANCTIONS]

(j) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, of unexpended, unobligated monies appropriated from the general fund to the department of corrections under 2019 Wyoming Session Laws, Chapter 116, Section 5 for probation and parole incentives and sanctions, up to one million six hundred twenty-three thousand two hundred forty-eight dollars (\$1,623,248.00) or as much thereof as is available shall not revert on June 30, 2020 and are hereby reappropriated to the department of corrections for purposes specified in 2019 Wyoming Session Laws, Chapter 116.

[DEPARTMENT OF HEALTH - WYOMING STATE HOSPITAL]

(k) After all transfers required under subsection (g) of this section are complete and notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, of unexpended, unobligated monies appropriated from the general fund to the department of health under 2018 Wyoming Session Laws, Chapter 134, Section 2, Section 048, as amended by 2019 Wyoming Session Laws, Chapter 80, Section 2, Section 048 shall not revert on June 30, 2020 and are hereby



reappropriated to the department of health for purposes of staffing, operations of, and contracting for, the Wyoming state hospital, the Wyoming life resource center, or both.

~~[REVIEW OF SUSTAINED HOSPITAL VIABILITY]~~

~~(m) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, of unexpended, unobligated monies appropriated from the general fund to the department of health under 2019 Wyoming Session Laws, Chapter 80, Section 338 for a review of sustained hospital viability, up to two hundred thirty thousand dollars (\$230,000.00) or as much thereof as is available shall not revert on June 30, 2020 and are hereby reappropriated to the department of health for purposes of section 322 of this act.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]~~

[ADVANCED COAL TECHNOLOGIES/ENERGY  
COMMERCIALIZATION PLAN]

(n) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, of unexpended, unobligated monies appropriated from the general fund to the school of energy resources within the University of Wyoming under 2019 Wyoming Session Laws, Chapter 80, Section 337 for a carbon capture pilot project, up to five million dollars (\$5,000,000.00) or as much thereof as is available shall not revert on June 30, 2020 and are hereby reappropriated for expenditure by only the Wyoming energy authority subject to approval by the University of Wyoming energy resources council and the governor for purposes of a statewide energy commercialization plan.

(o) This section is effective immediately.

[EMPLOYEE BENEFITS]

**Section 304.**

(a) The state's contribution to the state employees' and officials' group insurance plan under W.S. 9-3-210 for each qualifying executive, judicial and legislative branch employee including employees of the University of Wyoming and the community colleges shall be paid from amounts appropriated in agency budgets in the following amounts for the specified time periods:

(i) For the period beginning December 1, 2020 and ending November 30, 2021 an amount to be determined by the employees' group insurance section of the department of administration and information but not to exceed:

(A) One thousand one hundred forty-eight dollars (\$1,148.00) per month for an employee electing single coverage;

(B) Two thousand two hundred ninety-four dollars (\$2,294.00) per month for an employee electing employee plus dependent spouse coverage;



(C) One thousand seven hundred forty-six dollars (\$1,746.00) per month for an employee electing employee plus dependent children coverage;

(D) Two thousand six hundred twenty-eight dollars (\$2,628.00) per month for an employee electing family coverage; and

(E) One thousand three hundred twenty-four dollars (\$1,324.00) per month for employees who elect family coverage when both spouses are employees of covered entities creating a split family coverage.

(ii) For the period beginning December 1, 2021 and ending November 30, 2022 an amount to be determined by the employees' group insurance section of the department of administration and information but not to exceed:

(A) One thousand two hundred forty-four dollars (\$1,244.00) per month for an employee electing single coverage;

(B) Two thousand four hundred eighty-eight dollars (\$2,488.00) per month for an employee electing employee plus dependent spouse coverage;

(C) One thousand eight hundred ninety-three dollars (\$1,893.00) per month for an employee electing employee plus dependent children coverage;

(D) Two thousand eight hundred fifty-one dollars (\$2,851.00) per month for an employee electing family coverage; and

(E) One thousand four hundred thirty-six dollars (\$1,436.00) per month for employees who elect family coverage when both spouses are employees of covered entities creating a split family coverage.

(b) There is appropriated two million nine hundred ninety-eight thousand dollars (\$2,998,000.00) from the general fund to the state auditor for the period beginning July 1, 2020 and ending June 30, 2022 to be expended only for health insurance benefits for executive, legislative and judicial branch agency retirees, including retirees of the University of Wyoming and the community colleges, who participate in the state employees' and officials' group insurance plan, and whose date of retirement was prior to July 1, 2008. Payments to the plan on behalf of eligible retirees shall be made monthly at the rate of eleven dollars and fifty cents (\$11.50) per year of service up to a maximum of thirty (30) years of service for those retirees who are not Medicare eligible, and at the rate of five dollars and seventy-five cents (\$5.75) per year of service up to a maximum of thirty (30) years of service for those retirees who are Medicare eligible.

(c) Sufficient monies in the retirees prefunded health insurance trust (fund 561) are appropriated to the state auditor and shall be used for the purpose of funding the benefits in the same manner and amounts as provided in subsection (b) of this section for retirees whose effective date of retirement is July 1, 2008 or later. All investment earnings on the account shall remain in the account.

(d) Provided sufficient funds are available, employees whose benefits are paid from nongeneral fund sources shall receive the same benefits as provided in

this section.

(e) If sufficient funds are not available for obligations under subsections (b) through (d) of this section, payments to eligible retirees shall be reduced proportionally.

(f) No appropriation in this section shall be transferred or expended for any other purpose.

(g) It is the intent of the legislature that the appropriation in subsection (b) of this section, adjusted by the number of eligible participants, shall be included in the state auditor's standard budget for the immediately succeeding fiscal biennium. All state agencies, including the University of Wyoming, the community colleges and the legislative and judicial branches shall include in standard budget requests for the immediately succeeding fiscal biennium sufficient amounts to be deposited into the retiree health insurance benefits account created by 2008 Wyoming Session Laws, Chapter 48, Section 303. Amounts to include in the standard budget requests shall be equal to up to one percent (1%) of each benefit eligible employee's salary for each pay period sufficient to continue benefits in subsections (c) and (d) of this section for fiscal years 2023 and 2024, as established by the department of administration and information.

[FLEX - EXECUTIVE]

**Section 305.**

(a) Notwithstanding W.S. 9-2-1005(a) and (c), the governor is authorized to transfer:

(i) Between programs within any executive branch agency, excluding the University of Wyoming, department of health and department of corrections, ten percent (10%) of the total appropriation for the agency;

(ii) Between executive branch agencies, excluding the University of Wyoming, five percent (5%) of the total appropriation for the agency from which the funds are transferred;

(iii) Between programs within any executive branch agency, or between executive branch agencies, legislatively authorized full-time or part-time positions. University of Wyoming positions are excluded from this paragraph.

(b) All transfers authorized under this section 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).

(c) The authority granted under this section is effective for the period beginning July 1, 2020 and ending June 30, 2022.

(d) Any provision of this act or any other legislation enacted which specifies

that an appropriation shall not be transferred or expended for any other purpose, or containing language of like effect, or specifying a position within an agency shall prevail over this section and no such funds so appropriated or positions so specified shall be subject to subsection (a) of this section.

[FLEX - JUDICIARY]

**Section 306.**

(a) Except as otherwise provided in this section, the supreme court may transfer up to five percent (5%) of the total general fund appropriation between programs within the supreme court. With the approval of the district court budget committee up to five percent (5%) of the general fund appropriation to each district court may be transferred to one (1) or more other district courts. Authority pursuant to this section includes transfers of associated legislatively authorized full-time or part-time positions and shall be effective for the period beginning July 1, 2020 and ending June 30, 2022. Any transfers pursuant to this section shall be reported annually by the supreme court to the joint appropriations committee. The report shall specify the appropriations and authorized positions transferred including transfers between expenditure series, programs and courts.

(b) Any provision of this act or any other legislation enacted which specifies that an appropriation shall not be transferred or expended for any other purpose, or containing language of like effect, shall prevail over this section and no such funds so appropriated or positions so specified shall be subject to subsection (a) of this section.

[PERSONAL SERVICES TRANSFERS]

**Section 307.**

(a) Nonfederal fund appropriations for personal services (100 series) contained in this act shall not be transferred to any other series or expended for any purpose other than personal services. Further, notwithstanding W.S. 9-2-1005(b)(ii) or any other provision of this act, nonfederal fund appropriations for contractual services (900 series) contained in this act shall not be transferred to the personal services (100 series).

(b) The department of health, the department of corrections, appropriations associated with Section 2, Section 008, footnote 1 of this act to the office of the public defender and Section 2, Section 045, footnote 1 of this act to the department of transportation, law enforcement division, are exempt from this section.

(c) The judicial branch is exempt from this section for transfers in a total amount not to exceed four hundred thousand dollars (\$400,000.00).

[MAJOR MAINTENANCE FUNDING FOR STATE FACILITIES,  
UNIVERSITY AND COMMUNITY COLLEGES]

**Section 308.**

(a) For the biennium beginning July 1, 2020, there is appropriated from the general fund for major building and facility repair and replacement to the entities and in the amounts specified as provided in this subsection:

(i) There is appropriated from the general fund one hundred twenty-eight million eight hundred fifty-one thousand five hundred eighty-seven dollars (\$128,851,587.00);

(ii) The appropriation in paragraph (i) of this subsection shall be distributed as follows:

(A) Forty-two and six hundredths percent (42.06%) - To the state construction department for state facilities managed by the state building commission, state institutions and to fund projects submitted by the department of state parks and cultural resources as approved by the state building commission;

(B) Thirty-six and eighty-three hundredths percent (36.83%) - To the University of Wyoming for university facilities, excluding student housing, the student union and auxiliary services areas, the latter being those areas funded by university self-sustaining revenues;

(C) Twenty-one and eleven hundredths percent (21.11%) - To the state construction department for community college district facilities.

(b) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, appropriations made under subsection (a) of this section shall be separately accounted for by the recipient and shall not revert. Expenditures from these appropriations shall be restricted to expenses incurred for major building and facility repair and replacement as defined in W.S. 9-5-107(h) and as prescribed by rule and regulation of the state building commission.

(c) Not later than September 1, 2021, the state construction department shall submit to the state building commission a recommendation for funding for the biennium beginning July 1, 2022, for major building and facility repair and replacement for state institutions, for University of Wyoming facilities and for community college facilities. This recommendation for all facilities shall be based on a formula adopted by the state building commission pursuant to W.S. 9-5-107(g), except that the formula shall incorporate the gross square footage of buildings and facilities for each category of buildings for state facilities, university facilities and community college facilities, not to exceed seven (7) building categories for each entity, excluding student housing, the student union and auxiliary services areas funded exclusively through university or community college generated revenues unless otherwise specified.

(d) Not later than October 31, 2021, the state construction department, the University of Wyoming and the community college commission shall report

to the state building commission and the joint appropriations committee on the expenditures and commitments made from the appropriations under subsection (a) of this section.

[WILDLIFE TRUST CHALLENGE ACCOUNT]

**Section 309.**

(a) The Wyoming wildlife trust challenge account created by 2006 Wyoming Session Laws, Chapter 35, Section 320 and reauthorized by 2019 Wyoming Session Laws, Chapter 80, Section 341 is continued. The state treasurer shall invest funds within the account and shall deposit the investment earnings from the account to the general fund. There is appropriated one million dollars (\$1,000,000.00) from the general fund to the Wyoming wildlife trust challenge account.

(b) To the extent funds are available in the Wyoming 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 July 1, 2020 and ending June 30, 2022.

(c) The state treasurer shall make transfers to the Wyoming wildlife and natural resource trust account 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.

## [LIMITATION ON SALARY INCREASE]

## Section 310.

~~[(a) The 2023-2024 general fund standard budget for personal services (100 series) for each agency shall be less than or equal to the 2021-2022 personal services (100 series) for each agency in all enacted laws including any calculated amount to continue legislatively approved compensation increases throughout the 2023-2024 biennium and excluding benefit adjustments and allowable personal services transfers pursuant to Section 307 of this act and documented through the report required by W.S. 9-2-101(c).] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]~~

~~[(b)] Any salary increase for an executive branch state position [**funded with nongeneral funds**] including those of the game and fish department, department of transportation and boards and commissions, and excluding positions of the University of Wyoming or community colleges during the 2021-2022 biennium for which the compensation increase has not been approved by the legislature shall be reviewed and approved by the governor and documented through the report required by W.S. 9-2-101(c). [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]~~

~~(c) Any specific position exempted by the board of judicial policy and administration and reported to the joint appropriations committee is exempt from subsection (a) of this section.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]~~

[CONCURRENCE WITH GOVERNOR'S BIENNIAL BUDGET  
DEVELOPMENT RECOMMENDATIONS]

## Section 311.

(a) Unless otherwise provided in this act, it is the intent of the legislature to concur with the recommendations for one-time funding contained in the governor's 2021-2022 biennial budget recommendations and that the associated appropriations, consistent with the governor's recommendations, not be included in the respective agencies' standard budgets for the immediately succeeding fiscal biennium.

(b) It is the intent of the legislature that the following appropriations be included in the agencies' standard budgets for the immediately succeeding fiscal biennium:

(i) Attorney general, in the amount of four hundred seventy-six thousand eight hundred sixty dollars (\$476,860.00) from the general fund for approved exception requests within the criminal justice information systems unit;

(ii) Department of health, in the amount of one million four hundred fifty thousand dollars (\$1,450,000.00) from the general fund to the comprehensive waiver unit within the health care financing division and six hundred forty-seven thousand one hundred eighty-three dollars (\$647,183.00) from the general fund to the substance abuse and tobacco prevention unit within the public health division.

[DEPARTMENT OF CORRECTIONS CARRYOVER]

**Section 312.**

(a) After all transfers required under Section 303(g) of this act are complete and notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, of unexpended, unobligated monies appropriated from the general fund to the department of corrections under 2018 Wyoming Session Laws, Chapter 134, Section 2, Section 080 as amended by 2019 Wyoming Session Laws, Chapter 80, Section 2, Section 080 shall not revert on June 30, 2020 and are hereby reappropriated to the department of corrections for purposes of this section.

(b) The department of corrections shall develop a plan for the evaluation and management of hepatitis C infection and treatment priorities. The plan developed by the department shall be consistent with federal bureau of prisons guidelines and reported to the joint appropriations committee for review and comment not later than July 1, 2020. Funds appropriated in this section are to be expended to implement the plan and to address the highest priorities established within the plan.

(c) This section is effective immediately.

[SCHOOL CAPITAL CONSTRUCTION]

**Section 313.**

(a) This section shall consist of funds appropriated for K-12 school building and facility needs.

(b) The amounts appropriated from the school capital construction account under paragraphs (g)(i) through (iii), (vii) and (viii) of this section are for the period commencing on the applicable effective date of the appropriation and ending June 30, 2022. Any unexpended, unobligated funds remaining from any of these appropriations shall revert to the school capital construction account on June 30, 2022.

(c) Each amount appropriated from the school capital construction account for a school facility project under paragraphs (g)(iv) through (vi) and (ix) through (xi) of this section shall remain in effect from the applicable effective date of the appropriation until that project is completed, unless otherwise provided by law. Upon completion of a project any unexpended, unobligated funds remaining from the appropriation for the project shall revert to the school capital construction account.



(d) As authorized under W.S. 21-15-119(a)(iii), the school facilities commission may submit a supplemental budget request for the period beginning July 1, 2021 and ending June 30, 2022, for any emergency or unanticipated need, or for any refinement or modification of a project funded under this section, subject to any constraints and other requirements imposed by the governor under W.S. 9-2-1013.

(e) Amounts appropriated under this section shall not be construed to be an entitlement or guaranteed amount and shall be expended by the school facilities commission to ensure adequate, efficient and cost effective school buildings and facilities in accordance with W.S. 21-15-114(a)(vii).

(f) In addition to accounting and reporting requirements imposed under W.S. 28-11-301(c)(iv), the state construction department shall report at least once each year on the deployment of amounts to fund projects under this section, depicting project progression. The reports, as approved by the school facilities commission, shall be submitted by the department to the select committee on school facilities, the joint appropriations committee and the governor.

(g) The following amounts are appropriated from the school capital construction account to the school facilities commission for the following purposes:

(i) For charter school leases, one million six hundred six thousand five hundred thirty-four dollars (\$1,606,534.00). The funds appropriated under this paragraph shall be distributed for lease expenses for school years 2020-2021 and 2021-2022 and are subject to W.S. 21-3-110(a)(x) and the following prescribed maximum amounts:

School District	Maximum Lease	Amount
Albany #1	Elementary School	\$371,752
Laramie #1	Elementary School	\$676,678
Laramie #1	Secondary School	<u>\$558,104</u>
Total		\$1,606,534

(ii) For land leases, ninety-four thousand three hundred dollars (\$94,300.00), subject to the following prescribed maximum amount:

School District	Maximum Lease	Amount
Laramie #1	Elementary School Land	<u>\$94,300</u>
Total		\$94,300

(iii) For modular buildings and leases, one hundred ten thousand two hundred forty dollars (\$110,240.00), subject to the following prescribed maximum amounts:

School District	Maximum Lease	Amount
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Laramie #1	Modular Lease	\$32,600
Laramie #1	Modular Lease	\$27,600
Laramie #1	Modular Lease	\$16,680
Laramie #1	Modular Lease	\$16,680
Laramie #1	Modular Lease	<u>\$16,680</u>
Total		\$110,240

(iv) For capital construction projects to address school capacity needs, thirty-four million four hundred sixty-seven thousand ninety-four dollars (\$34,467,094.00), subject to the following prescribed maximum amounts:

School District	Maximum Project	Amount
Lincoln #2	Elementary School Design	\$642,276
Lincoln #2	Elementary School Design	\$409,254
Lincoln #2	Elementary School Construction	\$3,725,074
Lincoln #2	Elementary School Construction	\$2,336,483
Laramie #1	Elementary School Design	\$3,704,588
Laramie #1	Elementary School Construction	<u>\$23,649,419</u>
Total		\$34,467,094

(v) For capital construction projects to address school condition needs, twenty-five million seven hundred eighty-nine thousand seven hundred ninety-four dollars (\$25,789,794.00), subject to the following prescribed maximum amounts:

School District	Maximum Project	Amount
Lincoln #1	Elem./Alt. School Design	\$658,390
Lincoln #1	Elem./Alt. School Construction	\$3,431,404
Washakie #2	K-12 School Design	\$2,500,000
Albany #1	Elementary School Construction	<u>\$19,200,000</u>
Total		\$25,789,794

(vi) For the ten (10) highest prioritized component level major maintenance projects identified in the commission's 2021-2022 biennial budget recommendations made pursuant to W.S. 21-15-119(a), ten million dollars (\$10,000,000.00). The commission shall endeavor to fund these component level major maintenance projects in priority order;

(vii) For professional consulting expertise and other administrative costs, one hundred thousand dollars (\$100,000.00) to conduct studies as approved by the commission to determine the most cost effective and efficient approach in order to deliver quality educational services and address building and facility needs;

(viii) For professional consulting expertise and other administrative costs, one hundred thousand dollars (\$100,000.00) to conduct a study as approved by the commission to determine the most cost effective and efficient approach to

address the Albany county school district #1 laboratory school at the University of Wyoming;

(ix) For demolition projects, one million four hundred ninety-one thousand seven hundred thirty-seven dollars (\$1,491,737.00), subject to the following prescribed maximum amounts:

School	Maximum	
District	Project	Amount
Laramie #1	Modular	\$76,061
Sweetwater #1	Elementary School Design	\$237,576
Sweetwater #1	Elementary School Construction	<u>\$1,178,100</u>
Total		\$1,491,737

(x) For other school building and facility priorities, twelve million four hundred ninety-five thousand seventy dollars (\$12,495,070.00), subject to the following prescribed maximum amounts:

School	Maximum	
District	Project	Amount
Teton #1	Middle School Design	\$363,804
Teton #1	Middle School Construction	\$2,099,657
Fremont #25	Assorted Design	\$273,941
Fremont #25	Assorted Construction	\$1,557,668
Fremont #25	High School Auditorium	<u>\$8,200,000</u>
Total		\$12,495,070

(xi) For unanticipated costs associated with the projects funded under paragraphs (g)(iv) through (x) of this section, one million five hundred thousand dollars (\$1,500,000.00).

(h) Not more than one million dollars (\$1,000,000.00) of the unexpended, unobligated funds appropriated in 2014 Wyoming Session Laws, Chapter 82, Section 1(e)(ii)(A) for planning of the project at the Big Horn #4 middle/high school, Section 1(e)(iii)(B) for the capital construction project at the Big Horn #4 middle/high school and 2014 Wyoming Session Laws, Chapter 82, Section 1(e)(x) for unanticipated costs of the projects are hereby reappropriated to the school facilities commission for locker room renovations and additions at the middle/high school of Big Horn school district #4.

[MINERAL SEVERANCE TAX DIVERSION]

**Section 314.**

(a) The one percent severance tax account is recreated. Funds within the account shall only be expended upon legislative appropriation. All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be credited to the general fund.

(b) On April 1, 2021, the state auditor shall transfer the unexpended, unobligated balance of the one percent severance tax account as follows:

- (i) Fifty percent (50%) to the permanent Wyoming mineral trust fund;
- (ii) Fifty percent (50%) to the legislative stabilization reserve account.

(c) As soon as practicable after the end of fiscal year 2022, the state auditor shall transfer the unexpended, unobligated balance of the one percent severance tax account, including all accrued revenue for fiscal year 2022, as follows:

- (i) Fifty percent (50%) to the permanent Wyoming mineral trust fund;
- (ii) Fifty percent (50%) to the legislative stabilization reserve account.

(d) For the period beginning July 1, 2020 and ending June 30, 2022, fifty percent (50%) of the total estimated revenues to be deposited into the one percent severance tax account shall not be included in the total estimated revenues computed under W.S. 9-2-1013(d)(ii) and shall be excluded from the governor's recommendations pursuant to W.S. 9-2-1013(d).

(e) W.S. 39-14-801(b)(intro), by creating a new paragraph (iv), (d)(intro) and by creating a new subsection (h) is amended to read:

**39-14-801. Severance tax distributions; distribution account created; formula.**

(b) Before making distributions from the severance tax distribution account under subsections (c) through (e) of this section, an amount equal to two-thirds (2/3) of the amount of tax collected under W.S. 39-14-104(a)(i) and (b)(i) and 39-14-204(a)(i) for the same period shall be deposited into the permanent Wyoming mineral trust fund, except for the period from March 15, 2016 through June 30, ~~2020~~ 2022 these funds shall be deposited as follows:

(iv) For fiscal years 2021 and 2022, these funds shall be deposited to the one percent severance tax account.

(d) After making distributions pursuant to subsections (b), (c) and (f) of this section, distributions under subsection (e) of this section shall be made from the severance tax distribution account. The amount of distributions under subsection (e) of this section shall not exceed one hundred fifty-five million dollars (\$155,000,000.00) in any fiscal year. To the extent that distributions under subsection (e) of this section would exceed that amount in any fiscal year, except as provided in ~~subsection~~ subsections (g) and (h) of this section, the excess shall be credited:

(h) For fiscal year 2021, when distributions under paragraph (d)(ii) of this section equal one hundred thirty-one million eight hundred thousand dollars (\$131,800,000.00) and for fiscal year 2022, when distributions under paragraph (d)(ii)

of this section equal one hundred forty million seven hundred thousand dollars (\$140,700,000.00), additional funds that would otherwise be distributed under paragraphs (d)(i) and (ii) of this section shall be credited to the school foundation program reserve account and the budget reserve account in equal amounts until the amount credited to the school foundation program reserve account under this subsection for the fiscal year reach fifty million dollars (\$50,000,000.00). If there are undistributed funds in the severance tax distribution account and the conditions of this subsection have been met, the excess shall be credited as follows:

- (i) One-third (1/3) to the general fund; and
- (ii) Two-thirds (2/3) to the budget reserve account.

[FEDERAL MINERAL ROYALTY DIVERSION]

### **Section 315.**

(a) W.S. 9-4-601(d)(intro), (vi) and (vii) and by creating a new subsection (m) is 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~~subsections (k) and (m) 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:

(vi) From the amounts which would otherwise be distributed to the school foundation program account under paragraph (iii) of this subsection and ~~paragraph~~paragraphs (k)(i) and (m)(i) of ~~this~~ section, there is annually appropriated to the common school permanent fund reserve account the amount determined under W.S. 9-4-719(g). The appropriation shall be credited to the account as provided in W.S. 9-4-719(g);

(vii) From the amounts that would otherwise be distributed to the budget reserve account under paragraph (iv) of this subsection and ~~paragraph~~paragraphs (k)(ii) and (m)(ii) of this section, amounts necessary to make the required revenue bond payments as provided by W.S. 9-4-1003(d), but in no event more than eighteen million dollars (\$18,000,000.00) annually;

(m) For fiscal year 2021, any revenue received under subsection (a) of this section in excess of four hundred eighty-five million five hundred thousand dollars (\$485,500,000.00)

and for fiscal year 2022, any revenue received under subsection (a) of this section in excess of five hundred million eight hundred thousand dollars (\$500,800,000.00) shall be distributed as follows:

(i) One-half (1/2) to the school foundation program account; and

(ii) One-half (1/2) to the budget reserve account.

[COAL LEASE BONUS DIVERSION]

### Section 316.

(a) W.S. 9-4-601(b)(i)(intro), (iv)(A) and (B) is amended to read:

**9-4-601. Distribution and use; funds, accounts, cities and towns benefited; exception for bonus payments.**

(b) The state treasurer shall ascertain and withhold all bonus payments received from the federal government attributable to coal, oil shale or geothermal leases of federal land within Wyoming and shall distribute it as follows:

(i) Fifty percent (50%), the first seven million five hundred thousand dollars (\$7,500,000.00) of which shall be distributed as follows, and any amount in excess of seven million five hundred thousand dollars (\$7,500,000.00) per year shall be deposited into the school capital construction account established under W.S. 21-15-111(a)(i), except for fiscal year years 2019, 2021 and 2022 amounts in excess of seven million five hundred thousand dollars (\$7,500,000.00) per year shall be deposited to the school foundation program reserve account created by W.S. 21-13-306.1:

(iv) And:

(A) Ten percent (10%) but not to exceed one million six hundred thousand dollars (\$1,600,000.00) per year, to a separate account which may be expended by the community college commission in accordance with and in addition to appropriations available under W.S. 21-18-205(c). Any amount in excess of one million six hundred thousand dollars (\$1,600,000.00) together with any unexpended revenues within the account at the end of any biennial budget period shall be credited to the school capital construction account established under W.S. 21-15-111(a)(i), except for fiscal year years 2019, 2021 and 2022 these funds shall be deposited to the school foundation program reserve account created by W.S. 21-13-306.1;

(B) Forty percent (40%) to be deposited to the school capital construction account established under W.S. 21-15-111(a)(i), except for fiscal ~~year-years~~ 2019, 2021 and 2022 these funds shall be deposited to the school foundation program reserve account created by W.S. 21-13-306.1.

[WYOMING PIPELINE CORRIDOR INITIATIVE]

**Section 317.**

(a) 2012 Wyoming Session Laws, Chapter 27, Section 2(c)(v) as amended by 2016 Wyoming Session Laws, Chapter 116, Section 5(b) and further amended by 2018 Wyoming Session Laws, Chapter 134, Section 318(c)(v) is amended to read:

**Section 318.**

(c) Except for funds specified in this subsection, funds appropriated under this section shall be for the period beginning with the effective date of this section and ending June 30, 2014. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, any unexpended, unobligated funds subject to:

(v) Paragraph (b)(vii) of this section shall not revert until June 30, ~~2020~~2022; and

(b) This section is effective immediately.

[AML FUNDING - REDIRECTION AND REAUTHORIZATION OF PRIOR APPROPRIATIONS]

**Section 318.**

(a) The legislature authorizes the department of environmental quality to submit new grant applications or modify existing grant applications to the federal office of surface mining to reappropriate and redirect previously authorized and reverted funds as follows:

(i) One hundred fifty-eight thousand one hundred forty dollars (\$158,140.00), or as much thereof as remains available, to the department of environmental quality water quality division for operations of the division from funds previously appropriated in:

(A) 2009 Wyoming Session Laws, Chapter 159, Section 339(b)(v), as amended by 2016 Wyoming Session Laws, Chapter 116, Section 2(a)(i);

(B) 2009 Wyoming Session Laws, Chapter 159, Section 339(b)(vi);

(C) 2009 Wyoming Session Laws, Chapter 159, Section 339(b)(vii);

(D) 2009 Wyoming Session Laws, Chapter 159, Section 339(c)(iii), as amended by 2011 Wyoming Session Laws, Chapter 88, Section 350 and further amended by 2012 Wyoming Session Laws, Chapter 6, Section 1;

(E) 2010 Wyoming Session Laws, Chapter 39, Section 320(b)(ii), as amended by 2016 Wyoming Session Laws, Chapter 116, Section 2(a)(ii);

(F) 2012 Wyoming Session Laws, Chapter 27, Section 2(b)(ii);

(G) 2012 Wyoming Session Laws, Chapter 27, Section 2(b)(ix), as amended by 2014 Wyoming Session Laws, Chapter 26, Section 331(c);

(H) 2014 Wyoming Session Laws, Chapter 26, Section 331(k), as amended by 2016 Wyoming Session Laws, Chapter 116, Section 5(a).

(b) The legislature authorizes the department of environmental quality to submit new grant applications or modify existing grant applications to the federal office of surface mining and reappropriates previously appropriated and reverted funds as follows:

(i) One million dollars (\$1,000,000.00), or as much thereof as is available, to the University of Wyoming for the school of energy resources to continue research related to carbon storage and enhanced oil recovery from funds appropriated in 2012 Wyoming Session Laws, Chapter 27, Section 2(b)(viii). These funds are to be expended only to the extent that they are matched in the ratio of one dollar (\$1.00) of funds subject to this subsection to not less than one dollar (\$1.00) of matching funds from private funds or public funds other than state of Wyoming funds.

[UNIVERSITY OF WYOMING COLLEGE OF ENGINEERING AND  
APPLIED SCIENCES MATCHING FUNDS]

### **Section 319.**

(a) 2019 Wyoming Session Laws, Chapter 80, Section 2, Section 067, footnote 15(b) is amended to read:

(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~~2022 shall revert as provided by law.

(b) This section is effectively immediately.

[ECONOMIC DEVELOPMENT FUNDS - TRANSFERS AND  
APPROPRIATIONS]

### **Section 320.**

(a) Not later than August 1, 2020, the state auditor shall transfer three hundred thousand dollars (\$300,000.00) from the Wyoming research and innovation subaccount created under W.S. 9-12-1404(a)(iv) to the agriculture marketing subaccount created under W.S. 9-12-1404(a)(i).



(b) Not later than August 1, 2020, the state auditor shall transfer one million seven hundred thousand dollars (\$1,700,000.00) from the Wyoming research and innovation subaccount to the “startup:Wyoming” subaccount created under W.S. 9-12-1404(a)(v).

(c) There is appropriated four million dollars (\$4,000,000.00) from the Wyoming research and innovation subaccount to be deposited into an account and available for expenditure by only the Wyoming energy authority subject to approval by the University of Wyoming energy resources council and the governor for purposes of a statewide energy commercialization plan.

(d) There is appropriated one million five hundred thousand dollars (\$1,500,000.00) from the general fund to the Wyoming works student grant account created under W.S. 21-18-408(b).

(e) There is appropriated one million dollars (\$1,000,000.00) from the general fund to the Wyoming works program account created under W.S. 21-18-408(a).

[SCHOOL DISTRICT SALES AND DEMOLITION OF BUILDINGS AND FACILITIES]

**Section 321.**

(a) Notwithstanding any other requirements of law, for the period beginning with the effective date of this act and ending June 30, 2022:

(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.

[~~RURAL HOSPITALS FINANCIAL VIABILITY REPORTS~~]

**Section 322:**



~~(a) There is appropriated one hundred twenty-eight thousand dollars (\$128,000.00) from the general fund to the department of health for the purposes of providing one (1) or more grants to political subdivisions and Wyoming community working groups for current or new reports or analyses of the financial viability and operations of rural hospitals in Wyoming. Any grant provided under this subsection shall make provision to reimburse the actual costs associated with the development of the reports or analyses and any additional studies or analyses requested by the department of health. The grant recipient or recipients shall be selected by the department of health and shall, as a condition of any grant provided under this subsection, report not later than October 1, 2020 to the department of health, the joint appropriations committee and the joint health, labor and social services interim committee on recommendations to support the viability of rural Wyoming hospitals. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2021. 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. It is the intent of the legislature that this appropriation not be included in the department of health's standard budget for the immediately succeeding fiscal biennium.~~

~~(b) This section is effective immediately.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]~~

~~[{COUNCIL OF STATE GOVERNMENTS ANNUAL MEETING}]~~

~~Section 323. There is appropriated one hundred fifty thousand dollars (\$150,000.00) from the general fund to the legislative service office for costs associated with the 2020 annual meeting of the council of state governments in Jackson, Wyoming. No funds from this appropriation shall be expended until all other sources of funding including any other appropriations authorized by the legislature for the 2020 annual meeting of the council of state governments have been exhausted. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2022. 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. It is the intent of the legislature that this appropriation not be included in the legislature's budget for the immediately succeeding fiscal biennium.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]~~

~~[INFORMATION TECHNOLOGY FUNDING STUDY]~~

**Section 324.**

(a) The legislative service office shall retain a consultant to conduct a review and provide recommendations on the following:

(i) Assessments of information technology funding requests submitted to the legislature for development of future budgets or legislation;

(ii) Standards, criteria and project request prioritization to be considered by the legislature in reviewing future appropriation requests.

(b) The legislative service office shall:

(i) Solicit proposals from entities to conduct the review and provide recommendations;

(ii) Seek input from **[large]** information technology vendors with business in the state on the request for proposal; **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]**

(iii) Require of the successful proposer for purposes of the review to:

(A) Review and make recommendations, at a minimum, on the following:

(I) All information technology projects meeting the following criteria:

(1) Requests included, but not approved, in the 2021-2022 governor or supreme court's budget recommendations in excess of five hundred thousand dollars (\$500,000.00);

(2) Requests included, but not approved, in the 2021-2022 governor's or supreme court's budget for hardware and software appropriations;

(3) Requests that are reasonably expected to be submitted by agencies in the immediately succeeding biennium.

(II) Opportunities to improve procurement for information technology services, including shared purchases, use of Wyoming vendors and reduction or elimination of price escalation clauses in maintenance service agreements;

(III) Opportunities to address ongoing and future data security and privacy concerns in an effective, efficient and sustainable manner;

(IV) Assessment of the use of hosted cloud-based storage;

(V) Methods for assessing future information technology appropriations requests.

(B) Provide a report, including recommendations, to the department of enterprise technology services, the governor and the joint appropriations committee by October 15, 2020.

(c) The legislative service office is authorized, subject to the approval of

management council, to contract with the successful proposer. Prior to approval, the management council shall consult with the governor and the department of enterprise technology services on the selection of the proposer.

(d) There is appropriated up to seven hundred fifty thousand dollars (\$750,000.00) from the strategic investments and projects account to the legislative service office for purposes of contracting for the services of a consultant as authorized by this section.

(e) This section is effective immediately.

~~[[STATE LABORATORIES EFFICIENCY STUDY]]~~

**Section 325.**

~~(a) The legislative service office shall retain a consultant to conduct a review and provide recommendations on opportunities for increased physical consolidation or service sharing among the following state laboratories:~~

~~(i) Department of agriculture, analytical services laboratory;~~

~~(ii) Department of environmental quality, water quality laboratory;~~

~~(iii) Department of health, public health laboratory;~~

~~(iv) Attorney general's office, division of criminal investigation, state crime laboratory;~~

~~(v) Game and fish department, wildlife forensics and fish health laboratory.~~

~~(b) The legislative service office shall solicit proposals from entities to conduct the review and provide recommendations and is authorized, subject to the approval of management council, to contract with the successful proposer. Prior to approval, the management council shall consult with the governor on the selection of the proposer. The successful proposer shall provide a report, including recommendations, to the joint appropriations committee by October 1, 2020.~~

~~(c) There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the strategic investments and projects account to the legislative service office for purposes of contracting for the services of a consultant as authorized by this section.~~

~~(d) This section is effective immediately.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]~~

[RESERVED]

**Section 326.** [Reserved.]

[EMPLOYEE GROUP INSURANCE - APPROPRIATION]

**Section 327.**

(a) There is appropriated twenty-one million three hundred thirty thousand dollars (\$21,330,000.00) from the legislative stabilization reserve account to the state auditor to be deposited into a separate account solely for purposes of paying the state's contribution for the state employees' and officials' group insurance plan for executive, judicial and legislative personnel whose employer paid benefits are funded with general funds. Expenditure of funds appropriated under this subsection shall only be made if:

(i) The appropriations of general funds for personal services (100 series) for the period beginning July 1, 2020 and ending June 30, 2022 in this act or any other legislation enacted into law are insufficient to pay the state's contribution for the state employees' and officials' group insurance plan for executive, judicial and legislative personnel whose employer paid benefits are funded with general funds; and

(ii) All funds available under Section 303(g) of this act have been expended, loaned, obligated or committed.

(b) 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 pay any increase in employer paid premium rates made during the period beginning July 1, 2020 and ending June 30, 2022 for the state employees' and officials' group insurance plan administered under W.S. 9-3-202 through 9-3-218 for state executive and judicial branch employees.

(c) Expenditure of funds appropriated under this section shall only be made upon approval by the governor. The legislature recommends that the following conditions for the state employees' and officials' group insurance plan be considered for implementation:

(i) The state's contribution for an eligible and enrolled individual electing single coverage, employee plus dependent spouse coverage, employee plus dependent children coverage or family coverage be established in an amount not to exceed eighty-two percent (82%) of the highest premium for coverage of the same family status designation under the state employees' and officials' group insurance plan;

(ii) The lowest annual deductible offered under the health insurance plan is not less than seven hundred fifty dollars (\$750.00);

(iii) The health insurance plan requires an office visit copayment of not less than:

(A) Thirty-five dollars (\$35.00) for primary care participating physicians; and

(B) Fifty-five dollars (\$55.00) for specialist participating physicians.

(iv) The health insurance plan includes an option for a high deductible

health plan that meets any applicable requirements for affordability and minimum value under the employer shared responsibility provisions of 26 U.S.C. 4980H.

(d) As part of the next solicitation for proposals for the health insurance plan within the state employees' and officials' group insurance plan, the department of administration and information shall include consideration of expanding access to preferred provider networks for private Wyoming employers.

(e) For purposes of this section "executive, judicial and legislative personnel" is inclusive of University of Wyoming and community college employees.

(f) The appropriations under this section shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from these appropriations shall revert as provided by law on June 30, 2022.

[2019-2020 BUDGET BALANCERS - TRANSFERS]

**Section 328.**

(a) 2018 Wyoming Session Laws, Chapter 134, Section 300(b) is amended to read:

**Section 300.**

(b) Any unappropriated funds in the budget reserve account on June 30, 2020 in excess of ~~ninety-nine million five hundred sixty-five thousand dollars (\$99,565,000.00)~~ two hundred thirty-eight million seven hundred eighteen thousand five hundred eighty-one dollars (\$238,718,581.00) shall be transferred to the legislative stabilization reserve account.

(b) This section is effective immediately.

[STATEWIDE POSITION ELIMINATIONS]

**Section 329.**

(a) The governor shall identify [~~generally funded,~~] full-time or part-time positions from the authorized positions in this act which shall be eliminated. The position eliminations shall have associated [~~general fund~~] savings in the amount of five hundred thousand dollars (\$500,000.00) or more from the personal services series (100 series) for each of the following six (6) month periods: [**BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.**]

- (i) Beginning July 1, 2020 and ending December 31, 2020;
- (ii) Beginning January 1, 2021 and ending June 30, 2021;
- (iii) Beginning July 1, 2021 and ending December 31, 2021;
- (iv) Beginning January 1, 2022 and ending June 30, 2022.

(b) In accordance with W.S. 9-1-205(a), the budget division of the department

of administration and information shall report on the [**general fund**] savings and authorized position eliminations to the management council of the legislature and the joint appropriations committee not later than the end of each six (6) month period as provided in subsection (a) of this section. The report shall detail the number of eliminated full-time or part-time positions for each agency, division and unit and the amount of [**general fund**] savings for each agency, division, unit and expenditure series at the object code level. **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]**

~~[(c) Any provision of this act or any other legislation enacted that specifies that an appropriation shall not be transferred or expended for any other purpose, or containing language of like effect, shall apply and shall exclude the position and associated general fund appropriation from reduction under this section.]~~ **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]**

(d) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, general fund savings identified under this section shall revert to the budget reserve account not later than the fifteenth day of the month following each period specified in subsection (a) of this section.

(e) It is the intent of the legislature that not less than two million dollars (\$2,000,000.00) in general funds and all authorized position eliminations in this section not be included in the standard budget for the immediately succeeding fiscal biennium.

(f) This section shall not apply to any appropriations made to the judicial branch.

(g) This section is effective immediately.

[DEPARTMENT OF WORKFORCE SERVICES – MASS LAYOFF RELIEF]

**Section 330.** There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the general fund to the department of workforce services for the purpose of providing necessary support to workers in the state subject to a mass layoff defined as not less than fifty percent (50%) of the workforce in a company of fifty (50) or more full-time employees. Not more than fifty percent (50%) of the funds appropriated under this section shall be allocated to a mass layoff occurring in any single county.

[FISCAL YEAR 2022 ANTICIPATED BUDGET REDUCTIONS]

**Section 331.**

(a) In anticipation of continuing challenges to Wyoming's revenues, the governor shall work with agency and department leaders to identify and implement budget reductions **[equal to one percent (1%) of each agency's or department's standard budget for programs supported by the state general**

~~fund during fiscal year 2022~~]. These reductions should consider, but not be limited to, the following criteria: **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]**

(i) Savings to personal services (100 series) related to increasing the span of control and supervision within each agency or department;

(ii) Savings related to program and process efficiencies that may reduce the need for expenditures in support services (200 series) and contract services (900 series) within each agency or department;

(iii) Any other areas that will yield **[the]** budget reduction **[level specified in this section and]** that will continue to allow each agency or department to meet its operational and programmatic mission. **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]**

(b) Each agency and department shall report its savings efforts and identified savings amounts pursuant to this section to the budget division and human resources division of the department of administration and information not later than September 1, 2020. The budget division and human resources division of the department of administration and information shall compile the reports and savings amounts and report to the joint appropriations committee as part of the governor's supplemental budget submission not later than November 16, 2020. The report shall include the program, service and position reductions identified or implemented to meet the purpose of this section.

~~[(c) It is the intent of the legislature that during the 2021 general session there will be budget reductions equivalent to one percent (1%) of each agency's or department's standard budget for programs supported by the state general fund if agency identified or implemented savings do not meet the purposes of this section.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]~~

(d) This section is effective immediately.

~~[[DEATH CERTIFICATION SURCHARGE INCREASE]~~

#### ~~Section 332.~~

~~(a) Notwithstanding W.S. 35-1-428(b), for the period beginning July 1, 2020 and ending June 30, 2022, the department of health shall collect a surcharge of five dollars (\$5.00) for each copy of a death certificate issued pursuant to Title 35, Chapter 1, Article 4 of the Wyoming statutes. Revenues collected from the surcharge imposed under this section shall be deposited by the state treasurer into a separate account, which is hereby created.~~

~~(b) Funds in the account created under subsection (a) of this section are~~



~~continuously appropriated to the general fund until a total of one hundred twenty-three thousand dollars (\$123,000.00) has been deposited into the general fund to fund the appropriation in the department of family services for burial and cremation expenses pursuant to Section 2, Section 049, footnote 4 of this act. No funds in the account shall be transferred or expended for any other purposes.~~ [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]

[COMMUNITY COLLEGE APPROPRIATION AND MATCHING FUNDS]

**Section 333.**

(a) There is appropriated three million five hundred thousand dollars (\$3,500,000.00) from the strategic investments and projects account to the Wyoming community college commission for disbursement in equal amounts to each community college district. These funds shall be used for any purpose designated by each district. This appropriation shall not be transferred or expended for any other purpose.

(b) There is appropriated one million five hundred thousand dollars (\$1,500,000.00) from the strategic investments and projects account to the Wyoming community college commission for disbursement to each community college district in the amounts specified in this subsection. These funds shall be used for any purpose designated by each district. This appropriation shall not be transferred or expended for any other purpose. Funds appropriated in this subsection shall be allocated as follows:

(i) Two hundred fifty-four thousand eight hundred fifty dollars (\$254,850.00) to Casper College;

(ii) One hundred thirty-two thousand dollars (\$132,000.00) to Central Wyoming Community College;

(iii) One hundred fifteen thousand nine hundred fifty dollars (\$115,950.00) to Eastern Wyoming College;

(iv) Three hundred sixteen thousand six hundred fifty dollars (\$316,650.00) to Laramie County Community College;

(v) One hundred one thousand four hundred dollars (\$101,400.00) to Northwest College;

(vi) Three hundred twenty-five thousand eight hundred dollars (\$325,800.00) to the Northern Wyoming Community College District;

(vii) Two hundred fifty-three thousand three hundred fifty dollars (\$253,350.00) to Western Wyoming Community College.

(c) There is appropriated five million dollars (\$5,000,000.00) from the strategic investments and projects account to the state treasurer for deposit in



equal amounts into seven (7) separate accounts to provide matching funds to each Wyoming community college district. Subject to subsection (d) of this section, these funds shall be used to match gifts and donations made to each community college district for any purpose designated by the district. This appropriation shall not be transferred or expended for any other purpose.

(d) Pursuant to subsection (c) of this section, from the effective date of this subsection and ending December 31, 2021, to the extent funds are available in the separate accounts, the state treasurer shall match gifts of cash or cash equivalent amounts received by a community college district and certified to the state treasurer in accordance with the following:

(i) A match shall be paid to the community college district any time after the sum of any accumulated gifts totals ten thousand dollars (\$10,000.00) or more;

(ii) Each community college district may request that the state treasurer encumber amounts available in the district's account in anticipation of gifts or donations that meet the requirements of paragraph (i) of this subsection and that are the subject of a binding agreement to make the gift or donation;

(iii) The state treasurer shall make all transfers due under this subsection not later than the end of the calendar quarter following the quarter in which a qualifying gift is actually received by the district;

(iv) Any match paid to a community college district by the state treasurer shall be equal to, and shall not exceed, the amount of the gift received by the district.

(e) From January 1, 2022 and ending June 30, 2022, any amounts remaining in any of the seven (7) community college district matching accounts created by subsection (c) of this section, and that have not been paid to or obligated to any community college district, may be paid to any community college district that can meet the matching requirements under subsections (c) and (d) of this section.

(f) Subsections (c) through (f) of this section are effective immediately.

(g) It is the intent of the legislature that the appropriations in this section not be included in the Wyoming community college commission's standard budget for the immediately succeeding fiscal biennium.

[SCHOOL FOUNDATION PROGRAM – HEALTH INSURANCE]

**Section 334.**

(a) W.S. 21-13-309(m)(v)(F) is amended to read:

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

(m) In determining the amount to be included in the

foundation program for each district, the state superintendent shall:

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

(F) Amounts provided within the model for health insurance shall be based upon:

(I) Prior year statewide average district weighted actual participation in district health insurance plans as to the proportion of employee only, split contracts, employee plus spouse or children and family coverage; ~~and~~

(II) The annualized state contribution rate as of January 1 of the preceding school year, on behalf of each employee and official enrolled in the state group health insurance plan, for employee only, split contracts, employee plus spouse or children and family coverage; except as provided in subdivision (III) of this subparagraph; and

(III) For school year 2020-2021 and school year 2021-2022, the amount provided to a school district for health insurance shall be calculated using the annualized state contribution rate as of January 1, 2019 for employee only, split contracts, employee plus spouse or children and family coverage based on district weighted actual participation in district health insurance plans for the 2018-2019 school year, plus additional funding as calculated pursuant to 2020 Senate File 0001, Section 334(b) as enacted into law.

(b) The department of education shall adjust each school district's foundation program amount computed in accordance with W.S. 21-13-309(p) for school year 2020-2021 and school year 2021-2022 to provide additional health insurance funding under this subsection. The health insurance adjustment added to each school district's foundation program amount shall be calculated in accordance with the following:

(i) The department of education shall calculate the difference between the annualized state contribution rate as of January 1 of the preceding school

year for employee only, split contracts, employee plus spouse or children and family coverage based on school district weighted actual participation in school district health insurance plans for the preceding school year and the annualized state contribution rate as of January 1, 2019 for employee only, split contracts, employee plus spouse or children and family coverage based on school district weighted actual participation in school district health insurance plans for the 2018-2019 school year;

(ii) The department of education shall calculate the number of school district employees funded within the education resource block grant model that are actually enrolled in a school district health insurance plan for the preceding school year;

(iii) The department of education shall calculate the number of education resource block grant model funded positions for which an employee is not actually enrolled in a school district health insurance plan for the preceding school year;

(iv) The additional amount calculated under this subsection to be added to the foundation program amount for each school district shall be the sum of the products calculated in the following two subparagraphs:

(A) The number of employees calculated under paragraph (ii) of this subsection multiplied by the difference calculated under paragraph (i) of this subsection;

(B) The number of positions calculated under paragraph (iii) of this subsection multiplied by the difference calculated under paragraph (i) of this subsection multiplied by one-half (1/2).

~~[[NATIONAL BOARD CERTIFICATION OF TEACHERS]]~~

**Section 335.**

**(a) W.S. 21-7-501(f)(i) is amended to read:**

**~~21-7-501. National certification program; program limits and requirements; appropriations requirements; certified teacher pay incentive reimbursement.~~**

**~~(f) In addition to the program established under subsection (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), except that for school year 2020-2021 and school year 2021-2022 a lump sum payment of three thousand dollars (\$3,000.00) shall be made, which payment 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;~~

~~(b) Nothing in this section shall be interpreted to prohibit a school district from expending local resources for purposes of a lump sum payment in the amount of one thousand dollars (\$1,000.00) to each teacher employed by the district and holding certification by the national board for professional teaching standards.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 12, 2020.]~~

[REAPPROPRIATION OF CLEAN COAL TECHNOLOGY RESEARCH FUNDS]

**Section 336.** All unexpended, unobligated funds remaining from the appropriation provided in 2007 Wyoming Session Laws, Chapter 186, Section 3(b), as amended by 2008 Wyoming Session Laws, Chapter 48, Section 325(b), and as further amended by 2009 Wyoming Session Laws, Chapter 57, Section 5(a) and deposited into the account created by W.S. 39-14-802 are appropriated to the public service commission for purposes of investigations of integrated resource plans submitted by public utilities. This appropriation 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 June 30, 2022.

[UNIVERSITY OF WYOMING GOVERNANCE STUDY]

**Section 337.**

(a) The legislative service office shall retain a third party consultant to conduct a study, provide recommendations and provide a report on the University of Wyoming's governance structure and administrative practices. The study at a minimum shall review and make recommendations regarding:

(i) Best practices of other land grant universities' governance structures that could be adopted to maximize efficient operations at the University of Wyoming;

(ii) The roles, powers and duties of the university's board of trustees;

(iii) The roles, powers and duties of the university's administration, including the president;

(iv) The roles, powers and duties of the university's colleges and other functional academic offices and programs;

(v) The university's rules and regulations with possible options to streamline current rules and regulations necessary to facilitate shared governance, reduce

bureaucracy, promote efficiencies and meet the university's land grant mission.

(b) The legislative service office shall solicit proposals from entities to conduct this study and, subject to the approval of management council, may contract with the successful proposer.

(c) The joint education interim committee shall oversee the study.

(d) Not later than October 1, 2020 and again not later than October 1, 2021, the successful proposer and entity that enters into a contract as provided by this section shall provide a report and recommendations to the joint education interim committee, the joint appropriations committee and the governor. Each report under this subsection shall include the entity's study findings and any related recommendations or proposed legislation required to achieve greater efficiencies and best practices with governance and administration at the University of Wyoming.

(e) This section is effective immediately.

[STUDY ON FEDERAL LANDS LEASING BAN OR RESTRICTIONS]

**Section 338.**

(a) The Wyoming pipeline authority shall conduct a study of the impacts on the state from any ban or restriction on leasing federal lands for energy production. The study required by this section shall include, but not be limited to, the following considerations:

(i) Locations and estimated quantities of recoverable resources that may be associated with lands included in any leasing ban or leasing restriction;

(ii) The potential need for, and costs of, drilling, transportation, processing or other companies relocating equipment and facilities off federal lands;

(iii) The potential for, and costs of, delaying resource infrastructure development, including pipelines, roads, processing facilities and other associated infrastructure, on federal or other lands;

(iv) Any other relevant consideration as determined by the Wyoming pipeline authority.

(b) The Wyoming energy authority shall report to the joint minerals, business and economic development interim committee and the joint appropriations committee not later than October 1, 2020 the results of the study required by subsection (a) of this section and shall provide recommendations on how the state can improve access to federal lands for energy development.

(c) There is appropriated one hundred fourteen thousand dollars (\$114,000.00) from the general fund to the Wyoming pipeline authority for the purpose of completing the study and report required by this section. The expenditure of this appropriation is conditioned upon a match of funds in a ratio of one dollar (\$1.00) of appropriated general funds to not less than one dollar (\$1.00) of matching funds from a nonstate source. This appropriation

shall be for the period beginning with the effective date of this section and ending June 30, 2022. 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.

(d) For purposes of this section and unless specifically provided otherwise, “Wyoming pipeline authority” shall mean “Wyoming energy authority” after July 1, 2020 when the Wyoming energy authority comes into existence. The Wyoming energy authority shall assume and complete the study required by this section on and after July 1, 2020.

(e) This section is effective immediately.

[EFFECTIVE DATE]

**Section 400.**

(a) As used in this act, “effective immediately” means effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution. Any appropriation contained in this act which is effective immediately shall not lapse until June 30, 2022, unless otherwise specified.

(b) Except as otherwise provided, this act is effective July 1, 2020.

(c) This section is effective immediately.

Approved March 12, 2020.

**Chapter 81**

**LEGISLATIVE BUDGET**

**Original Senate File No. 2**

AN ACT relating to appropriations for the legislature; providing appropriations for the operation of the legislative branch of state government; and providing for effective dates.

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

**Section 1.** There is appropriated from the general fund to the legislative service office the following specified amounts, or as much thereof as may be necessary, to pay the costs and expenses of the Wyoming legislature through June 30, 2022:

**SALARIES**

LSO Staff Permanent/Temporary .....	\$8,694,968
Legislators – Session.....	1,176,246
Legislators – Interim .....	1,947,602
Session Staff.....	649,608

Employer Paid Benefits .....	4,432,169
IN-STATE TRAVEL	
Mileage and Per Diem – Session .....	1,065,024
Mileage and Per Diem – Interim .....	860,090
OUT-OF-STATE TRAVEL	
Travel Expenses.....	80,800
Per Diem .....	110,800
ANNUAL DUES	
National Conference of State Legislatures.....	267,587
The Energy Council.....	76,800
Council of State Governments.....	217,332
Other .....	10,520
REGISTRATION FEES.....	55,600
TELECOMMUNICATIONS .....	50,000
ITD SERVICES (Network connections & backup).....	10,000
GENERAL ADMINISTRATIVE SUPPORT .....	743,610
(Information technology, copying, supplies and equipment, furniture, contract services, special projects, etc.)	
STATUTES, SESSION LAWS AND DIGESTS.....	385,000
TOTAL.....	\$20,833,756

**Section 2.** [Standard Provision-Flex]. The Management Council may transfer funds from one expense category to another under Section 1 of this act as the activities of the legislature may require.

**Section 3.** [Standard Provision-Travel]. The appropriation for out-of-state travel under this act shall be used to reimburse legislators for documented legislative travel and per diem expenses to attend out-of-state meetings in accordance with policies of the Management Council.

**Section 4.** [Carry Forward of Prior Appropriations].

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), the unobligated portions of the following appropriations shall not revert on June 30, 2020, and are hereby reappropriated to the legislative service office for the following purposes:

(i) Any unexpended, unobligated amounts reappropriated for expenditure by the legislative service office under 2018 Wyoming Session Laws, Chapter 24, Sections 4(a)(i) and 7, are reappropriated for expenditure by the legislative service office for the period commencing July 1, 2020 and ending June 30, 2022. Expenditures of amounts reappropriated under this paragraph shall be for professional consulting expertise and other support necessary to carry



out and execute work of the legislature pertaining to required K-12 education responsibilities, issues and studies. Professional consulting expertise may be retained by the legislative service office only upon approval of the Management Council, and the unexpended, unobligated amounts may be expended for contractual agreements between the Council and professional consultants;

(ii) Any balance remaining on June 30, 2020, resulting from the sale of legislative laptop computers prior to that date is appropriated to the legislative service office to be used for the purchase of replacement laptop computers and support systems for the period July 1, 2020 through June 30, 2022;

(iii) Any unexpended, unobligated amounts appropriated for expenditure under 2018 Wyoming Session Laws, Chapter 24 are reappropriated for expenditure by the legislative service office at the direction of the Management Council for extraordinary expenses of the legislature and as necessary to supplement any expense category under this act, for the period commencing July 1, 2020 and ending June 30, 2022.

(b) This section is effective immediately.

**Section 5.** [Technology Project].

(a) There is appropriated one hundred twenty-five thousand dollars (\$125,000.00) from the general fund to the legislative service office for continued development and support of the legislative management system.

(b) This section is effective immediately.

**Section 6.** [New Legislator Training Compensation].

(a) From and after the date the state canvassing board certifies the results of the 2020 general election in accordance with W.S. 22-16-118, legislators elect and newly appointed legislators may, to the extent authorized by the Management Council, receive mileage and per diem at the same rate as members of the legislature plus an amount equal to the daily salary paid to legislators for each day spent at a legislative training function or at a meeting of an interim committee to which they will be assigned.

(b) There is appropriated from the general fund to the legislative service office thirty-four thousand dollars (\$34,000.00) or as much thereof as may be necessary for purposes of this section.

(c) As used in this section:

(i) "Legislator elect" means a person elected to the legislature during the 2020 general election who is not a current member of the legislature and before the person is duly sworn in;

(ii) "Newly appointed legislator" means a person appointed after the 2020 general election to fill a vacancy in the House or Senate and before the person is duly sworn in.



**Section 7.** [Reappropriation of School Foundation Program Account Funds].

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated amounts appropriated from the school foundation program account to the attorney general under 2018 Wyoming Session Laws, Chapter 134, Section 2, Section 015, as amended by 2019 Wyoming Session Laws, Chapter 80, Section 2, Section 015, for purposes of the law office shall not revert on June 30, 2020. On July 1, 2020 these amounts are reappropriated for expenditure by the legislative service office for the period commencing July 1, 2020 and ending June 30, 2022. Expenditures of amounts reappropriated under this subsection shall be for professional consulting expertise and other support necessary to carry out and execute work of the legislature pertaining to required K-12 education responsibilities, issues and studies. Professional consulting expertise may be retained by the legislative service office only upon approval of the Management Council, and the unexpended, unobligated amounts may be expended for contractual agreements between the Council and professional consultants.

(b) This section is effective immediately.

**Section 8.** [Special Contingency].

(a) There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the general fund to the legislative service office to be expended at the direction of the Management Council for extraordinary expenses of the legislature and as necessary to supplement any expense category under this act.

(b) This section is effective immediately.

**Section 9.** [Economic Development Authorized Travel].

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated amounts appropriated for expenditure under 2016 Wyoming Session Laws, Chapter 79, Section 10, as amended by 2017 Wyoming Session Laws, Chapter 42, and 2018 Wyoming Session Laws, Chapter 24, Section 9 are reappropriated to the legislative service office for legislative travel expenses as authorized in this section.

(b) Subject to available appropriation, legislators traveling out-of-state, including internationally, in connection with executive branch or legislatively approved efforts to expand and diversify Wyoming's energy and industrial economy or to attract new business enterprises to the state or to improve access to and growth in domestic and international markets, are authorized reimbursement of actual travel expenses, including travel, lodging, meals and necessary incidentals, provided:

(i) Reimbursement of travel expenses for members of the legislature to participate in economic development efforts under this section shall require the approval of the Management Council;

(ii) In designating members authorized to receive travel reimbursement under this section, preference shall be given to members who have expressed an intention to seek re-election to, or if mid-term to continue to serve in, the Wyoming legislature during the 2021 and 2022 legislative sessions.

(c) This section is effective immediately.

**Section 10.** [Wyoming State Treasurer's Investment Conference]. There is appropriated twenty thousand dollars (\$20,000.00) from the general fund to the legislative service office for payment of registration, mileage and per diem for legislators attending the Wyoming state treasurer's investment conference in the 2020 or 2021 interim. Registration payments shall not exceed three hundred fifty dollars (\$350.00) per legislator.

**Section 11.** [Facilities Appropriations].

**[(a) There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the general fund to the legislative service office to hire a consultant and other qualified professionals to assist with the design, procurement, ordering, purchasing and installation of office furnishings, other furnishings, fixtures and equipment and owner identified improvements within the capitol building and capitol extension. Contracts shall be awarded under this subsection by a vote of a majority of the members of the State Building Commission and a vote of the majority of the members of the Management Council.] [BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR MARCH 12, 2020 – HOUSE AND SENATE VETO OVERRIDE MARCH 12, 2020.]**

(b) Management Council may also engage the services of consultants and other qualified professionals to procure the items listed in this subsection using funds appropriated under this subsection. There is appropriated from the general fund to the legislative service office:

(i) One hundred thousand dollars (\$100,000.00) for miscellaneous furnishings and projects;

(ii) Ninety-one thousand dollars (\$91,000.00) for room management equipment and professional fees;

(iii) Five hundred twenty-five thousand dollars (\$525,000.00) for video conferencing and video streaming in the ten (10) public meeting rooms in the capitol and capitol extension.

(c) Funds appropriated under this section shall be expended pursuant to all requirements of law, including the requirements of article 3, section 31 of the Wyoming constitution.

(d) This section is effective immediately.

**Section 12.** [Legislative Redistricting]. There is appropriated two hundred eighty-five thousand dollars (\$285,000.00) from the general fund to the

legislative service office to fund hardware, software, staff support and committee meetings required for legislative redistricting following the 2020 census.

**Section 13.** [CSG Annual Meeting]. There is appropriated one hundred twenty-five thousand seven hundred dollars (\$125,700.00) from the general fund to the legislative service office for members of the legislature and staff of the legislative service office to attend the 2020 annual meeting of the Council of State Governments.

**Section 14.** [Transportation Commission Liaisons]. There is appropriated thirty-eight thousand dollars (\$38,000.00) from the general fund to the legislative service office for payment of salary, mileage and per diem for two (2) legislative liaisons to attend meetings of the transportation commission. The president of the senate and the speaker of the house shall each appoint one (1) member to act as a legislative liaison to the transportation commission.

**Section 15.** [Effective Dates].

(a) As used in this act, “effective immediately” means effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution. Any appropriation contained in this act that is effective immediately shall not lapse until June 30, 2022, unless otherwise specified.

(b) Except as otherwise provided, this act is effective July 1, 2020.

Approved March 12, 2020.

## Chapter 82

### INVESTMENT OF PUBLIC FUNDS

#### Original House Bill No. 164

AN ACT relating to administration of government; modifying the duties of the investment funds committee and the state treasurer; modifying memberships of the committee; modifying requirements for the adoption of investment policy statements; amending reporting requirements; providing an exemption from public meeting requirements as specified; specifying legislative intent; providing an appropriation; and providing for an effective date.

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

**Section 1.** It is the goal of the legislature to maximize the total net return on investment of state funds while protecting principal in a manner that strives for the highest possible risk adjusted total return consistent with an appropriate level of safety, liquidity and consideration of the unique circumstances for each fund and which is consistent with fiduciary and constitutional duties. This act authorizes the investment funds committee, comprised of investment professionals, to provide review of certain state investments and appropriate

consultation with the elected state treasurer, the state treasurer's office and the state loan and investment board in carrying out investment related duties.

**Section 2.** W.S. 9-4-109(a) by creating a new paragraph (v), 9-4-714(a) by creating new paragraphs (vi) and (vii) and by renumbering (vi) as (viii), 9-4-715(a)(intro), (b), (c) by creating a new paragraph (i), by amending and renumbering (i) as (ii) and by renumbering (ii) as (iii), (d)(intro) and (n)(intro), 9-4-716(a)(intro) and (c), 9-4-717 by creating a new subsection (e), 9-4-720(a), (c) through (f) and by creating new subsections (g) and (h), 9-4-721(b) and 16-4-405(a)(x) are amended to read:

**9-1-409. State treasurer; duties generally; demand accounts; state revenues paid to treasurer.**

(a) The state treasurer shall:

(v) Be responsible for the investment of state funds.

**9-4-714. Definitions.**

(a) As used in this act:

(vi) "Committee" means the investment funds committee created by W.S. 9-4-720;

(vii) "Designated chief investment officer" means the employee retained pursuant to W.S. 9-4-715(a);

(vi)(viii) "This act" means W.S. 9-4-714 through 9-4-721.

**9-4-715. Permissible investments; designated chief investment officer.**

(a) The state treasurer is the chief investment officer of the state of Wyoming. The state treasurer, in consultation with the investment funds committee, shall employ a designated chief investment officer who shall have minimum qualifications including at least ten (10) years of experience managing institutional investment portfolios of in excess of five hundred million dollars (\$500,000,000.00), experience with hiring and managing internal and external investment managers and extensive experience in any two (2) or more of the following areas: domestic equity, fixed income securities, international equity or alternative investments. The designated chief investment officer shall provide the state treasurer with information and recommendations regarding the investment of state funds and additional information as requested by the state treasurer. The state treasurer's treasurer shall compile an annual report which shall include investment, income, individual and aggregate gains and losses by fund and the extent to which the state investment policy is being implemented. Subject to requirements of subsection (c) of this section, state funds may be invested in any investment:

(b) The state treasurer, or his designee, which shall be registered under the Investment Advisor's Act of 1940 as amended if required to be registered by

the terms of that act as amended, may invest up to seventy percent (70%) of the permanent funds in equities, including stocks of corporations pursuant to subsections (c) and (d) of this section. The state treasurer shall report at least annually to the select committee on capital financing and investments, ~~and~~ the joint appropriations committee and the investment funds committee on the analysis conducted pursuant to paragraph (d)(ii) of this section and W.S. 9-4-716(b)(ix).

(c) The state treasurer shall obtain the approval of the board prior to the investment of funds in alternative investments, provided:

(i) The investment funds committee shall review any new proposed investment of funds in alternative investments and shall submit recommendations to the board;

(i)(ii) The approval of the board shall be complete after consideration of any recommendation from the investment funds committee and upon the review and written acceptance by the board of the material terms of the instruments governing the investment;

(ii)(iii) Any material adverse change to the terms of instruments governing investments, previously approved by the board, at any time while the investments are held by the state of Wyoming shall require the renewal of approval of such investments by the board.

(d) When approving, acquiring, investing, reinvesting, exchanging, retaining, selling and managing investments of the state of Wyoming, the members of the board, the members of the investment funds committee, ~~created by this act~~, the state treasurer, designees of the state treasurer or any other fiduciary appointed by the state treasurer, the board or the investment funds committee shall:

(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. 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 and the investment funds committee on all state funds invested for a specific public purpose authorized or directed by the legislature. The report shall include:

**9-4-716. State investment policy; investment consultant.**

(a) The board, in consultation with the investment funds committee, shall adopt investment policy statements for state funds and shall review those policy statements at least annually. These policy statements shall be subject to the following:

(c) The state treasurer, in consultation with the investment funds committee, ~~created by this act,~~ shall develop and submit proposed investment policy statements for each grouping of state funds specified in subsection (a) of this section and may contract for assistance in developing proposals or in making suggestions for modifications to existing investment policy statements. The state treasurer shall report quarterly to the board and the investment funds committee regarding the performance of investments with respect to each grouping of state funds specified by the board under subsection (a) of this section and such other information as may be required by the board.

**9-4-717. Additional investment matters.**

(e) In making any new investment of state funds under this act or investing state or other funds as otherwise authorized by law, the state treasurer shall consult with the designated chief investment officer or the officer's designee.

**9-4-720. Investment funds committee created; duties.**

(a) There is created the investment funds committee. The committee consists of ~~six (6)~~ seven (7) voting members including the state treasurer, ~~a member of the state treasurer's office designated by the state treasurer~~ the designated chief investment officer, the chief investment officer of the Wyoming retirement system and ~~three (3)~~ four (4) members appointed by a selection panel in accordance with W.S. 9-4-721. In addition to the voting members, there shall be one (1) ex officio nonvoting member appointed by the governor, and one (1) ex officio nonvoting member appointed by the management council.

(c) The ~~three (3)~~ voting members appointed by a selection panel shall serve a three (3) year term. ~~provided that of the initial committee, one (1) member shall be appointed for a one (1) year term, one (1) member for a two (2) year term and one (1) member for a three (3) year term.~~ The ~~three (3)~~ voting members are eligible for reappointment. Terms of appointment for voting members shall commence on March 1 of the year of appointment. Any appointed voting member of the committee may be removed by the selection panel at any time or may be removed by the governor for malfeasance or misconduct in office. If an appointed voting position on the committee becomes vacant for any reason, the selection panel shall appoint a member in accordance with W.S. 9-4-721 to fill the position for the remainder of the unexpired term. Appointed voting members of the investment funds committee shall be confirmed by the senate. The selection panel may fill any vacancy occurring between sessions of the legislature by temporary appointment.

(d) The state treasurer shall be the chairman of the committee. The committee shall ~~meet at least quarterly and at the call of either the chairman or a majority of the membership~~ hold not less than four (4) regularly scheduled meetings each year. Special meetings may be called by the chairman and shall be called by the chairman upon a written request submitted by a majority of the voting

members. All matters shall be decided by a majority vote of a quorum of the voting members of the committee, except as otherwise provided in this section.

(e) ~~Staff and support for the committee~~ Meeting facilities, secretarial or clerical assistance, supplies and such other assistance as the committee may require in the performance of its duties shall be provided by the office of the state treasurer. Members of the committee who are not employees or elected officials of the state of Wyoming shall ~~receive per diem and travel expense reimbursement~~ be paid expenses in the manner and amount prescribed for ~~legislators under W.S. 28-5-101~~ state employees under W.S. 9-3-102 and 9-3-103 for each day of attending and traveling to and from meetings and other activities necessary to the performance of the duties of the committee.

(f) ~~In addition to the duties prescribed under this act,~~ The committee shall:

(i) Review state investment policies and procedures and recommend statutory, rule or policy modifications as the committee deems appropriate to maximize total net returns while protecting principal in a manner that strives for the highest possible risk adjusted total return consistent with an appropriate level of safety, liquidity and consideration of the unique circumstances for each fund;

(ii) Consult with the state treasurer and the board as required by law and as requested by each of those entities regarding the establishment and execution of state investment policies;

(iii) Monitor the investment of state funds in alternative investments;

(iv) Report to the legislature's select committee on capital financing and investments regarding state investment policies, procedures, authority and execution of the same upon request;

(v) 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.~~

(g) The committee through the state treasurer's office may contract with consultants having special expertise to assist in the performance of its duties.

(h) Liability of committee members shall be governed by W.S. 1-23-107.

#### **9-4-721. Investment funds committee; selection panel.**

(b) The selection panel shall research and interview candidates for the investment funds committee. The selection panel shall solicit nominations for



candidates for the investment funds committee ~~may be nominated by~~ from the state treasurer's office, other members of the investment funds committee, other appropriate entities and the board, ~~or Interested persons~~ may apply directly to the panel.

**16-4-405. Executive sessions.**

(a) A governing body of an agency may hold executive sessions not open to the public:

(x) To consider accepting or tendering offers concerning wages, salaries, benefits and terms of employment during all negotiations including meetings of the state loan and investment board to receive education regarding and to interview investment managers;

**Section 3.** The additional voting position on the investment funds committee created in W.S. 9-4-720(a), as amended by this act, shall be treated as a vacant position. The selection panel shall appoint a temporary member in accordance with W.S. 9-4-720(c) and 9-4-721 to fill the position. In order to continue staggered terms of appointment on the investment funds committee, the temporary member's term appointed under this section shall expire on February 28, 2022.

**Section 4.** There is appropriated seventy-five thousand dollars (\$75,000.00) from special revenue available for external manager payments to the state treasurer's office for purposes of funding the investment funds committee activities as authorized in this act. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2022. 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.

**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 13, 2020.

## Chapter 83

### NICOTINE PRODUCTS-LAWFUL AGE AND PENALTIES

#### Original Senate File No. 50

AN ACT relating to nicotine products; prohibiting the sale or furnishing of nicotine products to persons under twenty-one years of age as specified; prohibiting the possession and use of nicotine products by persons under twenty-one years of age as specified; providing penalties; repealing specified penalty provisions; and providing for an effective date.

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



**Section 1.** W.S. 14-3-301(a)(i) through (v) and by creating new paragraphs (vi) and (vii), 14-3-302(a), (b)(i) and (ii), (c), (d)(i) and (ii), (e), (f) and (g)(i) through (iii), 14-3-303(a)(intro), (b)(intro), (i)(B) and (C), (ii)(B), (c)(i) and (ii) and (e), 14-3-304(a), (b)(intro), (c) and (d), 14-3-305(a), (b)(intro), (d) and (e), 14-3-307(b), (d)(intro), (i) through (iii), (e)(iii)(C), (F) and (v) and 14-3-308(a) and (c) are amended to read:

### ARTICLE 3

#### SALE OF NICOTINE PRODUCTS

##### **14-3-301. Definitions.**

(a) As used in this article:

(i) “Tobacco products” means any substance containing tobacco leaf, or any product made or derived from tobacco that contains nicotine; including, but not limited to, cigarettes, ~~electronic cigarettes~~, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco;

(ii) “Vending machine” means any mechanical, electric or electronic self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses ~~tobacco~~ nicotine products;

(iii) “Retailer” means a business of any kind at a specific location that sells ~~tobacco~~ nicotine products to a user or consumer;

(iv) “Self service display” means any display of ~~tobacco~~ nicotine products that is located in an area where customers are permitted and where the ~~tobacco~~ nicotine products are readily accessible to a customer without the assistance of a salesperson;

(v) “Electronic cigarette” means ~~a product that employs any mechanical heating element, battery or electronic circuit, regardless of shape or size, that can be used to deliver doses of nicotine vapor by means of heating a liquid nicotine solution contained in a cartridge or other delivery system. any device that can be used to deliver aerosolized or vaporized nicotine or synthetic nicotine to the person using the device and includes any component, part and accessory of the device and any vapor material intended to be aerosolized or vaporized during the use of the device.~~ “Electronic cigarette” includes, without limitation, any electronic cigar, electronic cigarillo, electronic pipe, electronic hooka, vapor pen and any similar product or device. “Electronic cigarette” does not include a battery or battery charger if sold separately from the electronic cigarette and does not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act;

(vi) “Nicotine products” means tobacco products and electronic cigarettes;

(vii) “Vapor material” means any liquid solution or other material containing nicotine or synthetic nicotine that is depleted as an electronic

cigarette is used. "Vapor material" includes liquid solution or other material containing nicotine or synthetic nicotine that is sold with or inside an electronic cigarette.

**14-3-302. Prohibited sales or delivery.**

(a) No individual shall sell, offer for sale, give away or deliver ~~tobacco-nicotine~~ products to any person under the age of ~~eighteen (18)~~ twenty-one (21) years.

(b) Any individual violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not more than:

(i) ~~Fifty dollars (\$50.00)~~ Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period. The court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ~~five dollars (\$5.00)~~ ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended;

(ii) ~~Two hundred fifty dollars (\$250.00)~~ Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ~~five dollars (\$5.00)~~ ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended;

(c) No retailer shall sell, permit the sale, offer for sale, give away or deliver ~~tobacco-nicotine~~ products to any person under the age of ~~eighteen (18)~~ twenty-one (21) years.

(d) Any person violating subsection (c) of this section is guilty of a misdemeanor punishable by a fine of not more than:

(i) ~~Fifty dollars (\$50.00)~~ Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period;

(ii) ~~Two hundred fifty dollars (\$250.00)~~ Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period;

(e) In addition to the penalties under paragraph (d)(iii) of this section, any person violating subsection (c) of this section for a third or subsequent time within a two (2) year period may be subject to an injunction. The department of revenue or the district attorney of the county in which the offense occurred, may petition the district court for an injunction to prohibit the sale of ~~tobacco-nicotine products~~ in the establishment where the violation occurred. If the court finds that the respondent in the action has violated the provisions of subsection (c) of this section for a third or subsequent time within a two (2) year period and may continue to violate such provisions, it may grant an injunction prohibiting the respondent from selling ~~tobacco-nicotine~~ products in the establishment where the violation occurred for a period of not more than

one hundred eighty (180) days. For the purposes of this subsection, multiple violations occurring before the petition for the injunction is filed shall be deemed part of the violation for which the injunction is sought. If the person against whom the injunction is sought operates multiple, geographically separate establishments, the injunction shall apply only to the establishment where the violation occurred. The injunction shall prohibit all sales of ~~tobacco~~ nicotine products in the establishment where the violation occurred, regardless of any change in ownership or management of the establishment that is not a bona fide, arms length transaction while the injunction is in effect.

(f) It is an affirmative defense to a prosecution under subsections (a) and (c) of this section that, in the case of a sale, the person who sold the ~~tobacco~~ nicotine product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the ~~tobacco~~ nicotine product as being over ~~eighteen (18)~~ twenty-one (21) years of age.

(g) Notwithstanding the provisions of subsection (d) of this section, no fine for a violation of subsection (c) of this section shall be imposed for a first offense in a twenty-four (24) month period if the retailer can show it had:

(i) Adopted and enforced a written policy against selling ~~tobacco~~ nicotine products to persons under the age of ~~eighteen (18)~~ twenty-one (21) years;

(ii) Informed its employees of the applicable laws regarding the sale of ~~tobacco~~ nicotine products to persons under the age of ~~eighteen (18)~~ twenty-one (21) years;

(iii) Required employees to verify the age of ~~tobacco~~ nicotine product customers by way of photographic identification or by means of electronic transaction scan device; and

#### **14-3-303. Posted notice required; location of vending machines.**

(a) Any person who sells ~~tobacco~~ nicotine products shall post signs informing the public of the age restrictions provided by this article at or near every display of ~~tobacco~~ nicotine products and on or upon every vending machine which offers ~~tobacco~~ nicotine products for sale. Each sign shall be plainly visible and shall contain a statement communicating that the sale of ~~tobacco~~ nicotine products to persons under ~~eighteen (18)~~ twenty-one (21) years of age is prohibited by law. ~~Effective January 1, 2001, Any person who owns, operates or manages a business where ~~tobacco~~ nicotine products are offered for sale at retail and at which persons under the age of ~~eighteen (18)~~ twenty-one (21) are allowed admission with or without an adult, shall maintain all ~~tobacco~~ nicotine products within the line of sight of a cashier or other employee or under the control of the cashier or other employee. For purposes of this subsection:~~

(b) No person shall sell or offer ~~tobacco~~ nicotine products:

(i) Through a vending machine unless the vending machine is located in:

(B) Places to which persons under the age of ~~eighteen (18)~~ twenty-one (21) years of age are not permitted access; or

(C) Business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under ~~eighteen (18)~~ twenty-one (21) years of age is prohibited.

(ii) Through a self service display except in:

(B) A business where entry by persons under ~~eighteen (18)~~ twenty-one (21) years of age is prohibited.

(c) Any person violating subsection (a) or (b) of this section is guilty of a misdemeanor punishable by a fine of not more than:

(i) ~~Fifty dollars (\$50.00)~~ Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period;

(ii) ~~Two hundred fifty dollars (\$250.00)~~ Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period;

(e) In addition to the penalties under paragraph (c)(iii) of this section, any person violating subsection (a) or (b) of this section for a third or subsequent time within a two (2) year period may be subject to an injunction. The department or the district attorney of the county in which the offense occurred, may petition the district court for an injunction to prohibit the sale of ~~tobacco~~ nicotine products from the vending machines or the establishment where the violation occurred. If the court finds that the respondent in the action has violated the provisions of subsection (a) or (b) of this section for a third or subsequent time within a two (2) year period and may continue to violate such provisions, it may grant an injunction prohibiting the respondent from selling ~~tobacco-nicotine~~ products from vending machines or from the establishment where the violation occurred for a period of not more than one hundred eighty (180) days. For the purposes of this subsection, multiple violations occurring before the petition for the injunction is filed shall be deemed part of the violation for which the injunction is sought. If the person against whom the injunction is sought operates multiple, geographically separate establishments or vending machines, the injunction shall apply only to the establishment where the violation occurred and to the vending machines resulting in the violation. The injunction shall prohibit all sales of ~~tobacco-nicotine~~ products from the vending machines or the establishment involved in the violation, regardless of any change in ownership or management of the vending machines or the establishment that is not a bona fide, arms length transaction while the injunction is in effect.

**14-3-304. Purchase by person under twenty-one years of age prohibited.**

(a) No person under the age of ~~eighteen (18)~~ twenty-one (21) years shall purchase or attempt to purchase ~~tobacco-nicotine~~ products, or misrepresent

his identity or age, or use any false or altered identification for the purpose of purchasing or attempting to purchase ~~tobacco-nicotine~~ products. A person shall not be arrested for an alleged violation of this subsection but shall be issued a citation as a charging document by a peace officer having probable cause to believe the person violated this subsection. An officer issuing a citation shall deposit one (1) copy of the citation with the court having jurisdiction over the alleged offense. Bond may be posted and forfeited for an offense charged under this section in an amount equal to the fine imposed by subsection (b) of this section.

(b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of ~~not more than: twenty-five dollars (\$25.00).~~

(c) In lieu of the fine under subsection (b) of this section, the court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ~~five dollars (\$5.00)~~ ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended.

(d) ~~After twenty-four (24) months or upon reaching the age of majority, whichever occurs later, No conviction under this section, whether by guilty plea, adjudication of guilt or forfeiture of bond shall be reported by the court to any law enforcement agency. Upon payment of the fine imposed by subsection (b) of this section, a criminal conviction under this section may shall be expunged in accordance with W.S. 14-6-241 by operation of law from all records of the court six (6) months after the entry of conviction. For any person whose record of conviction was expunged under this subsection, the conviction is deemed not to have occurred and the individual may reply accordingly upon any inquiry in the matter. No expungement under this subsection shall be considered for purposes of any other law providing for expungement.~~

**14-3-305. Possession or use by person under twenty-one years of age prohibited.**

(a) It is unlawful for any person under the age of ~~eighteen (18)~~ twenty-one (21) years to possess or use any ~~tobacco-nicotine~~ products. A person shall not be arrested for an alleged violation of this subsection but shall be issued a citation as a charging document by a peace officer having probable cause to believe the person violated this subsection. An officer issuing a citation shall deposit one (1) copy of the citation with the court having jurisdiction over the alleged offense. Bond may be posted and forfeited for an offense charged under this section in an amount equal to the fine imposed by subsection (b) of this section.

(b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of ~~not more than: twenty-five dollars~~

(\$25.00).

(d) In lieu of the fine under subsection (b) of this section, the court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of five dollars (\$5.00) ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended.

(e) After twenty-four (24) months or upon reaching the age of majority, whichever occurs later, No conviction under this section, whether by guilty plea, adjudication of guilt or forfeiture of bond shall be reported by the court to any law enforcement agency. Upon payment of the fine imposed by subsection (b) of this section, a criminal conviction under this section may shall be expunged in accordance with W.S. 14-6-241 by operation of law from all records of the court six (6) months after the entry of conviction. For any person whose record of conviction was expunged under this subsection, the conviction is deemed not to have occurred and the individual may reply accordingly upon any inquiry in the matter. No expungement under this subsection shall be considered for purposes of any other law providing for expungement.

#### **14-3-307. Compliance inspections.**

(b) The department of health shall develop strategies to coordinate and support local law enforcement efforts to enforce all state statutes relating to the prohibition of the sale of tobacco-nicotine products to minors-persons under twenty-one (21) years of age.

(d) To coordinate the enforcement of state statutes relating to the prohibition of the sale of tobacco-nicotine products to minors-persons under twenty-one (21) years of age and to comply with applicable federal law, the department of health shall have authority to contract with or provide grants to local law enforcement agencies or other local individuals or entities having the appropriate level of enforcement authority on the local level to conduct random, unannounced inspections at retail locations where tobacco-nicotine products are sold. The use of minors during inspections is authorized subject to the following-local law enforcement agencies or other local individuals or entities authorized to conduct inspections shall be permitted to use minors and persons under twenty-one (21) years of age subject to the following:

(i) The Prior to the inspection, the local law enforcement agency or other authorized individual or entity shall obtain the written consent shall include notification that testimony in a subsequent court proceeding may be required. The of the person being used in the inspection or if using a minor, the written consent of the minor's parents or guardian shall be obtained prior to the minor participating in an inspection. The written consent required under this paragraph shall include a notification that testimony in a subsequent court proceeding may be required;

(ii) ~~A minor~~ Any person under twenty-one (21) years of age participating in an inspection shall, if questioned, state his true age and that he is less than ~~eighteen (18)~~ twenty-one (21) years of age;

(iii) The ~~minor's~~ appearance of a person under twenty-one (21) years of age shall not be altered to make him appear to be ~~eighteen (18)~~ twenty-one (21) years of age or older;

(e) The person conducting an inspection under this section shall:

(iii) Within two (2) days, prepare a report of the inspection containing:

(C) The name and position of the person from whom the participant attempted to purchase ~~tobacco-nicotine~~ products;

(F) The results of the inspection, including whether the inspection resulted in the sale or distribution of, or offering for sale, ~~tobacco-nicotine~~ products to ~~the minor~~ a person under twenty-one (21) years of age.

(v) Request a law enforcement officer to issue a citation for any illegal acts relating to providing ~~tobacco-nicotine~~ products to ~~minors~~ persons under twenty-one (21) years of age during the inspection.

#### **14-3-308. Further regulation by local ordinance.**

(a) Except as specified under subsection (b) of this section, this article shall not be construed to prohibit the imposition by local law or ordinance of further regulation or prohibition upon the sale, use and possession of ~~tobacco-nicotine~~ products to any person under ~~eighteen (18)~~ twenty-one (21) years of age, but the governmental entity shall not permit or authorize the sale, use or possession of ~~tobacco-nicotine~~ products to any person under ~~eighteen (18)~~ twenty-one (21) years of age in violation of this article.

(c) The governmental entity may require that sellers of ~~tobacco-nicotine~~ products obtain a license to sell ~~tobacco-nicotine~~ products and may deny or revoke the license in the case of reported violations of W.S. 14-3-302 or similar local ordinance.

**Section 2.** W.S. 14-3-304(b)(i) through (iii) and 14-3-305(b)(i) through (iii) are repealed.

**Section 3.** This act is effective July 1, 2020.

Approved March 13, 2020.

## **Chapter 84**

### **OFF-ROAD RECREATIONAL VEHICLE-DEFINITION**

Original Senate File No. 116

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



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

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

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

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

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

(K) “Off-road recreational vehicle” means:

(I) A recreational vehicle primarily designed for off-road use ~~which~~ that is fifty (50) inches or less in width measured from the outside of one (1) tire rim to the outside of the opposite tire rim and that has an unladen weight of one thousand one hundred (1,100) pounds or less;

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

Approved March 13, 2020.

## Chapter 85

### MUNICIPAL RIGHT-OF-WAY FRANCHISE FEES

#### Original House Bill No. 19

AN ACT relating to cities and towns; authorizing franchise fee agreements for access to public rights-of-way; providing limitations on franchise fee agreements as specified; providing exceptions; and providing for an effective date.

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

**Section 1.** W.S. 15-1-131 is created to read:

**15-1-131. Communications companies franchise agreements authorized; limitations; procedure; exceptions.**

(a) The governing body of a city or town may enter into a franchise agreement with a communications company, as defined by W.S. 1-26-813(b), for access to its public rights-of-way if the governing body deems the franchise agreement to be proper and the agreement meets the requirements of this section.

(b) All franchise agreements entered into by a governing body with a communications company under this section or with a cable company pursuant to 47 U.S.C. § 541 et seq. shall:

- (i) Be fair and reasonable;
- (ii) Be competitively neutral and nondiscriminatory;
- (iii) Comply with all requirements of applicable federal and state laws and



ordinance;

(iv) Not unreasonably impair or inhibit the deployment of communications services;

(v) To the extent practical encourage the deployment of communications services to serve consumers.

(c) Franchise fees assessed under a franchise agreement entered into pursuant to this section shall:

(i) Be passed through to customers unless otherwise agreed;

(ii) Not be assessed on revenues from internet access service.

(d) A communications company assessed a franchise fee on local exchange services by a governing body may not be assessed any additional franchise fees by that governing body, including an assessment on any other communications services.

(e) A communications company proposing to enter into a franchise agreement shall provide to the governing body of the city or town a request for negotiations. Negotiations between the governing body and a proposed franchisee shall not exceed one hundred eighty (180) days unless agreed to by the parties in writing. A request made under this subsection shall include, at a minimum, the date of the request for negotiations, the proposed date for the start of negotiations, the date by which negotiations shall terminate and the contact information for the proposed franchisee.

(f) Any holder of a cable franchise pursuant to 47 U.S.C. § 541 et seq. shall be exempt from subsections (a), (c) and (e) of this section. Subject to federal law and the provisions of this subsection, a governing body may assess a franchise fee on gross revenues as determined in accordance with generally accepted accounting principles for the provision of cable service over a cable system operated by a holder of a cable franchise pursuant to 47 U.S.C. § 541 et seq. As used in this subsection, "gross revenues" shall not include any taxes, fees or assessments collected by a holder of a cable franchise from subscribers that are passed through to a government agency, including the user fee assessed by the federal communications commission, franchise fees, sales taxes and utility taxes. Nothing in this subsection shall be construed to prohibit or alter any decision by a governing body to not impose the franchise fee authorized by this section or any decision by a governing body to enter into an agreement with a holder of a cable franchise to impose a franchise fee on only a portion of the gross revenues from the provision of cable service subject to franchise fees under federal law and the provisions of this subsection.

**Section 2.** W.S. 15-1-103(a)(xxxiii)(intro) is amended to read:

**15-1-103. General powers of governing bodies.**

(a) The governing bodies of all cities and towns may:

(xxxiii) Grant franchises for such terms as the governing body deems proper to any utility company, and, for communication companies, in accordance with W.S. 15-1-131, provided no franchise may be entered into with any person in which that person is given an exclusive right for any purpose whatsoever and:

**Section 3.** Any existing franchises on the effective date of this act may continue until termination.

**Section 4.** This act is effective July 1, 2020.

Approved March 13, 2020.

## Chapter 86

### NICOTINE PRODUCTS—AGE VERIFICATION AND SHIPPING

#### Original Senate File No. 42

AN ACT relating to nicotine products; requiring age verification for remote sales of nicotine products; specifying shipping requirements for nicotine products; modifying definitions related to nicotine products; providing penalties; and providing for an effective date.

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

**Section 1.** W.S. 14-3-309 is created to read:

**14-3-309. Regulation of mail order and internet purchases and sales; proof of age; penalties.**

(a) No person shall sell at retail or wholesale any nicotine product through the internet or any other remote sales method to any person in this state, other than a vendor licensed under W.S. 39-15-106, unless the seller performs an age verification on the purchaser through an independent third party age verification service. The age verification service utilized shall compare information available from public records to the personal information entered by the purchaser during the ordering process to establish that the purchaser is twenty-one (21) years of age or older.

(b) No person shall sell at retail or wholesale any nicotine product through the internet or any other remote sales method to any person in this state, other than a vendor licensed under W.S. 39-15-106, unless the seller uses a method of mailing or shipping that, upon delivery, requires the signature of a person at least twenty-one (21) years of age before the nicotine product will be released for delivery.

(c) The provisions of subsections (a) and (b) of this section shall not apply if the seller employs one (1) of the following protections to ensure age verification:

(i) The purchaser is required to create an online profile or account with personal information verifying that the purchaser is at least twenty-one (21)

years of age including, but not limited to, the purchaser's name, address and a valid phone number, if that personal information is verified by the seller through publicly available records and delivery is made to the same name and address; or

(ii) The purchaser is required to upload a copy of the purchaser's government issued identification and a current photograph of the purchaser verifying that the purchaser is at least twenty-one (21) years of age and delivery is made to the same name on the identification provided.

(d) Any person violating subsection (a) or (b) of this section is guilty of a misdemeanor punishable as provided in W.S. 14-3-302(b).

**Section 2.** W.S. 14-3-301(a)(i), (v) and by creating new paragraphs (vi) and (vii) and 14-3-302(b)(intro) are amended to read:

**14-3-301. Definitions.**

(a) As used in this article:

(i) "Tobacco products" means any substance containing tobacco leaf, or any product made or derived from tobacco that contains nicotine; including, but not limited to, cigarettes, ~~electronic cigarettes~~, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco;

(v) "~~Electronic cigarette" means a product that employs any mechanical heating element, battery or electronic circuit, regardless of shape or size, that can be used to deliver doses of nicotine vapor by means of heating a liquid nicotine solution contained in a cartridge or other delivery system. any device that can be used to deliver aerosolized or vaporized nicotine or synthetic nicotine material to the person using the device and includes any component, part and accessory of the device and any vapor material intended to be aerosolized or vaporized during the use of the device. "Electronic cigarette" includes, without limitation, any electronic cigar, electronic cigarillo, electronic pipe, electronic hooka, vapor pen and any similar product or device. "Electronic cigarette" does not include a battery or battery charger if sold separately from the electronic cigarette and does not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act;~~

(vi) "Nicotine products" means tobacco products and electronic cigarettes;

(vii) "Vapor material" means any liquid solution or other material containing nicotine or synthetic nicotine that is depleted as an electronic cigarette is used. "Vapor material" includes liquid solution or other material containing nicotine that is sold with or inside an electronic cigarette.

**14-3-302. Prohibited sales or delivery.**

(b) Any individual violating W.S. 14-3-309 or subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not more than:

**Section 3.** This act is effective July 1, 2020.

Approved March 13, 2020.

## Chapter 87

### REVISOR'S BILL

Original Senate File No. 72

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; and providing for an effective date.

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

**Section 1.** W.S. 1-11-129, 1-40-119(a)(i), 5-13-115(b) by renumbering (xii) as (xiii), 9-1-507(a)(ix)(intro), 93421(d), 9-12-601(o), 9-12-1503(a)(ix), 12-1-101(a)(xix), 12-2-201(f), 14-3-402(a)(xxv), 16-6-116, 17-4-102(a)(iv)(E) and (xxviii)(E), 21-20-201(d), 26-43-103(b)(iv), 31-2-215(c), 31-8-102(a)(viii), 33-22-104, 33-40-102(a)(vi)(H) and (N), 35-11-406(m)(x), 35-20-102(a)(iv)(F), 35-30-101(a)(v)(C), 39-16-104(a), 39-17-111(f), 39-17-311(a)(v), 41-6-402 and 41-13-206(c)(ii) are amended to read:

#### **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~~ensure the integrity of the system and a random selection process.

#### **1-40-119. Surcharge to be assessed in certain criminal cases; paid to account.**

(a) In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, or is convicted of, the following criminal offenses shall be assessed a surcharge of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) for the offenses specified in paragraph (v) of this subsection, not less than one hundred fifty dollars (\$150.00) nor more than three hundred fifty dollars (\$350.00) for the first plea to or conviction of offenses specified in paragraphs (i) through (iv) of this subsection, and not less than two hundred dollars (\$200.00) nor more than four hundred dollars (\$400.00) for each subsequent plea to or conviction of offenses specified in paragraphs (i) through (iv) of this subsection:

(i) Any ~~crime enumerated in violation of~~ W.S. 6-1-101 through ~~6-2-313 and 6-2-319 through~~ 6-10-203;

**5-13-115. Purpose and jurisdiction.**

(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:

~~(xii)~~(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;

**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)~~(iii)(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:

**9-3-421. Death benefits; monthly benefit option; refund of excess employee contributions plus interest; medical insurance premiums.**

(d) For purposes of determining a member's account under ~~subsection subsections~~ (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.

**9-12-601. Wyoming business ready community program; purpose; creation; rulemaking.**

(o) On or before November 1 of each year, the council shall report to the joint appropriations ~~interim~~-committee and the joint minerals, ~~economic and business and economic~~ development interim committee information on the administration of the business ready community program. The report shall include a list of all grant and loan requests made in the previous twenty-four (24) months, the amount approved by project, expenditures by project and the progress for each project as of the date of the report.

**9-12-1503. Application contents.**

(a) An applicant for funding under this article shall provide the following information on the application:

(ix) Evidence that no later than six (6) weeks before submission of the application the applicant contacted, in writing, all entities who are listed with the ~~counsel~~council as providing broadband service in the proposed project area to ask for each broadband service provider's plan to upgrade broadband service in the project area to speeds that meet or exceed the speeds proposed in the application, within the time frame specified in the proposed project activities;

**12-1-101. Definitions.**

(a) As used in this title:

(xix) "Microbrewery" means a commercial enterprise at a single location producing not more than fifty thousand (50,000) barrels per year and no less ~~than~~than fifty (50) barrels per year of malt beverage;

**12-2-201. Wholesale license for sale of malt beverages only; fee.**

(f) Nothing in this section limits the ~~commission's~~division's exclusive authority to wholesale alcoholic liquors.

**14-3-402. Definitions.**

(a) As used in this act:

(xxv) "This act" means W.S. 14-3-401 through ~~14-3-440~~14-3-441.

**16-6-116. Final settlement with and payment to contractor; required notices.**

When any public work is let by contract the commission, board or person under whose direction or supervision the work is being carried on and conducted and upon whose approval intermediate and final estimates are paid for the construction of the work, forty (40) days before the final estimate is paid, shall cause to be published in a newspaper of general circulation, published nearest the point at which the work is being carried on, once a week for three (3) consecutive weeks, and also to post in three (3) conspicuous places on the work, a notice setting forth in substance, that the commission, board or person has accepted the work as completed according to the plans and specifications and rules set forth in the contract between the commission, board or person and the contractor, and that the contractor is entitled to final settlement therefor. The notice shall also set forth that upon the ~~41st~~forty-first day (and the notice shall specify the exact date) after the first publication of the notice the commission, board or person under whose direction or supervision the work has been carried on will pay to the contractor the full amount due under the contract. This section does not relieve the contractor and the sureties on his bond from any claims for work or labor done or materials or supplies furnished in the execution of the contract.

**17-4-102. Definitions.**

(a) In this act, unless the context otherwise requires:

(iv) “Broker-dealer” means a person engaged in the business of effecting transactions in securities for the account of others or for the person’s own account. The term does not include:

(E) A person excluded by rule adopted or order issued under this act;  
or

(xxviii) “Security” means a note; stock; treasury stock; security future; bond; debenture; evidence of indebtedness; certificate of interest or participation in a profit-sharing agreement; collateral trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting trust certificate; certificate of deposit for a security; put, call, straddle, option, or privilege on a security, certificate of deposit, or group or index of securities, including an interest therein or based on the value thereof; put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency; or, in general, an interest or instrument commonly known as a “security”; or a certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. The term:

(E) Includes as an “investment contract,” among other contracts, an interest in a limited partnership and a limited liability company and an investment in a viatical settlement or similar agreement, ~~and~~

**21-20-201. Agreement between districts and post-secondary education institutions required; student participation; credits; financial arrangements; transportation; accessibility; required annual reporting.**

(d) The school district and the university or community college district entering into an agreement for purposes of this section shall, if there are any fees within the agreement, establish fees to be assessed to the school district for student participation under the program, the payment schedule for the established fees and other necessary arrangements to facilitate fee payment and collection. Any textbooks, materials or equipment purchased under the established fees shall be addressed within the agreement entered into between the university or college and the school district. The university or community college shall not directly assess and collect any fee from the participating student for textbooks, materials, student services or any other fees otherwise assessed and collected from students attending the institution.

**26-43-103. Eligibility.**

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

(iv) ~~For pool coverage,~~ Any person on whose behalf the pool has paid two hundred fifty thousand dollars (\$250,000.00) in benefits. 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;

**31-2-215. Disabled veteran’s license plates.**

(c) The county treasurer shall only issue one (1) pair of license plates annually that are exempt as provided by W.S. ~~31-3-101(a)(xv)~~ 31-3-101(b)(xv) to each applicant under this section.

**31-8-102. Contents.**

(a) The identification card shall resemble a Wyoming driver’s license. It shall have:

(viii) The designations as provided for in W.S. 31-7-139, 31-7-141 and 31-7-142; and

**33-22-104. License; annual fee; expiration.**

Each person licensed as a nursing home administrator shall be required to pay an annual license fee in an amount to be fixed by the board pursuant to W.S. 33-1-201. Each such license shall expire on the ~~31st~~ thirty-first day of December following issuance, and shall be renewable for a calendar year, upon payment of the annual license fee.

**33-40-102. Definitions.**

(a) As used in this act:

(vi) “Unprofessional conduct” means:

(H) Failure to notify the board within thirty (30) days of a malpractice ~~final judgment~~ judgment or settlement involving the occupational therapist;

(N) Employing, either directly or indirectly, any licensee under suspension or revocation, except as may be authorized by the board, or any person not licensed to practice occupational therapy to perform any task requiring licensure except that an unlicensed person may be employed to perform tasks under supervision not requiring occupational therapy professional knowledge or judgment ~~judgment~~;

**35-11-406. Application for permit; generally; denial; limitations.**

(m) The requested permit, other than a surface coal mining permit, shall be granted if the applicant demonstrates that the application complies with the requirements of this act and all applicable federal and state laws. The director shall not deny a permit except for one (1) or more of the following reasons:

(x) If written objections are filed by an interested person under subsection ~~(g)~~ (k) of this section;

**35-20-102. Definitions.**



(a) As used in this act:

(iv) "Caregiver" means any person or in-home service provider responsible for the care of a vulnerable adult because of:

(F) Acceptance of a legal obligation or responsibility to the vulnerable adult through a power of attorney, ~~advanced~~ advance health care directive or other legal designation.

**35-30-101. Definitions.**

(a) As used in this act:

(v) "Representative of the patient" means any person who:

(C) Is a representative named in an ~~advanced~~ advance care directive in Wyoming or other similar law in another state.

**39-16-104. Taxation rate.**

(a) Except as otherwise provided, there is levied and shall be paid by the purchaser an excise tax at the same rate applied under W.S. ~~39-15-104~~ 39-15-104(a) upon sales in Wyoming.

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

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

**39-17-311. Distribution.**

(a) Except as otherwise provided in subsection (b) of this section, all alternative fuel license taxes and fees shall be distributed as follows:

(v) All taxes collected under W.S. 39-17-304(a)(iii) shall be transferred to the state treasurer who shall deposit them only into the state highway fund. The provisions of this section ~~and W.S. 39-17-305(c)~~ shall not apply to the tax imposed by W.S. 39-17-304(a)(iii). Any refund for any overpayment of the one cent (\$.01) tax imposed by W.S. 39-17-304(a)(iii) shall be taken from the taxes collected pursuant to W.S. 39-17-304(a)(iii).

**41-6-402. Assessments.**

Where any irrigation or drainage district shall make and levy any assessment against any property within such district, the same shall not be questioned in any suit or proceeding unless such suit or proceeding is instituted on or before the second December ~~31st~~ thirty-first following such levy or assessment.

**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 eight one-hundredths of one percent (0.08%) or more if the watercraft is a motorboat, ~~or~~

**Section 2.** If 2020 House Bill 0027 is enacted into law, W.S. 28-11-601(b)(ii) as created by that act is amended to read:

**28-11-601. Appointment of members; powers and duties; executive branch liaisons.**

(b) The select committee shall:

(ii) Develop and introduce legislation as necessary to promote blockchain, financial technology and digital innovation in Wyoming unless the legislation relates to Title 13 of the Wyoming statutes, in which case the legislation shall be recommended to the ~~Minerals, Business & Economic Development Joint Interim Committee~~ joint minerals, business and economic development interim committee for consideration.

**Section 3.** W.S. 6-2-507(e)(iii), 9-12-407, 12-1-101(a)(xxiv), 26-20-401(e) and 41-13-206(c)(iii) are repealed.

**Section 4.** Any other act adopted by the Wyoming legislature during the same session in which this act is adopted shall be given precedence and shall prevail over the amendments in this act to the extent that such acts are in conflict with this act.

**Section 5.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2020.

(b) Sections 2 and 5 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 13, 2020.

## Chapter 88

### COUNTY RESERVE ACCOUNTS

Original House Bill No. 25

AN ACT relating to local sales and use tax; authorizing the deposit of certain specific purpose excise taxes into reserve accounts as specified; requiring approval from the governing body and qualified electors of a county; specifying the use of funds in reserve accounts; and providing for an effective date.

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

**Section 1.** W.S. 39-15-203(a)(iii)(B) and by creating a new subparagraph (H),

39-15-204(a)(iii), 39-15-211(b)(iv), 39-16-203(a)(ii)(B) and by creating a new subparagraph (H), 39-16-204(a)(ii) and 39-16-211(b)(iv) are amended to read:

**39-15-203. Imposition.**

(a) Taxable event. The following shall apply:

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

(B) The revenue from the tax shall be used in a specified amount for specific purposes authorized by the qualified electors. Specific purposes may include one (1) time major maintenance, renovation or reconstruction of a specifically defined section of a public roadway and may include, in conjunction with another specific purpose, funding a reserve account as provided in subparagraph (H) of this paragraph. Specific purposes shall not include ordinary operations of local government except those operations related to a specific project or as authorized by subparagraph (H) of this paragraph;

(H) If approved in the resolution adopted pursuant to subparagraph (A) of this paragraph and approved by the qualified electors pursuant to subparagraph (C) of this paragraph, a specified amount of revenue from the tax or the tax revenue from a specified period not to exceed the specified amount may be deposited into a reserve account. Funds in the reserve account may be invested as provided in W.S. 9-4-831 and may be expended for specific purposes previously authorized under this paragraph and for the ordinary operations of local government. A reserve account under this paragraph may be designated as a maintenance and sinking fund for a specific project or projects and the earnings and principal amount in the fund may be expended for the applicable project or projects. A reserve account under this paragraph may be designated as an inviolate account to constitute a permanent or perpetual trust fund which shall be invested in a manner to obtain the highest return possible consistent with preservation of the corpus. Any earnings from investment of the corpus of a permanent or perpetual trust fund designated under this subsection shall be deposited in a separate account and may be expended as authorized in this subparagraph.

**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 or as authorized by W.S. 39-15-203(a)(iii)(H);

**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 deposited in the applicable reserve account authorized by W.S. 39-15-203(a)(iii)(H) or 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.

**39-16-203. Imposition.**

(a) Taxable event. The following shall apply:

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

(B) The revenue from the tax shall be used in a specified amount for specific purposes authorized by the qualified electors. Specific purposes may include one (1) time major maintenance, renovation or reconstruction of a specifically defined section of a public roadway and may include, in conjunction

with another specific purpose, funding a reserve account as provided in subparagraph (H) of this paragraph. Specific purposes shall not include ordinary operations of local government except those operations related to a specific project or as authorized by subparagraph (H) of this paragraph;

(H) If approved in the resolution adopted pursuant to subparagraph (A) of this paragraph and approved by the qualified electors pursuant to subparagraph (C) of this paragraph, a specified amount of revenue from the tax or the tax revenue from a specified period not to exceed the specified amount may be deposited into a reserve account. Funds in the reserve account may be invested as provided in W.S. 9-4-831 and may be expended for specific purposes previously authorized under this paragraph and for the ordinary operations of local government. A reserve account under this paragraph may be designated as a maintenance and sinking fund for a specific project or projects and the earnings and principal amount in the fund may be expended for the applicable project or projects. A reserve account under this paragraph may be designated as an inviolate account to constitute a permanent or perpetual trust fund which shall be invested in a manner to obtain the highest return possible consistent with preservation of the corpus. Any earnings from investment of the corpus of a permanent or perpetual trust fund designated under this subsection shall be deposited in a separate account and may be expended as authorized in this subparagraph.

**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 or as authorized by W.S. 39-16-203(a)(ii)(H);

**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 deposited in the applicable reserve account authorized by W.S. 39-16-203(a)(ii)(H) or 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.**

(a) If a county imposed an excise tax under W.S. 39-15-204(a)(iii) or 39-16-204(a)(ii) prior to the effective date of this act, the governing body of the county may submit to the qualified electors of the county the question of whether to allow a specified amount of revenue from the tax or the tax revenue from a specified period not to exceed the specified amount to be deposited into a reserve account and expended as authorized by W.S. 39-15-203(a)(iii)(H) or 39-16-203(a)(ii)(H), as created by this act. The election shall be held in accordance with W.S. 22-21-101 through 22-21-112. No revenue from a tax imposed under W.S. 39-15-204(a)(iii) or 39-16-204(a)(ii) prior to the effective date of this act shall be deposited into a reserve account until the proposition authorizing such use is submitted in accordance with this section and approved by the vote of the majority of the qualified electors voting on the proposition.

(b) Before any proposition under this section shall be placed before the electors, a resolution approving the proposition and setting forth a procedure for qualification of a ballot question for placement on the ballot shall be adopted in the same manner as provided in W.S. 39-15-203(a)(iii)(A) and 39-16-203(a)(ii)(A).

(c) This section shall be repealed effective January 1, 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 March 13, 2020.

## Chapter 89

### VETERANS PROPERTY TAX EXEMPTION-ACCESS

#### Original House Bill No. 76

AN ACT relating to taxation and revenue; requiring notice to taxpayers of the veterans property tax exemption as specified; clarifying that veterans may confirm eligibility by mail; and providing for an effective date.

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

**Section 1.** W.S. 39-13-105(k) and by creating a new subsection (m) is amended to read:

#### **39-13-105. Exemptions.**

(k) After filing a sworn claim pursuant to subsection (c) of this section, in subsequent years the claimant shall remain qualified for the tax exemption provided by this section and W.S. 39-11-105(a)(xxiv) if the claimant contacts the assessor's office by telephone, mail or other communication method on or before the fourth Monday in May and confirms that the claimant continues to meet the requirements set forth in this section.

(m) A county assessor shall notify taxpayers of the exemption provided by this section with the assessment schedule sent under W.S. 39-13-103(b)(vii). The notification shall include instructions and timelines for applying for the exemption, including information on the ability of a claimant to confirm qualification for the exemption in subsequent years by contacting the assessor's office by telephone, mail or other communication method.

**Section 2.** This act is effective July 1, 2020.

Approved March 13, 2020.

## Chapter 90

### CONSOLIDATION OF THEFT CRIMES

#### Original House Bill No. 16

AN ACT relating to crimes and offenses; amending the elements of theft to incorporate various methods of stealing into one crime; modifying penalties for stealing related offenses; providing a statement of intent; making conforming amendments; repealing provisions incorporated into the offense of theft; and providing for an effective date.



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

**Section 1.** W.S. 1-1-116(a) and (c), 1-1-127(a)(intro), (b) and (c), 6-1-104(a)(vi)(F)(I), 6-2-401(a)(intro), 6-3-401(a) by creating new paragraphs (iv) and (v), 6-3-402(a), (c)(intro), (i) and by creating new subsections (g) and (h), 6-3-405, 7-2-101(a)(iv)(E)(I), 7-3-705(a)(ii)(G) and 31-7-128(n)(intro) are amended to read:

**1-1-116. Civil liability for theft of services.**

(a) Notwithstanding any criminal penalties which may apply, an owner or operator of a franchised or otherwise duly licensed provider of services may bring a civil action to enjoin or restrain any violation of W.S. ~~6-3-408~~ 6-3-402 when the violation involves theft of services and may in the same action seek damages from the person violating W.S. ~~6-3-408~~ 6-3-402.

(c) As used in this section, “services” has the same meaning as specified in W.S. ~~6-3-408~~ 6-3-401(a)(v).

**1-1-127. Civil liability for shoplifting.**

(a) A person over ten (10) years of age who violates W.S. ~~6-3-404(a) or (b)~~ 6-3-402 with regard to property offered for sale by a wholesale or retail store is civilly liable to the merchant of the property in an amount consisting of:

(b) If an unemancipated minor violates W.S. ~~6-3-404(a) or (b)~~ 6-3-402 with regard to property offered for sale by a wholesale or retail store, the parents or guardian of the child shall be civilly liable as provided by subsection (a) of this section, provided liability under this subsection shall not apply to foster parents, to parents whose parental custody and control of the child have been terminated by court order prior to the violation or to any governmental or private agency that has been appointed guardian for the minor child pursuant to court order or action of the department of family services. Civil liability under this subsection is not subject to the limitation on liability provided by W.S. 14-2-203 or any other law that limits the liability of parents for damages caused by an unemancipated minor.

(c) A conviction or a plea of guilty to a violation of W.S. ~~6-3-404(a) or (b)~~ 6-3-402 with regard to property offered for sale by a wholesale or retail store is not a prerequisite to the bringing of a civil suit under this section.

**6-1-104. Definitions.**

(a) As used in this act, unless otherwise defined:

(vi) “Peace officer” includes the following officers assigned to duty in the state of Wyoming:

(F) Investigators and brand inspectors of the Wyoming livestock board who have qualified pursuant to W.S. 9-1-701 through 9-1-707 when:

(I) Enforcing W.S. 6-3-201, 6-3-203, 6-3-401, ~~through 6-3-403,~~



~~6-3-407, 6-3-402, 6-3-410, 6-3-601 through 6-3-603, 6-3-607, 6-3-610 through 6-3-612, 6-9-202, 35-10-101, 35-10-102 and 35-10-104~~, the provisions of title 11 and any laws prohibiting theft or mutilation of livestock or any part thereof and any rule or regulation promulgated by the Wyoming livestock board or any other law for which they are granted statutory enforcement authority;

**6-2-401. Robbery; aggravated robbery; penalties.**

(a) A person is guilty of robbery if in the course of committing a crime defined by W.S. 6-3-402, ~~6-3-412 or 6-3-413~~ he:

**6-3-401. Definitions.**

(a) As used in this article:

(iv) “Property” means as defined in W.S. 6-1-104(a)(viii) and also includes services;

(v) “Services” includes, but is not limited to, electric, telephone, cable television, gas, water or sewer services.

**6-3-402. Theft; penalties.**

(a) A person is guilty of theft if he knowingly takes, obtains, procures, retains or exercises unauthorized control over or makes an unauthorized transfer of an interest in the property of another person with the purpose of depriving without authorization or by threat or by deception, or he receives, loans money by pawn or pledge on or disposes of the property of another person that he knew or reasonably should have known was stolen, and he:

(i) Intends to deprive the other person of the use or benefit of the property;

(ii) Knowingly uses, receives, conceals, abandons or disposes of the property in such manner as to deprive the other person of its use or benefit;

(iii) Demands anything of value to which he has no legal claim as a condition for returning or otherwise restoring the property to the other person.

(c) Except as provided in subsection (g) of this section, theft is:

(i) 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 value of the property is one thousand dollars (\$1,000.00) or more or if the property is a firearm, horse, mule, sheep, cattle, buffalo or swine regardless of value; or

(g) In addition to the penalties provided in subsection (c) of this section, any person convicted of a second or subsequent offense for theft of motor vehicle fuel offered for retail sale shall have his driver’s license suspended pursuant to W.S. 31-7-128(n). The court shall forward to the department of transportation a copy of the record pertaining to disposition of the arrest or citation.

(h) The amount of property involved in violations of this section committed pursuant to a common scheme or the same transaction, whether the property

is taken from the same person or different persons, may be aggregated in determining the value of the property.

**6-3-405. Reasonable detention and interrogation of persons suspected of shoplifting or altering price tag; defense in civil or criminal action.**

(a) A peace officer, merchant or merchant's employee who has reasonable cause to believe a person is violating W.S. ~~6-3-404~~ 6-3-402 with regard to property offered for sale by a wholesale or retail store may detain and interrogate the person in regard to the suspected violation in a reasonable manner and for a reasonable time.

(b) In a civil or criminal action for slander, false arrest, false imprisonment, assault, battery or wrongful detention based upon a detention and interrogation pursuant to this section, it is a defense that the peace officer, merchant or merchant's employee had reasonable cause to believe the person was violating W.S. ~~6-3-404~~ 6-3-402 with regard to property offered for sale by a wholesale or retail store and the detention and interrogation were conducted in a reasonable manner and for a reasonable time.

**7-2-101. Definitions.**

(a) As used in W.S. 7-2-101 through 7-2-107:

(iv) "Peace officer" means:

(E) Investigators and brand inspectors of the Wyoming livestock board who have qualified pursuant to W.S. 9-1-701 through 9-1-707:

(I) When enforcing W.S. 6-3-201, 6-3-203, 6-3-401, ~~through 6-3-403, 6-3-407, 6-3-402,~~ 6-3-410, 6-3-601 through 6-3-603, 6-3-607, 6-3-610 through 6-3-612, 6-9-202, 35-10-101, 35-10-102 and 35-10-104, the provisions of title 11 and any laws prohibiting theft, killing or mutilation of livestock or any part thereof and any rule or regulation promulgated by the Wyoming livestock board or any other law for which they are granted statutory enforcement authority;

**7-3-705. Authorization for interception of wire, oral or electronic communications.**

(a) The attorney general or the district attorney within whose jurisdiction the order is sought in conjunction with the attorney general, may authorize an application to a judge of competent jurisdiction for an order authorizing the interception of wire, oral or electronic communications by the Wyoming division of criminal investigation, federal criminal law enforcement agency or any law enforcement agency of the state having responsibility for investigation of the offense for which the application is made, if the interception may provide evidence of an attempt to commit, conspiracy to commit, solicitation to commit or the commission of any of the following felony offenses or comparable crimes in any other jurisdiction:

(ii) Any of the following, if incident to or discovered during investigation

of a violation of the Wyoming Controlled Substances Act of 1971:

(G) Felony theft or related felony offense defined in W.S. ~~6-3-401~~ through ~~6-3-410~~ or ~~6-3-413~~ 6-3-402.

**31-7-128. Mandatory suspension of license or nonresident operating privilege for certain violations; suspension of registration.**

(n) The division shall suspend the license or nonresident operating privilege of any driver upon receiving a record of the driver's second or subsequent conviction under W.S. ~~6-3-412~~ 6-3-402 with regard to motor vehicle fuel offered for retail sale, a similar local ordinance or a similar statute or ordinance in another jurisdiction for:

**Section 2.** With the amendments in Section 1 of this act, it is the intent of the legislature to define one (1) crime of theft and to incorporate therein the theft crimes previously listed in title 6, chapter 3, article 4 of the Wyoming statutes, thereby removing distinctions and technicalities that previously existed in the pleading and proof of such crimes.

**Section 3.** W.S. 6-1-104(a)(xv)(E), 6-3-403, 6-3-404, 6-3-406 through 6-3-410, 6-3-412 and 6-3-413 are repealed.

**Section 4.** This act is effective July 1, 2020.

Approved March 13, 2020.

## Chapter 91

### LIVESTOCK BOARD INVESTIGATORS

#### Original House Bill No. 88

AN ACT relating to livestock board investigators; authorizing payment of livestock board investigators from the inspection account; increasing the animal remedies registration fee and amending distribution; and providing for an effective date.

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

**Section 1.** W.S. 11-17-204(b) and 11-20-405(a) are amended to read:

**11-17-204. Registration; fees; audit; investigator special revenue account.**

(b) Every registrant of animal remedies shall pay a registration fee of ~~twenty dollars (\$20.00)~~ forty dollars (\$40.00) per product. Of this fee, twenty dollars (\$20.00) shall be deposited into the general fund and twenty dollars (\$20.00) shall be deposited into the inspection account.

**11-20-405. Collection and disposition.**

(a) Any funds appropriated by the legislature and all fees collected pursuant to W.S. 11-20-101 through 11-20-124, 11-20-201 through 11-20-230, 11-20-401 and 11-20-402 shall be remitted to the state treasurer for deposit

in the inspection account. Interest earned by the account shall be retained in the account. Monies within the account are subject to legislative review and appropriation for use and expenditure by the board. Itemized vouchers shall be submitted to the chief executive officer of the board for approval. Upon approval, a warrant for the payment of each voucher shall be issued by the state auditor for payment from the inspection account. The board shall expend monies from the account created by this section only for the purposes authorized by W.S. 11-20-201 through 11-20-230; and 11-20-101 through 11-20-124 and to pay for investigators of the Wyoming livestock board who are peace officers as defined in W.S. 7-2-101(a)(iv)(E).

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

Approved March 13, 2020.

## Chapter 92

### COUNTY CENTRAL COMMITTEE ORGANIZATIONAL MEETING

Original House Bill No. 168

AN ACT relating to political parties; amending county central committee organizational meeting requirements; amending obsolete references; and providing for an effective date.

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

**Section 1.** W.S. 22-4-101(e) and 22-4-104 are amended to read:

**22-4-101. Application; composition, election and qualifications of county central committees; certificate of election.**

~~(e) Except for the term beginning after the canvass of the 2014 primary election, The term of office for all precinct committeemen and committeewomen shall be two (2) years and shall begin on the first Monday in January of the year following their election. The term for committeemen and committeewomen elected at the 2014 primary election shall end on the first Monday in January of 2017.~~

**22-4-104. County central committee organizational meeting; notice of meetings.**

The county central committee shall meet and organize under the direction of the county chairman at the time and place determined by the county chairman within thirty (30) days after the county chairman has received the certified election results of all members elected to the committee term of its members begins. The county chairman shall also publish a notice of all meetings of the county central committee in a newspaper of general county circulation not less

than two (2) days prior to a meeting.

**Section 2.** This act is effective July 1, 2020.

Approved March 13, 2020.

## Chapter 93

### GOOD NEIGHBOR AUTHORITY REVOLVING ACCOUNT

#### Original House Bill No. 56

AN ACT relating to state lands; creating the Wyoming state forestry good neighbor authority revolving account; providing for administration of the account; authorizing additional employees; and providing for an effective date.

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

**Section 1.** W.S. 36-1-501 through 36-1-503 is created to read:

#### ARTICLE 5

#### WYOMING STATE FORESTRY GOOD NEIGHBOR AUTHORITY REVOLVING ACCOUNT

##### **36-1-501. Definitions.**

(a) As used in this article:

(i) "Division" means the Wyoming state forestry division of the office of state lands and investments;

(ii) "Good neighbor authority" means an agreement between the division, the bureau of land management and the United States forest service to allow the state to perform forestry services on bureau of land management and forest service lands as specified in the agreement;

(iii) "Wyoming state forestry good neighbor authority revolving account" or "account" means the account created by W.S. 36-1-502.

##### **36-1-502. Wyoming state forestry good neighbor authority revolving account; creation; investment of funds; authorized expenditures.**

(a) There is created the Wyoming state forestry good neighbor authority revolving account. The account shall include all legislative appropriations, federal funds, county funds, partner funds, funds generated from good neighbor authority projects or other federally funded cooperative forest management projects and all income from investments of monies in the account. If a contract is entered into pursuant to W.S. 36-1-503(a)(iii), funds in the account may be expanded on good neighbor authority projects prior to receipt of federal fund reimbursements. Funds deposited into the account are continuously appropriated to the state forester to be expended only as provided in this section. Unless otherwise specifically provided, appropriations to the

account shall not lapse or revert at the end of any fiscal period.

(b) Upon written approval of the state forester, expenditures shall be made out of the account for good neighbor authority projects or other cooperative forest management projects.

**36-1-503. Powers and duties of state forester.**

(a) The state forester shall:

(i) Administer the account;

(ii) Ensure that all funds generated from good neighbor authority projects or other federally funded cooperative forest management projects are deposited in the account;

(iii) Enter into contracts on behalf of the division for good neighbor authority projects or other federally funded cooperative forest management projects funded through the account;

(iv) Adopt rules governing the administration of the account and to carry out the purposes of this article;

(v) Have the authority to partner with one (1) or more counties on good neighbor authority projects or other cooperative forest management projects and disburse funds from the account for these purposes.

(b) The state forester may hire additional employees as necessary to conduct good neighbor authority projects or other federally funded cooperative forest management projects funded through the account. Employees hired under this subsection shall be funded using federal funds deposited in the account. The state forester shall not fill more than one (1) full-time employee position and four (4) at-will employee contract positions under this subsection.

**Section 2.** This act is effective July 1, 2020.

Approved March 13, 2020.

## Chapter 94

### ANIMAL REIMBURSEMENT PROGRAM-AMENDMENTS

**Original House Bill No. 99**

AN ACT relating to agriculture; amending parameters of the animal reimbursement program account; allowing for claims for reimbursement for certain brucellosis containment efforts; requiring rulemaking; conforming provisions; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 11-19-103 by creating a new subsection (k) and 11-19-106(c) and (d) are amended to read:

**11-19-103. Quarantine of diseased animals generally; treatment, testing**

**and vaccination thereof; effect of failure to obey order of state veterinarian; appeal; stay of action.**

(k) The owner or producer of animals quarantined for brucellosis containment efforts may submit a claim at any time during the quarantine, or within thirty (30) days after release from quarantine, for reimbursement for actual expenses incurred in mitigating or attempting to mitigate the effects of the quarantine. The Wyoming livestock board, in consultation with the state veterinarian, shall promulgate rules for the processing of claims under this section.

**11-19-106. Removal of diseased animals; owner's claims.**

~~(c) Prior to the state veterinarian endorsing any payment be made for the ordered disposal of any livestock under this section, W.S. 11-19-214 or 11-19-406, the state veterinarian shall ascertain that sufficient funds are available. The state veterinarian shall utilize available federal funds prior to state funds to pay the owner of the livestock. The indemnity granted under this section shall be the difference between the fair market value of the livestock and the amount received for the sale, less any amount of reimbursement provided for and paid under federal law and regulation. Fair market value shall be determined by using comparable sales data from state markets at the time of removal or by the use of a qualified independent livestock appraiser as designated by the state veterinarian. If no sale is transacted, but an animal is removed for diagnostic purposes or disposal, the reimbursement provided shall be the fair market value minus any other reimbursement. Unless otherwise reimbursed, the cost of shipping or transportation and commission charges shall be added to the amount provided to the producer for livestock indemnification. It shall be paid to the owner upon his application and presentation of proofs prescribed herein within six (6) months of the date of ordered disposal for which payment is claimed. The claim shall be barred if not presented within the time limited.~~

(d) Payments shall be made by the state treasurer from funds appropriated to the animal reimbursement program account under W.S. 11-19-118 and as provided by W.S. 11-19-109. The right to indemnity is limited to animals destroyed by reason of existence or suspected existence of some epizootic form of infectious or contagious diseases, generally fatal or incurable.

**Section 2.** W.S. 11-19-106(g) is amended and renumbered as 11-19-118 to read:

**11-19-118. Animal reimbursement program account.**

~~(g)(a)~~ (a) There is created the animal reimbursement program account into which shall be deposited revenues as provided by law. Interest on earnings from funds in the account shall be credited to the account. Deposits into the account shall only be expended pursuant to this section, ~~and the rules and regulations as required by subsection (d) of this section~~ W.S. 11-19-103, 11-19-106, 11-19-214, 11-19-406 and Wyoming livestock board rules. Notwithstanding

W.S. 9-2-1008 or 9-4-207, unexpended funds shall not revert.

(b) The state veterinarian shall report the balance of the account and the claims endorsed and paid each fiscal year to the joint appropriations interim committee and the joint agriculture, state and public lands and water resources interim committee.

(c) Before the state veterinarian endorses any payment to be made from this account for the ordered disposal of any livestock under W.S. 11-19-106, 11-19-214 or 11-19-406 or for brucellosis testing and containment efforts pursuant to Wyoming livestock board rules or under W.S. 11-19-103, the state veterinarian shall ascertain that sufficient funds are available in the account. The state veterinarian shall use available federal funds before using state funds to make any payment from this account.

(d) Not more than twenty-five thousand dollars (\$25,000.00) shall be paid for any single quarantine effort under W.S. 11-19-103(k). The reimbursement limit under this subsection does not include any indemnity payment for livestock disposal under W.S. 11-19-106, 11-19-214 or 11-19-406. Payments from this account for quarantine efforts shall cease whenever the unexpended, unobligated account balance equals or is less than one hundred thousand dollars (\$100,000.00). Payments from this account for quarantine efforts may resume after the unexpended, unobligated account balance exceeds one hundred thousand dollars (\$100,000.00).

(e) The Wyoming livestock board, in consultation with the state veterinarian, shall promulgate rules to carry out the purposes of this section.

**Section 3.** There is appropriated fifty thousand dollars (\$50,000.00) from the general fund to the animal reimbursement program account for purposes consistent with requirements of that account under W.S. 11-19-118. This appropriation shall not be transferred or expended for any other purpose. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall remain in effect and not lapse or revert at the end of the fiscal period except upon further legislative action.

**Section 4.** This act is effective July 1, 2020.

Approved March 13, 2020.

## Chapter 95

### GAME AND FISH-SELLING AGENTS

Original House Bill No. 187

AN ACT relating to game and fish; providing that license selling agents may collect processing fees for sales of licenses in the same manner as the game and fish department; and providing for an effective date.



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

**Section 1.** W.S. 23-1-701 by creating a new subsection (g) is amended to read:

**23-1-701. Selling agents; administration of oaths; licenses, permits and game tags.**

(g) License selling agents under this section shall be considered representatives of the game and fish department for the purpose of charging fees for costs of processing payments for sales of licenses, permits or stamps. In addition to fees under subsection (b) of this section a license selling agent may charge and collect from the person tendering payment a fee for the cost of processing the payment in the same manner and amount as established by commission rule for sales directly from the game and fish department.

**Section 2.** This act is effective July 1, 2020.

Approved March 13, 2020.

## Chapter 96

### MOTOR VEHICLE VIOLATIONS-PENALTIES

Original House Bill No. 12

AN ACT relating to motor vehicle penalties; removing the imprisonment penalty under the general penalty provisions for violations relating to motor vehicles generally, for traffic violations and for violations of the Driver's License Act; removing the imprisonment penalty for failing to return a license or registration after suspension; providing imprisonment penalties for specified violations; and providing for an effective date.

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

**Section 1.** W.S. 31-4-104, 31-5-1201(b)(i), (ii) and by creating a new subsection (j), 31-7-136 and 31-9-106(a) are amended to read:

**31-4-104. General penalty.**

Any person who violates any provision of this act for which no separate penalty is provided upon conviction shall be punished by a fine not to exceed seven hundred fifty dollars (\$750.00), ~~imprisonment not to exceed six (6) months, or both.~~

**31-5-1201. Violation of provisions to constitute misdemeanor; penalties; officer training fee.**

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this act or rules and regulations authorized under this act for which another penalty is not provided shall:

(i) For a first conviction be punished by a fine of not more than two hundred dollars (\$200.00), ~~by imprisonment for not more than twenty (20) days, or both;~~

(ii) For a second conviction of the same offense within one (1) year thereafter, be punished by a fine of not more than three hundred dollars (\$300.00); ~~or by imprisonment for not more than thirty (30) days, or both;~~

(j) Any person convicted of a misdemeanor for a violation of any of the provisions under W.S. 31-5-1102 through 31-5-1108 shall:

(i) For a first conviction be punished by a fine of not more than two hundred dollars (\$200.00), by imprisonment for not more than twenty (20) days, or both;

(ii) For a second conviction of the same offense within one (1) year thereafter, be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than thirty (30) days, or both;

(iii) For a third or subsequent conviction of the same offense within one (1) year after the first conviction, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or both.

#### **31-7-136. General penalties.**

Except as otherwise provided by this act, any person who violates any provision of this act is guilty of a misdemeanor and may be punished by a fine of not more than seven hundred fifty dollars (\$750.00), ~~by imprisonment for not more than ninety (90) days, or both. On conviction for a second or subsequent violation, the person may be fined not more than seven hundred fifty dollars (\$750.00), imprisoned for not to exceed six (6) months, or both.~~

#### **31-9-106. General penalties.**

(a) Any person willfully failing to return a license or registration as required in W.S. 31-9-105; shall be fined not more than seven hundred fifty dollars (\$750.00), ~~imprisoned not more than thirty (30) days, or both.~~

**Section 2.** This act is effective July 1, 2020.

Approved March 13, 2020.

## **Chapter 97**

### **SELECT COMMITTEE ON BLOCKCHAIN, TECHNOLOGY AND INNOVATION**

#### **Original House Bill No. 27**

AN ACT relating to the legislature; creating the select committee on blockchain, financial technology and digital innovation technology; providing for appointment of members and executive branch liaisons; providing appropriations; and providing for an effective date.

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

**Section 1.** W.S. 28-11-601 is created to read:

ARTICLE 6

SELECT COMMITTEE ON BLOCKCHAIN, FINANCIAL TECHNOLOGY  
AND DIGITAL INNOVATION TECHNOLOGY

**28-11-601. Appointment of members; powers and duties; executive branch liaisons.**

(a) Not later than March 15 following each general election, a select committee on blockchain, financial technology and digital innovation technology shall be appointed subject to the following:

(i) The president of the senate shall appoint four (4) members of the senate apportioned as nearly as possible to reflect the percentage of the elected membership of the majority and minority parties of the senate, provided not more than three (3) of the members shall be from the same political party. The president of the senate shall designate a co-chair of the select committee;

(ii) The speaker of the house of representatives shall appoint four (4) members of the house apportioned as nearly as possible to reflect the percentage of the elected membership of the majority and minority parties of the house, provided not more than three (3) of the members shall be from the same political party. The speaker of the house shall designate a co-chair of the select committee.

(b) The select committee shall:

(i) Develop knowledge and expertise among its members regarding issues pertaining to blockchain, financial technology and digital innovation technology;

(ii) Develop and introduce legislation as necessary to promote blockchain, financial technology and digital innovation in Wyoming unless the legislation relates to Title 13 of the Wyoming statutes, in which case the legislation shall be recommended to the Minerals, Business & Economic Development Joint Interim Committee for consideration.

(c) Not later than March 15 following each general election, the governor shall appoint three (3) persons to serve as liaisons to the select committee on blockchain, financial technology and digital innovation technology. The governor may, in a manner consistent with W.S. 9-1-202, remove any liaison to the select committee. The liaisons shall:

(i) Aid, assist and advise the select committee on issues pertaining to blockchain, financial technology and digital innovation technology;

(ii) Except as otherwise provided in this paragraph, serve without salary but may, at the governor's discretion, receive per diem and mileage or actual expenses for attending meetings in the manner and amounts provided by law for state employees. Members who are government employees shall be considered

on official business of their agency when performing duties as liaisons to the select committee.

**Section 2.**

(a) Within thirty (30) days after the effective date of this act:

(i) The president of the senate and the speaker of the house of representatives shall appoint members to the initial select committee on blockchain, financial technology and digital innovation technology in accordance with the requirements of W.S. 28-11-601(a), as created by this act;

(ii) The governor shall appoint liaisons to the initial select committee on blockchain, financial technology and digital innovation technology in accordance with the requirements of W.S. 28-11-601(c), as created by this act.

**Section 3.**

(a) There is appropriated forty-four thousand dollars (\$44,000.00) from the general fund to the legislative service office for purposes of providing salary, mileage and per diem to members of the select committee on blockchain, financial technology and digital innovation technology and for other expenses of the select committee authorized by law or policy of the legislature. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2022. 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.

(b) There is appropriated ten thousand dollars (\$10,000.00) from the general fund to the governor's office for purposes of providing per diem and mileage or actual expenses to liaisons appointed to the select committee on blockchain, financial technology and digital innovation technology. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2022. 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.

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

Approved March 13, 2020.

**Chapter 98****EMERGENCY CALL LOCATION INFORMATION****Original House Bill No. 126**

AN ACT relating to emergency telephone service; requiring wireless carriers and service suppliers to provide call location information to law enforcement in emergency situations as specified; providing immunity; defining terms; and providing for an effective date.

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

**Section 1.** W.S. 16-9-111 is created to read:

**16-9-111. Providing call location information in an emergency.**

(a) At the request of a law enforcement agency officer or an employee or other agent of a public safety answering point on behalf of a law enforcement agency, who is acting in the course of the official duties of the officer or agent, a wireless carrier or service supplier shall provide, subject to any limitations under applicable federal law, available call location information of a telecommunications device without delay if the officer or agent asserts:

(i) That the device was used to place a 911 call requesting emergency assistance; or

(ii) Reasonable suspicion that the device is in the possession of an individual who is involved in an emergency situation that involves the risk of death or serious physical harm.

(b) If a law enforcement agency officer, or an employee or other agent of a public safety answering point acting on behalf of such an officer, submits a request for location information to a wireless carrier or service supplier under subsection (a) of this section, the law enforcement agency employing the officer shall maintain a record of the request that includes each of the following:

(i) The name of the officer or agent making the request or, in the case of a request made by an agent, the name of the officer on whose behalf the agent is acting;

(ii) A description of the request that explains the need for disclosure of location information;

(iii) A declaration that disclosure of location information is needed based on the conditions described in paragraph (a)(i) or (ii) of this section.

(c) A wireless carrier or service supplier may establish protocols by which the carrier or supplier voluntarily discloses call location information.

(d) The statewide 911 coordinator shall obtain direct contact information from all wireless carriers and service suppliers authorized to do business in this state to facilitate a request from a law enforcement agency or a public safety answering point on behalf of a law enforcement agency for call location

information under this section. All wireless carriers and service suppliers shall inform the statewide 911 coordinator of any changes to their direct contact information. The statewide 911 coordinator shall disseminate the direct contact information to each public safety answering point in this state.

**Section 2.** W.S. 16-9-102(a)(x) and by creating a new paragraph (xviii) and 16-9-108 are amended to read:

**16-9-102. Definitions.**

(a) As used in this act:

(x) “This act” means W.S. 16-9-101 through ~~16-9-110~~ 16-9-111;

(xviii) “Law enforcement agency” means as defined in W.S. 7-3-902(a)(i).

**16-9-108. Immunity for providers.**

No basic emergency service provider or service supplier and no employee or agent thereof shall be liable to any person or entity for infringement or invasion of the right of privacy of any person caused or claimed to have been caused, directly or indirectly, by any act or omission in connection with the installation, operation, maintenance, removal, presence, condition, occasion or use of emergency service features, automatic number identification, ~~or~~ automatic location identification services or provision in an emergency of call location information and the equipment associated therewith, including the identification of the telephone number, address or name associated with the telephone used by the person accessing 911 service, wireless automatic number identification, wireless automatic location identification service or text to 911 service. A governmental entity, public safety agency, local exchange access company, telephone exchange access company or wireless carrier that provides access to an emergency system or any officers, agents or employees thereof is not liable as a result of any act or omission except willful and wanton misconduct or gross negligence in connection with developing, adopting, operating or implementing emergency telephone service, enhanced wireless 911 service, text to 911 service or any 911 system. No public service answering point, wireless carrier, service supplier or any other person shall be civilly or criminally liable for providing call location information pursuant to W.S. 16-9-111.

**Section 3.** This act is effective July 1, 2020.

Approved March 13, 2020.

**Chapter 99****SELECT COMMITTEE ON TRIBAL RELATIONS****Original House Bill No. 212**

AN ACT relating to the legislature; creating the select committee on tribal relations as a statutory committee; providing for appointment of members; and providing for an effective date.

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

**Section 1.** W.S. 28-11-601 is created to read:

**ARTICLE 6****SELECT COMMITTEE ON TRIBAL RELATIONS****28-11-601. Appointment of members; powers and duties.**

(a) Not later than March 15 following each general election, a select committee on tribal relations shall be appointed subject to the following:

(i) The president of the senate shall appoint three (3) members of the senate apportioned as nearly as possible to reflect the percentage of the elected membership of the majority and minority parties of the senate, provided not more than two (2) of the members shall be from the same political party. The president of the senate shall designate a co-chairman of the select committee;

(ii) The speaker of the house of representatives shall appoint three (3) members of the house apportioned as nearly as possible to reflect the percentage of the elected membership of the majority and minority parties of the house, provided not more than two (2) of the members shall be from the same political party. The speaker of the house shall designate a co-chairman of the select committee.

(b) The select committee shall:

(i) Develop knowledge and expertise among its members regarding matters pertaining to Indian tribes in the state and services and needs on the Wind River Indian Reservation. Consideration of the topics in this paragraph shall include health and safety, water, education, transportation, gaming, communications, law enforcement and legal services, infrastructure, land and resources, minerals, revenue, economic development and other issues that are a concern to the residents on and near the Wind River Indian Reservation as approved by management council;

(ii) Facilitate and foster communication and robust working relationships among state, tribal, federal and local entities and pursue opportunities for encouraging economic growth, nondiscrimination and wellbeing for residents of the Wind River Indian Reservation and neighboring communities;

(iii) Develop and introduce legislation as necessary. If any draft legislation developed by the select committee relates to a topic area of a

joint interim committee the legislation shall be submitted to the appropriate legislative committee for comment and consideration prior to the joint interim committee's last scheduled interim meeting.

**Section 2.** Within thirty (30) days after the effective date of this act the president of the senate and the speaker of the house of representatives shall appoint members to the select committee on tribal relations in accordance with the requirements of W.S. 28-11-601(a), as created by this act.

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

Approved March 13, 2020.

## Chapter 100

### ELECTION CODE REVISIONS

#### Original Senate File No. 20

AN ACT relating to elections; revising registration requirements and election timelines as specified; creating requirements for write-in candidates; allowing notification to nominated write-in candidates by electronic means; amending complaint procedures for violations of the Election Code as specified; expanding limitations on campaign contributions; amending provisions relating to publishing notice of special district organizational and formation elections; modifying post voting procedures; and providing for an effective date.

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

**Section 1.** W.S. 22-3-102(d), 22-3-117(a)(i) and (c), 22-3-118(a)(ii) and (d), 22-5-206(b), 22-5-215, 22-6-107(a), 22-6-112, 22-11-106, 22-13-103(b), 22-16-106(b), 22-25-102(a), 22-26-121(a), (f)(i) and (ii), 22-29-110(a) and (b)(intro) and 22-29-116(a)(viii) are amended to read:

**22-3-102. Qualifications; temporary registration.**

(d) An absent uniformed services or an overseas citizen voter who is qualified to register by mail, to request an absentee ballot, and to vote in Wyoming is entitled to register by mail annually using the Federal Postcard Application for the purpose of voting in ~~one (1) election cycle, including a primary, general or special federal election~~ any election during the calendar year for which the voter registered. The voter's name shall not appear on the permanent official registry list until the voter has registered as provided in W.S. 22-3-103 and 22-3-104.

**22-3-117. Absentee registration generally; use of federal postcard.**

(a) Notwithstanding any other section or provision in this chapter, any citizen of the United States who is a resident of Wyoming may apply for registration by providing the information required by W.S. 22-3-103(a) and acceptable



identification to and completing and subscribing, the form of voter registration oath prescribed by W.S. 22-3-103(b) before any person authorized by law to administer oaths. Each county clerk shall furnish the voter registration oath forms. The applicant shall mail or return the completed voter registration oath form to the county clerk in the county in which the applicant resides. In order to vote in the next election, the application must be received in the county clerk's office before the close of registration for that election, or:

(i) Be received by mail or email and processed by the county clerk during the closed period described in W.S. 22-3-102(a) if it is accompanied by an absentee ballot request for elections where a voter may register at the polls;

(c) Annual registration through the Federal Postcard Application constitutes temporary registration for the purpose of voting in one (1) election cycle, including a primary, general or special federal election any election during the calendar year for which the voter registered, and the registration of such a registrant shall be maintained as provided in W.S. 22-3-102(d). The Federal Postcard Application shall be accepted if completed and signed by the applicant under penalty of perjury.

#### **22-3-118. Proof of identity.**

(a) Unless a voter is challenged pursuant to W.S. 22-15-101 through 22-15-109, no identification shall be required when:

(ii) Voting in person or by mail after having registered by mail and having previously voted in a Wyoming federal election submitted a copy of the person's acceptable identification, as set forth in W.S. 22-1-102(a)(xxxix), at the time of registration.

(d) Voters who are challenged and are unable to provide the required proof under the applicable provisions of subsections (b) and (c) of this section of identity shall be offered provisional ballots in accordance with W.S. 22-15-105 and permitted until the close of business on the day following the election to present documentation to the county clerk establishing their eligibility to vote, in the precinct.

#### **22-5-206. Where nomination applications to be filed.**

(b) ~~Other Applications for other offices that are to appear on the ballot in the county,~~ including district attorneys, shall be filed in the office of the county clerk of the county in which the person filing for nomination resides.

#### **22-5-215. Nomination of partisan candidates and write-in candidates.**

On each party ballot the candidate or candidates equal in number to the number to be elected to each office who receive the largest number of votes shall be nominated and shall be entitled to have their names printed on the ballot for the next general election. A write-in candidate shall not be nominated and shall not be entitled to have his name printed on the ballot for the next

general election unless he received at least twenty-five (25) write-in votes in the primary election and is a registered voter in the political party for which he was nominated on the day of the primary election. An unsuccessful candidate for office at a primary election whose name is printed on any party ballot may not accept nomination for the same office at the next general election.

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

(a) Official ballots for primary and general elections shall be in the county clerk's possession ~~forty (40)~~ forty-five (45) days before the election. If a clerk is unable to obtain ballots on time, the secretary of state shall provide by rule and regulation for the clerk to obtain and use substitute ballots.

**22-6-112. Name to appear only once; exception.**

(a) No candidate's name shall appear on the partisan ballot more than once, except that of a candidate for the office of precinct committeeman or committeewoman, who may also seek the office of president or vice president of the United States or another office on the same partisan primary ballot.

(b) No candidate's name shall appear on the general election ballot more than once, except that a candidate for a partisan office may also seek the office of president or vice president of the United States or a nonpartisan office on the same general election ballot in accordance with W.S. 22-2-116.

**22-11-106. Procedure after voter marks paper ballot.**

After marking his the paper ballot, ~~or ballot card,~~ the voter shall place the ballot inside the ballot envelope and return it to the judge. ~~The judge shall remove the stub and deposit the envelope with the ballot inside in the ballot box. The ballot stub shall be deposited in an envelope provided for that purpose. Ballot cards from which the ballot stub has been detached by anyone except an election judge shall not be deposited in the ballot box, but shall be marked "Spoiled" and placed in the spoiled ballot envelope in the voting machine. If the votes are being counted at a central counting center as authorized by W.S. 22-14-114(b), the voter shall instead place the paper ballot in the ballot box.~~

**22-13-103. Preservation of order; privacy of voting booths and machines.**

(b) To protect the privacy of the voter, voting booths and voting machines shall be kept clear of all persons except voters marking ballots; and election officials discharging their duties, ~~and challengers acting under legal authority.~~

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

(b) The chief election officer shall notify a write-in candidate who has been nominated at a primary election within forty-eight (48) hours after the canvassing board meets. Notification may be ~~made~~ delivered by United States postal service, ~~any generally accepted business document delivery method evidenced by receipt of delivery or attempted delivery at or other generally accepted mail delivery method to~~ the last known address of the write-in

candidate, email or other electronic means that provide actual notice to the write-in candidate, or service as provided under the Wyoming Rules of Civil Procedure. Each notification provided under this section shall inform the write-in candidate that failure to timely respond will result in forfeiture of nomination. Failure of the successful write-in candidate to accept the nomination in the manner prescribed in subsection (a) of this section within five (5) days after delivery, attempted delivery or service under the Wyoming Rules of Civil Procedure, as computed pursuant to W.S. 22-2-110, results in the successful write-in candidate not appearing on the general election ballot, but does not result in a vacancy which can be filled.

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

(a) Except as otherwise provided in this section, no organization of any kind including a corporation, partnership, trade union, professional association or civic, fraternal or religious group or other profit or nonprofit entity except a political party, political action committee or candidate's campaign committee organized under W.S. 22-25-101, directly or indirectly through any officer, member, director or employee, shall contribute funds, other items of value or election assistance directly to any candidate or ~~group of candidates~~ candidate's campaign committee or to any political party or political action committee which directly coordinates with a candidate or a candidate's campaign committee. The secretary of state shall promulgate rules to define direct coordination as prohibited by this section. No person shall solicit or receive a payment or contribution from an organization prohibited from making contributions under this subsection.

**22-26-121. Violations of election code; complaints; investigations and prosecutions.**

(a) Except as otherwise provided in this section, any person may file a written complaint with the secretary of state regarding any violation of the Election Code by any statewide or legislative candidate, committee or organization or any violation of W.S. 22-25-106(d) by a county party central committee. If the secretary of state finds that the complaint has merit and suspects a violation of the Election Code, he shall refer the complaint to the Wyoming attorney general for investigation and prosecution. The attorney general may prosecute the complaint in the district court for the district in which the violation was alleged to occur or in the district court for Laramie county if the violation is reasonably believed to occur in more than one (1) judicial district.

(f) As used in this section:

(i) "County or municipal candidate, committee or organization" means any county or municipal candidate, candidate committee for county or municipal office, political action committee for county or municipal candidate, political action committee or organization supporting or opposing a municipal

initiative or referendum petition drive or ballot proposition within a county or political subdivision, county party central committee or any other person not identified in paragraph (ii) of this subsection;

(ii) "Statewide or legislative candidate, committee or organization" means any statewide or legislative candidate, candidate committee for statewide or legislative office, political action committee or organization supporting or opposing any statewide or legislative candidate or any statewide initiative or referendum petition drive or ballot proposition, or state ~~or county~~ party central committee.

**22-29-110. County clerk to publish proclamation; filing period.**

(a) Between one hundred one (101) and ninety-one (91) days before an organizational election held in conjunction with a primary or other August election, ~~and~~ between ninety (90) and seventy (70) days before an organizational election held in conjunction with a May, general, ~~or other~~ November ~~election~~ or mail ballot election held at any other time, the county clerk shall publish at least once in a newspaper of general circulation in each county in which all or part of the proposed district is situated a proclamation setting forth the date of the election, what county clerk is the filing officer, the question of formation, what offices are to be filled including the terms of the offices, the filing period for the offices and other pertinent election information. Minor errors in the proclamation shall not invalidate the forthcoming election.

(b) Between ninety-six (96) and eighty-one (81) days before a formation election held in conjunction with a primary or other August election, ~~and~~ between ninety (90) and seventy (70) days before a formation election held in conjunction with a May, general, ~~or other~~ November ~~election~~ or mail ballot election held at any other time, candidates may file an application for election in the office of the county clerk. The principal act shall determine who is eligible to be a candidate. The application shall be in substantially the following form:

APPLICATION FOR ELECTION  
SPECIAL DISTRICT DIRECTOR

I, the undersigned, swear or affirm that I was born on ...., (year); that I have been a resident of .... district since ...., residing at ....; that I am an elector or landowner (check which one for eligibility) of said district and I do hereby request that my name, ...., be printed on the ballot of the formation (or other) election to be held on .... day of ...., (year) as a candidate for the office of director for a term of .... years. I hereby declare that if I am elected, I will qualify for the office.

Dated ....

Signature of Candidate

**22-29-116. Procedures for mail ballot elections.**

(a) Mail ballot elections shall be overseen by the county clerk as provided in W.S. 22-29-113(m). Official ballots shall be prepared and all other preelection procedures followed as otherwise provided by law or rules promulgated by the secretary of state, except that mail ballot packets shall be prepared in accordance with the following:

(viii) Once the ballot is returned, an election official shall first qualify the submitted ballot by examining the verification envelope and comparing the information on the envelope to the poll list to determine whether the ballot was submitted by a voter who has not previously voted in the election. If the ballot so qualifies, and is otherwise valid, the official shall enter the name of the registered voter in the poll book, open the return-verification envelope; ~~remove the ballot stub;~~ and deposit the ballot in an official ballot box;

**Section 2.** W.S. 22-3-118(b), (c) and (f) and 22-9-104(a)(iv) are repealed.

**Section 3.** This act is effective July 1, 2020.

Approved March 13, 2020.

## Chapter 101

### ABSENTEE POLLING PLACES

Original Senate File No. 56

AN ACT relating to absentee voting; authorizing the establishment of satellite absentee polling places; and providing for an effective date.

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

**Section 1.** W.S. 22-9-125(a)(ii) is amended to read:

**22-9-125. Alternate procedures for collecting and counting absentee ballots.**

(a) The board of county commissioners may elect to adopt one (1) or both of the following alternate procedures for casting, collecting and counting absentee ballots:

(ii) Direct that an absentee polling place may be established in the courthouse or other public building which is equipped to accommodate voters from all districts and precincts within the county and shall be open the same hours as the courthouse on normal business days during the time period allowed for absentee voting. If this alternate procedure is used, the county clerk may also establish in one (1) or more public buildings within the county additional satellite absentee polling places to accommodate voters. A satellite absentee polling place shall be open only on the dates and at the times specified by the county clerk during the time period allowed for absentee voting.

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

Approved March 13, 2020.

## Chapter 102

### TRUST COMPANIES-STATUTORY AMENDMENTS

#### Original Senate File No. 64

AN ACT relating to trust companies; amending requirements for public meetings and hearings for the establishment of public trust companies; amending definitions; and providing for an effective date.

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

**Section 1.** W.S. 13-5-301(a)(ix), (xviii)(H) and by creating new subparagraphs (K) and (M) and 13-5-502(b) are amended to read:

#### **13-5-301. Definitions.**

(a) As used in this chapter:

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

(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:

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

(K) Acting as a custodian, unless the activities involve a substantial exercise of discretion as determined by the commissioner; or

(M) Acting as a trust advisor or trust protector, as defined in W.S. 4-10-103(a).

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

(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.

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

Approved March 13, 2020.

## Chapter 103

### DIGITAL ASSETS-STATUTORY AMENDMENTS

#### Original Senate File No. 47

AN ACT relating to digital assets; modifying the means to perfect a security interest in virtual currency and digital securities; modifying provisions relating to security agreements involving virtual currency and digital securities; providing definitions; specifying factors relating to location of digital assets used as collateral; amending duties and requirements for banks that provide custodial services; amending the scope of authorized custodial services; clarifying application of digital asset statutes; clarifying the duty of digital asset custodians to pay supervisory fees; clarifying the jurisdiction of Wyoming courts to hear cases related to digital assets; and providing for an effective date.

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

**Section 1.** W.S. 34-29-103(a), (b), (d), (e)(i), by creating a new paragraph (iv), (f) and by creating a new subsection (g), 34-29-104(b)(intro), (c), (e), (g)(v), (n) and (p)(iii) and 34-29-105 are amended to read:

**34-29-103. Perfection of security interests in digital assets; control; possession; security agreements; location.**

(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~~ virtual currency or digital securities may be achieved through possession or control, as ~~defined in paragraph (e)(i) of this section applicable to the asset, consistent with W.S. 34-29-102(a).~~ A security interest held by a secured party having possession or control, as applicable, of a ~~digital asset~~ virtual currency or digital securities has priority over a security interest held by a secured party that does not have possession or control, as applicable of the ~~asset~~ virtual currency or digital securities. Other provisions of law relating to priority of security interests, including priority of control over delivery, shall remain applicable.

(b) Before a secured party may take possession or control of a ~~digital asset~~ under this section, the secured party shall enter into a ~~control~~ security agreement with the debtor. ~~A control~~ The security 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. Consistent with W.S. 34-1-9-201(a), the security agreement shall be effective according to its terms between parties, against purchasers of collateral and against creditors.

(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~~ filing.

(e) As used in this section:

(i) ~~Consistent with subsection (f) of this section, “control” is equivalent to the term “possession”~~ “Control.” when used in article 9, title 34.1, Wyoming statutes and means this section, includes 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~~ complied with W.S. 34.1-8-106, including by means of a private key or the use of a multi-signature arrangement authorized by ~~exclusive to~~ the secured party or any substantially similar analogue;

(B) Use of a smart contract created by a secured party which has the exclusive legal authority to conduct a transaction relating to a digital asset to comply with W.S. 34.1-8-106. 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.



(iv) “Possession,” when used in article 9, title 34.1, Wyoming statutes and this section, includes use of a private key, a multi-signature arrangement exclusive to the secured party or a smart contract, as defined in this subsection, or any substantially similar analogue. “Possession” shall also include delivery of certificated digital securities, consistent with W.S. 34.1-8-301(a).

(f) Perfection by ~~control~~ possession creates a possessory security interest and does not require physical possession under W.S. 34.1-9-301(a)(ii) in virtual currency or certificated digital securities, based on the possessory nature of a private key or any substantially similar analogue, which may be tangible or electronic.

(g) For purposes of article 9, title 34.1 and this section, if collateral is required to be “located in a jurisdiction,” a digital asset is located in Wyoming if the asset is possessed, controlled or otherwise held by a Wyoming bank, trust company or other custodian, the debtor or secured party is physically located in Wyoming or the debtor or secured party is incorporated or organized in Wyoming, based on the following factors:

(i) Whether a security agreement typically present in a possessory security interest exists, consistent with W.S. 34.1-9-201(a), including an agreement describing the possessory nature of a private key or any substantially similar analogue;

(ii) The choice of law in a security agreement, evidencing the intent and understanding of the parties relating to all potential aspects of a transaction, including waivers of litigation in jurisdictions other than Wyoming, access to the Wyoming chancery court and judicial economy; and

(iii) The relative clarity of the laws of other jurisdictions relating to a digital asset, consequences relating to unknown liens in those jurisdictions and the ability of a court to exercise jurisdiction over a particular digital asset.

#### **34-29-104. Digital asset custodial services.**

(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, or as a custodian authorized by the United States commodity futures trading commission or other law. In performing custodial services under this section, a bank shall:

(c) A bank providing custodial services shall ~~enter~~ conform to the audit, accounting and related requirements specified by the commissioner and applicable law, which may include entering 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 An~~ accountant shall transmit the results of ~~the any~~ 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~~

other regulatory agencies as its their 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.

(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.~~

(g) A bank shall provide clear, written notice to each customer, and require written acknowledgement, of the following:

(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.~~

~~(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 as provided by rule of the commissioner.~~ 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.~~

(p) As used in this section:

(iii) “Custodial services” means the safekeeping, servicing and management of customer currency and digital assets, through ~~This term includes~~ the exercise of fiduciary and trust powers ~~under this section as a custodian, and includes fund administration and the execution of customer instructions involving the exercise of discretion, including transactions under subsection (e) of this section.~~

#### **34-29-105. Jurisdiction of courts.**

Subject to other jurisdictional limits placed on specific courts by Wyoming law, 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.

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

Approved March 13, 2020.

## Chapter 104

### SMALL MODULAR NUCLEAR REACTOR PERMITTING

#### Original House Bill No. 74

AN ACT relating to environmental quality and utilities; authorizing permits of small modular nuclear reactors; specifying permit requirements; authorizing the replacement of coal generation capacity with small modular nuclear reactor capacity; making conforming amendments; imposing a tax; requiring rulemaking; and providing for an effective date.

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

**Section 1.** W.S. 35-11-2101 and 39-23-101 through 39-23-111 are created to read:

#### ARTICLE 21

#### SMALL MODULAR NUCLEAR REACTORS

##### **35-11-2101. Permits for small modular nuclear reactors.**

(a) After recommendation from the director and consultation with the appropriate advisory boards, the council shall promulgate rules and regulations to authorize the permitting of small modular nuclear reactors for the purpose of generating electricity. Rules promulgated under this subsection shall be subject to the following:

(i) Any public utility or person that currently owns a plant, property or facility for the generation of electricity that currently uses coal or natural gas may apply to replace the coal or natural gas generation with generation using small modular nuclear reactors;

(ii) The small modular nuclear reactors shall have a combined rated capacity not greater than the current rated capacity at the plant, property or facility using coal or natural gas proposed to be transitioned to a small modular nuclear reactor provided more than one (1) small modular nuclear reactor may be used to replace the current rated capacity at the plant, property or facility to be transitioned;

(iii) The small modular nuclear reactor shall be located on the same site as the current plant, property or facility that the small modular nuclear reactor would replace;

(iv) A permit shall not be issued under this section until the small modular nuclear reactor has received a license or permit to construct or operate the

reactor from the United States Nuclear Regulatory Commission;

(v) Any reports, notifications and violations sent to or from the United States Nuclear Regulatory Commission by or to the proposed operator of the small modular nuclear reactor shall also be submitted to the department.

(b) Any person operating a small modular nuclear reactor in the state of Wyoming shall not store spent nuclear fuel or high-level radioactive waste from the small modular nuclear reactor on the site of the small modular nuclear reactor without first meeting all of the requirements of the United States Nuclear Regulatory Commission.

(c) Nothing in this section shall be deemed to affect the authority of the United States Nuclear Regulatory Commission.

(d) As used in this section:

(i) “High-level radioactive waste” means as defined in W.S. 35-11-1501(a)(i);

(ii) “Public utility” means as defined in W.S. 37-1-101(a)(vi);

(iii) “Small modular nuclear reactor” means a nuclear reactor that:

(A) Has a rated capacity of not more than three hundred (300) megawatts of electricity;

(B) Can be constructed and operated in combination with other similar reactors at a single site, if additional reactors are necessary; and

(C) Has been licensed by the United States Nuclear Regulatory Commission and is in compliance with all requirements and conditions imposed by the commission.

(iv) “Spent nuclear fuel” means as defined in W.S. 35-11-1501(a)(iv).

(e) The provisions of the Industrial Development Information and Siting Act, W.S. 35-12-101 through 35-12-119, shall apply to the extent that those provisions do not interfere with, contradict or duplicate any requirements of the United States Nuclear Regulatory Commission.

## CHAPTER 23

### TAX UPON PRODUCTION OF ELECTRICITY FROM NUCLEAR REACTORS

#### **39-23-101. Definitions.**

There are no specific applicable provisions for definitions for this chapter.

#### **39-23-102. Administration.**

The department of revenue shall enforce the provisions of this chapter. The department shall promulgate rules and regulations necessary for the implementation and enforcement of this chapter.

**39-23-103. Imposition.**

There is levied an excise tax upon the sale of electricity from nuclear reactors in this state. The tax shall be imposed upon the sale of any electricity produced from nuclear reactors on or after January 1, 2021 and shall be paid by the person selling such electricity. The tax shall be imposed on each megawatt hour of electricity that is generated from the nuclear reactor and sold.

**39-23-104. Taxation rate.**

The tax rate shall be five dollars (\$5.00) on each megawatt hour, or portion thereof, which is sold.

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

(a) No tax shall be imposed upon electricity which is produced from any generating facility owned or operated by the federal government, state of Wyoming or by any county or municipality in this state.

(b) No tax shall be imposed upon electricity which is produced for the personal consumption of the producer. For purposes of this subsection, "electricity produced for the personal consumption of the producer" shall include any excess production of electricity that does not exceed five hundred (500) kilowatt hours in any twenty-four (24) hour period.

(c) No tax shall be imposed on any test or demonstration small modular nuclear reactor licensed and operated in accordance with W.S. 35-11-2101(b) and 35-11-431 through 35-11-433.

**39-23-106. Licensing; permits.**

There are no specific applicable provisions for licenses and permits for this chapter.

**39-23-107. Compliance; collection procedures.**

(a) Returns and reports. Any person producing electricity from nuclear reactors within this state which is subject to the tax imposed by this chapter shall report the amount of megawatt hours produced in this state on or before the fifteenth day of the month immediately following the month in which the electricity was produced.

(b) Payment. Any person owing a tax under this chapter shall pay the tax once each month on or before the fifteenth day of the month immediately following the month in which the electricity was produced. The tax shall be collected by the department of revenue.

(c) Timelines. There are no specific applicable provisions for timelines for this chapter.

**39-23-108. Enforcement.**

(a) Audits. There are no specific applicable provisions for audits for this

chapter.

(b) Interest. Interest at an annual rate equal to the average prime interest as determined by the state treasurer during the preceding fiscal year, plus four percent (4%), shall be added to all delinquent taxes under this chapter. To determine the average prime interest rate, the state treasurer shall average the prime interest for at least seventy-five percent (75%) of the thirty (30) largest banks in the United States. The interest rate on delinquent taxes shall be adjusted on January 1 of each year following the year in which the taxes first became delinquent. In no instance shall the delinquent interest rate be less than twelve percent (12%) nor greater than eighteen percent (18%).

(c) Penalties. The following shall apply:

(i) If any person fails to make or file a return and remit the tax as required by W.S. 39-23-107, the department shall impose a penalty of five percent (5%) of the taxes due for each thirty (30) day period, or fraction thereof, elapsing between the due date of the return and the date filed, unless the person for good cause obtains from the department an extension of time for filing prior to the due date for filing. In the event of an extension, the person shall pay the interest due on delinquent payments set forth in subsection (b) of this section. In no event shall the total penalty imposed by this subsection exceed twenty-five percent (25%) of the tax due. The department, for good cause, may waive a penalty imposed for failure to file a return for any one (1) calendar year, provided that

(A) The return was filed within five (5) business days following the due date, including an approved extension period; and

(B) The taxpayer requests the waiver in writing within fifteen (15) days after the return was filed, setting forth the reasons for the late filing.

(ii) If any part of a tax deficiency is due to the negligence or intentional disregard of rules and regulations there shall be added a penalty of five percent (5%) of the amount of the deficiency plus interest as provided by subsection (b) of this section. The taxes, penalty and interest shall be paid by the taxpayer within ten (10) days after receipt of notice and demand by the department;

(iii) Taxes due together with interest, penalties and costs shall be collectible by the department by appropriate judicial proceedings;

(iv) The department may credit or waive penalties imposed by this section as part of a settlement or for any other good cause.

(d) Liens. Any delinquent tax is a lien upon the property of any owner from and after the time the tax is due until the tax is paid. The tax lien shall have preference over all liens except any valid mortgage or other liens of record filed or recorded prior to the date the tax became due.

(e) Tax sales. There are no specific applicable provisions for tax sales for this

chapter.

**39-23-109. Taxpayer remedies.**

(a) Credits. The following shall apply:

(i) The taxpayer is entitled to receive an offsetting credit for any property tax paid in connection with the sale of electricity produced from a nuclear reactor;

(ii) Any credit under this subsection may be carried forward to succeeding reporting periods.

**39-23-110. Statute of limitations.**

There are no specific applicable provisions for a statute of limitations for this chapter.

**39-23-111. Distribution.**

One hundred percent (100%) of the proceeds from the tax imposed by this chapter shall be distributed by the department and deposited in the state general fund, with receipt and acknowledgement submitted to the state treasurer.

**Section 2.** W.S. 35-11-103(a)(xiii) is amended to read:

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

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

(xiii) "This act" means W.S. 35-11-101 through 35-11-403, 35-11-405, 35-11-406, 35-11-408 through 35-11-1106, 35-11-1414 through 35-11-1432, 35-11-1601 through 35-11-1613, 35-11-1701, 35-11-1801 through 35-11-1803, ~~and 35-11-2001 through 35-11-2004~~ and 35-11-2101.

**Section 3.** The environmental quality council and the department of environmental quality shall promulgate rules regarding the permitting of small modular nuclear reactors in accordance with the provisions of this act.

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

Approved March 13, 2020.

## Chapter 105

### PROHIBITION OF FEMALE GENITAL MUTILATION

Original House Bill No. 127

AN ACT relating to crimes and offenses; specifying that aggravated assault and battery includes female genital mutilation; modifying penalties; providing for a civil action to recover damages for female genital mutilation; providing a definition; requiring development of a training program; prohibiting professional licensure of health care professionals convicted of performing female genital mutilation; specifying female

genital mutilation is cause for mandatory child abuse reporting; specifying conviction for female genital mutilation requires inclusion of convictions in the child abuse registry; and providing for an effective date.

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

**Section 1.** W.S. 1-1-139 and 35-25-401 are created to read:

**1-1-139. Civil liability for female genital mutilation.**

(a) A person who is the victim of female genital mutilation as defined by W.S. 6-1-104(a)(xvii) may maintain a civil action against an individual who engages in conduct that is prohibited under W.S. 6-2-502(a)(v) for damages incurred by the victim as a result of that conduct. The victim may also be awarded exemplary damages, reasonable attorney's fees, costs of the action and any other appropriate relief. A victim of female genital mutilation may bring a civil action under this section at any time within ten (10) years of:

- (i) The procedure being performed; or
- (ii) The victim's eighteenth birthday.

(b) A civil action may be maintained under this section whether or not the individual who is alleged to have engaged in conduct prohibited under W.S. 6-2-502(a)(v) has been charged or convicted under W.S. 6-2-502(a)(v) for the alleged crime.

(c) Neither the pendency nor the termination of a civil action under this section shall prevent the criminal prosecution of a person who violates W.S. 6-2-502(a)(v).

ARTICLE 4

COMMUNITY EDUCATION PROGRAM

**35-25-401. Female genital mutilation education program.**

(a) The department of health, the attorney general's office division of victim services or the department of health and attorney general's office division of victim services together shall develop a community education program regarding female genital mutilation. The program shall include:

(i) Education, prevention and outreach materials regarding the health risks and emotional trauma inflicted by the practice of female genital mutilation;

(ii) Ways to develop and disseminate information regarding recognizing the risk factors associated with female genital mutilation;

(iii) Training materials for law enforcement, teachers and others who are mandated reporters under W.S. 14-3-205(a), encompassing:

(A) Risk factors associated with female genital mutilation;

(B) Signs that an individual may be a victim of female genital mutilation;

(C) Best practices for responses to victims of female genital mutilation;

and



(D) The criminal penalties associated with the facilitation or commission of female genital mutilation.

(b) Law enforcement, teachers and others who are mandated reporters under W.S. 14-3-205(a) shall incorporate the training under this section into their professional development programs and shall provide the training to employees and volunteers. To assist state and local entities in disseminating the education program under this section, the department of health, the attorney general's office division of victim services or the department of health and attorney general's office division of victim services together shall provide necessary training programs and technical assistance as requested.

**Section 2.** W.S. 6-1-104(a) by creating a new paragraph (xvii) and by renumbering (xvii) as (xviii), 6-2-502(a)(intro), (iii), by creating a new paragraph (v), (b) and by creating a new subsection (c), 14-3-205(a), 14-3-213 by creating a new subsection (g) and 33-1-304(b) are amended to read:

**6-1-104. Definitions.**

(a) As used in this act, unless otherwise defined:

(xvii) "Female genital mutilation" includes the partial or total removal of the clitoris, prepuce, labia minora, with or without excision of the labia majora, the narrowing of the vaginal opening such as through the creation of a covering seal formed by cutting and repositioning the inner or outer labia, with or without removal of the clitoris, any harmful procedure to the genitalia, including pricking, piercing, incising, scraping or cauterizing or any other actions intended to alter the structure or function of the female genitalia for nonmedical reasons. "Female genital mutilation" does not include a procedure performed by a licensed health care provider that is medically necessary due to a medically recognized condition or medically advisable or necessary to preserve or protect the physical health of the person on whom it is performed;

(xvii)(xviii) "This act" means title 6 of the Wyoming statutes.

**6-2-502. Aggravated assault and battery; female genital mutilation; penalty.**

(a) A person is guilty of aggravated assault and battery if he engages in any of the following:

(iii) Threatens to use a drawn deadly weapon on another unless reasonably necessary in defense of his person, property or abode or to prevent serious bodily injury to another; or

(v) Intentionally, knowingly or recklessly causes female genital mutilation to be performed on a person who has not attained the age of eighteen (18) years.

(b) Aggravated assault and battery is a felony punishable by imprisonment;

(i) For not more than ten (10) years: for violations of paragraphs (a)(i) through (iv) of this section;

(ii) For not less than five (5) years and not more than twenty-five (25) years for violations of paragraph (a)(v) of this section.

(c) It is not a defense in a prosecution under paragraph (a)(v) of this section that a female under eighteen (18) years of age or the parent, guardian or custodian of the female under eighteen (18) years of age consented to the female genital mutilation. Religion, ritual, custom or standard practice shall not be a defense to the offense of female genital mutilation.

**14-3-205. Child abuse or neglect; persons required to report.**

(a) Any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, shall immediately report it to the child protective agency or local law enforcement agency or cause a report to be made. The fact a child, who is at least sixteen (16) years of age, is homeless as defined in W.S. 14-1-102(d) shall not, in and of itself, constitute a sufficient basis for reporting neglect. Female genital mutilation under W.S. 6-2-502(a)(v) when the victim is a minor shall be considered child abuse for mandatory reporting under this section.

**14-3-213. Central registry of child protection cases; establishment; operation; amendment, expungement or removal of records; classification and expungement of reports; statement of person accused.**

(g) Conviction of a person under W.S. 6-2-502(a)(v) when the victim is a minor shall be included as a substantiated report of child abuse in the central registry under this section.

**33-1-304. Considering criminal convictions.**

(b) A board or commission licensing, certifying or registering a person to practice or perform a profession or occupation that heals or treats humans:

(i) May always determine that a crime of violence or sexual misconduct is relevant to the ability to practice the profession or occupation, but in making a licensing, certification or registration decision may consider the circumstances of the offense;:-

(ii) Shall refuse to issue or shall permanently revoke a license of any person convicted under W.S. 6-2-502(a)(v).

**Section 3.** The department of health, the attorney general's office division of victim services or the department of health and attorney general's office division of victim services together shall develop the training program required in section 1 of this act not later than December 31, 2020.

**Section 4.** This act is effective July 1, 2020.

Approved March 13, 2020.

## Chapter 106

### LARGE SCALE SOLAR AND WIND ENERGY FACILITIES

#### Original Senate File No. 36

AN ACT relating to regulation of solar and wind energy facilities; requiring permitting by boards of county commissioners of solar energy facilities; establishing minimum standards for solar and wind energy facilities; providing for referrals to the industrial siting council; amending the industrial siting council's jurisdiction over wind and solar energy facilities; specifying issues to consider in the permitting of solar and wind energy facilities; making conforming amendments; providing for rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 18-5-501(a)(ii), (iii) and by creating new paragraphs (v) and (vi), 18-5-502(a), (b) and by creating a new subsection (e), 18-5-503(a)(intro), (i) through (iv), (vi), (vii), (ix) through (xi) and (b), 18-5-504(a), by creating a new subsection (c), by amending and renumbering (c) as (d) and by creating a new subsection (e), 18-5-506, 18-5-507(a), 18-5-509(a) and (d), 18-5-511(a)(iv) and by creating a new paragraph (vi), 18-5-512(a)(i), (ii) and (c), 18-5-513(a), 34-22-102(a)(i)(intro) and by creating a new subsection (b), 34-22-105(c), 35-12-102(a)(vii)(E)(I), by creating new subparagraphs (G) and (H), (xi), (xiv) and (xv), 35-12-105(d) through (f), 35-12-106 by creating a new subsection (g), 35-12-107(b)(xiii) through (xv), (c)(i), (d)(ii), (g)(ii), (h)(iii) and (j)(iv), 35-12-109(a)(xx) through (xxii), 35-12-110(a)(i), (f)(ii) and (g)(intro) and 35-12-113 by creating a new subsection (j) are amended to read:

#### ARTICLE 5

#### WIND AND SOLAR ENERGY FACILITIES

##### 18-5-501. Definitions.

(a) As used in this article:

(ii) "Wind energy facility" or "facility" means any wind powered electrical generation development consisting of an individual wind turbine or multiple wind turbines rated by the manufacturer to generate more than one-half (0.5) megawatt of electricity and includes all ~~contiguous~~ lands where the owner or developer has rights to erect wind turbines;

(iii) "Enlarge" or "enlargement" means adding additional wind turbines which are or energy capacity that is not permitted as part of an original permitting process. "Enlarge" or "enlargement" shall not include an improvement made to a permitted wind turbine that maintains the same surface space occupied by the structure that was previously permitted, regardless of the cost of the improvement;

(v) “Facility” includes:

(A) A wind energy facility or a solar energy facility unless the context clearly indicates otherwise;

(B) A wind energy facility or a solar energy facility planned for construction and siting or whose ownership or business structure is organized in a way to circumvent the definition of “facility” or the requirements of this article while engaging in conduct that otherwise would be subject to the requirements of this article. A facility that meets the definition of this subparagraph shall comply with all requirements of this article before locating, erecting, constructing, reconstructing or enlarging the facility.

(vi) “Solar energy facility” means a commercial facility with a rated power capacity of more than one-half (0.5) megawatt of electricity from solar power that includes all lands where the owner or developer has rights to erect solar energy facilities, including lands for battery storage.

**18-5-502. County regulation of wind or solar energy projects; exceptions.**

(a) It is unlawful to locate, erect, construct, reconstruct or enlarge a ~~wind energy~~ facility without first obtaining a permit from the board of county commissioners in the county in which the facility is located.

(b) If a ~~wind energy~~ facility is to be located in two (2) or more counties, a permit shall be obtained in each county in which the ~~wind energy~~ facility is to be located.

(e) No solar energy facility that has obtained final county approval where required or that is constructed or being constructed prior to July 1, 2020 shall be required to have the permit required by this section. Any solar energy facility that is not required to have a permit pursuant to this subsection shall be required to obtain a permit for any enlargement of the facility after July 1, 2020.

**18-5-503. Application.**

(a) To obtain the permit required by W.S. 18-5-502, the owner or developer of a ~~wind energy~~ facility shall submit an application to the board of county commissioners. The application shall:

(i) Certify that reasonable efforts have been undertaken to provide notice in writing to all owners of land within one (1) mile of the proposed ~~wind energy~~ facility, to the military installation commander or the commander’s designee if there are any active federal military missile launch or control facilities within five (5) miles of the proposed facility, to the department of transportation and to all cities and towns located within twenty (20) miles of the ~~wind energy~~ facility. Notice shall include a general description of the project including its location, projected number and capacity of turbines and-or solar energy facilities, the likely routes of ingress and egress and the likely location of electric transmission and other related facilities;

(ii) Certify that notice of the proposed ~~wind energy~~ facility will be published in a newspaper of general circulation in all counties in which the facility will be located at least twenty (20) days prior to the public hearing required by W.S. 18-5-506. The notice shall include a brief summary of the ~~wind energy~~ facility, invite the public to submit comments and identify the time and date of the hearing;

(iii) Certify that the proposed ~~wind energy~~ facility will comply with all the standards required by W.S. 18-5-504;

(iv) Certify that the proposed ~~wind energy~~ facility will comply with all applicable zoning and county land use regulations, which regulations shall be no less stringent than the standards required by this article;

(vi) Provide a waste management plan that includes an inventory of estimated solid wastes and a proposed disposal program for the construction, operation and eventual decommissioning of the proposed ~~wind energy~~ facility;

(vii) Provide evidence sufficient for the board of county commissioners to determine if the proposed ~~wind energy~~ facility has adequate legal access. The application also shall describe how private roadways within the facility will be marked as private roadways and shall acknowledge that no county is required to repair, maintain or accept any dedication of the private roadways to the public use. The application also shall include a traffic study of any public roadways leading to and away from the proposed facility and the board of county commissioners and department of transportation may require the applicant to enter into a reasonable road use agreement for the use of county roads or state highways prior to construction of the facility;

(ix) Certify that there shall be no advertising or promotional lettering on any solar energy facility, tower, turbine, nacelle or blade beyond the manufacturer's or the applicant's logo on the solar energy facility or the nacelle of the turbine;

(x) Provide a site and facility reclamation and decommissioning plan which indicates the planned life of the ~~wind energy~~ facility and the means by which the facility and its site will be decommissioned and reclaimed at the end of the facility's life and which certifies that any owner of land within the ~~wind energy~~ facility and its site who is not the applicant has been consulted in development of the reclamation and decommissioning plan. Such plan shall comply with all requirements adopted by the industrial siting council under W.S. 35-12-105(d). If the permit is granted, the plan shall be updated every five (5) years until site reclamation and decommissioning is complete;

(xi) For wind energy facilities and solar energy facilities not meeting the definition of ~~a~~ an industrial facility as defined in W.S. 35-12-102(a)(vii)(E) or (G), provide a detailed summary of any significant adverse environmental, social or economic effects that the proposed ~~wind energy~~ facility may have together with any preliminary plans developed to alleviate any of the adverse

effects.

(b) A ~~wind energy~~ facility subject to this article shall meet the requirements adopted pursuant to W.S. 35-12-105(d) and (e) regardless of whether the facility is referred to the industrial siting council pursuant to W.S. 18-5-509 or is otherwise subject to the industrial siting act.

**18-5-504. Minimum standards; incorporation into other processes.**

(a) No board of county commissioners shall issue a permit for a ~~wind energy~~ facility if that facility:

(i) Does not comply with standards properly adopted by the board of county commissioners for the construction of wind energy facilities or solar energy facilities, which standards shall not be less stringent than the standards required by this article, except as allowed by this section;

(ii) For wind energy facilities, would locate the base of any tower at a distance of less than one hundred ten percent (110%) of the maximum height of the tower from any property line contiguous or adjacent to the facility, unless waived in writing by the owner of every property which would be located closer than the minimum distance;

(iii) For wind energy facilities, would locate the base of any tower at a distance of less than one hundred ten percent (110%) of the maximum height of the tower from any public road right-of-way;

(iv) For wind energy facilities, would construct any tower or other structure, other than underground structures, transmission lines, roadways and structures appurtenant to roadways, at a distance of less than five and one-half (5.5) times the maximum height of the tower, but in no event less than one thousand (1,000) feet from any platted subdivision unless this restriction is waived in writing by the owners of all lands included within the distance specified in this paragraph;

(v) For wind energy facilities, would locate the base of any tower at a distance of less than five and one-half (5.5) times the maximum height of the tower, but in no event less than one thousand (1,000) feet from a residential dwelling or occupied structure, unless waived in writing by the person holding title to the residential dwelling or occupied structure;

(vi) For wind energy facilities, would locate the base of any tower at a distance of less than one-half (1/2) mile from the limits of any city or town;

(vii) For solar energy facilities:

(A) Would locate the facility within three hundred (300) feet of an occupied structure or residence unless waived in writing by the owner of the structure or residence;

(B) Would locate the facility within one hundred (100) feet of any outer

boundary of the facility;

(C) Would locate the facility on unzoned or agricultural zoned land less than two hundred (200) feet from any public road right-of-way or on other land less than one hundred (100) feet from any public road right-of-way.

(c) Notwithstanding subsection (b) of this section, any board of county commissioners for solar facilities:

(i) May vary the location and setback requirements provided in subsection (a) of this section, either on its own or by following its land use planning, zoning or conditional use processes;

(ii) For lands within the boundaries of any incorporated municipality, shall require any setbacks recommended by the governing body of the municipality within the boundaries of that municipality;

(iii) May increase setbacks required from public road rights-of-way beyond those required in this section to accommodate known big game animal migrations and frequent local wildlife movements and to reduce the risk of motor vehicle and big game animal collisions. A board of county commissioners may consult with the:

(A) Game and fish department for setbacks from public roads;

(B) Department of transportation for setbacks from state highways;

(C) County's appropriate local entity for setbacks from county roads.

(e)(d) No board of county commissioners shall issue a permit under W.S. 18-5-502(a) until that county has adopted rules and regulations governing the notice that the application for a permit must provide to the record owners and claimants of mineral rights located on and under lands where the ~~wind energy~~ facility will be constructed. The rules shall conform to rules adopted by the industrial siting council for the same purpose pursuant to W.S. 35-12-105.

(e) For a permit granted for a wind energy facility under this article, there shall be no vertical construction of a wind turbine within two (2) nautical miles of any active federal military missile launch or control facility, unless the owner or developer of the wind energy facility first obtains and furnishes documentation to the board of county commissioners of:

(i) A written determination of no adverse impact on nuclear security operations from the military installation commander or the commander's designee. The determination shall not be unreasonably withheld or denied;

(ii) A determination of no hazard from the federal aviation administration; and

(iii) Documentation from the federal military aviation and installation assurance siting clearinghouse that resolves any potential adverse impact on military operations and readiness and that commits to implement required



mitigation measures.

**18-5-506. Hearing and public comment.**

Any board of county commissioners receiving an application to permit a ~~wind energy~~ facility shall hold a public hearing to consider public comment on the application no less than forty-five (45) days and not more than sixty (60) days after determining that the application is complete. Written comment on the application shall be accepted by the board of county commissioners for not less than forty-five (45) days after determining that the application is complete.

**18-5-507. Decision of the board; findings necessary.**

(a) Within forty-five (45) days from the date of completion of the hearing required by W.S. 18-5-506, the board shall make complete findings, issue an opinion, render a decision upon the record either granting or denying the application and state whether or not the applicant has met the standards required by this article. The decision shall be subject to the remedies provided in W.S. 18-5-508. The board shall grant a permit if it determines that the proposed ~~wind energy~~ facility complies with all standards properly adopted by the board of county commissioners and the standards required by this article.

**18-5-509. Referral.**

(a) Any board of county commissioners which receives an application to permit a wind energy facility or solar energy facility which does not meet the definition of ~~a~~an industrial facility as defined in W.S. 35-12-102(a)(vii) (E) or (G) may refer the facility to the industrial siting council for additional permitting consistent with the requirements of the Industrial Development Information and Siting Act, W.S. 35-12-101 through 35-12-119, but the provisions of W.S. 39-15-111 and 39-16-111 shall not apply. A referral shall be made only when a board of county commissioners finds there are potentially significant adverse environmental, social or economic issues which the county board of commissioners does not have the expertise to consider or authority to address.

(d) A referral made pursuant to this section shall not relieve a board of county commissioners from its obligation to consider whether the proposed ~~wind energy~~ facility should be permitted under the standards required by this article.

**18-5-511. Revocation or suspension of permit.**

(a) A permit may be revoked or suspended for:

(iv) Failure of the proposed ~~wind energy~~ facility to receive a required permit from the industrial siting council pursuant to the Industrial Development Information and Siting Act, W.S. 35-12-101 through 35-12-119; ~~or~~

(vi) Failure of the permitted solar energy facility to maintain land rights necessary to operate the solar energy facility.



**18-5-512. Penalties for violations.**

(a) No person shall:

(i) Commence to construct a wind energy facility on or after July 1, 2010 or a solar energy facility on or after July 1, 2020 without first obtaining a permit required by this article;

(ii) Construct, reconstruct, operate, locate, erect, maintain, enlarge, change or use a ~~wind energy~~ facility, after having first obtained a permit, other than in specific compliance with the permit; or

(c) Any wind turbine tower, ~~or~~ wind generator or portion thereof or any solar energy panel or facility or portion thereof erected in violation of this article shall subject the owner of the tower, ~~or~~ generator or solar energy panel or facility to a penalty of seven hundred fifty dollars (\$750.00) per day for every tower, ~~or~~ generator or solar energy panel or facility so erected.

**18-5-513. Fees.**

(a) A board of county commissioners which receives an application under this article for the permitting of a ~~wind energy~~ facility may charge the applicant a reasonable fee which shall not exceed the reasonably anticipated costs of processing and considering the application and conducting public hearings.

**34-22-102. Definitions.**

(a) As used in this act:

(i) "Solar collector," except as provided in subsection (b) of this section, is one (1) of the following which is capable of collecting, storing or transmitting at least twenty-five thousand (25,000) BTU's on a clear winter solstice day:

(b) For purposes of this act, "solar collector" shall not include a solar collector that is part of a facility that:

(i) Has a rated power capacity of more than five hundred (500) kilowatts;  
or

(ii) Would result in a surface disturbance equal to or greater than one hundred (100) acres.

**34-22-105. County and municipal authority.**

(c) No local government shall prohibit the construction or use of solar collectors except for reasons of public health and safety or as authorized in W.S. 18-5-501 through 18-5-513.

**35-12-102. Definitions.**

(a) As used in this chapter:

(vii) "Industrial facility" or "facility" means any industrial facility with an estimated construction cost of at least ninety-six million nine hundred thousand dollars (\$96,900,000.00) as of May 30, 1987. Exempt activities shall

not be included in the estimated construction cost of an industrial facility. The council shall adjust this amount, up or down, each year using recognized construction cost indices as the council determines to be relevant to the actual change in construction cost applicable to the general type of construction covered under this chapter. "Facility" also includes, regardless of construction cost:

(E) Any commercial facility generating electricity from wind and associated collector systems that:

(I) Consists of ~~thirty (30)~~ twenty (20) or more wind turbines in all planned phases of the installation; or

(G) Any commercial facility generating electricity from solar power and associated solar collector systems if the facility:

(I) Has a rated power capacity of more than thirty (30) megawatts;

(II) Would result in a surface disturbance equal to or greater than one hundred (100) acres; or

(III) Is expanded to where the facility would satisfy subdivision (I) or (II) of this subparagraph.

(H) Any facility that would meet the definition of subparagraphs (E) or (G) of this paragraph but is planned for construction and siting or has its ownership or business structure organized in a way to circumvent the definition of "industrial facility" or "facility" or the requirements of this chapter while engaging in conduct that otherwise would be subject to the requirements of this article. A facility that meets the definition of this chapter shall comply with all requirements applicable to facilities defined by subparagraphs (E) and (G) of this paragraph.

(xi) "Person" includes an individual, group, firm, partnership, corporation, cooperative, association, or other entity excluding the state, federal government and local government. "Person" also includes the parent company, partnership or holding entity for a commercial facility generating electricity from wind or solar;

(xiv) "Collector system" means the electrical transmission infrastructure, including conductors, towers, substations, switchgear and other components necessary to deliver power from any commercial facility generating electricity from wind or solar up to, but not including, electric substations or similar facilities necessary to interconnect to existing or proposed transmission lines that serve load or export energy from Wyoming;

(xv) "Affected landowner" means any person holding record title to land on which any portion of a commercial facility generating electricity from wind or solar is proposed to be constructed and including any portion of any collector system located on those same lands. For purposes of this chapter, an

affected landowner may be represented by any designated person.

**35-12-105. Appointment and duties of administrator; staff; rules and regulations.**

(d) In addition to the rules and regulations adopted under subsection (b) of this section, the council shall promulgate rules and regulations prescribing decommissioning and site reclamation standards for facilities permitted under W.S. 35-12-102(a)(vii)(E), ~~and (F)~~ and (G). Such standards shall preempt county rules or regulations concerning decommissioning and reclamation and shall be designed to assure the proper decommissioning and interim and final site reclamation of commercial facilities generating electricity from wind or solar and wind energy and solar energy facilities during construction and operation of the facility, at the end of their useful life, upon revocation of a permit authorizing their operation or upon the happening of any event which causes operations to cease. The council's regulation shall only preempt those facilities regulated under this act. In the event of any conflict between a standard applied under this subsection and a valid order of the Wyoming public service commission, the order of the public service commission shall be applied.

(e) In addition to the rules and regulations adopted under subsection (b) of this section, the council shall promulgate rules and regulations prescribing financial assurance requirements for facilities permitted by it pursuant to W.S. 35-12-102(a)(vii)(E), ~~and (F)~~ and (G). These rules and regulations shall not apply to facilities that are public utilities and regulated by the Wyoming public service commission. These rules and regulations shall preempt county rules and regulations concerning financial assurances and shall be designed to provide adequate assurance that the permitted facilities will be properly reclaimed and decommissioned at the end of their useful life, upon revocation of a permit authorizing their operation or upon the happening of any event which causes operations to cease. The elements to consider when establishing adequate levels of financial assurance shall include credit worthiness, financial strength, credit history, credit rating and any other factors that reasonably bear upon the decision to accept a financial assurance. The financial assurance may be in any form acceptable to the council and may include a corporate guarantee, letter of credit, bond, deposit account or insurance policy.

(f) In addition to the rules and regulations adopted under subsection (b) of this section, the council shall promulgate rules and regulations requiring applicants for facilities described in W.S. 35-12-102(a)(vii)(E), ~~and (F)~~ and (G) to provide notice to record owners of mineral rights located on or under the lands where the proposed facility will be constructed. Such notice may include notice by publication.

**35-12-106. Permit from council required before commencing construction of facility; electronic permitting; amendments; exceptions;**

**federal requirements.**

(g) For a permit issued for a facility meeting the definition of W.S. 35-12-102(a)(vii)(E), there shall be no vertical construction of a wind turbine within two (2) nautical miles of any active federal military missile launch or control facility, unless the owner or developer of the facility first obtains and furnishes documentation to the division of:

(i) A written determination of no adverse impact on nuclear security operations from the military installation commander or the commander's designee. The determination shall not be unreasonably withheld or denied;

(ii) A determination of no hazard from the federal aviation administration;  
and

(iii) Documentation from the federal military aviation and installation assurance siting clearinghouse that resolves any potential adverse impact on military operations and readiness and that commits to implement required mitigation measures.

**35-12-107. Request for waiver of permit application; form.**

(b) A request for a waiver shall be filed with the division, in a form as prescribed by council rules and regulations, and shall contain the following information:

(xiii) For facilities permitted pursuant to W.S. 35-12-102(a)(vii)(E), ~~or (F)~~ or (G), a site reclamation and decommissioning plan, which shall be updated every five (5) years and a description of a financial assurance plan which will assure that all facilities will be properly reclaimed and decommissioned. All such plans, unless otherwise exempt, shall demonstrate compliance with any rules or regulations adopted by the council pursuant to W.S. 35-12-105(d) and (e);

(xiv) Information demonstrating the applicant's financial capability to decommission and reclaim the facility. For facilities meeting the definition of W.S. 35-12-102(a)(vii)(E) or (G) the information shall also demonstrate the applicant's financial capability to construct, maintain and operate the facility;

(xv) For proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E), ~~or (F)~~ or (G), a list of all affected landowners with an address at which each affected landowner can be given the notices required by this act.

(c) Not more than seven (7) days following receipt of a request for a waiver, the director shall:

(i) Serve notice of the request upon the governing bodies of local governments which will be primarily affected by the proposed facility and, for proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E), ~~or (F)~~ or (G), upon affected landowners;

(d) Not more than fourteen (14) days following receipt of a request, the director shall:

(ii) Notify the applicant and local governments of the meeting and, for proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E), ~~or (F)~~ or (G), notify affected landowners;

(g) Not more than fifty (50) days following receipt of a request, the director shall:

(ii) Notify the applicant and local governments of the hearing and, for proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E), ~~or (F)~~ or (G), notify affected landowners;

(h) The applicant shall present any evidence necessary to demonstrate to the council:

(iii) That the applicant has financial resources to decommission and reclaim the facility. For facilities meeting the definition of W.S. 35-12-102(a)(vii)(E) or (G) the evidence shall also demonstrate the applicant's financial capability to construct, maintain and operate the facility.

(j) Within ten (10) days from the date of completion of the hearing the council shall make complete findings, issue an opinion and render a decision upon the record, either granting or denying the request for a waiver. The council shall grant a request for a waiver either as proposed or as modified by the council if it finds and determines that:

(iv) The applicant has financial resources to decommission and reclaim the facility. For facilities meeting the definition of W.S. 35-12-102(a)(vii)(E) or (G) the council shall also be required to find the applicant has financial resources to construct, maintain and operate the facility.

**35-12-109. Application for permit; form; fee; financial accounting.**

(a) An application for a permit shall be filed with the division, in a form as prescribed by council rules and regulations, and shall contain the following information:

(xx) For facilities permitted pursuant to W.S. 35-12-102(a)(vii)(E), ~~or (F)~~ or (G), a site reclamation and decommissioning plan, which shall be updated every five (5) years, and a description of a financial assurance plan which will assure that all facilities will be properly reclaimed and decommissioned. All such plans, unless otherwise exempt, shall demonstrate compliance with any rules or regulations adopted by the council pursuant to W.S. 35-12-105(d) and (e);

(xxi) Information demonstrating the applicant's financial capability to decommission and reclaim the facility. For facilities meeting the definition of W.S. 35-12-102(a)(vii)(E) or (G) the information shall also demonstrate the applicant's financial capability to construct, maintain and operate the facility;

(xxii) For proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E), ~~or (F)~~ or (G), a list of all affected landowners with an address at which each affected landowner can be given the notices required by this act.

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

(a) Not more than ten (10) days following receipt of an application for a permit, the director shall:

(i) Serve an electronic or physical copy of the application upon the governing bodies of local governments which will be primarily affected by the proposed facility together with notice of the applicable provisions of W.S. 35-12-111 and, for proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E), ~~or (F)~~ or (G), serve a copy of the application with notice of the applicable provisions of W.S. 35-12-111 upon affected landowners;

(f) Not more than ninety (90) days after receipt of an application for a permit, the director shall:

(ii) Notify the applicant and local governments of the hearing and, for proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E), ~~or (F)~~ or (G), notify affected landowners;

(g) For proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E), ~~or (F)~~ or (G):

**35-12-113. Decision of council; findings necessary for permit conditions imposed; service of decision on parties; waste management surcharge.**

(j) The council may deny an application if the facility that is the subject of the application will unreasonably interfere with the development of a known and currently economically developable mineral resource within the proposed facility.

**Section 2.** The industrial siting council shall promulgate any rules necessary to implement the provisions of this act.

**Section 3.**

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

(b) Section 1 of this act is effective July 1, 2020.

Approved March 13, 2020.

**Chapter 107****VOLUNTEER PENSION ACCOUNT-FUNDING****Original Senate File No. 92**

AN ACT relating to pension accounts; increasing contributions to the account; increasing insurance premium taxes which may be deposited to the volunteer firefighter, EMT and search and rescue pension account as specified; and providing for an effective date.

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

**Section 1.** W.S. 26-4-102(b)(ii), 35-9-621(e) and 35-9-628(a)(intro) are amended to read:

**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 eighty percent (80%)~~ Up to one hundred percent (100%) of the gross premium tax levied upon fire insurance premiums shall be deposited by the state treasurer in the volunteer firefighter, 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;

**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)~~ eighteen dollars and seventy-five cents (\$18.75) 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)~~ thirty-seven dollars and fifty cents (\$37.50) 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, 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.

**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 eighty percent (80%)~~ up to one hundred percent (100%) 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.** This act is effective July 1, 2020.

Approved March 13, 2020.

## Chapter 108

### GAME AND FISH-DATA PROTECTION

Original House Bill No. 176

AN ACT relating to game and fish; limiting release of personally identifiable information, including geographic information of the legal taking of wildlife; requiring rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 16-4-203(d) by creating a new paragraph (xx) and 23-1-302 by creating a new subsection (r) are amended to read:

**16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions.**

(d) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law:

(xx) Information related to legally taking wildlife as provided in W.S. 23-1-302(r).

**23-1-302. Powers and duties.**

(r) The following shall apply to information collected by the commission or the department:

(i) Personally identifiable and geographic information associated with the



legal taking of wildlife within this state is solely for the use of the commission, department or appropriate law enforcement office and is not a public record for purposes of W.S. 16-4-201 through 16-4-205;

(ii) Information subject to paragraph (i) of this subsection shall not be released or otherwise publicly disseminated by the commission or department for any purpose unless authorized in writing by the person legally taking wildlife;

(iii) Subject to paragraphs (i) and (ii) of this subsection, information related to legally taking wildlife on private land shall not be a public record for purposes of W.S. 16-4-201 through 16-4-205 and shall not be released or otherwise publicly disseminated by the commission or department unless authorized in writing by the landowner or manager of the land where the taking occurred;

(iv) The department shall promulgate rules necessary to implement this subsection.

**Section 2.** The game and fish commission shall promulgate rules and regulations necessary to implement this act on or before 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 March 13, 2020.

## Chapter 109

### ECONOMIC DEVELOPMENT LARGE PROJECT LOANS- AMENDMENTS

#### Original House Bill No. 151

AN ACT relating to economic development; codifying and amending procedures for loans for economic development projects as specified; amending and specifying duties associated with the large project loan program; establishing a loan review committee; requiring a report; making conforming amendments; repealing noncodified provisions of the loan program; requiring rulemaking; specifying applicability; and providing for effective dates.

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

**Section 1.** W.S. 9-12-308 is created to read:

**9-12-308. Large project loan program.**

(a) The large project account within the revolving investment fund created

pursuant to article 16, section 12 of the Wyoming constitution, created by 2014 Wyoming session laws, chapter 46, section 2, is continued and codified.

(b) Funds in the large project account within the revolving investment fund shall be used exclusively to promote and aid economic development of the state by providing loan guarantees or loans to proposed or existing enterprises that will employ people within the state, provide services in the state, use resources in the state or otherwise add economic value to goods, services or resources within the state consistent with this section.

(c) There is created a loan review committee to review all projects, loans and loan guarantees proposed under this section. The committee shall consist of:

(i) The governor or his designee;

(ii) The treasurer or his designee;

(iii) A member of the board of directors of the council who has expertise in banking or experience in the banking industry, designated by the chief executive officer of the council.

(d) The members of the loan review committee may request assistance from staff of the governor's office, the state treasurer's office, the council and any bank participating in the loan transaction or loan guarantee to review and evaluate proposed projects, loans and loan guarantees under this section.

(e) Loans and loan guarantees provided under this section shall be subject to the following procedures:

(i) Any project shall first be submitted to and reviewed by the council who shall provide preliminary recommendations for the size and parameters of the proposed loan or loan guarantee. For any loan or loan guarantee made by any nonpublic lender the council shall provide electronic notice to all Wyoming financial institutions of the potential loan terms and shall allow not less than fifteen (15) business days for Wyoming financial institutions to respond with expressions of interest with proposed terms. All offers of proposed terms shall be provided to the council, the loan review committee and the person seeking the loan for consideration. All information sent by electronic notice shall be treated in accordance with applicable confidentiality requirements. As used in this paragraph, "Wyoming financial institution" means as defined in W.S. 13-1-501(a)(i). The council shall review the project under the process set forth in W.S. 9-12-601 through 9-12-603. In developing recommendations for the size and parameters of the proposed loan or loan guarantee under this paragraph, the council may work with the bank that would issue the loan or loan guarantee;

(ii) The council shall require all persons seeking a loan to disclose and certify, under penalty of perjury, whether the person holds a position with or has any present, direct business connection to any state, county or municipal

officer, employee or instrumentality or has any familial relationship as spouse, child, sibling or parent residing as a member of the same household in the principal place of residence of any state, county or municipal officer or employee. As used in this paragraph, "direct business connection" includes employer-employee and coprincipal relationships. Information disclosed under this paragraph shall not be the determining factor in the selection process;

(iii) The council shall present the project and the proposed loan or loan guarantee and its terms to the loan review committee, which may accept or deny the proposed loan or amend its terms;

(iv) Upon a favorable recommendation by the council and the loan review committee, the project shall then be submitted to the state loan and investment board for final approval. The council and the loan review committee shall only forward projects and proposed loans under this section that have been determined to meet the requirements of this section;

(v) The state loan and investment board shall vote to accept or deny the project and the terms of the loan or loan guarantee developed for the project.

(f) The council and the loan review committee shall recommend, and the state loan and investment board shall only approve, the issuance of loan guarantees and loans under this section for projects that meet the following requirements:

(i) Are anticipated to have an economic impact and a public benefit greater than the economic impact and public benefit of projects regularly funded under the Wyoming business ready community program;

(ii) Based upon the findings of an independent third party selected and approved by the council, will provide the following minimum public benefits:

(A) The creation of a significant expansion of permanent jobs in the county or counties in which the project will be located;

(B) A significant increase in the assessed valuation of the county or counties in which the project will be located, by not less than the value of the loans or loan guarantees received by the applicant borrower;

(C) A substantial increase in the sales, property or other tax revenues to the county or counties where the project will be located; and

(D) Promotion of a stable, balanced and diversified economy.

(iii) Has a high likelihood of completion.

(g) The council shall establish the terms of any loan, loan participation or loan guarantee issued under this section in accordance with the following:

(i) Loans or loan guarantees provided under this section shall be adequately collateralized. To protect the state's interest, the council may negotiate protections with respect to any accepted collateral, including but not limited to escrow accounts, debt limitations, cash sweeps, pledge rights, corporate

approval rights and other mechanisms the council deems appropriate;

(ii) Loans under this section shall bear interest at a fixed or adjustable rate. The interest rate shall be:

(A) Indexed to a rate as determined by rule adopted by the council, plus any additional premium determined by the council to be reasonably commensurate with the risk profile of the loan or loan guarantee, as approved by the loan committee; and

(B) Approved by the loan committee and the state loan and investment board.

(iii) The council shall ensure through certification of the applicant, or any other manner determined to be adequate by the council, a commitment of at least twenty-five percent (25%) of the total cost of the project from funding sources not provided by the state of Wyoming;

(iv) Loans or loan guarantees shall be used for direct investment in the project and shall not be used or made available to refinance preexisting debt incurred before commencement of the project;

(v) Borrowers shall demonstrate a balance sheet and cash flow sufficient to demonstrate their ability to repay the loan or loan guarantee;

(vi) Borrowers shall provide security to repay the loan with a residual value sufficient to repay the loan or loan guarantee in event of default;

(vii) When appropriate, the council may require continuing loan guarantees by affiliates and principals of the borrower;

(viii) Except as provided in this paragraph, the council shall ensure that the lead lender secures a first security interest in the entire project sufficient to adequately protect the investment of loan proceeds or proceeds guaranteed by the state under this section. The security interest shall be shared pro rata with the state in percentage of the loan or loan guarantee. If necessary, the council may allow the lead lender to accept substitute security that will protect repayment to the state on a basis substantially equivalent to a first security interest on the project. The council shall ensure that any alternate security is sufficient to prudently protect the state's pro rata interest;

(ix) The council shall charge a loan origination fee or loan guarantee fee of one percent (1%) of the total loan or guaranteed loan amount. Funds collected under this paragraph shall be deposited in the large project account within the revolving investment fund, less any amounts used to pay the costs of consultants retained pursuant to subsection (k) of this section.

(h) No loan or loan guarantee shall be made under this section without the written opinion of the attorney general certifying the legality of the transaction and all documents connected therewith.

(j) Repayment of principal and interest to the state in connection with loans made under this section shall be deposited to the large project account within the revolving investment fund. All funds within the account may be used for and are continuously appropriated for the purposes of this section. The total principal balance of outstanding loans under this section shall not exceed the amounts appropriated by the legislature plus interest accrued and collected less any losses of loan principal.

(k) The council is authorized to retain experts and service providers as necessary to fully evaluate, negotiate and implement the terms and conditions of the loans and loan guarantees issued under this section. If an expert or service provider is retained by the council under this subsection, any costs incurred that exceed the loan origination fee or loan guarantee fee set in paragraph (g) (ix) of this section shall be paid by the applicant. The independent third party selected and approved by the council under paragraph (f)(ii) of this section shall not serve as an expert or service provider retained under this subsection.

(m) The council shall promulgate rules necessary for the implementation of this section.

**Section 2.** W.S. 9-12-305 and 9-12-306(b) are amended to read:

**9-12-305. Economic development enterprise fund account; deposits; continuous appropriation; loans.**

Except for fees deposited in accordance with W.S. 9-12-302(b), all repayments of principal and interest to the state in connection with loans made under this article and other funds as appropriated by the legislature for the challenge loan program shall be deposited into the economic development enterprise account within the revolving investment fund. All funds in the account may be used for and are continuously appropriated for loans authorized to be made under this article. Funds within the account may also be transferred upon direction of the governor to the large project account within the revolving investment fund ~~created by 2014 Wyoming Session Laws, Chapter 46~~ if required to meet loans or loan guarantees approved by the state loan and investment board under that law W.S. 9-12-308. The total principal balance of outstanding loans shall not exceed the amounts appropriated by the legislature plus interest accrued and collected less any losses of loan principal or interest.

**9-12-306. Audit; report.**

(b) On or before July 15 of each year, the council shall submit a written report to the joint minerals, business and economic development interim committee reviewing rules adopted by the council during the reporting period, presenting a portfolio of loans made under the program and under W.S. 9-12-308 showing the number of jobs created as a result of loans in the portfolio including whether the jobs are permanent or temporary and presenting a risk analysis of the portfolio of loans prepared by the state banking commissioner. The report,

portfolio of loans and risk analysis required under this subsection shall be public records. The risk analysis prepared by the state banking commissioner shall not be subject to the limitations of W.S. 9-1-512.

**Section 3.** 2014 Wyoming Session Laws, Chapter 46, Section 2, 2016 Wyoming Session Laws, Chapter 41, Sections 3 and 5 and 2018 Wyoming Session Laws, Chapter 98, Sections 1 and 2 are repealed.

**Section 4.** Nothing in this act shall be construed to modify or impair existing contracts or loans of the state of Wyoming executed before July 1, 2020.

**Section 5.** The Wyoming business council shall promulgate rules necessary to implement the provisions of this act.

**Section 6.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2020.

(b) Sections 5 and 6 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 13, 2020.

## Chapter 110

### LOCAL SALES AND USE TAXES

#### Original House Bill No. 47

AN ACT relating to taxation and revenue; authorizing an election on the question of permanently imposing a portion of the local general purpose sales and use taxes; decreasing the number of local entities required to approve provisions related to specified local sales and use taxes; increasing the amount of time between elections for specified local sales and use taxes; authorizing the implementation of an optional municipal sales and use taxes as specified; providing procedures; amending related provisions; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 39-15-203(a)(i)(B), (C), (F)(intro), (ii)(C), (iii)(A), (v)(B), (C) and by creating a new paragraph (vi), 39-15-204(a)(intro) and by creating a new paragraph (vii), 39-15-211 by creating a new subsection (d), 39-16-203(a)(i)(B), (C), (F)(intro), (ii)(A), (iv)(B), (C) and by creating a new paragraph (v), 39-16-204(a)(intro) and by creating a new paragraph (vi) and 39-16-211 by creating a new subsection (d) are amended to read:

**39-15-203. Imposition.**

(a) Taxable event. The following shall apply:

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

(B) The proposition to impose an excise tax shall be at the expense of the county and be submitted to the electors of the county upon the receipt by the board of county commissioners of a petition requesting the election signed by at least five percent (5%) of the electors of the county or of a resolution approving the proposition from the governing body of the county and the governing bodies of at least ~~two-thirds (2/3)~~ fifty percent (50%) of the incorporated municipalities within the county. If proposed by petition by electors, the number of electors required shall be determined by the number of votes cast at the last general election. The election shall be at the direction and under the supervision of the board of county commissioners;

(C) The proposition may be submitted at an election held on a date authorized under W.S. 22-21-103. A notice of election shall be given in at least one (1) newspaper of general circulation published in the county in which the election is to be held, and the notice shall specify the object of the election. The notice shall be published at least once each week for a thirty (30) day period preceding the election. At the election the ballots shall contain the words "for the county sales and use tax" and "against the county sales and use tax". If a portion of the proceeds from the tax will be used for economic development as provided by W.S. 39-15-211(a)(i), the ballot shall contain the words "a portion (or specific percentage) of the tax proceeds shall be used for economic development" in a clear and appropriate manner. If the proposition is approved the same proposition shall be submitted at subsequent general elections as provided in this subparagraph until the proposition is defeated. If the tax proposed is approved after July 1, 1989, the same proposition shall be submitted at every other subsequent general election until the proposition is defeated. However in those counties where the tax is not in effect, the county commissioners with the concurrence of the governing bodies of ~~two-thirds (2/3)~~ fifty percent (50%) of the municipalities may establish the initial term of the tax at ~~two (2)~~ four (4) years. ~~If the term of the tax is limited to two (2) years,~~ The term of the tax shall be stated in the proposition submitted to the voters. If a proposition establishing the term of the tax at four (4) years is approved, the proposition shall be submitted at the ~~next general election and at every other subsequent second~~ general election following the election at which the proposition was initially approved and at the general election held every four (4) years thereafter until the proposition is defeated;

(F) In lieu of the requirements of subparagraph (C) of this paragraph providing for the submission of the proposition at subsequent elections, the tax authorized under W.S. 39-15-204(a)(i) may be continued by an election or by a resolution as provided in this subparagraph. For the tax to be continued by an election, the county commissioners, with the concurrence of the governing bodies of fifty percent (50%) of the municipalities, shall submit a proposition to the voters establishing the term of the tax as permanent. The proposition under this subparagraph shall be submitted in the same manner as a proposition to



impose the tax under subparagraph (C) of this paragraph provided that the proposition shall be submitted as a separate question at the same election with a proposition to impose or continue the tax under subparagraph (C) of this paragraph. The tax may be continued by resolution, subject to the following terms and conditions:

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

(C) The proposition to impose an excise tax shall be at the expense of the county and be submitted to the electors of the county upon the receipt by the board of county commissioners of a petition requesting the election signed by at least five percent (5%) of the electors of the county or of a resolution approving the proposition from the governing body of the county and the governing bodies of at least ~~two-thirds (2/3)~~ fifty percent (50%) of the incorporated municipalities within the county. If proposed by petition by electors, the number of electors required shall be determined by the number of votes cast at the last general election. The election shall be at the direction and under the supervision of the board of county commissioners;

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

(A) Before any proposition to impose the tax or incur the debt shall be placed before the electors, the governing body of a county and the governing bodies of at least ~~two-thirds (2/3)~~ fifty percent (50%) of the incorporated municipalities within the county shall adopt a resolution approving the proposition, setting forth a procedure for qualification of a ballot question for placement on the ballot and specifying how excess funds shall be expended;

(v) The following provisions apply to imposition of the excise tax under W.S. 39-15-204(a)(vi) the purpose of which is economic development:

(B) The proposition to impose an excise tax shall be at the expense of the county and be submitted to the electors of the county upon the receipt by the board of county commissioners of a petition requesting the election signed by at least five percent (5%) of the electors of the county or of a resolution approving the proposition from the governing body of the county and the governing bodies of at least ~~two-thirds (2/3)~~ fifty percent (50%) of the incorporated municipalities within the county. If proposed by petition by electors, the number of electors required shall be determined by the number of votes cast at the last general election. The election shall be at the direction and under the supervision of the board of county commissioners;

(C) The proposition may be submitted at an election held on a date authorized under W.S. 22-21-103. A notice of election shall be given in at least one (1) newspaper of general circulation published in the county in which the election is to be held, and the notice shall specify the object of the election. The



notice shall be published at least once each week for a thirty (30) day period preceding the election. At the election the ballots shall contain the words “for the county sales and use tax for economic development” and “against the county sales and use tax for economic development”. If the tax proposed is approved, the same proposition shall be submitted at every other subsequent general election until the proposition is defeated. However, the county commissioners with the concurrence of the governing bodies of ~~two-thirds (2/3)~~ fifty percent (50%) of the municipalities may establish the initial term of the tax at ~~two (2)~~ four (4) years. ~~If the term of the tax is limited to two (2) years, The term of the tax shall be stated in the proposition submitted to the voters. If a proposition establishing the term of the tax at four (4) years is approved, the proposition shall be submitted at the next general election and at every other subsequent second general election following the election at which the proposition was initially approved and at the general election held every four (4) years thereafter until the proposition is defeated;~~

(vi) The following provisions apply to imposition of the municipal tax under W.S. 39-15-204(a)(vii):

(A) The tax authorized by W.S. 39-15-204(a)(vii) shall be in addition to and not in lieu of any tax imposed by a county under W.S. 39-15-204(a)(i), (iii) or (vi) if those taxes are imposed;

(B) If a county has imposed at least one percent (1%) of the tax under W.S. 39-15-204(a)(i) and has voted to initially approve or continue a tax under W.S. 39-15-204(a)(iii), or if the board of county commissioners has adopted a resolution by the county under subparagraph (J) of this paragraph, a city or town within the county where the tax was imposed may propose an excise tax as provided in this paragraph. Except for a tax authorized under subparagraph (J) of this paragraph, the tax shall not be proposed until at least ninety (90) days following the approval or continuation of a tax under W.S. 39-15-204(a)(iii). The amount of the tax proposed under this subparagraph shall not exceed the amount of tax that the city or town collects during the same time period pursuant to the tax imposed under W.S. 39-15-204(a)(iii). The tax imposed under this paragraph shall terminate not more than ninety (90) days following the termination of the tax imposed under W.S. 39-15-204(a)(iii) or as provided in subparagraph (J) of this paragraph;

(C) Revenue from the tax shall be used for general purposes or for a specific purpose in a specified amount as specified in the proposition to impose the tax. A city or town may impose a portion of the tax for separate purposes provided that the purposes are voted on separately, each proposition specifies the purpose of the tax and the total amount of the tax does not exceed the full amount authorized in W.S. 39-15-204(a)(vii) and subparagraph (B) of this paragraph;

(D) No tax shall be imposed under this paragraph until a specific

proposition to impose the tax is approved by a vote of the majority of the qualified electors voting on the specific proposition in a general election. The purpose of the tax and the maximum estimated amount of revenue to be collected shall be specified in the proposition. The election shall be held in accordance with W.S. 22-21-101 through 22-21-112. Any excise tax imposed under this paragraph shall commence as provided by W.S. 39-15-207(c) following the election approving the imposition of the tax;

(E) A notice of election shall be given in at least one (1) newspaper of general circulation published in the county in which the election is to be held, and the notice shall specify the proposition that will be considered at the election. The notice shall be published at least once each week for a thirty (30) day period preceding the election. At the election for each proposition, the ballots shall contain the words "for the municipal sales and use tax" and "against the municipal sales and use tax". The ballot shall describe the purposes of the tax in a clear and appropriate manner;

(F) If the proposition to impose or continue the tax is defeated the proposition shall not again be submitted to the electors of the city or town for at least eleven (11) months. If the proposition is defeated at any general election following initial adoption of the proposition the tax is repealed and shall not be collected following June 30 of the year immediately following the year in which the proposition is defeated except:

(I) If the proposition was for less than the full amount authorized in W.S. 39-15-204(a)(vii), this subparagraph shall not prohibit a separate proposition for the remaining authorized amount of the tax as provided in subparagraphs (B) and (C) of this paragraph;

(II) If the proposition was to increase the amount of the tax originally adopted by the electors or to impose a tax for a different purpose, subject to the maximum allowable tax, the defeat of the proposition shall not repeal the proposition originally adopted by the electors.

(G) If the proposition is approved by the qualified electors, the city or town council shall adopt an ordinance for the tax authorized by W.S. 39-15-204(a)(vii) consistent with the approved proposition. The ordinance shall include the following:

(I) A provision imposing sales tax upon retail sales of tangible personal property, admissions and services made within the city or town, whichever is appropriate;

(II) Provisions identical to those contained in article 1 of this chapter except for W.S. 39-15-102(a), insofar as it relates to sales taxes, except the name of the city or town as the taxing agency shall be substituted for that of the state and an additional license to engage in business shall not be required if the vendor has been issued a state license pursuant to law;

(III) A provision that any amendments made to article 1 of this chapter or to chapter 16 of this title that are not in conflict with article 1 of this chapter or to chapter 16 of this title shall automatically become a part of the sales tax ordinances of the city or town;

(IV) A provision that the city or town shall contract with the department prior to the effective date of the sales tax ordinances whereby the department shall perform all functions incident to the administration of the sales tax ordinances of the city or town;

(V) A provision that the amount subject to the sales tax shall not include the amount of any sales tax imposed by the state of Wyoming.

(H) Subject to subparagraphs (B) and (J) of this paragraph, if the tax is imposed for a specific purpose and in a specified amount the tax shall terminate when the amount specified in the proposition approved by the electors is collected. A city or town may agree to terminate the tax if the tax collected reaches the actual cost of the completed projects and the amount specified in the proposition exceeds the actual cost of the completed projects. A city or town shall inform the department that a tax is terminated;

(J) If a county has not imposed taxes under W.S. 39-15-204(a)(i) and 39-15-204(a)(iii) as provided in subparagraph (B) of this paragraph, the board of county commissioners may adopt a resolution to authorize cities and towns within the county to propose a municipal tax under this paragraph. The resolution shall establish the maximum taxation rate in increments of one-quarter of one percent (.25%) not to exceed a rate of one percent (1%). The proposition by a city or town for a municipal tax authorized under this subparagraph shall specify that the municipal tax shall terminate after two (2) years.

#### **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 taxes~~ authorized by ~~paragraph (ii)~~ paragraphs (ii) and (vii) of this subsection and any resort district may impose the tax authorized by paragraph (v) of this subsection:

(vii) An excise tax at a rate in increments of one-quarter of one percent (.25%) not to exceed a rate of one percent (1%) upon retail sales of tangible personal property, admissions and services made within the city or town, the purpose of which is for general revenue or for a specific purpose and in a specified amount as provided in the proposition to impose the tax.

#### **39-15-211. Distribution.**

(d) For all revenue collected by the department from the taxes imposed by W.S. 39-15-204(a)(vii) the department shall:

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

(ii) Deposit the remainder into an account for monthly distribution to the city or town in which the tax has been imposed which shall only be used by the city or town for costs related to the purposes approved in the proposition to impose the tax.

**39-16-203. Imposition.**

(a) Taxable event. The following shall apply:

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

(B) The proposition to impose an excise tax shall be at the expense of the county and be submitted to the electors of the county upon the receipt by the board of county commissioners of a petition requesting the election signed by at least five percent (5%) of the electors of the county or of a resolution approving the proposition from the governing body of the county and the governing bodies of at least ~~two-thirds (2/3)~~ fifty percent (50%) of the incorporated municipalities within the county. If proposed by petition by electors, the number of electors required shall be determined by the number of votes cast at the last general election. The election shall be at the direction and under the supervision of the board of county commissioners;

(C) The proposition may be submitted at an election held on a date authorized under W.S. 22-21-103. A notice of election shall be given in at least one (1) newspaper of general circulation published in the county in which the election is to be held, and the notice shall specify the object of the election. The notice shall be published at least once each week for a thirty (30) day period preceding the election. At the election the ballots shall contain the words "for the county sales and use tax" and "against the county sales and use tax". If a portion of the proceeds from the tax will be used for economic development as provided by W.S. 39-16-211(a)(i), the ballot shall contain the words "a portion (or specific percentage) of the proceeds will be used for economic development" in a clear and appropriate manner. If the proposition is approved the same proposition shall be submitted at subsequent general elections as provided in this subparagraph until the proposition is defeated. If the tax proposed is approved after July 1, 1989, the same proposition shall be submitted at every other subsequent general election until the proposition is defeated. However in those counties where the tax is not in effect, the county commissioners with the concurrence of the governing bodies of ~~two-thirds (2/3)~~ fifty percent (50%) of the municipalities may establish the initial term of the tax at ~~two (2)~~ four (4) years. ~~If the term of the tax is limited to two (2) years,~~ The term of the tax shall be stated in the proposition submitted to the voters. If a proposition

establishing the term of the tax at four (4) years is approved, the proposition shall be submitted at the next general election and at every other subsequent second general election following the election at which the proposition was initially approved and at the general election held every four (4) years thereafter until the proposition is defeated;

(F) In lieu of the requirements of subparagraph (C) of this paragraph providing for the submission of the proposition at subsequent elections, the tax authorized under W.S. 39-16-204(a)(i) may be continued by an election or by a resolution as provided in this subparagraph. For the tax to be continued by an election, the county commissioners, with the concurrence of the governing bodies of fifty percent (50%) of the municipalities, shall submit a proposition to the voters establishing the term of the tax as permanent. The proposition under this subparagraph shall be submitted in the same manner as a proposition to impose the tax under subparagraph (C) of this paragraph provided that the proposition shall be submitted as a separate question at the same election with a proposition to impose or continue the tax under subparagraph (C) of this paragraph. The tax may be continued by resolution, subject to the following terms and conditions:

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

(A) Before any proposition to impose the tax or incur the debt shall be placed before the electors, the governing body of a county and the governing bodies of at least ~~two-thirds (2/3)~~ fifty percent (50%) of the incorporated municipalities within the county shall adopt a resolution approving the proposition, setting forth a procedure for qualification of a ballot question for placement on the ballot and specifying how excess funds shall be expended;

(iv) The following provisions apply to imposition of the excise tax under W.S. 39-16-204(a)(v) the purpose of which is economic development:

(B) The proposition to impose an excise tax shall be at the expense of the county and be submitted to the electors of the county upon the receipt by the board of county commissioners of a petition requesting the election signed by at least five percent (5%) of the electors of the county or of a resolution approving the proposition from the governing body of the county and the governing bodies of at least ~~two-thirds (2/3)~~ fifty percent (50%) of the incorporated municipalities within the county. If proposed by petition by electors, the number of electors required shall be determined by the number of votes cast at the last general election. The election shall be at the direction and under the supervision of the board of county commissioners;

(C) The proposition may be submitted at an election held on a date authorized under W.S. 22-21-103. A notice of election shall be given in at least one (1) newspaper of general circulation published in the county in which the

election is to be held, and the notice shall specify the object of the election. The notice shall be published at least once each week for a thirty (30) day period preceding the election. At the election the ballots shall contain the words “for the county sales and use tax for economic development” and “against the county sales and use tax for economic development”. If the tax proposed is approved the same proposition shall be submitted at every other subsequent general election until the proposition is defeated. However, the county commissioners with the concurrence of the governing bodies of ~~two-thirds (2/3)~~ fifty percent (50%) of the municipalities may establish the initial term of the tax at ~~two (2)~~ four (4) years. ~~If the term of the tax is limited to two (2) years, The term of the tax shall be stated in the proposition submitted to the voters. If a proposition establishing the term of the tax at four (4) years is approved, the proposition shall be submitted at the next general election and at every other subsequent second general election following the election at which the proposition was initially approved and at the general election held every four (4) years thereafter until the proposition is defeated;~~

(v) The following provisions apply to imposition of the municipal tax under W.S. 39-16-204(a)(vi):

(A) The tax authorized by W.S. 39-16-204(a)(vi) shall be in addition to and not in lieu of any tax imposed by a county under W.S. 39-16-204(a)(i), (ii) or (v) if those taxes are imposed;

(B) If a county has imposed at least one percent (1%) of the tax under W.S. 39-16-204(a)(i) and has voted to initially approve or continue a tax under W.S. 39-16-204(a)(ii), or if the county has adopted a resolution by the county under subparagraph (J) of this paragraph, a city or town within the county where the tax was imposed may propose an excise tax as provided in this paragraph. Except for a tax authorized under subparagraph (J) of this paragraph, the tax shall not be proposed until at least ninety (90) days following the approval or continuation of a tax under W.S. 39-16-204(a)(ii). The amount of the tax proposed under this subparagraph shall not exceed the amount of tax that the city or town collects during the same time period pursuant to the tax imposed under W.S. 39-16-204(a)(ii). The tax imposed under this paragraph shall terminate not more than ninety (90) days following the termination of the tax imposed under W.S. 39-16-204(a)(ii) or as provided in subparagraph (J) of this paragraph;

(C) Revenue from the tax shall be used for general purposes or for a specific purpose in a specified amount as specified in the proposition to impose the tax. A city or town may impose a portion of the tax for separate purposes provided that the purposes are voted on separately, each proposition specifies the purpose of the tax and the total amount of the tax does not exceed the full amount authorized in W.S. 39-16-204(a)(vi) and subparagraph (B) of this paragraph;



(D) No tax shall be imposed under this paragraph until a specific proposition to impose the tax is approved by a vote of the majority of the qualified electors voting on the specific proposition in a general election. The purpose of the tax and the maximum estimated amount of revenue to be collected shall be specified in the proposition. The election shall be held in accordance with W.S. 22-21-101 through 22-21-112. Any excise tax imposed under this paragraph shall commence as provided by W.S. 39-16-207(c) following the election approving the imposition of the tax;

(E) A notice of election shall be given in at least one (1) newspaper of general circulation published in the county in which the election is to be held, and the notice shall specify the proposition that will be considered at the election. The notice shall be published at least once each week for a thirty (30) day period preceding the election. At the election for each proposition, the ballots shall contain the words "for the municipal sales and use tax" and "against the municipal sales and use tax". The ballot shall describe the purposes of the tax in a clear and appropriate manner;

(F) If the proposition to impose or continue the tax is defeated the proposition shall not again be submitted to the electors of the city or town for at least eleven (11) months. If the proposition is defeated at any general election following initial adoption of the proposition the tax is repealed and shall not be collected following June 30 of the year immediately following the year in which the proposition is defeated except:

(I) If the proposition was for less than the full amount authorized in W.S. 39-16-204(a)(vi), this subparagraph shall not prohibit a separate proposition for the remaining authorized amount of the tax as provided in subparagraphs (B) and (C) of this paragraph;

(II) If the proposition was to increase the amount of the tax originally adopted by the electors or to impose a tax for a different purpose, subject to the maximum allowable tax amount, the defeat of the proposition shall not repeal the proposition originally adopted by the electors.

(G) If the proposition is approved by the qualified electors, the city or town council shall adopt an ordinance for the tax authorized by W.S. 39-16-204(a)(vi) consistent with the approved proposition. The ordinance shall include the following:

(I) A provision imposing a use tax upon sales and storage, use and consumption of tangible personal property made within the city or town, whichever is appropriate;

(II) Provisions identical to those contained in article 1 of this chapter, insofar as it relates to use taxes, except the name of the city or town as the taxing agency shall be substituted for that of the state and an additional license to engage in business shall not be required if the vendor has been issued a state

license pursuant to law;

(III) A provision that any amendments made to article 1 of this chapter or to chapter 15 of this title not in conflict with article 1 of this chapter or to chapter 15 of this title shall automatically become a part of the use tax ordinances of the city or town;

(IV) A provision that the city or town shall contract with the department prior to the effective date of the use tax ordinances whereby the department shall perform all functions incident to the administration of the use tax ordinances of the city or town;

(V) A provision that the amount subject to the use tax shall not include the amount of any use tax imposed by the state of Wyoming.

(H) Subject to subparagraphs (B) and (J) of this paragraph, if the tax is imposed for a specific purpose and in a specified amount the tax shall terminate when the amount specified in the proposition approved by the electors is collected. A city or town may agree to terminate the tax if the tax collected reaches the actual cost of the completed projects and the amount specified in the proposition exceeds the actual cost of the completed projects. A city or town shall inform the department that a tax is terminated;

(J) If a county has not imposed taxes under W.S. 39-16-204(a)(i) and 39-16-204(a)(ii) as provided in subparagraph (B) of this paragraph,, the board of county commissioners may adopt a resolution to authorize cities and towns within the county to propose a municipal tax under this paragraph. The resolution shall establish the maximum taxation rate in increments of one-quarter of one percent (.25%) not to exceed a rate of one percent (1%). The proposition by a city or town for a municipal tax authorized under this subparagraph shall specify that the municipal tax shall terminate after two (2) years.

#### **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, any city or town may impose the tax authorized by paragraph (vi) of this subsection and any resort district may impose the tax authorized by paragraph (iv) of this subsection:

(vi) An excise tax at a rate in increments of one-quarter of one percent (.25%) not to exceed a rate of one percent (1%) upon sales and storage, use and consumption of tangible personal property made within the city or town, the purpose of which is for general revenue or for a specific purpose in a specified amount as specified in the proposition to impose the tax.

#### **39-16-211. Distribution.**

(d) For all revenue collected by the department from the taxes imposed by



W.S. 39-16-204(a)(vi) the department shall:

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

(ii) Deposit the remainder into an account for monthly distribution to the city or town in which the tax has been imposed which shall only be used by the city or town for costs related to the purposes approved in the proposition to impose the tax.

**Section 2.** This act is effective January 1, 2021.

Approved March 13, 2020.

## Chapter 111

### EDUCATION ACCOUNTS-INVESTMENT EARNINGS

#### Original House Bill No. 53

AN ACT relating to public funds; providing for the investment of specified accounts; providing for the retention of investment earnings; and providing for an effective date.

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

**Section 1.** W.S. 9-4-719(f) and 21-15-111(a)(i) are amended to read:

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

(f) There is created the common school permanent fund reserve account. All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be credited to the account. Beginning July 1, 2017 for fiscal year 2018 and each fiscal year thereafter, the state treasurer shall transfer unobligated funds from this account to the common school account within the permanent land income fund as necessary to ensure that an amount equal to the spending policy amount established in subsection (h) of this section is available for expenditure annually during the fiscal year. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2017, revenues in this account in excess of one hundred fifty percent (150%) of the spending policy amount shall be credited to the common school account within the permanent land fund.

**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. 9-4-601(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. All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be credited to the account. Funds within the account shall be expended only for purposes of and in the manner prescribed by this act;

**Section 2.** This act is effective July 1, 2020.

Approved March 9, 2020.

## Chapter 112

### SAGE GROUSE MITIGATION CREDITS

#### Original House Bill No. 13

AN ACT relating to sage grouse; establishing a program for compensatory mitigation credits for conservation of the greater sage grouse; creating accounts; providing for a continuing appropriation; amending the duties of the board of land commissioners; requiring rulemaking; providing legislative findings; and providing for effective dates.

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

#### **Section 1.**

(a) The legislature finds that:

(i) All wildlife in Wyoming, including the greater sage grouse (*centrocercus urophasianus*), is the property of the state;

(ii) Preserving and maintaining greater sage grouse populations and habitat in Wyoming is essential for avoiding a listing of the species under the Endangered Species Act and for the long-term welfare and economic security of Wyoming and its citizens;

(iii) Agriculture, tourism, recreation, energy development, mining, highway construction and timber production are important industries in Wyoming and industrial concerns should be considered as the state endeavors to thoughtfully manage the greater sage grouse;

(iv) The primary emphasis of the Wyoming greater sage grouse conservation strategy is to avoid and minimize adverse impacts to the species. But in certain cases, avoidance and minimization may not meet the standards that the sage grouse implementation team recommends because of preexisting disturbance. In cases where avoidance and minimization do not adequately address adverse impacts to the greater sage grouse, compensatory mitigation may be an appropriate method to ensure maintenance and enhancement of the species and its required habitats;

(v) In order to avoid a listing under the Endangered Species Act, the state's

management of greater sage grouse, including any compensatory mitigation program, must be based on scientific principles;

(vi) It shall be the policy of the state that greater sage grouse habitat management and preservation activities should be balanced to protect and accommodate private property, industry and species habitat objectives that are furthered by a pragmatic, science-based management program that includes compensatory mitigation.

**Section 2.** W.S. 9-19-201 through 9-19-204 are created to read:

## ARTICLE 2

### SAGE GROUSE COMPENSATORY MITIGATION CREDITS

#### **9-19-201. Short title.**

This act shall be known and may be cited as the “Wyoming Greater Sage Grouse Compensatory Mitigation Act.”

#### **9-19-202. Definitions.**

(a) As used in this act:

(i) “Additionality” means the benefits of a compensatory mitigation measure that improve the baseline conditions of impacted resources and their values, services and functions in a manner that is demonstrably new and would not have occurred without the compensatory mitigation measure;

(ii) “Avoidance” means avoiding an impact completely by not taking a certain action or part of an action;

(iii) “Compensatory mitigation” means replacement, substitution or enhancement of ecological functions to offset anticipated losses of those functions caused by impacts to the greater sage grouse;

(iv) “Credit” or “mitigation credit” means a defined unit representing the accrual or attainment of ecological functions or services for the greater sage grouse at a mitigation site or within a mitigation program;

(v) “Debit” means a defined unit representing the loss of ecological functions or services for greater sage grouse at a specific mitigation site or within a mitigation program;

(vi) “Durability” means the effectiveness of a mitigation measure is sustained until the direct, indirect and any other residual impacts of an action on the habitat and population of the greater sage grouse are fully remediated;

(vii) “Ecological function” means the ability of an area to support vegetation and fish and wildlife populations;

(viii) “Effects” mean changes in the environmental conditions that are relevant to the greater sage grouse. Direct effects are caused by an action and occur at the same time and place. Indirect effects are caused by an action but

occur at a later time, at another place or both;

(ix) “Habitat assurance” means assurance that compensatory mitigation is adequate to reliably abate threats to greater sage grouse populations and habitat and is adequately offset by more security for habitats and populations where threats have been removed or abated;

(x) “Habitat vulnerability” means actions that occur in highly vulnerable or limiting habitat types that make it more difficult to replace those habitats;

(xi) “Landscape support” means an area encompassing interacting ecosystems and human systems that is characterized by a set of common management concerns;

(xii) “Minimization” means minimizing the impact to habitat and populations by limiting the degree of an action and its implementation;

(xiii) “Mitigation” means all actions to avoid, minimize, restore and compensate for ecological functions;

(xiv) “Performance audit” means an audit conducted to evaluate a mitigation credit provider’s compliance with this act and the rules promulgated by the board of land commissioners for the mitigation credit system to ensure that the provider is meeting required habitat, landscape and ecological targets necessary for the continued provision of ecological functions and services for purchased credits;

(xv) “Permitting agency” means the state agency that authorizes a project or action that uses compensatory mitigation credits as mitigation for unavoidable residual impacts associated with the project or action;

(xvi) “Replacement” means a physical and biological metric that will replace an impacted acre with an equal or greater amount of habitat where threats have been removed or abated;

(xvii) “Service area” means a geographic area within which adverse impacts to greater sage grouse that occur may be mitigated or compensated through credits;

(xviii) “Take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or to attempt to engage in that conduct;

(xix) “This act” means W.S. 9-19-201 through 9-19-204.

### **9-19-203. Compensatory mitigation; guidelines.**

(a) The compensatory mitigation credit system required under this act shall be established to allow for development to be conducted in a manner that recognizes and achieves an order of avoidance, minimization and where appropriate and authorized by the permitting agency, compensatory mitigation to ensure the long-term sustainability of greater sage grouse populations and habitats.

(b) The board of land commissioners, after consultation as appropriate with the department of agriculture, the department of environmental quality, the game and fish department, the oil and gas conservation commission, the department of transportation and the Wyoming wildlife and natural resource trust account board, shall adopt rules for the establishment and administration of a compensatory mitigation credit system for greater sage grouse in Wyoming, including rules for evaluating ecological functions, services and values. The rules shall at a minimum provide for:

(i) Science-based criteria under which mitigation credits may be obtained, including provisions that consider additionality, durability, replacement, direct and indirect effects, habitat assurance, habitat vulnerability, occupancy, proximity, access to seasonal habitat and other landscape and habitat needs for the greater sage grouse;

(ii) Establishment of a compensatory mitigation oversight group to consist of representatives of the department of agriculture, the game and fish department, the Wyoming wildlife and natural resource trust account board and the office of state lands and investments to evaluate and provide technical review using the criteria established under paragraph (i) of this subsection and, where appropriate, recommend certification of any mitigation credit provider seeking approval under this act. The group may request assistance from any state, local and federal agency to review credit provider applications and other mitigation measures;

(iii) The service area for the use of compensatory mitigation credits, provided that mitigation shall take place within the state of Wyoming;

(iv) The length of credits to be used and sold, provided that any term credit shall be sold for the period of the expected impact. Credit term expiration before restoration of the impacted location to suitability shall require the party responsible for the mitigation to purchase additional credits or negotiate a credit contract extension. Credit mitigation shall remain in place until the impact to the habitat of greater sage grouse is restored to suitability. Any term credit sold under this act shall be for a period of not less than five (5) years;

(v) Criteria for the use and sale of compensatory mitigation credits, including specific compensatory mitigation debit requirements for impacts to greater sage grouse core and non-core population areas, that insure equivalence and parity between debit and credit calculations;

(vi) Criteria for other forms of mitigation, including operator-offered measures and restoration credits and measures for reduced or eliminated take;

(vii) The review process for and approval by the board of land commissioners of recommendations submitted by the compensatory mitigation oversight group established in paragraph (ii) of this subsection;

(viii) Requirements for the maintenance and submission by the board of

land commissioners of records concerning ecological function and greater sage grouse habitat losses and credit and debit accounts for each mitigation credit provider;

(ix) Requirements for long-term monitoring, management and maintenance of lands associated with mitigation credits obtained under the credit system including monitoring of impacts to sage grouse habitat to ensure that the impacted location is returned to full suitability before a credit purchaser is relieved of liability for mitigation of the impact;

(x) Requirements for periodic financial and performance audits to be conducted on each mitigation credit provider authorized to offer credits and any purchaser of term credits under the compensatory mitigation credit system created by this section. Audits shall be conducted only to ensure that the mitigation credit provider or purchaser are in compliance with the requirements of this act and any rules promulgated for the mitigation credit system;

(xi) Eligibility criteria for mitigation credit providers, including a requirement that a mitigation credit provider shall be a resident of or authorized to conduct business in Wyoming;

(xii) Requirements for financial assurance associated with compensatory mitigation credits obtained under the credit system, provided that the financial assurance requirements are sufficient to address:

(A) Any corrective measures which a mitigation credit provider or their successor in interest is required to take to ameliorate any material injury or adverse impacts to the land or habitat used for compensatory mitigation for which credits are offered that materially impairs the conservation objectives of that land or habitat;

(B) The bankruptcy or financial failure of a mitigation credit provider authorized to offer credits under the compensatory mitigation credit system;

(C) Maintenance, monitoring and management costs.

(c) Every conservation easement used to serve as a credit under this act shall bind the parties thereto to an agreement that provides that the state of Wyoming is a third-party beneficiary to the easement solely with the contingent rights to enter onto the land subject to the easement for inspection and to enforce the terms of the easement if the grantee fails to enforce any of the terms of the easement. The state shall have the right to access a mitigation credit provider's financial assurances in order to address any of the occurrences specified in W.S. 9-19-203(b)(xii).

(d) Upon the purchase of a credit from a mitigation credit provider approved under this act, the purchaser's obligation for mitigation represented by that credit shall be transferred to the mitigation credit provider for the term of the credit.

(e) The board of land commissioners shall certify any habitat conservation bank that has been certified and approved by the United States fish and wildlife service as meeting or exceeding the requirements of this act until the earlier of:

(i) The federally approved habitat conservation bank is approved under the rules promulgated pursuant to this act; or

(ii) July 1, 2023.

**9-19-204. Compensatory mitigation; fees; accounts.**

(a) The board of land commissioners may create an account exclusively for each mitigation credit provider. The board may accept funds for deposit into each account as part of the financial assurances required under rules adopted by the board of land commissioners pursuant to W.S. 9-19-203(b). The board shall manage the expenditure of funds within each account. Funds within each account shall be invested by the state treasurer as authorized under W.S. 9-4-715(a), (d) and (e).

(b) The board shall collect a fee of one thousand five hundred dollars (\$1,500.00) from each mitigation credit provider for creating an account as provided by subsection (a) of this section. An account established pursuant to subsection (a) of this section shall be subject to an annual fee of one percent (1%) of the account's balance for the annual administration, operation, reporting and accounting of the account. The board shall assess and collect the annual fee on the date set by rule during each year in which the account is in existence. The board shall collect the annual fee by deducting it from the balance of the account.

(c) Each mitigation credit provider shall pay supervisory fees to the board of land commissioners as set forth in the rules and regulations of the board. The supervisory fees shall provide for the costs of audit and other supervisory actions of a mitigation credit provider approved under this act. The fees shall be established by rule of the board and shall be adjusted to assure consistency with the cost of audits.

(d) Fees collected under this section shall be credited to the mitigation credit fund which is hereby created. Funds within the mitigation credit fund are continuously appropriated to the department and shall only be used for purposes of this article.

**Section 3.** W.S. 36-2-101 is amended to read:

**36-2-101. Composition; powers generally.**

The governor, secretary of state, state treasurer, state auditor, and superintendent of public instruction, being constituted a "board of land commissioners" by the provisions of section 3, article 18, of the constitution of the state of Wyoming, shall as such board, have the direction, control, leasing, care and disposal of all lands heretofore or hereafter granted or acquired by the state for the benefit

and support of public schools or for any other purpose whatsoever, subject to the limitations contained in the constitution of the state, and the laws enacted by the legislature. The board shall have the power and authority to take such official action as may be necessary in securing title to land grants, or any other lands acquired by the state. The board shall oversee the compensatory mitigation credit system established under W.S. 9-19-201 through 9-19-204 and shall promulgate rules and regulations in accordance with W.S. 9-19-201 through 9-19-204.

**Section 4.** Not later than October 1, 2020, the board of land commissioners shall promulgate any rules necessary to establish the compensatory mitigation credit system created by section 2 of this act.

**Section 5.**

(a) Except as provided in subsection (b) of this section, this act is effective October 1, 2020.

(b) Sections 4 and 5 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 17, 2020.

## Chapter 113

### OMNIBUS WATER BILL - CONSTRUCTION

#### Original House Bill No. 97

AN ACT relating to water development projects; authorizing construction of designated water projects; describing projects; specifying terms and conditions of funding for projects; providing appropriations; providing for a sponsor's contingency fund; modifying project descriptions, amounts and terms of appropriations for specified prior projects; transferring funds from the Buffalo Bill dam account to water development account II; and providing for an effective date.

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

**Section 1.** W.S. 99-3-2501 through 99-3-2505 are created to read:

#### ARTICLE 25

#### 2020 CONSTRUCTION PROJECTS

**99-3-2501. Definitions.**

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

**99-3-2502. General authorization.**

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

**99-3-2503. 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 W.S. 99-3-103(a)(iii) shall not apply to the projects identified in this section unless required by W.S. 41-2-121.

(b) Project – Big Horn Regional Transmission 2020:

(i) Project sponsor: Big Horn Regional Joint Powers Board;

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

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

(iv) Total project budget: Six million five hundred ten thousand dollars (\$6,510,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four million three hundred sixty-one thousand seven hundred dollars (\$4,361,700.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission four million three hundred sixty-one thousand seven hundred dollars (\$4,361,700.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2025;

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

(c) Project – Cheyenne Transmission, Pump Station and Tank 2020:

(i) Project sponsor: City of Cheyenne Board of Public Utilities;

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

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

(iv) Total project budget: Twelve million three hundred sixty thousand dollars (\$12,360,000.00);

(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 eight million two hundred eighty-one thousand two hundred dollars (\$8,281,200.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission eight million two hundred eighty-one thousand two hundred dollars (\$8,281,200.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2025;

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

(d) Project – Cloud Seeding Medicine Bow Mountains 2020-2021:

(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 2020-2021 fall, winter and spring seasons;

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

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office seven hundred five thousand dollars (\$705,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2022;

(vi) Special conditions:

(A) The Wyoming water development office shall acquire funding commitments from Wyoming water users or other interested parties for operational costs which exceed project appropriation;

(B) 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.

(e) Project – Cloud Seeding Wind River Mountains 2020-2021:

(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 2020-2021 fall, winter and spring seasons;

(iv) Total project budget: Five hundred thirty thousand dollars (\$530,000.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office two hundred thousand dollars

(\$200,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2022;

(vi) Special conditions:

(A) The state of Wyoming shall participate at a rate up to thirty-seven percent (37%) of actual project operations costs not to exceed one hundred ninety-five thousand dollars (\$195,000.00);

(B) 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 a minimum of sixty-three percent (63%) of actual project operations costs;

(C) If 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.

(f) Project – Gillette Regional Extensions – Phase V 2020:

(i) Project sponsor: City of Gillette;

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

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

(iv) Total project budget: Four million six hundred ten thousand dollars (\$4,610,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed three million eighty-eight thousand seven hundred dollars (\$3,088,700.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission three million eighty-eight thousand seven hundred dollars (\$3,088,700.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2025;

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

(g) Project – Glenrock Transmission Pipeline 2020:

(i) Project sponsor: Town of Glenrock;

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

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

(iv) Total project budget: One million four hundred thirty thousand dollars (\$1,430,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed nine hundred fifty-eight thousand one hundred dollars (\$958,100.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission nine hundred fifty-eight thousand one hundred dollars (\$958,100.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2025;

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

(h) Project – Guernsey Transmission Pipeline 2020:

(i) Project sponsor: Town of Guernsey;

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

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

(iv) Total project budget: Three million eighty thousand dollars (\$3,080,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two million sixty-three thousand six hundred dollars (\$2,063,600.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission two million sixty-three thousand six hundred dollars (\$2,063,600.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2025;

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

(j) Project – Newcastle Water System Improvements 2020:

(i) Project sponsor: City of Newcastle;

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

(iii) Project description: Design and construction of pumping facility upgrades and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: One hundred seventy thousand dollars (\$170,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one hundred thirteen thousand nine hundred dollars (\$113,900.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission one hundred thirteen thousand nine hundred dollars (\$113,900.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2025;

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

(k) Project – Northwest Rural Water System Improvements 2020:

(i) Project sponsor: Northwest Rural Water District;

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

(iii) Project description: Design and construction of pumping facility upgrades and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: One million ten thousand dollars (\$1,010,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed six hundred seventy-six thousand seven hundred dollars (\$676,700.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission six hundred seventy-six thousand seven hundred dollars (\$676,700.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2025;

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

(m) Project – Sheridan Area Water Supply Transmission 2020:

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

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

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

(iv) Total project budget: Four million six hundred thirty thousand dollars (\$4,630,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed three million one hundred two thousand one hundred dollars (\$3,102,100.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission three million one hundred two thousand one hundred dollars (\$3,102,100.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2025;

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

**99-3-2504. 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 W.S. 99-3-104(a)(iii) shall not apply to the projects identified in this section unless required by W.S. 41-2-121.

(b) Project – Big Horn Canal Irrigation District Wasteway/Check Replacement 2020:

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

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Design and construction of a wasteway/check replacement structure and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: One million six hundred sixty thousand dollars (\$1,660,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor

from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million one hundred twelve thousand two hundred dollars (\$1,112,200.00) 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 five hundred forty-seven thousand eight hundred dollars (\$547,800.00) 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 one million six hundred sixty thousand dollars (\$1,660,000.00) 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.

(c) Project – Cottonwood Irrigation District Transmission Pipeline 2020:

(i) Project sponsor: Cottonwood Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: One million five hundred forty thousand dollars (\$1,540,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account 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 thirty-one thousand eight hundred dollars (\$1,031,800.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account 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 eight thousand two hundred dollars (\$508,200.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of forty (40) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);



(vii) Appropriation: There is appropriated from water development account II to the commission one million five hundred forty thousand dollars (\$1,540,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2025.

(d) Project – Deaver Irrigation District Frannie Canal Drop Chute #1 2020:

(i) Project sponsor: Deaver Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Two hundred ninety-nine thousand six hundred ten dollars (\$299,610.00);

(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 sixty-six thousand two hundred dollars (\$166,200.00) 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 sixty-six thousand two hundred dollars (\$166,200.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2025;

(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.

(e) Project – Dry Creek Irrigation District Transmission Pipeline Replacement 2020:

(i) Project sponsor: Dry Creek Irrigation District;

(ii) Project purpose: Agricultural water supply;

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



(iv) Total project budget: One million three hundred forty thousand dollars (\$1,340,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed eight hundred ninety-seven thousand eight hundred dollars (\$897,800.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four hundred forty-two thousand two hundred dollars (\$442,200.00) 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 three hundred forty thousand dollars (\$1,340,000.00) 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;

(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.

(f) Project – Eden Valley Irrigation and Drainage District Farson Lateral 2020:

(i) Project sponsor: Eden Valley Irrigation and Drainage District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Three million seven hundred seventy thousand dollars (\$3,770,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two million two hundred sixty-two thousand dollars (\$2,262,000.00) or sixty percent (60%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account

II to the commission two million two hundred sixty-two thousand dollars (\$2,262,000.00) 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;

(vii) Special conditions:

(A) The sponsor is responsible for acquiring forty percent (40%) 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.

(g) Project – Enterprise Watershed Improvement District Canal Lining 2020:

(i) Project sponsor: Enterprise Watershed Improvement District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Six hundred ten thousand dollars (\$610,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four hundred eight thousand seven hundred dollars (\$408,700.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two hundred one thousand three hundred dollars (\$201,300.00) 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 six hundred ten thousand dollars (\$610,000.00) 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.

(h) Project – Kirby Ditch Irrigation District Pipeline 2020:

(i) Project sponsor: Kirby Ditch Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: two million three hundred ten thousand dollars (\$2,310,000.00);

(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 five hundred forty-seven thousand seven hundred dollars (\$1,547,700.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed seven hundred sixty-two thousand three hundred dollars (\$762,300.00) 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 two million three hundred ten thousand dollars (\$2,310,000.00) 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.

(j) Project – Laramie Valley Diversion Structure 2020:

(i) Project sponsor: Laramie Valley Municipal Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: One million one hundred fifty thousand dollars (\$1,150,000.00);

(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 seven hundred seventy thousand five hundred dollars (\$770,500.00) 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 seventy-nine thousand five hundred dollars (\$379,500.00) 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 one hundred fifty thousand dollars (\$1,150,000.00) 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.

(k) Project – Savery-Little Snake River Water Conservancy District Savery Creek Diversion 2020:

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

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Four hundred fifty thousand dollars (\$450,000.00);

(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 one thousand five hundred dollars (\$301,500.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission three hundred one thousand five hundred dollars (\$301,500.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2025;

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

(m) Project – Sidon Irrigation District Sidon Canal 2020:

(i) Project sponsor: Sidon Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: One million seven hundred fifty-three thousand eight hundred fifty-seven dollars (\$1,753,857.00);

(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 sixty thousand dollars (\$1,060,000.00) 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 sixty thousand dollars (\$1,060,000.00) 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;

(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.

**99-3-2505. Sponsor's contingency fund.**

There are created the following sponsor's contingency funds:

(a) Project – Sponsor's Contingency Funds – Account III:

(i) Project sponsor: Any eligible sponsor;

(ii) Project purpose: Variable purpose water storage projects;

(iii) Project description: The establishment of a fund to provide supplemental funding for sponsors' existing Level III, dam and reservoir construction projects where construction budgets have been rendered insufficient due to change in conditions, inflation, or an unexpected increase in material cost, change in materials or increase in the quantities of materials necessary to complete the project;

(iv) Total project budget: Ten million dollars (\$10,000,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account III through the commission sufficient supplemental funds which may be used to complete the projects up to an amount not to exceed the public benefits as computed by the commission;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account III through the commission sufficient supplemental

funds which may be used to complete the project up to an amount not to exceed an amount equal to the difference of the total project cost and the grant, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account III to the commission ten million dollars (\$10,000,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account III on July 1, 2030;

(viii) Special conditions: The commission is authorized to consider and approve supplemental funding to complete existing water development program Level III construction projects anytime during the calendar year.

[AMENDMENTS TO PRIOR PROJECTS]

**Section 2.** W.S. 99-3-1106(b)(iv) and (vii), 99-3-1403(m)(iv) through (vii) and (viii)(A), 99-3-1603(f)(vii), 99-3-1903(g)(vii) and (k)(iv) through (vi), 99-3-1904(m)(iv) through (vi), 99-3-2003(b)(vi), (d)(vi) and (k)(vi), 99-3-2004(n)(vi), 99-3-2005(b)(vi), 99-3-2205(d)(iv) through (vii) and (e)(iv) through (vii), 99-3-2305(b)(vi), (vii) and by creating new paragraphs (viii) and (ix), 99-3-2404(f)(iii) through (vi) and 99-3-2406(p)(iii) through (vii) are amended to read:

**99-3-1106. Sponsor's contingency funds.**

There are created the following sponsor's contingency funds:

(b) Project – Sponsor's Contingency Fund – Rehabilitation:

(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 II 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 II on July 1, 2025; and

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

(m) Project – Riverton Water Supply:

(iv) Total project budget: ~~Twelve Million eight hundred thousand dollars (\$12,800,000.00)~~ Thirteen Million nine hundred thousand dollars (\$13,900,000.00);

(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 ~~eight million five hundred seventy-six thousand dollars (\$8,576,000.00)~~ nine million three hundred

thirteen thousand dollars (\$9,313,000.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million two hundred eighty thousand dollars (\$1,280,000.00) or ~~ten percent (10%)~~ nine and two-tenths percent (9.2%) of the actual development costs, whichever is less, for a term of twenty (20) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission ~~nine million eight hundred fifty-six thousand dollars (\$9,856,000.00)~~ ten million five hundred ninety-three thousand dollars (\$10,593,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2020~~ 2021;

(viii) Special conditions:

(A) The sponsor is responsible for acquiring ~~twenty-three percent (23%)~~ twenty-three and eight tenths percent (23.8%) of the total project budget from other sources;

**99-3-1603. Level III construction projects – new development.**

(f) Project – GR/RS/SC Raw Water Reservoir:

(vii) Appropriation: There is appropriated from water development account I to the commission eight million two hundred eighty-two thousand dollars (\$8,282,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2020~~ 2022;

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

(g) Project – Laramie North Side Tank:

(vii) Appropriation: There is appropriated from water development account I to the commission eight million five hundred three thousand dollars (\$8,503,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2020~~ 2022;

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

(iv) Total project budget: ~~Nine million two hundred thousand dollars (\$9,200,000.00)~~ Eleven million three hundred twenty-six thousand dollars (\$11,326,000.00);

(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 ~~four million six hundred thousand dollars (\$4,600,000.00)~~ five million six hundred sixty-three thousand dollars (\$5,663,000.00) 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 ~~four million six hundred thousand dollars (\$4,600,000.00)~~ five million six hundred sixty-three thousand dollars (\$5,663,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. The funds appropriated shall not lapse at the end of any fiscal period but shall carry over until expended or reverted by the legislature to water development account I;

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

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

(iv) Total project budget: ~~Three million six hundred thousand dollars (\$3,600,000.00)~~ Five million three thousand five hundred ninety dollars (\$5,003,590.00);

(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 eight hundred thousand dollars (\$1,800,000.00)~~ two million five hundred one thousand seven hundred ninety-five dollars (\$2,501,795.00) 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 eight hundred thousand dollars (\$1,800,000.00)~~ two million five hundred one thousand seven hundred ninety-five dollars (\$2,501,795.00) 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;

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

(b) Project – Arapahoe Pipeline and Tank:

(vi) Appropriation: There is appropriated from water development account I to the commission one million nine hundred twenty-six thousand nine hundred twenty dollars (\$1,926,920.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2020~~ 2023;



## (d) Project – Casper Zone II 2015:

(vi) Appropriation: There is appropriated from water development account I to the commission one million seven hundred twenty-eight thousand six hundred dollars (\$1,728,600.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2020~~2021;

(k) Project – Lower Nowood Rural Water Supply:

(vi) Appropriation: There is appropriated from water development account I to the commission one million six hundred ninety-six thousand nine hundred dollars (\$1,696,900.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2020~~2022;

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

## (n) Project – Wind River Irrigation Rehabilitation 2015:

(vi) Appropriation: There is appropriated from water development account II to the commission one million four hundred eighty-two thousand one hundred twenty-one dollars (\$1,482,121.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2020~~2022;

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

## (b) Project – Sheridan Supplemental Storage Level III:

(vi) Appropriation: There is appropriated from water development account III to the commission five million six hundred twenty-eight thousand dollars (\$5,628,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account III on July 1, ~~2020~~2025;

**99-3-2205. Level III construction projects – dams and reservoirs.**

## (d) Project – Alkali Creek Reservoir:

(iv) Total project budget: ~~Thirty-five million dollars (\$35,000,000.00)~~  
Fifty-nine million dollars (\$59,000,000.00);

(v) Project Grant: The state of Wyoming shall grant to the sponsor from water development account III through the commission for project land procurement, construction engineering and construction of the project an amount not to exceed ~~thirty-two million nine hundred thousand dollars (\$32,900,000.00)~~ fifty-six million nine hundred thousand dollars (\$56,900,000.00) or ~~ninety-four percent (94%)~~ ninety-six and four tenths percent (96.4%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water

development account III through the commission for project land procurement, construction engineering and construction of the project an amount not to exceed two million one hundred thousand dollars (\$2,100,000.00) or ~~six percent (6%)~~ three and six tenths percent (3.6%) of actual development costs, whichever is less, for a term of fifty (50) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account III to the commission ~~thirty-five million dollars (\$35,000,000.00)~~ fifty-nine million dollars (\$59,000,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account III on July 1, 2025.

(e) Project – Leavitt Reservoir Expansion:

(iv) Total project budget: ~~Forty-one million dollars (\$41,000,000.00)~~ Forty-six million dollars (\$46,000,000.00);

(v) Project Grant: The state of Wyoming shall grant to the sponsor from water development account III through the commission for project land procurement, construction engineering and construction of the project an amount not to exceed ~~thirty-nine million three hundred nineteen thousand dollars (\$39,319,000.00)~~ forty-four million three hundred nineteen thousand dollars (\$44,319,000.00) or ~~ninety-five and nine tenths percent (95.9%)~~ ninety-six and three tenths percent (96.3%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account III through the commission for project land procurement, construction engineering and construction of the project an amount not to exceed one million six hundred eighty-one thousand dollars (\$1,681,000.00) or ~~four and one tenth percent (4.1%)~~ three and seven tenths percent (3.7%) of actual development costs, whichever is less, for a term of fifty (50) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account III to the commission ~~forty-one million dollars (\$41,000,000.00)~~ forty-six million dollars (\$46,000,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account III on July 1, 2025.

### **99-3-2305. Level III construction projects – dams and reservoirs.**

(b) Project – West Fork Reservoir:

(vi) Appropriation: There is appropriated from water development account III to the commission four million six hundred ninety-eight thousand

dollars (\$4,698,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. This appropriation is a partial appropriation of the total seventy-three million dollars (\$73,000,000.00) required for the project. Additional appropriations and funding sources shall be identified to provide full funding for the project before any bids are let for construction. Unexpended funds appropriated under this subsection shall revert to water development account III on July 1, ~~2021~~ 2026;

(vii) Special conditions: Except as provided in paragraph (viii) of this subsection and subject to paragraph (ix) of this subsection, funds from this appropriation shall not be expended until the project sponsor and the Wyoming water development commission have secured additional funding commitments from project beneficiaries in both Wyoming and Colorado on a pro rata basis. Funds from this appropriation shall not be expended until the expenditure is approved by the legislature;

(viii) Special conditions: Notwithstanding paragraph (vii) of this subsection, funds from this appropriation may be expended for items listed in subparagraph (v)(A) of this subsection provided that the project beneficiaries provide matching funds at a rate established by the Wyoming water development commission for this project;

(ix) Any federal funds obtained by the project sponsor to be used as matching funds as provided in this section shall only be expended if matched in the ratio of one dollar (\$1.00) of water development account III funds to not less than one dollar (\$1.00) of matching federal funds to be credited toward each state's pro rata share of the project. No more than one million two hundred fifty thousand dollars (\$1,250,000.00) from water development account III shall be expended for matching funds under this paragraph.

#### **99-3-2404. Level III construction projects – new development.**

(f) Project – Lander Storage Tanks and Pump Station 2019:

(iii) Project description: Design and construction 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)~~ Five million four hundred fifty thousand dollars (\$5,450,000.00);

(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 twenty-seven thousand eight hundred dollars (\$227,800.00)~~ three million six hundred fifty-one thousand five hundred dollars (\$3,651,500.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission ~~two hundred twenty-seven thousand eight hundred dollars (\$227,800.00)~~ three million six hundred fifty-one thousand five hundred dollars (\$3,651,500.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2024;

**99-3-2406. Level III construction projects – rehabilitation.**

(p) Project – Wheatland Irrigation District Tunnel Dam Rehabilitation 2019:

(iii) Project description: Design and construction 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)~~ Five million five hundred thirty-eight thousand dollars (\$5,538,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, ~~and~~ project land procurement, construction engineering and construction of the project an amount not to exceed ~~two hundred fifty-nine thousand nine hundred sixty dollars (\$259,960.00)~~ three million seven hundred ten thousand four hundred sixty dollars (\$3,710,460.00) 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, construction engineering and construction of the project an amount not to exceed ~~one hundred twenty-eight thousand forty dollars (\$128,040.00)~~ one million eight hundred twenty-seven thousand five hundred forty dollars (\$1,827,540.00) 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)~~ five million five hundred thirty-eight thousand dollars (\$5,538,000.00) 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.

[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 seven million dollars (\$7,000,000.00) 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 development commission is hereby authorized to transfer seven million dollars (\$7,000,000.00) 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.** The state of Wyoming shall grant to the city of Sundance from water development account I through the commission an amount not to exceed two hundred twenty-five thousand dollars (\$225,000.00) to pay for a deobligation of federal emergency management act loan funds related to the Sundance storage tank 2012 project. There is appropriated from water development account I to the commission two hundred twenty-five thousand dollars (\$225,000.00) or as much thereof as is necessary to carry out the purpose of this section. Unexpended funds appropriated under this section shall revert to water development account I on July 1, 2024.

**Section 5.** Notwithstanding W.S. 41-2-121(a)(ii)(E)(I), the state of Wyoming shall grant to the Goshen Irrigation District from water development account II through the commission an amount not to exceed two hundred thousand dollars (\$200,000.00) to pay for the planning, permitting and design necessary to make the Goshen Irrigation District Tunnels 1 and 2 Rehabilitation Project function in the manner intended. There is appropriated from water development account II to the commission two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purpose of this section. Unexpended funds appropriated under this section shall revert to water development account II on July 1, 2025. Notwithstanding any state law pertaining to competitive bidding requirements and residency preferences, the department and the Goshen Irrigation District shall be authorized to continue working with its current engineer for the planning, permitting and design of the project.

**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 17, 2020.

## Chapter 114

### WYOMING GAMING COMMISSION

#### Original House Bill No. 171

AN ACT relating to gaming; generally amending statutes concerning pari-mutuel events, gaming and gambling; reconstituting the pari-mutuel commission as the Wyoming gaming commission and increasing membership; establishing duties for the commission; regulating skill based amusement games as specified; authorizing skill based amusement game fees, collections and distributions as specified; creating an account; providing for a continuous appropriation; authorizing commission employees to be peace officers and authorizing enforcement by the attorney general as specified; providing penalties; providing applicability; requiring rulemaking; making conforming amendments; requiring reports; and providing for an effective date.

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

**Section 1.**

(a) Notwithstanding W.S. 6-7-102, skill based amusement games operating in the state prior to the effective date of this section shall be allowed to continue operation until June 30, 2021 in accordance with the requirements of this section.

(b) Any skill based amusement game that does not meet the requirements of this section shall be removed from the state by the operator.

(c) Within sixty (60) days of the effective date of this section a skill based amusement game that meets the requirements of this section shall be approved by the commission to continue operating in the state or it shall be removed from the state by the operator.

(d) Each operator shall provide for a nationally recognized, independent gaming laboratory approved by the commission to directly submit to the commission a general functional evaluation laboratory report regarding the software installed on each skill based amusement game indicating whether the skill based amusement game is in compliance with this section. Any skill based amusement game that does not meet the requirements of this section as indicated by the laboratory report shall immediately be removed from the state by the operator.

(e) Skill based amusement games that meet the requirements of this section shall bear a commission issued decal that identifies the operator of the game. No skill based amusement game shall be operational unless it bears a commission issued decal. The commission shall charge a fee of fifty dollars (\$50.00) for a decal. Each decal shall include the bucking horse and rider emblem. Fees collected shall be deposited to the commission gaming account, which is hereby created. For the period from the effective date of this section through June 30, 2021, funds within the account are continuously appropriated to the commission to pay for reasonable expenses incurred to administer this section.

(f) No skill based amusement game shall allow a game play of more than three dollars (\$3.00) per play.

(g) No skill based amusement game shall allow a payout of more than three thousand dollars (\$3,000.00) per play.

(h) No establishment shall have more than four (4) skill based amusement games at any one (1) time. Only an establishment that had a skill based amusement game operating within the establishment as of the effective date of this section may continue to have a skill based amusement game operating pursuant to this section.

(j) An establishment shall not locate a skill based amusement game in an area of the establishment into which a person under the age of twenty-one (21) years may enter. An establishment shall conspicuously mark each area of the

establishment with a skill based amusement game as an «age restricted area.» The establishment shall not allow a person under the age of twenty-one (21) years to play a skill based amusement game.

(k) An establishment shall pay the commission a fee of two hundred fifty dollars (\$250.00) to continue to have skill based amusement games in the establishment until June 30, 2021. Operators of skill based amusement games shall pay the commission a fee of two thousand five hundred dollars (\$2,500.00) to operate skill based amusement games until June 30, 2021. Fees paid pursuant to this subsection shall be deposited into the commission gaming account.

(m) Taxes shall be calculated and paid on a weekly basis based on the net proceeds earned during the prior week on skill based amusement games. On a weekly basis, an operator shall remit to the commission an amount equivalent to twenty percent (20%) of the net proceeds earned during the prior week on the operator's skill based amusement games. The commission shall deposit these monies to the commission gaming account. The commission shall report on amounts received under this subsection to the joint appropriations committee quarterly. Once the commission gaming account reaches one million dollars (\$1,000,000.00), on a weekly basis, an operator shall remit to the commission an amount equivalent to twenty percent (20%) of the net proceeds earned during the prior week on the operator's skill based amusement games and of the twenty percent (20%), the commission shall remit these monies to the state treasurer for distribution as follows:

(i) Forty-five percent (45%) to the county and the city or town in which the skill based amusement game is located, in equal shares, or to the county alone if the skill based amusement game is not located within the boundaries of a city or town;

(ii) Forty-five percent (45%) to the school foundation program account;

(iii) Ten percent (10%) to the commission gaming account.

(n) The commission may promulgate any necessary rules to implement and administer this section.

(o) This section shall not apply to pari-mutuel wagering on events that have previously occurred.

(p) As used in this section:

(i) "Commission" means the commission created under W.S. 11-25-101;

(ii) "Establishment" means a single physical place of business;

(iii) "Net proceeds" means all revenue less payments to the player;

(iv) "Operator" means a person that possesses and operates skill based amusement games for profit;

(v) "Skill based amusement game" means a game played in exchange for



consideration of cash, credit or other thing of value on a fixed, commercial electrical gaming device in which the bona fide skill of the player, determined by an individual's level of strategy and skill, rather than any inherent element of chance, is the primary factor in determining the outcome and for which the player may be awarded a prize or other thing of value for a successful outcome.

(q) Any person who violates any provision of this section is guilty of a misdemeanor and shall be fined not more than ten thousand dollars (\$10,000.00), imprisoned for not more than six (6) months, or both. Each violation of this section shall constitute a separate offense.

(r) This section is repealed effective July 1, 2021.

**Section 2.** W.S. 6-1-104(a)(vi)(P) and by creating a new subparagraph (R), 6-7-101(a)(iii)(A), (D)(I), (F)(intro), by creating a new subparagraph (M) and by creating a new paragraph (xiii), 7-2-101(a)(iv)(N) and by creating a new subparagraph (P), 7-19-201(a)(vi), 9-1-627(d), 9-2-2008(e)(xiii), 11-25-101, 11-25-102(a)(ii) and by creating a new paragraph (xv), 11-25-103, 11-25-104(a), (e) and by creating new subsections (n) and (o) and 11-25-112 are amended to read:

#### **6-1-104. Definitions.**

(a) As used in this act, unless otherwise defined:

(vi) "Peace officer" includes the following officers assigned to duty in the state of Wyoming:

(P) Any superintendent, assistant superintendent or full-time park ranger of any state park, state recreation area, state archeological site or state historic site who has qualified pursuant to W.S. 9-1-701 through 9-1-707, when acting within the boundaries of the state park, state recreation area, state archeological site or state historic site or when responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction;~~and~~

(R) Any person qualified pursuant to W.S. 9-1-701 through 9-1-707 and employed by the Wyoming gaming commission when engaged in the performance of that person's duties or when responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction.

#### **6-7-101. Definitions.**

(a) As used in this article:

(iii) "Gambling" means risking any property for gain contingent in whole or in part upon lot, chance, the operation of a gambling device or the happening or outcome of an event, including a sporting event, over which the person taking a risk has no control, but does not include any of the following:

(A) Bona fide contests of skill, speed, strength or endurance in which



awards are made only to entrants or the owners of entries. This exception shall not include skill based amusement games;

(D) Bingo games conducted, or pull tabs sold, by charitable or nonprofit organizations where the tickets for the bingo are sold only in this state and the pull tabs are sold only on the premises owned or occupied by the charitable or nonprofit organization provided that:

(I) Bingo games and pull tab games shall only be conducted by charitable or nonprofit organizations, which have been in existence in this state for at least three (3) years and, commencing July 1, 2020, are licensed by the Wyoming gaming commission under W.S. 11-25-104(n) to conduct bingo or pull tab games;

(F) Calcutta wagering on contests or events conducted by a bona fide nationally chartered veterans', religious, charitable, educational or fraternal organization or nonprofit local civic or service club organized or incorporated under the laws of this state and, commencing July 1, 2020, licensed by the Wyoming gaming commission under W.S. 11-25-104(n) to conduct calcutta wagering on contests or events, provided that:

(M) Activities authorized by the Wyoming gaming commission pursuant to law.

(xiii) "Skill based amusement game" means a game played in exchange for consideration of cash, credit or other thing of value on a fixed, commercial electrical gaming device in which the bona fide skill of the player, determined by an individual's level of strategy and skill, is a factor in determining the outcome and for which the player may be awarded a prize or other thing of value for a successful outcome.

#### **7-2-101. Definitions.**

(a) As used in W.S. 7-2-101 through 7-2-107:

(iv) "Peace officer" means:

(N) The director and full-time staff instructors of the Wyoming law enforcement academy when duly appointed and acting pursuant to W.S. 9-1-633(b); ~~and~~

(P) Any person qualified pursuant to W.S. 9-1-701 through 9-1-707 and employed by the Wyoming gaming commission when engaged in the performance of that person's duties or when responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction.

#### **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:

(vi) Persons applying for a permit or license under W.S. 11-25-104(f) or if

otherwise required under title 11, chapter 25 of the Wyoming statutes;

**9-1-627. Authority to compile, disseminate and exchange information; immunity; access to information limited; security precautions.**

(d) Access to criminal history record information is available to the Wyoming ~~pari-mutuel-gaming~~ commission as provided ~~for~~ by ~~W.S. 11-25-104(k)~~ law. The commission shall take reasonable security precautions to prevent unauthorized persons from gaining access to criminal history record information in accordance with rules and regulations established by the Wyoming division of criminal investigation. For the purpose of this subsection “criminal history record information” means information, records and data compiled by criminal justice agencies on individuals for the purpose of identifying criminal offenders consisting of identifiable descriptions of the offenders and notations or a summary of arrests, detentions, indictments, information, pre-trial proceedings, nature and disposition of criminal charges, sentencing, rehabilitation, incarceration, correctional supervision and release. Criminal history record information is limited to information recorded as the result of the initiation of criminal proceedings. It does not include intelligence data, analytical prosecutorial files, investigative reports and files of statistical records and reports in which individual identities are not ascertainable.

**9-2-2008. Department of administration and information created; director appointed; structure.**

(e) The following functions or programs shall be transferred from the department of commerce to the department of administration and information under a Type 3 transfer:

(xiii) ~~Pari-mutuel~~Gaming commission;

**11-25-101. Wyoming gaming commission created; composition; qualifications.**

The Wyoming ~~pari-mutuel-gaming~~ commission is created to be composed of ~~seven (7)~~nine (9) persons who have resided in the state for four (4) years and are qualified electors of Wyoming.

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

(a) As used in this act:

(ii) “Commission” means the Wyoming ~~pari-mutuel-gaming~~ commission;

(xv) “Net proceeds” means all revenue less the payment to the player.

**11-25-103. Gaming commission; appointment, terms of office and political affiliation of members; vacancies; appointment districts.**

The governor with the consent of the senate shall appoint the ~~seven (7)~~nine (9) members of the commission in accordance with W.S. 28-12-101 through 28-12-103. ~~One (1) member~~Seven (7) of the nine (9) members shall be

appointed from each appointment district under W.S. 9-1-218. One (1) of the remaining members shall be, at the time of appointment and during the term of appointment, an active county or municipal law enforcement officer certified under title 9, chapter 1, article 7 of the Wyoming statutes. One (1) of the remaining members shall be an enrolled member of the Northern Arapaho or Eastern Shoshone Indian tribe with not less than five (5) years of regulatory gaming experience. Members shall be appointed for terms of four (4) years and until their successor is appointed and qualified. Any vacancy shall be filled by appointment by the governor as provided in W.S. 28-12-101. A member of the commission may succeed himself for one (1) full four (4) year term. The governor may remove any member as provided in W.S. 9-1-202. Additionally, one (1) senator appointed by the president of the senate, one (1) representative appointed by the speaker of the house and one (1) gubernatorial representative shall serve as liaisons to the commission. Legislative liaisons shall be paid salary, per diem and mileage as provided in W.S. 28-5-101 when attending meetings of the commission.

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

(a) The commission shall annually elect from its membership a president and vice-president, and may employ a director who has a working knowledge of pari-mutuel betting, ~~and horse racing~~ and other forms of gaming regulated by the commission or an executive secretary, or both. The director may be retained on a yearly basis or for the racing season only as determined by the commission. Salary for the director or executive secretary shall be determined by the commission with the consent of the personnel division. The commission may also employ other personnel required to carry out this act.

(e) The commission ~~shall~~ may authorize by ~~permits~~ license or permit and supervise all the conduct of all events provided for and regulated by this act, ~~and shall~~ The commission may make reasonable rules ~~and regulations~~ for the control, supervision and direction of applicants, permittees, ~~including regulations providing~~ and licensees. ~~The rules shall include procedures~~ for resolving scheduling conflicts and settling disputes between permittees, ~~and for~~ for the supervising, disciplining, suspending, fining and barring from pari-mutuel events of all persons required to be licensed or permitted by this act, and for the holding, conducting and operating of all pari-mutuel events ~~conducted~~ pursuant to this act. The commission may require that license applicants be fingerprinted for identification purposes as a condition of licensing. The commission shall announce the place, time and duration of pari-mutuel events for which license or permit fees shall be required and establish reasonable fees for all licenses and permits provided for by this act. The fees shall be established to ensure that the costs of administering this act are recovered through the total revenues received under this act. The commission shall establish security access safeguards for licensees to use for advance deposit pari-mutuel wagering.

The commission shall prohibit advance deposit pari-mutuel advertising that it determines to be deceptive to the public.

(n) Commencing July 1, 2020, any person conducting an activity as specified by W.S. 6-7-101(a)(iii)(D) or (F) shall first obtain a license from the commission. Under this subsection, the commission shall not charge license applicants any fee and shall not require any fee for any license issued. Any person required to be licensed under this subsection shall file an annual report with the commission as specified by rule.

(o) In addition to all other duties, the commission, in the reasonable exercise of its discretion, shall enforce W.S. 6-7-101 through 6-7-104.

### **11-25-112. Penalties.**

(a) Any person, ~~corporation or association~~ holding or conducting any pari-mutuel event in connection with the pari-mutuel system of wagering without a permit issued in accordance with this act, or any person, ~~corporation or association~~ who violates any other provision of this act is guilty of a misdemeanor and shall be fined not more than ten thousand dollars (\$10,000.00), imprisoned for not more than six (6) months, or both.

(b) The attorney general may, at the request of the commission, act on behalf of the commission to prosecute criminal actions under this chapter or title 6, chapter 7, article 1 of the Wyoming statutes if after a thorough investigation the action is deemed advisable by the attorney general.

### **Section 3.**

(a) The Wyoming pari-mutuel commission is continued as the Wyoming gaming commission, as provided in this act. All positions, personnel, appropriations, property and equipment of the Wyoming pari-mutuel commission shall be under control of the Wyoming gaming commission, as created by this act. The validity of rules, regulations, orders, contracts, agreements or other obligations of the Wyoming pari-mutuel commission shall not be affected by this act.

(b) Notwithstanding any other provision of this act, members of the Wyoming pari-mutuel commission shall continue their current terms as members of the Wyoming gaming commission.

(c) The appointment of the newly created eighth and ninth members to the Wyoming gaming commission may be made under this act on or after the effective date of this section.

**Section 4.** The Wyoming gaming commission shall promulgate rules necessary to implement and administer this act as expeditiously as necessary.

**Section 5.** The Wyoming gaming commission shall conduct a study of gaming in the state. The study shall evaluate all types of games, including those currently operating in the state. The commission shall examine how many games are operating in the state, the locations of all of the games, the amount of wagers made on the games and revenues earned from the games. Additionally, the commission shall provide options to the legislature for regulation of all types of games, including skill based amusement games, video game terminals, sports wagering and other commercially viable forms of gaming. Additionally, the commission shall evaluate impacts to other states that have recently expanded forms of legal gaming. The commission shall report in writing the results of its study to the legislature by September 1, 2020.

**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 17, 2020.

## Chapter 115

### STATE BUDGET DIVISION-REORGANIZATION

#### Original Senate File No. 114

AN ACT relating to the administration of government; creating the state budget department; transferring the budget division of the department of administration and information into the state budget department; requiring a reorganization plan; requiring appointment of a director; amending members of the financial advisory council; and providing for an effective date.

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

**Section 1.** W.S. 9-2-2021 is created to read:

**9-2-2021. State budget department created; director appointed; structure.**

(a) As part of the reorganization of Wyoming state government, there is created the state budget department consisting of the existing budget division of the department of administration and information. Except as otherwise provided in this section, the provisions of the Wyoming Government Reorganization Act of 1989, W.S. 9-2-1701 through 9-2-1707, shall apply to this section.

(b) The administrative head of the department shall be a director appointed by the governor with the advice and consent of the senate. Not later than May 1, 2020, the governor shall appoint a director in accordance with W.S. 28-12-101(b). Thereafter, appointments for the director of the state budget department shall be in accordance with W.S. 28-12-101 through 28-12-103.

(c) Not later than August 15, 2020, the director shall prepare a plan for

reorganization of the agencies, programs and functions specified in this section and submit it to the governor for approval. The director shall include in the reorganization plan recommendations regarding any necessary modifications to state budgeting statutes and other statutes relating to the duties of the state budget department.

(d) After the governor approves the plan for reorganization developed pursuant to this section:

(i) The governor shall, when he deems appropriate, set a schedule for implementation of the reorganization plan;

(ii) The joint appropriations committee shall develop any necessary legislation with respect to the plan and monitor the state budget department's work and progress.

(e) Upon submission of the reorganization plan developed pursuant to this section, the state budget department shall have authority provided by law to the budget division within the department of administration and information and shall operate independently of the department of administration and information.

(f) The state budget department shall be subject to the direction of the existing administrator of the budget division of the department of administration and information who shall serve as the director of the state budget department until the governor appoints a director in accordance with this section.

(g) The director of the state budget department shall have the authority to:

(i) Employ professional, technical and other assistants to work in the director's office, along with other employees necessary to carry out the purpose of this act;

(ii) Adopt reasonable rules and regulations to administer this section pursuant to the Wyoming Administrative Procedure Act;

(iii) Formulate through his office the policies and programs to be carried out by the department.

(h) The budget division of the department of administration and information is assigned to the state budget department under a Type 1 transfer, effective upon the appointment of a director of the state budget department.

(j) The governor may allocate personnel and other resources between the department of administration and information and the state budget department in accordance with a Type 1 transfer. Nothing in this subsection shall authorize the state budget department to gain positions or funds in addition to the positions and funds currently allocated to the budget division of the department of administration and information.

(k) Upon the appointment of a director of the state budget department, the

state budget department shall pursue state savings and efficiency initiatives identified in 2017 Wyoming Session Laws, Chapter 183 and 2018 Wyoming Session Laws, Chapter 112 and identified by the government efficiency commission created by 2017 Wyoming Session Laws, Chapter 183 and continued by 2018 Wyoming Session Laws, Chapter 112.

**Section 2.** W.S. 9-4-216(a) is amended to read:

**9-4-216. Financial advisory council.**

(a) There is established a financial advisory council consisting of the state auditor, the state treasurer, the director of the state department of audit, the director of the department of administration and information, the director of the state budget department, the director of the department of revenue, a member or designee of the joint ~~appropriation~~ interim appropriations committee, and other persons the governor appoints as ex officio members without voting privileges. The state auditor is chairman of the financial advisory council.

**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 17, 2020.

## Chapter 116

### GENERAL GOVERNMENT REPORTS

#### Original House Bill No. 2

AN ACT relating to the administration of government; requiring studies and reports for the operations of government including primary and higher education programs; and providing for effective dates.

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

**Section 1.** [Governor's Office-Endangered Species Grants]. Not later than September 1, 2021, the governor's office shall report to the joint appropriations committee and the joint travel, recreation, wildlife and cultural resources interim committee on the grants and contracts funded under the endangered species administration division within the governor's office for fiscal years 2019, 2020 and 2021. The report shall include the amount of the grant or contract, recipient of the grant or contract, species of focus, purpose of the research being conducted under the grant or contract, general location of the research on the species of focus and any material findings or outcomes of the funded research that can be made publicly available.

**Section 2.** [State Treasurer's Office-Internal Investing].

(a) Not later than September 1, 2021 and September 1, 2022, the state treasurer's office shall report to the joint appropriations committee and the



select committee on capital financing and investments on the documented savings resulting from increased use of internal investment personnel and reduced payments for external investment managers. The reports shall include the following:

(i) The documented savings, which shall be limited to avoided or reduced expenditures from terminated or renegotiated contracts with external investment managers;

(ii) An explanation and accounting of all expenditures relating to the work performed by internal investment personnel;

(iii) A performance report for the internally invested funds, including benchmark comparisons, overall investment return on the funds and a comparative performance with the externally managed funds for similar timeframes.

**Section 3.** [Department of Revenue-Effectiveness of Additional Positions and Technology].

(a) Not later than September 1, 2021 and September 1, 2022, the department of revenue shall report to the management audit committee, the joint appropriations committee and the joint revenue interim committee on the following:

(i) The historical trend in tax assessments and collections, the trend in the compliance ratio, the trend in the number of reviews conducted by the department, and any increase in the amount of collections that is reasonably attributable to the additional one (1) position added to the excise tax unit and the additional one (1) position added to the mineral tax unit under 2018 Wyoming Session Laws, Chapter 134, Section 2, Section 011;

(ii) Separately documented expenditure reductions, estimated costs avoided and estimated increased revenue collections resulting from the acquisition of oblique and orthogonal imagery technology and the acquisition of commercial off-the-shelf managed business solutions support for the department's excise and mineral tax systems;

(iii) Recommendations regarding the optimal level of department staffing, opportunities for additional efficiencies and an objective, post-implementation assessment of the initiatives described in paragraphs (i) and (ii) of this subsection.

**Section 4.** [Department of Audit-Effectiveness of Additional Positions].

(a) Not later than September 1, 2021 and September 1, 2022, the department of audit shall report to the management audit committee, the joint appropriations committee and the joint revenue interim committee on the following:

(i) The historic trend in tax assessments and collections attributable to audits, the per employee trend in tax assessments and collections attributable



to audits, the trend in the compliance ratio, the trend in the number of audits conducted by the department and any increase in the number of audits and amount of assessments and collections estimated to be attributable to the additional three (3) positions added to the excise tax division under 2018 Wyoming Session Laws, Chapter 134, Section 2, Section 021;

(ii) Recommendations regarding the optimal level of department staffing, opportunities for additional efficiencies and an objective, post-implementation assessment of the additional positions referenced in paragraph (i) and of this subsection.

**Section 5.** [Department of Health-Long-Term Care Waiver].

(a) Not later than October 1, 2020, the department of health shall complete a study on the comparative costs of the long-term care waiver and care in any public or private institutional setting for which the state is expending funds under the Medicaid program and report the results of the study to the joint appropriations committee and the joint labor, health and social services interim committee. In conducting the study, the department shall examine the comparative financial advantages and disadvantages of the options and consider whether:

(i) Services in an institutional setting would be pursued in the absence of a waiver;

(ii) Estimated future costs may be reduced or avoided under either option.

**Section 6.** [Department of Health-Developmental Preschool Funding].

(a) Not later than October 1, 2020, the department of health shall conduct a comprehensive review and rate rebasing assessment of developmental preschool services funding under W.S. 21-2-706 and report the results to the joint appropriations committee and the joint labor, health and social services interim committee. The report shall include the following:

(i) The adequacy of funding for the services specified in W.S. 21-2-706;

(ii) The method of requesting fiscal year appropriations;

(iii) The mechanism for calculating payments and distributing funds to developmental preschool service providers;

(iv) Any related recommendations.

**Section 7.** [Departments of Health and Corrections-Bulk Purchase of Medications].

(a) Not later than October 1, 2020, the department of health and department of corrections shall complete a study on the bulk purchase of medication and report the results to the joint appropriations committee and the joint labor, health and social services interim committee. In conducting the study, the departments shall:

(i) Investigate opportunities to join other state agencies and other states to solicit one (1) or more bids for the bulk purchase of medications that could be purchased at a lower price through bulk purchasing or strategic sourcing, including hepatitis C treatments that are used within the correctional system or that are used by state health care programs;

(ii) Consider the methods and limitations of joint contracting between agencies and with other states;

(iii) Estimate the potential savings that could result from bulk purchase of the medications in accordance with this subsection.

**Section 8.** [Departments of Health and Corrections and Judiciary-Use of Budgetary Flex Measures].

(a) The department of health shall report quarterly during the period beginning July 1, 2020 and ending June 30, 2022 to the joint appropriations committee and the joint labor, health and social services interim committee on the department's exercise of authorities under 2020 Senate File 0001, Section 305(a)(i) and Section 307, if enacted into law. The reports shall include the following:

(i) The specific uses and dollar amounts for which the authorities were exercised each quarter;

(ii) The cumulative amounts resulting from the authorities exercised for the 2021-2022 biennium;

(iii) The amount of any actual biennial budget shortfall and an estimate of anticipated budget shortfalls, if any, prior to June 30, 2022, as well as the anticipated use of available budget transfer authorities to address existing and future budget shortfalls.

(b) The department of corrections shall report quarterly during the period beginning July 1, 2020 and ending June 30, 2022 to the joint appropriations committee on the department's exercise of authorities under 2020 Senate File 0001, Section 307, if enacted into law. The reports shall include the following:

(i) The specific uses and dollar amounts for which the authorities were exercised each quarter;

(ii) The cumulative amounts resulting from the authorities exercised for the 2021-2022 biennium;

(iii) The amount of any actual biennial budget shortfall and an estimate of anticipated budget shortfalls, if any, prior to June 30, 2022 as well as the anticipated use of available budget transfer authorities to address existing and future budget shortfalls.

(c) The judicial branch shall report quarterly during the period beginning July 1, 2020 and ending June 30, 2022 to the joint appropriations committee

on the judiciary's exercise of authority under 2020 Senate File 0001, Section 307, if enacted into law. The reports shall include the specific uses and dollar amounts for which the authority was exercised. No report is required under this subsection for any quarter the authority was not exercised.

**Section 9.** [Wyoming Tourism Board-Regional Marketing Efforts]. Not later than October 1, 2020 and October 1, 2021, the Wyoming tourism board shall require the recipient of any grants associated with "salt to stone" regional marketing in southwest Wyoming to submit a report jointly with the board to the joint travel, recreation, wildlife and cultural resources interim committee and the joint appropriations committee. The report shall include information on the expenditure of grant funds, recommendations for future grants and measurable impacts of the grant related efforts, including local lodging tax collections and local sales and use tax collections for relevant industry classifications.

**Section 10.** [University of Wyoming and Department of Education-K-3 Reading Assessment and Intervention]. Not later than May 1, 2020, the University of Wyoming and the department of education shall submit a report to the joint education interim committee. The report shall include information regarding the implementation of 2019 Wyoming Session Laws, Chapter 155 and the feasibility of the University of Wyoming college of education conducting a summer 2020 pilot program for K-3 teachers. The pilot program considered should provide scientifically validated instruction techniques on how and why to assess and directly and systematically teach phonological and phonemic awareness, phonics and techniques to improve reading fluency. This section is effective immediately.

**Section 11.** [Department of Enterprise Technology Services-Strategic Purchasing of Computers]. Not later than December 1, 2020 and not later than December 1, 2021, the department of enterprise technology services shall report to the joint appropriations committee on identifiable savings resulting from the strategic bulk computer purchasing program, general results of the initiative and the number of waivers and reasons for any waivers. The report shall include a description of the program and recommendations, if any, for statutory revisions.

**Section 12.** [Department of Corrections-Incentives and Sanctions for Probation and Parole]. In addition to the report required under W.S. 7-13-1801(b)(vi), quarterly beginning July 1, 2020 and ending June 30, 2022, the department of corrections shall report to the joint judiciary interim committee and the joint appropriations committee on the implementation of 2019 Wyoming Session Laws, Chapter 116. The reports shall include the number of persons sentenced with the incentives and sanctions provided under W.S. 7-13-1801 through 7-13-1803, comparative outcomes with those sentenced without incentives and sanctions and expenditures on the incentives

and sanctions. The reports shall also include recommendations, if any, for statutory revisions.

**Section 13.** [Department of Revenue-Reorganization to Oversee Gaming].

(a) Not later than October 1, 2020, the department of revenue shall complete a study and report to the joint appropriations committee:

(i) The feasibility of creating a gaming division within the department of revenue to consolidate and oversee regulation of skill games allowed under the exceptions to criminal gambling under W.S. 6-7-101(a)(iii), online gambling, the pari-mutuel commission and the Wyoming lottery corporation;

(ii) The development of a reorganization plan and method, in cooperation with the pari-mutuel commission and the Wyoming lottery corporation, to accomplish the creation of a gaming division within the department of revenue in accordance with the provisions of the Wyoming Government Reorganization Act of 1989, W.S. 9-2-1701 through 9-2-1707;

(iii) Recommendations to operate the gaming division within the department of revenue using an enterprise fund with excess revenues going to the general fund and any other appropriate funding models;

(iv) Recommendations for any legislation needed to implement a gaming division within the department of revenue.

**Section 14.** [Shooting Sports and Tourism]. Not later than November 1, 2020, the board of tourism shall report to the joint travel, recreation, wildlife and cultural resources interim committee on the board's expenditures and efforts in the 2020 calendar year to promote shooting sports and shooting sports tourism.

**Section 15.** [Agency Vacant and Filled Full-Time and Part-Time Employee Positions]. Not later than June 30, 2021 and June 30, 2022, the department of transportation, the Wyoming tourism board, the University of Wyoming and the Wyoming business council shall report to the joint appropriations committee on the number within each agency of vacant and filled full-time and part-time employee positions funded by any source.

**Section 16.** [Wyoming Business Council-Wyoming Council for Women's Issues]. Not later than October 1, 2020, the Wyoming council for women's issues created within the Wyoming business council under W.S. 9-12-501 and 9-12-502 shall report to the joint minerals, business and economic development interim committee on its statutory obligations regarding the status of women in Wyoming. The report shall include any efforts addressing economic development, data collection and partnerships with business technology organizations.

**Section 17.** [Department of Health–Employee Group Insurance Plan Continuous Study]. The department of health shall report on the results of

the continuous study required by W.S. 9-3-205(d) to the joint appropriations committee and the joint labor, health and social services interim committee.

**Section 18.** [University Medical Education Programs].

(a) Not later than October 1, 2020, the University of Wyoming shall report to the legislature expenditures for medical education programs for human health services, including but not limited to funds expended for the family medicine program under W.S. 21-17-125, the “WWAMI” medical education program, and medical education programs for human health care under W.S. 21-16-201 and 21-16-202. Undergraduate medical programs, nursing programs and pharmacy program expenditures need not be reported. The report shall include expenditures for the fiscal biennium ending June 30, 2020 by program.

(b) The university shall also report estimated resources necessary to establish and maintain a medical school which would meet accreditation requirements for licensing as a physician under Wyoming’s “Medical Practice Act.” The university shall include any recommendations regarding the establishment of a medical school in Wyoming under the purview of the university’s board of trustees as it deems would be in the best interest of providing health care services to citizens of the state.

(c) It is the intent of this section to compare current expenditures by the state for post-graduate medical education to anticipated costs of establishing an accredited medical school graduating students with credentials sufficient for licensure under the Wyoming Medical Practice Act, and the provisions of this section shall be construed in light of this intent.

**Section 19.** [Effective date].

(a) As used in this act, “effective immediately” means effective 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, this act is effective July 1, 2020.

Approved March 17, 2020.

## Chapter 117

### LIFETIME GAME AND FISH LICENSES

Original Senate File No. 106

AN ACT relating to game and fish licenses; amending requirements for the complimentary issuance of lifetime bird, small game and fish licenses as specified; providing applicability; and providing for an effective date.

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

**Section 1.** W.S. 23-1-705(d) is amended to read:

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

(d) The department shall issue without charge lifetime bird, small game and fish licenses that shall remain valid so long as the licensee remains a Wyoming resident to:

(i) ~~Any resident or honorably discharged veteran~~ who is over sixty-five (65) years and who has ~~continuously~~ resided in Wyoming for at least ~~the thirty~~ (30) ~~total~~ years, ~~immediately preceding application for the license, to~~ No year of residence prior to the resident's tenth birthday shall be counted toward the thirty (30) year requirement imposed by this paragraph;

(ii) ~~Any disabled honorably discharged resident~~ veteran who is one hundred percent (100%) disabled as determined by the United States department of veteran affairs; ~~and to~~

(iii) Any honorably discharged resident who is a United States military purple heart medal recipient with document proof thereof. ~~The license is valid so long as the licensee remains a Wyoming resident.~~

**Section 2.** This act shall only apply to lifetime bird, small game and fish licenses issued on or after the effective date of this act.

**Section 3.** This act is effective July 1, 2020.

Approved March 17, 2020.

## Chapter 118

### SALES AND USE TAX-DEFINITIONS UPDATE

Original Senate File No. 43

AN ACT relating to taxation and revenue; creating and amending sales and use tax definitions as specified; and providing for an effective date.

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

**Section 1.** W.S. 39-15-101(a)(vii)(intro) and by creating a new paragraph (xlvii) and 39-16-101(a)(iii)(intro) and by creating a new paragraph (xx) are amended to read:

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

(a) As used in this article:

(vii) "Sale" means any transfer of title or possession in this state for a consideration including the fabrication of tangible personal property when the materials are furnished by the purchaser but excluding an exchange or transfer

of tangible personal property upon which the seller or lessor has directly or indirectly paid sales or use tax incidental to:

(xlvii) “Exempt motor vehicle” means any motor vehicle that is exempt from taxation under W.S. 39-15-105. Upon transfer of title of an exempt motor vehicle, a county treasurer shall provide an applicant documentation noting any valid sales tax exemption and a receipt specifying the amount of sales tax collected.

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

(a) As used in this article:

(iii) “Sale” means the transfer of title or possession of tangible personal property from a vendor for a consideration for storage, use or other consumption in Wyoming excluding the exchange or transfer of tangible personal property upon which the seller has directly or indirectly paid sales or use tax incidental to:

(xx) “Exempt motor vehicle” means any motor vehicle that is exempt from taxation under W.S. 39-15-106. Upon transfer of title of an exempt motor vehicle, a county treasurer shall provide an applicant documentation noting any valid use tax exemption and a receipt specifying the amount of use tax collected.

**Section 2.** This act is effective July 1, 2020.

Approved March 17, 2020.

## Chapter 119

### ANIMAL SHARES

Original House Bill No. 155

AN ACT relating to agriculture and livestock; specifying requirements for distribution of meat pursuant to ownership of an animal share; providing definitions; and providing for an effective date.

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

**Section 1.** W.S. 11-49-104 is created to read:

**11-49-104. Animal shares.**

(a) The acquisition of meat from animals by an informed end consumer shall not constitute the sale of meat products in contravention of this act and shall not be prohibited if all of the following conditions are met:

(i) The meat is delivered pursuant to an animal share and is:

(A) Received from the farm or ranch where an animal or herd subject to the animal share is located;

(B) Received by or on behalf of an owner of an animal share;

(C) Obtained from the particular animal or herd subject to the animal share.

(ii) Ownership of each animal is established prior to slaughter and the slaughter is conducted pursuant to W.S. 11-23-102(a), if applicable;

(iii) A prominent warning statement that the meat has not been inspected is delivered to the informed end consumer with the meat or is displayed on a label affixed to the meat packaging;

(iv) Information describing the standards used by the farm or ranch with respect to herd health, and in the processing of meat from the herd, is provided to the informed end consumer by the farmer or rancher.

(b) No person who obtains meat in accordance with this section shall sell, donate or commercially redistribute the meat.

(c) No farmer or rancher shall publish any statement that implies the department of agriculture's approval or endorsement of meat delivered pursuant to an animal share.

**Section 2.** W.S. 11-49-102(a) by creating a new paragraph (ix) and by amending and renumbering (ix) as (x) and 11-49-103(c)(v) by creating a new subparagraph (F) are amended to read:

**11-49-102. Definitions.**

(a) As used in this act:

(ix) “Animal share” means an ownership interest in an animal or herd of animals created by a written contract between an informed end consumer and a farmer or rancher that includes a bill of sale to the consumer for an ownership interest in the animal or herd and a boarding provision under which the consumer boards the animal or herd with the farmer or rancher for care and processing and the consumer is entitled to receive a share of meat from the animal or herd;

~~(ix)(x)~~ “This act” means W.S. 11-49-101 through ~~11-49-103~~ 11-49-104.

**11-49-103. Wyoming Food Freedom Act; purpose; exemptions; assumption of risk.**

(c) Transactions under this act shall:

(v) Not involve the sale of meat products, with the following exceptions:

(F) The sale of meat pursuant to an animal share under W.S. 11-49-104.

**Section 3.** This act is effective July 1, 2020.

Approved March 17, 2020.



Chapter 120

URANIUM TAXATION RATES

Original Senate File No. 85

AN ACT relating to uranium taxation; providing for uranium severance tax relief as specified; providing for imposition of a conditional uranium severance tax relative to specified spot market prices; and providing for an effective date.

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

Section 1. W.S. 39-14-503(b)(intro), 39-14-504(a)(intro), by creating new subsections (b) through (e) and 39-14-511(a) are amended to read:

39-14-503. Imposition.

(b) Basis of tax (valuation). Except as provided in W.S. 39-14-504(b) and (c), the following shall apply:

39-14-504. Tax rate.

(a) Except as provided in subsections (b) and (c) of this section, the total severance tax rate for uranium shall be four percent (4%). The tax shall be distributed as provided in W.S. 39-14-511 and is imposed as follows:

(b) The severance tax imposed under subsection (a) of this section shall not apply to any uranium production occurring after December 31, 2020, and before January 1, 2026. For the period of time prescribed under this subsection, there is levied a severance tax at the rates specified in subsection (c) of this section. The severance tax shall be levied on the value of the gross product extracted each month for which the spot market price per pound of nonenriched uranium concentrate (U3O8) is at least thirty dollars (\$30.00) as determined by an average of the following international indexes or their successors quoting the monthly price of nonenriched uranium concentrate (U3O8):

- (i) NUEXCO from TradeTech;
(ii) Ux U3O8 spot price.

(c) The uranium spot market price used in the table in this subsection is the price per pound of nonenriched uranium concentrate (U3O8). The value of uranium for purposes of the severance tax in subsection (b) of this section shall be determined in accordance with the following table:

Table with 2 columns: Uranium Spot Market Price and Tax Applied. Rows include price ranges from less than \$30.00 to \$43.35 to \$50.00 with corresponding tax rates from 0% to 3%.

\$50.01 to \$60.00.....	4%
\$60.01 or more.....	5%

(d) Subsections (b) through (e) of this section are repealed effective December 31, 2026.

(e) No taxpayer shall qualify for the severance tax rate imposed under subsections (b) and (c) of this section unless the county treasurer annually certifies to the department that the taxpayer does not have any unpaid delinquent ad valorem tax in the county from within which the uranium was severed or extracted.

**39-14-511. Distribution.**

(a) ~~As provided by W.S. 39-14-504(a), the total severance tax rate for uranium shall be four percent (4%). The taxes imposed by W.S. 39-14-504(a) 39-14-504 shall be deposited into the severance tax distribution account.~~

**Section 2.** This act is effective July 1, 2020.

Approved March 17, 2020.

**Chapter 121**

**GAME AND FISH LAW ENFORCEMENT DEFINITION AMENDMENTS**

**Original Senate File No. 126**

AN ACT relating to law enforcement; amending the definitions of peace officer with respect to game and fish law enforcement personnel as specified; and providing for an effective date.

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

**Section 1.** W.S. 6-1-104(a)(vi)(C)(I) and (III) and 7-2-101(a)(iv)(C)(I) and (III) are amended to read:

**6-1-104. Definitions.**

(a) As used in this act, unless otherwise defined:

(vi) "Peace officer" includes the following officers assigned to duty in the state of Wyoming:

(C) Game and fish law enforcement personnel qualified pursuant to W.S. 9-1-701 through 9-1-707 and:

(I) When enforcing felony statutes following observation or discovery of the commission of a felony which was observed or discovered during the performance of their statutory official duties;

(III) When performing their official duties or enforcing any provision of title 23 and chapter 13 of title 41, any rule and regulation promulgated by the

Wyoming game and fish commission or any other statute for which they are granted statutory enforcement authority.

**7-2-101. Definitions.**

(a) As used in W.S. 7-2-101 through 7-2-107:

(iv) "Peace officer" means:

(C) Game and fish law enforcement personnel qualified pursuant to W.S. 9-1-701 through 9-1-707 and:

(I) When enforcing felony statutes following observation or discovery of the commission of a felony which was observed or discovered during the performance of their statutory-official duties;

(III) When performing their official duties or enforcing any provision of title 23 and chapter 13 of title 41, any rule and regulation promulgated by the Wyoming game and fish commission or any other statute for which they are granted statutory enforcement authority; or

**Section 2.** This act is effective July 1, 2020.

Approved March 17, 2020.

## Chapter 122

### OFFICE OF GUARDIAN AD LITEM-2

#### Original Senate File No. 120

AN ACT relating to the administration of government; creating the office of guardian ad litem; modifying administration of guardian ad litem program; repealing provisions related to office of the public defender oversight of the program; making conforming amendments; providing for continuation of contracts; providing for rulemaking; reappropriating funds; and providing for an effective date.

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

**Section 1.** W.S. 9-2-3101 is created to read:

#### ARTICLE 31

#### OFFICE OF GUARDIAN AD LITEM

**9-2-3101. Office created; appointment of director.**

(a) The office of guardian ad litem is created as a separate operating agency as provided in W.S. 9-2-1704(d).

(b) The governor, with the advice and consent of the senate, shall appoint a director of the office who shall serve as the administrative head of the office and as chief guardian ad litem. Unless sooner removed, the director's term of appointment expires at the end of the term of office of the governor during which he was appointed. The director serves at the pleasure of the governor and may be removed by him as provided by W.S. 9-1-202. The director shall:

- (i) Be a member in good standing of the Wyoming state bar;
  - (ii) Have experience in guardian ad litem representation, child welfare and juvenile justice;
  - (iii) Be compensated as determined by the Wyoming personnel division;
  - (iv) Devote full time to the performance of his duties;
  - (v) Administer the guardian ad litem program as provided in W.S. 14-12-101 through 14-12-104.
- (c) The director shall not engage in private practice except to complete business pending at the time of his appointment.

**Section 2.** W.S. 1-39-103(a)(iv)(F), 1-41-102(a)(v)(D), 9-2-1704(d) by creating a new paragraph (xvii), 14-12-101(a)(intro) and (c) and 14-12-103(a), (c) and (d) are amended to read:

**1-39-103. Definitions.**

(a) As used in this act:

(iv) "Public employee":

(F) Includes contract attorneys in the course of providing contract services for the ~~state public defenders office~~ of guardian ad litem as provided in W.S. ~~7-6-103(k)~~ or 14-12-104;

**1-41-102. Definitions.**

(a) As used in this act:

(v) "Public employee" means any officer, employee or servant of the state, provided the term:

(D) Includes contract attorneys in the course of providing contract services for the ~~state public defenders office~~ of guardian ad litem as provided in W.S. ~~7-6-103(k)~~ or 14-12-104;

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

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

(xvii) Office of guardian ad litem.

**14-12-101. Office of guardian ad litem; guardian ad litem program; rulemaking; reporting.**

(a) The office of the ~~state public defender~~ guardian ad litem shall administer

a guardian ad litem program. The program shall employ or contract with, supervise and manage attorneys providing legal representation as guardians ad litem in the following cases and actions:

(c) The office shall adopt policies and rules and regulations governing standards for the legal representation by attorneys acting as guardians ad litem in cases under the program and for the training of those attorneys. ~~The policies and rules shall ensure that the program will be separate and distinct from the office's performance of duties involving criminal defense and representation of a juvenile other than as a guardian ad litem in delinquency proceedings. To the maximum extent possible, the policies and rules shall ensure all fiscal and information technology duties for the program are kept separate from the fiscal and information technology duties for the office of the public defender.~~ Any attorney providing services to the program as a guardian ad litem shall meet the standards established by the office for the program.

**14-12-103. County participation; reimbursement; offices and equipment.**

(a) The office of ~~the state public defender~~ guardian ad litem shall enter into agreements with each county participating in the program. Agreements shall require counties to comply with all program rules and policies. The agreement shall establish the compensation rate within the county for attorneys providing legal representation as guardians ad litem in program cases and the reimbursement requirements. A county may agree with an attorney providing services under the program to pay a rate in excess of the rate set for payment by the program. If a county agrees to do so, it shall enter into a separate contract with the attorney providing services and shall be responsible and obligated to reimburse the program for one hundred percent (100%) of the excess amount. The county shall enter into a separate agreement with the office setting out the agreement, the excess rate and the responsibilities and obligations of all parties.

(c) There is created a guardian ad litem account. All reimbursements received under the program shall be deposited to the account. Funds within the account are continuously appropriated to the ~~public defender's office~~ of guardian ad litem for expenditure for the sole purpose of the guardian ad litem program.

(d) Agreements entered into under this section shall include provision for each county, in which guardians ad litem employed by or under contract with the program are located, to provide ~~separate from any public defender field office,~~ adequate space and utility services, other than telephone service, for the use of the program's guardians ad litem. If suitable office space for all guardians ad litem cannot be provided, the county shall provide, based upon a proportional share, a monthly stipend to all program guardians ad litem housed in private facilities. The proportional share shall be determined by the program, based upon the counties served by each guardian ad litem not provided suitable office space. The stipend shall be paid directly by the county to the program guardian ad litem.

**Section 3.** W.S. 7-6-103(c)(viii), 7-6-106(d)(iii), 7-6-112(a)(v), 7-6-113(d) and 14-12-101(b) are repealed.

**Section 4.**

(a) On the effective date of this act:

(i) All unexpired contracts existing between the office of the state public defender and attorneys under W.S. 14-12-101(a) or 14-12-102(c) shall continue with the office of guardian ad litem substituted for the office of the state public defender;

(ii) All unexpired agreements existing between the office of the state public defender and counties under W.S. 14-12-103 shall continue with the office of guardian ad litem substituted for the office of the state public defender;

(iii) Any unexpired memorandum of understanding existing between the office of the state public defender and the department of family services shall continue with the office of guardian ad litem substituted for the office of the state public defender.

(b) Nothing in this section shall be construed to prevent any party from renegotiating any contract, agreement or memorandum of understanding.

**Section 5.**

(a) All unexpended, unobligated funds appropriated on or before July 1, 2020 for the guardian ad litem program to the office of the state public defender are hereby reappropriated to the office of guardian ad litem on July 1, 2020.

(b) All positions authorized on or before July 1, 2020 for the guardian ad litem program to the office of the state public defender are hereby transferred to the office of guardian ad litem on July 1, 2020.

**Section 6.** Any rules or regulations pertaining to guardian ad litem program attorneys promulgated by the office of the state public defender under W.S. 14-12-101(c) shall remain in effect until such time that the office of guardian ad litem promulgates rules.

**Section 7.** This act is effective July 1, 2020.

Approved March 17, 2020.

## Chapter 123

### PIONEER ARCHERY LICENSES

#### Original House Bill No. 92

AN ACT relating to game and fish; providing for the issuance of free annual archery licenses as specified; and providing for an effective date.

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

**Section 1.** W.S. 23-1-705(e) by creating a new paragraph (iv) is amended to read:

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

(e) The department shall issue:

(iv) Without charge a resident archery license to any resident who is at least seventy-five (75) years of age prior to the issuance of the license and has continuously resided in Wyoming for at least fifty (50) years immediately preceding application for the license.

**Section 2.** This act is effective July 1, 2020.

Approved March 17, 2020.

## Chapter 124

### WYOMING COMBAT SPORTS COMMISSION

#### Original House Bill No. 102

AN ACT relating to professions and occupations; renaming the board of mixed martial arts as the Wyoming combat sports commission; specifying duties of the commission related to the governance of boxing; providing an exemption; defining terms; renaming an account; making conforming amendments; requiring rulemaking; specifying the transfer of funds; and providing for an effective date.

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

**Section 1.** W.S. 33-48-101(a) through (g), (h)(ii) and by creating new paragraphs (iv) and (v), 33-48-102(a), (b), (c)(intro), (i) and (iii), 33-48-103 through 33-48-106, 33-48-107(a)(i) and (ii) and 33-48-108 through 33-48-116 are amended to read:

#### CHAPTER 48

### WYOMING COMBAT SPORTS COMMISSION

**33-48-101. Wyoming combat sports commission created; appointment; term; rules and regulations; definitions.**

(a) ~~The state board of mixed martial arts~~ Wyoming combat sports commission is created to implement and administer this chapter.

(b) ~~The board~~ commission shall consist of three (3) members.

(c) Terms of initial ~~board~~ commission members shall be staggered with one (1) member serving for one (1) year, one (1) serving for two (2) years and one (1) serving for three (3) years.

(d) The governor shall appoint the members of the ~~board~~ commission. Except

for initial ~~board~~commission members as provided under subsection (c) of this section, the term of each member shall be three (3) years. Upon expiration of their terms, members of the ~~board~~commission shall continue to hold office until the appointment of their successors. ~~No person shall serve as a member of the board for more than two (2) consecutive terms.~~

(e) A vacancy that occurs for any reason in the membership of the ~~board~~commission shall be filled within thirty (30) days by the governor. A person appointed to fill a vacancy shall serve for the unexpired portion of the term.

(f) The governor may remove any member of the ~~board~~commission as provided in W.S. 9-1-202 or upon a recommendation of a majority of the ~~board~~commission for any reason.

(g) The ~~board~~commission shall adopt a seal and shall make rules for the administration of this chapter.

(h) As used in this chapter:

(ii) “Mixed martial arts” means unarmed combat involving the use, subject to any limitations set forth in this chapter or by rule of the ~~board~~commission, of a combination of techniques from different disciplines of the martial arts including, without limitation, grappling, submission holds, kicking and striking;

(iv) “Boxing” means boxing, sparring or any form of competition in which a blow is usually struck that may reasonably be expected to inflict injury and where the only authorized strikes are punches using padded gloves over the hands;

(v) “Commission” means the Wyoming combat sports commission.

### **33-48-102. Wyoming combat sports commission; powers and duties; subpoenas; oaths.**

(a) The ~~board~~commission shall keep a full and accurate record of all acts and doings of the ~~board~~commission. The ~~board~~commission shall prepare for service of notices and other papers as may be necessary and shall have the power to administer oaths and issue subpoenas in all matters pertaining to the administration of the ~~board's~~commission's duties. Falsely swearing before the ~~board~~commission shall be attended by the same consequences and be subject to the same penalties as if the disobedience or false swearing occurred in an action in the district court.

(b) A majority of the ~~board~~commission constitutes a quorum for meetings and the transaction of business. The act of the majority of members of the ~~board~~commission shall be the act of the ~~board~~commission. The ~~board~~commission shall meet as often as needed, but not less than four (4) times a year. The meetings shall be held in accordance with W.S. 16-4-401 through 16-4-407. The ~~board~~commission shall keep permanent records of its meetings.



(c) Any subpoena issued by the ~~board~~commission shall be subject to the following:

(i) The subpoena shall describe the objects required to be produced and shall prescribe a return date within a reasonable period of time within which the objects can be assembled and made available. If any tangible materials subpoenaed are located outside of this state, the person to whom the subpoena is issued shall make the materials available to the ~~board~~commission at a convenient location;

(iii) If any party fails or refuses to obey a subpoena, the attorney general may, upon request of the ~~board~~commission and reasonable notice to all affected persons, apply to the district court for an order compelling compliance.

**33-48-103. Wyoming combat sports commission; per diem; mileage.**

~~Board~~Commission members shall receive as compensation the salary, per diem and mileage allowance as allowed to state legislators for each day or portion thereof in which they are engaged in the performance of their duties, payments of the same to be made out of the ~~state mixed martial arts board's~~ Wyoming combat sports commission's appropriation. Provided, that if any state officer is appointed to act as a ~~board~~commission member, compensation for the services shall not be reimbursed except for any necessary expenses incurred or paid subject to the submission of appropriate receipts.

**33-48-104. Wyoming combat sports commission; report to legislature; repeal of chapter.**

(a) The ~~board~~commission shall make a full report to the joint travel, recreation, wildlife and cultural resources interim committee of all proceedings during the two (2) years preceding the first day of December before the beginning of the general session of the legislature. The report shall contain a statement of persons, clubs, organizations or corporations issued licenses, the number of licenses revoked, suspended or denied, the gross receipts from each person, club, organization or corporation, and other information and comments in relation to the work of the ~~board~~commission as public interest may require.

(b) If the ~~board~~commission raises fees pursuant to W.S. 33-48-108(b) and determines that the money received under this chapter remains insufficient to continue operations, the ~~board~~commission shall report that information to the legislature and shall not request any appropriation from the legislature. W.S. 33-48-101 through 33-48-117 are repealed, effective upon adjournment of the first legislative session convened after the date a report under this subsection is made.

**33-48-105. Jurisdiction over mixed martial arts and boxing matches and licenses; power of municipalities.**

(a) The ~~board~~commission shall have sole direction, management, control

of, and jurisdiction over, all mixed martial arts and boxing matches to be conducted, held or given within the state. No mixed martial arts or boxing match shall be conducted, held or given within the state except pursuant to a license granted by the ~~board-commission~~ and in accordance with the provisions of this chapter and the rules and regulations of the ~~board-commission~~. Every license shall be subject to such rules as the ~~board-commission~~ may prescribe. The ~~board-commission~~ may, at its discretion, issue and for cause revoke, deny or suspend a license to conduct, hold or give a mixed martial arts or boxing match. The ~~board-commission~~ shall have full power and authority to limit the number of mixed martial arts and boxing matches to be held or given by any person, club, organization or corporation in this state. No provision of this chapter shall prevent any incorporated city or town from prohibiting by ordinance any mixed martial arts or boxing match, provided that no match shall be held other than in compliance with this chapter.

(b) Any person, club, organization or corporation in this state seeking to hold a boxing match may seek a license for the match from another state's boxing commission, agency or regulatory body, subject to approval of the Wyoming combat sports commission. A license issued pursuant to this subsection shall be subject to the rules and regulations of the issuing state's regulatory body.

**33-48-106. License application; fee and bond.**

Application for a license to conduct mixed martial arts and boxing matches shall be in writing, shall be addressed to the ~~board-commission~~ 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-commission~~ 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-commission~~, 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-commission~~ 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-commission~~, or its 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

(ii) Pay to the ~~board-commission~~ a fee of five percent (5%) of its total gross receipts from the sale of tickets of admission and admission fees to any mixed martial arts ~~or boxing~~ match.

### **33-48-108. Disposition of fees.**

(a) All money received by the ~~board-commission~~ under this chapter shall be deposited with the state treasurer and credited to the ~~mixed martial arts board Wyoming combat sports commission~~ account, which is hereby created.

(b) If at any time the ~~board-commission~~ determines that the money received under this chapter is insufficient to continue operations without additional state funding, the ~~board-commission~~ shall increase fees in accordance with W.S. 33-1-201 to the extent required to continue operations. If the ~~board commission~~ raises fees under this subsection and the money received under this chapter remains insufficient to continue operations, the ~~board-commission~~ shall provide a report to the legislature as specified in W.S. 33-48-104(b).

### **33-48-109. Amateur matches.**

Whenever an amateur mixed martial arts ~~or boxing~~ 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, and the presence of a board member and the ~~or board representative provisions of W.S. 33-48-110 provisions of this chapter~~ 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. Commission representatives.**

The ~~board-commission~~ shall appoint official representatives designated as ~~board-commission~~ representatives for the state. Each ~~board-commission~~ representative shall receive from the ~~board-commission~~ a card authorizing him to act as a representative wherever the ~~board-commission~~ may designate him to act. ~~Except as provided in W.S. 33-48-109, a board-commission member or board-commission representative shall be present at all matches conducted for pecuniary profit and see that the rules and regulations of the board-commission are strictly observed. A board-commission representative may also be present at the counting of the gross receipts and, if present, shall without undue delay provide to the board-commission the written report received by the board-commission 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-commission may prescribe.~~

The ~~board-commission~~ may establish compensation for, and pay, any ~~board commission~~ representatives appointed under this section from fees deposited in the ~~mixed martial arts board~~ Wyoming combat sports commission account in accordance with W.S. 33-1-202 and this chapter.

**33-48-111. Rules for conduct of matches.**

(a) The ~~board-commission~~ shall promulgate rules and regulations regarding the conduct of matches not inconsistent with this chapter or the unified rules of mixed martial arts and the unified rules of boxing adopted by the association of boxing commissions.

(b) No betting or wagering at any mixed martial arts or boxing match shall be permitted by any person directly associated with the mixed martial arts or boxing match, including the contestants, spectators and members of the club or organization, before, after or during any match, in or around the premises where the match is held. Nothing in this subsection shall be construed to prohibit betting or wagering as may be allowed by law away from the premises where the match is held, or to authorize betting or wagering otherwise prohibited by law.

**33-48-112. Examination by physician.**

Each contestant shall be examined not more than twelve (12) hours prior to a mixed martial arts or boxing match by a physician who has been licensed to practice in Wyoming and who has been designated by the ~~board-commission~~. The physician shall certify in writing, over his signature, as to the contestant's physical condition to engage in the match. The physician's compensation shall be provided by the individual promoter or entity unless otherwise agreed.

**33-48-113. Referees.**

No person shall act as a referee to a mixed martial arts or boxing match without a certificate granted by the ~~board-commission~~. The ~~board-commission~~ is authorized to grant certificates to competent referees upon the application and the payment of an annual fee as established by the ~~board-commission~~ in accordance with W.S. 33-1-201 and the ~~board-commission~~ may revoke any certificate granted to any referee for cause as the ~~board-commission~~ may deem sufficient.

**33-48-114. Penalty for contestants violating rules of commission.**

(a) In addition to any penalty imposed under W.S. 33-48-117, any contestant who shall be found to be in violation of any rule or regulation of the ~~board commission~~ shall be penalized as follows:

(i) For the first offense he shall be restrained by order of the ~~board commission~~ from participating in any mixed martial arts or boxing match to be held or given by any person, club, organization or corporation licensed to give or hold any mixed martial arts or boxing match for a period of not less

than three (3) months nor more than one (1) year at the discretion of the ~~board commission~~;

(ii) For a second offense he shall be disqualified from further admission or participation in any mixed martial arts or boxing match, held or given by any person, club, organization or corporation licensed under this chapter.

**33-48-115. Failure to make reports; unsatisfactory reports; examination of records, officers.**

Whenever any person, club, organization or corporation fails to make a report of any match at the time prescribed by this chapter, or whenever the report is unsatisfactory to the ~~board commission~~, the ~~board commission~~ may examine or cause to be examined, the books and records of the person, club, organization or corporation, and examine under oath its officers and other persons as witnesses for the purpose of determining the total amount of its gross receipts for any match and the amount of monies due pursuant to the provisions of this chapter. The ~~board commission~~ shall determine the amount due based upon the results of the examination. Should the person, club, organization or corporation fail to pay any monies determined to be due, together with the expenses incurred in making the examination, for a period of twenty (20) days after notice of the amount due by the ~~board commission~~, the person, club, organization or corporation shall forfeit its license and shall be disqualified from receiving any new license or any renewal of its license. In addition, the person, club, organization or corporation shall forfeit to the state of Wyoming the bond required to be filed by W.S. 33-48-106, which may be recovered by the attorney general in the name of the state of Wyoming. Appeals of a disqualification under this section may be made as provided in the Wyoming Administrative Procedure Act.

**33-48-116. Weights and classes.**

The weights and classes of mixed martial arts and boxing participants and the rules and regulations of mixed martial arts and boxing shall be the same as the weights and classes and rules and regulations adopted by the association of boxing commissions in the unified rules of mixed martial arts and the unified rules of boxing, except as otherwise provided in this chapter.

**Section 2.** W.S. 33-48-101(h)(i) is repealed.

**Section 3.** The current members of the state board of mixed martial arts, renamed to the Wyoming combat sports commission in Section 1 of this act, shall continue to serve their terms as members of the Wyoming combat sports commission pursuant to the provisions of W.S. 33-48-101, as amended by Section 1 of this act.

**Section 4.** The Wyoming combat sports commission, renamed from the state board of mixed martial arts in Section 1 of this act, shall promulgate all rules necessary to conduct boxing matches in this state and otherwise to implement

this act.

**Section 5.** On the effective date of this act, all unobligated and unencumbered funds within the mixed martial arts board account shall be transferred to the Wyoming combat sports commission account, as renamed in Section 1 of this act.

**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 17, 2020.

## Chapter 125

### SCHOOL NURSING-STATE SCHOOL NURSE

#### Original House Bill No. 165

AN ACT relating to education; authorizing the state superintendent of public instruction to employ a state school nurse; specifying duties of the state school nurse; authorizing a position subject to conditions; requiring reports; providing a sunset date; and providing for effective dates.

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

**Section 1.** W.S. 21-2-202(a) by creating new paragraphs (xxxviii), (xxxix) and by creating a new subsection (g) is 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:

(xxxviii) When nonstate funds are received by the department of education that provide for one hundred percent (100%) of the cost, the state superintendent may hire the state school nurse as an at-will contract employee or may contract for nursing services to carry out the duties assigned under this paragraph. The state school nurse shall hold a Wyoming license as a registered nurse. The state school nurse shall:

(A) Identify professional development needs for Wyoming school nurses, with focus on caring for students with behavioral health needs and chronic diseases and make available training resources to meet the professional development needs identified;

(B) In consultation with the state health officer and the district boards of trustees, write or obtain standing orders for medication administration or treatment for students without a primary care physician who have urgent needs during the school day;

(C) Assist the superintendent in drafting recommendations for school district use to help facilitate care for behavioral health needs, enhance

collaboration among school district personnel and community medical and behavioral health providers, and to prevent disease, substance abuse and bullying;

(D) Provide information to school nurses and school district boards of trustees on public health issues;

(E) In a manner to maintain student confidentiality, collect aggregated data from school districts on medical and behavioral health diagnoses, vision and hearing impairment, special education needs, and other nursing challenges that impact schools and students. The state superintendent, in consultation with the board of nursing, shall determine consistent, cost-effective outcomes that can be achieved through the requirements of the state school nurse as provided in this paragraph. The state superintendent shall use the data collected to determine progress toward and success of achieving the outcomes identified in this subparagraph. The state superintendent shall report annually to the joint education interim committee and the joint appropriations committee on the progress toward achieving the identified outcomes;

(F) In consultation with the board of nursing, develop best practice standards for school nursing;

(G) At the request of district boards of trustees, advise on the child sexual abuse education, prevention and response program under W.S. 21-3-133.

(xxxix) Solicit nonstate funds for costs associated with the position of the state school nurse.

(g) Paragraphs (a)(xxxviii) and (xxxix) of this section are repealed July 1, 2026.

**Section 2.** The department of education is authorized one (1) at-will contract employee position or may contract for nursing services in accordance with W.S. 21-2-202(a)(xxxviii), as created by this act, contingent on the availability of nonstate funds. Any nonstate funds that become available for the purposes of W.S. 21-2-202(a)(xxxviii), as created by this act, shall be accepted through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and (g) and reported pursuant to W.S. 9-2-1013(b). It is the intent of the legislature that this position and the associated funds be included in the department of education's 2023-2024 exception budget request.

**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 March 17, 2020.



**Chapter 126****ELECTRONIC MONITORING IN LONG-TERM CARE FACILITIES****Original House Bill No. 109**

AN ACT relating to public health and safety; regulating electronic monitoring in long-term care facilities; providing guidelines and obligations for facilities and residents; providing penalties and evidentiary standards; requiring rulemaking; specifying applicability; and providing for effective dates.

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

**Section 1.** W.S. 35-2-1201 through 35-2-1208 are created to read:

**ARTICLE 12****ELECTRONIC MONITORING OF LONG-TERM CARE****35-2-1201. Short title.**

This act may be cited as the “Long-term Care Electronic Monitoring Act.”

**35-2-1202. Definitions.**

(a) As used in this act:

(i) “Capacity to consent” means an individual’s ability to:

(A) Understand and appreciate the significant benefits, risks and alternatives to proposed health care;

(B) Understand and appreciate the nature and consequences of making decisions concerning one’s person; and

(C) Make and communicate a health care decision.

(ii) “Department” means the Wyoming department of health;

(iii) “Electronic monitoring” means the placement and use of an electronic monitoring device by a resident in the resident’s room pursuant to the requirements of this act;

(iv) “Electronic monitoring device” means a video camera or other surveillance instrument with a fixed position that captures, records, transmits or broadcasts audio, video or both and that is installed in a resident’s room and used for electronic monitoring of the resident and activities in the room;

(v) “Facility” means an assisted living facility or a nursing care facility certified, licensed or otherwise authorized or permitted by law to provide long-term care in the facility’s ordinary course of business and through its employees acting within the scope of their duties;

(vi) “Resident” means a person who is eighteen (18) years or older residing at a facility;

(vii) “Resident’s representative” means an individual with a power of attorney for health care or other legal authority to make health care decisions on behalf of a resident who lacks capacity to consent;



(viii) "Resident's room" means a resident's private or shared primary living space within a long-term care facility;

(ix) "This act" means W.S. 35-2-1201 through 35-2-1208.

**35-2-1203. Authorized electronic monitoring; applicability.**

(a) No facility or resident of a facility shall engage in electronic monitoring or use electronic monitoring devices except as provided in this act.

(b) Notwithstanding W.S. 7-3-702, nothing in this act shall be construed to authorize or permit the use of an electronic monitoring device for the nonconsensual interception or unauthorized recording, storage or disclosure of private communications or actions occurring in a resident's room.

(c) A facility may install and use security surveillance devices in the facility's common areas and other locations except for resident rooms as the facility deems necessary for monitoring the facility. Any recording made by security surveillance devices under this subsection shall be the property of the facility.

(d) A resident or resident's representative may seek to install and use electronic monitoring devices in the resident's room pursuant to the requirements of this act. Any recording made by an electronic monitoring device under this subsection shall be the property of the resident or the resident's representative but may be used by a facility as provided by rule of the department.

**35-2-1204. Authorized electronic monitoring; notice.**

(a) Every facility where electronic monitoring devices are in use shall post and maintain a notice or signage in a conspicuous location at or near the facility's main entrances stating that electronic monitoring devices may be in use in or throughout the facility.

(b) A facility shall post and maintain notice or signage in a conspicuous location at the entrance to each resident's room where an electronic monitoring device is being used. The notice or signage shall state that the resident's room is being monitored by an electronic monitoring device.

(c) When electronic monitoring or security surveillance is used at a facility, upon admission or at any other necessary time as determined by the facility, a facility shall obtain the resident's or the resident's representative's signature on a form furnished by the department and provided to the resident or representative by the facility. The form must at a minimum list the following:

(i) That each resident has the right to use electronic monitoring devices in the resident's room, provided that any other residents in the room consent to the electronic monitoring;

(ii) That the use of unauthorized electronic monitoring devices or covert placement of an electronic monitoring device is prohibited;

(iii) That other residents in the facility may be using electronic monitoring

devices in their rooms;

(iv) That a resident may file a grievance with the facility if a facility interferes with a resident's right to use electronic monitoring and that a resident may file a grievance with the department if the facility fails to resolve or respond to the grievance;

(v) The security and privacy risks associated with the use of electronic monitoring devices;

(vi) Any other provisions required by the department pursuant to rules promulgated in accordance with this act.

**35-2-1205. Capacity; request; consent; records.**

(a) A resident with capacity to consent may request and consent to electronic monitoring pursuant to the provisions of this act. For a resident who lacks capacity to consent, the resident's representative may request and consent to electronic monitoring, provided the use of electronic monitoring does not contravene any prior expressed wishes of the resident and the resident does not object to electronic monitoring.

(b) A resident or the resident's representative shall request to use electronic monitoring in the resident's room using a form provided by the department and furnished to the resident or representative by the facility. The form required under this subsection shall require the resident or his representative to:

(i) Acknowledge that, by using an electronic monitoring device, the resident may reveal personal or sensitive information, including health-related information, to individuals with authorized access to the electronic monitoring device and confirm that the resident or his representative consents to any disclosure;

(ii) Waive any claim of liability against the facility for any civil damages for any release or use of a recording made by security surveillance devices under the control or in the custody of the facility or for a violation of the resident's right to privacy in connection with the use of electronic monitoring devices, except for acts or omissions constituting gross negligence or willful or wanton misconduct;

(iii) Acknowledge that the consent of other residents residing in the same room is required and that the other residents residing in the same room may limit the resident's use of an electronic monitoring device;

(iv) Specify the desired type and number of devices, the proposed date of installation and a copy of any contracts with commercial entities that will oversee the installation and maintenance of the electronic monitoring devices;

(v) Acknowledge that facility approval of the type, number, location and installation of electronic monitoring devices is required before installation;

(vi) Acknowledge that the resident is responsible for all fees associated with the electronic monitoring device including purchase, installation, removal, maintenance, internet connectivity and repair of any damage or markings resulting from installation;

(vii) Complete any other requirements specified by the department.

(c) No resident shall install an electronic monitoring device in the resident's room without the consent of any other resident residing in the same room. A resident may obtain the consent of all other residents in the same room by using a form furnished by the department and provided to the resident by the facility. The form shall require the consenting resident or his representative to:

(i) Acknowledge that he is not required to consent and may revoke his consent at any time;

(ii) Acknowledge the resident's right to impose limits on electronic monitoring pursuant to W.S. 35-2-1206(g);

(iii) Waive any claim of liability against the facility for any civil damages for any release or use of a recording made by an electronic monitoring device under the control or in the custody of the facility or for a violation of the resident's right to privacy in connection with the use of electronic monitoring devices, except for acts or omissions constituting gross negligence or willful or wanton misconduct;

(iv) Complete any other requirements specified by the department.

(d) A resident requesting to use electronic monitoring may request to switch rooms or roommates, subject to availability and at the resident's expense. A facility unable to accommodate a resident's request shall reevaluate the request at least one (1) time every two (2) weeks until the facility is able to accommodate the request. A facility shall not be responsible for its inability to accommodate a resident's request at the time of the request.

(e) A resident or resident's representative who consented as provided in subsection (c) of this section may revoke that consent at any time and for any reason. If consent is revoked, a resident must immediately cease using any electronic monitoring devices in the room. A facility shall have authority to remove or disable any electronic monitoring device from a room after consent is revoked and if the resident does not immediately cease using the device.

(f) All facilities shall obtain and retain all forms submitted by residents under this act. Forms shall be retained consistent with requirements for retaining medical records consistent with state and federal law.

**35-2-1206. Facility rules; installation of electronic monitoring devices; accommodation by facility.**

(a) A facility shall not refuse to admit, remove or retaliate against a resident who requests to use, uses or declines to consent to use electronic monitoring in

his room pursuant to this act.

(b) A facility may develop policies governing the placement and installation of electronic monitoring devices, subject to the provisions of this act and any rules promulgated by the department.

(c) A facility shall not unnecessarily impair or impede a resident's use of electronic monitoring devices but may require installation of devices by a licensed contractor or facility personnel and may limit the placement of devices to maintain resident privacy and dignity.

(d) A resident shall obtain the facility's approval before installing or using any electronic monitoring device, subject to the consent of any other resident residing in the same room as required under W.S. 35-2-1205(c).

(e) A resident or the resident's representative shall be responsible for all costs associated with purchasing, installing, using, maintaining, servicing and removing electronic monitoring devices. For electronic monitoring devices requiring an internet connection, the facility may restrict or limit a resident's use of the facility's network services for those devices and may charge a reasonable fee to the resident using the facility's internet for electronic monitoring.

(f) All electronic monitoring devices used by facilities and residents in facilities shall be conspicuous and in plain view. The facility is responsible for ensuring that no electronic monitoring device is installed in a location that:

(i) Jeopardizes the privacy or dignity of any resident;

(ii) Contravenes any imposed limitation on its placement or use as set forth by the department, the facility, the resident or any other resident residing in the same room;

(iii) Jeopardizes the safety of a resident, employee, visitor or other person;

(iv) Violates federal, state or local regulations.

(g) Any resident residing in a room with electronic monitoring may establish limits on the use of electronic monitoring. The resident may impose limits restricting monitoring during specific times, in the presence of specific individuals, during times of personal care and treatment or for any other reason. Upon request by the resident, the facility shall make reasonable efforts to disable or obscure the electronic monitoring devices and to accommodate the resident's requested limits on electronic monitoring when the facility can reasonably do so. The facility shall document all limits requested by the resident and the facility's efforts to accommodate those requests.

(h) A facility or employee of the facility shall not have access to video or audio recordings captured by an electronic monitoring device except as specified in this act.

**35-2-1207. Admissibility of electronic monitoring; liability; reporting.**

(a) No court or state agency shall admit into evidence or consider during any proceeding any recording created using an electronic monitoring device in a facility unless the recording is otherwise admissible under the Wyoming Rules of Evidence.

(b) Upon request, a facility shall receive a copy of any recording that a party uses in an administrative proceeding against the facility.

(c) A facility shall have no criminal or civil liability for:

(i) Disclosing a recording made by an electronic monitoring device for any purpose pursuant to this act; and

(ii) The disclosure of a recording for any purpose not authorized by this act by a resident, the resident's representative or any agent of the resident or the resident's representative.

(d) A facility that provides internet or network access to a resident for the resident's electronic monitoring device shall not be liable for any network security breach caused by or resulting in unauthorized access to the electronic monitoring devices or any data captured, recorded, transmitted or broadcasted by the devices.

(e) A facility shall have no civil or criminal liability for a violation of a resident's right to privacy that arises out of any electronic monitoring conducted in accordance with this act.

**35-2-1208. Electronic monitoring devices; rulemaking; compliance with rules.**

(a) The department shall promulgate rules necessary to implement this act including rules for receiving and resolving grievances received from residents.

(b) Any resident or facility using an electronic monitoring device before, on or after October 1, 2020 shall comply with this act.

**Section 2.** Before October 1, 2020, the department of health shall promulgate rules necessary to implement the provisions of this act.

**Section 3.**

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

(b) Section 1 of this act is effective October 1, 2020.

Approved March 17, 2020.

**Chapter 127****EMERGENCY WATER PROJECTS ACCOUNT****Original House Bill No. 81**

AN ACT relating to funding for emergency water projects; creating an emergency water projects account; authorizing emergency water project grants and loans; providing a continuous appropriation and providing an additional appropriation; providing for administration; and providing for an effective date.

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

**Section 1.** W.S. 9-4-311(b), 9-4-715(p) by creating a new paragraph (viii) and 41-2-124 by creating new subsections (f) through (k) are amended to read:

**9-4-311. Carey Act revenue.**

(b) The interest income received from investments of the account, and shall be deposited by the state treasurer in the emergency water projects account as provided in W.S. 41-2-124(f), provided that anytime the unencumbered, unobligated balance in the emergency water projects account equals or exceeds ten million dollars (\$10,000,000.00) the income received from investments shall be deposited in the general fund. All monies derived from rentals of the lands acquired under Public Law 582 (68 Stat. 703) and from timber sales therefrom shall be deposited by the state treasurer in the general fund, and shall be expended therefrom only upon appropriation.

**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:

(viii) The emergency water projects account created by W.S. 41-2-124(f), including the voluntary pool program subaccount within that account.

**41-2-124. Accounts created; unexpended balance.**

(f) There is created the emergency water projects account. All funds in the account are continuously appropriated to the water development commission for the purpose of funding emergency water projects as authorized by this subsection and subsections (g) and (h) of this section. Funds within the account

shall be invested in the pool A investment account by the state treasurer pursuant to W.S. 9-4-715(p). Earnings from funds in the account shall be deposited in the account. Notwithstanding W.S. 9-1-417, if the state loan and investment board determines that funds in the account are insufficient to make payment for the full cost of addressing emergency water projects which may occur in any year, the board is authorized to obtain a loan from the legislative stabilization reserve account of up to two million dollars (\$2,000,000.00) which loan shall be repaid by interest earnings or loan repayments from the emergency water projects account.

(g) Emergency water projects funded from the emergency water projects account under subsection (f) of this section shall be limited as follows:

(i) Emergency water projects shall consist only of repair, replacement or maintenance that is required for irrigation infrastructure which is rendered or likely to be rendered permanently inoperable due to an act of God including fire, earthquake, hurricane, storm or other similar natural disaster or phenomena or an unforeseen or impending natural or man-made event that requires immediate action to prevent a threat to or loss of life or property;

(ii) Only political subdivisions that own or have the legal responsibility to operate or maintain irrigation infrastructure shall be eligible for emergency water project funding.

(h) The commission shall adopt rules providing for eligibility determination, procedures and criteria for the application and award of funds from the emergency water projects account. The total amount awarded under this subsection shall not exceed three million dollars (\$3,000,000.00) per fiscal biennium. The maximum grant amount awarded for each emergency project shall not exceed seventy-five percent (75%) of the total emergency project costs, the remaining twenty-five percent (25%) may be funded by the commission in the form of a loan. The term of a loan shall not exceed fifty (50) years and interest shall provide a reasonable return and shall not be less than four percent (4%). The commission shall include the total amount of all emergency water project grant or loan funds provided under this subsection and subtract that total from the maximum allowable grant under W.S. 41-2-121(a)(ii)(E)(I) for a subsequent water development project involving the same entity and project components. All emergency water projects account funds awarded under this subsection shall be approved by the state loan and investment board after review and recommendation by the water development commission prior to the release of funds.

(j) The water development commission shall adopt rules authorizing a voluntary pool program within the emergency water projects account. Participant contributions to the voluntary pool program shall be deposited in a subaccount and funds within the subaccount shall be expended only for emergency projects involving a participant in the voluntary pool program.



For accounting and investment purposes only, all subaccounts shall be treated as separate accounts. Expenditures from the voluntary pool program may be credited in whole or in part to the twenty-five percent (25%) loan for funding an emergency project of a participant.

(k) As used in this section, “irrigation infrastructure” includes dams, canals, ditches, pipelines, aqueducts, tunnels, pumping stations, drainage and flow regulating structures.

**Section 2.** There is appropriated two million five hundred thousand dollars (\$2,500,000.00) from water development account I and two million five hundred thousand dollars (\$2,500,000.00) from the strategic investments and projects account to the emergency water projects account for the purpose of funding emergency water projects.

**Section 3.** This act is effective July 1, 2020.

Approved March 17, 2020.

## Chapter 128

### AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT

Original Senate File No. 87

AN ACT relating to professional licensing; adopting the Audiology and Speech-Language Pathology Interstate Compact; providing for participation in and administration of the compact; authorizing the interstate practice of audiology and speech-language pathology pursuant to the compact; providing for fingerprinting and background checks of license applicants and license renewals; providing conforming amendments; repealing a related provision; and providing for an effective date.

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

**Section 1.** W.S. 33-33-401 and 33-33-402 are created to read:

#### ARTICLE 4

#### AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT

##### **33-33-401. Short title.**

This article shall be known and may be cited as the “Audiology and Speech-Language Pathology Interstate Compact.”

##### **33-33-402. Compact provisions generally.**

The Audiology and Speech-Language Pathology Interstate Compact is enacted into law and entered into on behalf of this state with all other states legally joining in the compact in a form substantially as follows:

#### SECTION 1 PURPOSE

The purpose of this Compact is to facilitate interstate practice of audiology



and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient/client/student is located at the time of the patient/client/student encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This Compact is designed to achieve the following objectives:

1. Increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses;
2. Enhance the states' ability to protect the public's health and safety;
3. Encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice;
4. Support spouses of relocating active duty military personnel;
5. Enhance the exchange of licensure, investigative and disciplinary information between member states;
6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards; and
7. Allow for the use of telehealth technology to facilitate increased access to audiology and speech-language pathology services.

## SECTION 2 DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

A. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211;

B. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an audiologist or speech-language pathologist, including actions against an individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice;

C. "Alternative program" means a non-disciplinary monitoring process approved by an audiology or speech-language pathology licensing board to address impaired practitioners;

D. "Audiologist" means an individual who is licensed by a state to practice audiology;

E. "Audiology" means the care and services provided by a licensed audiologist as set forth in the member state's statutes and rules;

F. “Audiology and Speech-Language Pathology Compact Commission” or “Commission” means the national administrative body whose membership consists of all states that have enacted the Compact;

G. “Audiology and speech-language pathology licensing board,” “audiology licensing board,” “speech-language pathology licensing board,” or “licensing board” means the agency of a state that is responsible for the licensing and regulation of audiologists and/or speech-language pathologists;

H. “Compact privilege” means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and rules. The practice of audiology or speech-language pathology occurs in the member state where the patient/client/student is located at the time of the patient/client/student encounter;

I. “Current significant investigative information” means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech-language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction;

J. “Data system” means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, compact privilege and adverse action;

K. “Encumbered license” means a license in which an adverse action restricts the practice of audiology or speech-language pathology by the licensee and said adverse action has been reported to the National Practitioners Data Bank (NPDB);

L. “Executive Committee” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission;

M. “Home state” means the member state that is the licensee’s primary state of residence;

N. “Impaired practitioner” means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions;

O. “Licensee” means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech-language pathologist;

P. “Member state” means a state that has enacted the Compact;

Q. “Privilege to practice” means a legal authorization permitting the practice of audiology or speech-language pathology in a remote state;

R. “Remote state” means a member state other than the home state where a

licensee is exercising or seeking to exercise the compact privilege;

S. “Rule” unless the context clearly indicates otherwise means a regulation, principle or directive promulgated by the Commission that has the force of law;

T. “Single-state license” means an audiology or speech-language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state;

U. “Speech-language pathologist” means an individual who is licensed by a state to practice speech-language pathology;

V. “Speech-language pathology” means the care and services provided by a licensed speech-language pathologist as set forth in the member state’s statutes and rules;

W. “State” means any state, commonwealth, district or territory of the United States of America that regulates the practice of audiology and speech-language pathology;

X. “State practice laws” means a member state’s laws, rules and regulations that govern the practice of audiology or speech-language pathology, define the scope of audiology or speech-language pathology practice, and create the methods and grounds for imposing discipline;

Y. “Telehealth” means the application of telecommunication technology to deliver audiology or speech-language pathology services at a distance for assessment, intervention and/or consultation.

### SECTION 3

#### STATE PARTICIPATION IN THE COMPACT

A. A license issued to an audiologist or speech-language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech-language pathologist to practice audiology or speech-language pathology, under a privilege to practice, in each member state.

B. A state shall implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state’s criminal records:

1. A member state shall fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions;

2. Communication between a member state, the Commission and among

member states regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544.

C. Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant and whether any adverse action has been taken against any license or privilege to practice held by the applicant.

D. Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as, all other applicable state laws.

E. For an audiologist:

1. Shall meet one (1) of the following educational requirements:

a. On or before December 31, 2007, has graduated with a master's degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

b. On or after January 1, 2008, has graduated with a Doctoral degree in audiology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

c. Has graduated from an audiology program that is housed in an institution of higher education outside of the United States:

(a) For which the program and institution have been approved by the authorized accrediting body in the applicable country; and

(b) The degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

2. Has completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the board;

3. Has successfully passed a national examination approved by the Commission;

4. Holds an active, unencumbered license;

5. Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law;

6. Has a valid United States Social Security or National Practitioner Identification number.

F. For a speech-language pathologist:

1. Shall meet one (1) of the following educational requirements:

a. Has graduated with a master's degree from a speech-language pathology program that is accredited by an organization recognized by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

b. Has graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States:

(a) For which the program and institution have been approved by the authorized accrediting body in the applicable country; and

(b) The degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

2. Has completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the Commission;

3. Has completed a supervised postgraduate professional experience as required by the Commission;

4. Has successfully passed a national examination approved by the Commission;

5. Holds an active, unencumbered license;

6. Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of speech-language pathology, under applicable state or federal criminal law;

7. Has a valid United States Social Security or National Practitioner Identification number.

G. The privilege to practice is derived from the home state license.

H. An audiologist or speech-language pathologist practicing in a member state shall comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech-language pathology shall include all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which

the client is located. The practice of audiology and speech-language pathology in a member state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts and the laws of the member state in which the client is located at the time service is provided.

I. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single-state license.

J. Member states may charge a fee for granting a compact privilege.

K. Member states shall comply with the bylaws and rules and regulations of the Commission.

#### SECTION 4 COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the Compact, the audiologist or speech-language pathologist shall:

1. Hold an active license in the home state;
2. Have no encumbrance on any state license;
3. Be eligible for a compact privilege in any member state in accordance with Section 3 of this compact;
4. Have not had any adverse action against any license or compact privilege within the previous two (2) years from date of application;
5. Notify the Commission that the licensee is seeking the compact privilege within a remote state(s);
6. Pay any applicable fees, including any state fee, for the compact privilege;
7. Report to the Commission adverse action taken by any non-member state within thirty (30) days from the date the adverse action is taken.

B. For the purposes of the compact privilege, an audiologist or speech-language pathologist shall only hold one (1) home state license at a time.

C. Except as provided in Section 6 of this compact, if an audiologist or speech-language pathologist changes primary state of residence by moving between two (2) member states, the audiologist or speech-language pathologist shall apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the Commission.

D. The audiologist or speech-language pathologist may apply for licensure in advance of a change in primary state of residence.

E. A license shall not be issued by the new home state until the audiologist or speech-language pathologist provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state.

F. If an audiologist or speech-language pathologist changes primary state of residence by moving from a member state to a non-member state, the license issued by the prior home state shall convert to a single-state license, valid only in the former home state.

G. The compact privilege is valid until the expiration date of the home state license. The licensee shall comply with the requirements of Section 4(A) of this compact to maintain the compact privilege in the remote state.

H. A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

I. A licensee providing audiology or speech-language pathology services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens.

J. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

1. The home state license is no longer encumbered; and
2. Two (2) years have elapsed from the date of the adverse action.

K. Once an encumbered license in the home state is restored to good standing, the licensee shall meet the requirements of Section 4(A) of this compact to obtain a compact privilege in any remote state.

L. Once the requirements of Section 4(J) of this compact have been met, the licensee shall meet the requirements in Section 4(A) of this compact to obtain a compact privilege in a remote state.

## SECTION 5

### COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with Section 3 of this compact and under rules promulgated by the Commission, to practice audiology or speech-language pathology in any member state via telehealth under a privilege to practice as provided in the Compact and rules promulgated by the Commission.



## SECTION 6

## ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

## SECTION 7

## ADVERSE ACTIONS

A. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, as follows:

1. A remote state may take adverse action against an audiologist's or speech-language pathologist's privilege to practice within that member state;

2. A remote state may issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located;

3. Notwithstanding Section 7(A)(1) and (2) of this compact, only the home state shall have the power to take adverse action against a audiologist's or speech-language pathologist's license issued by the home state.

B. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

C. The home state shall complete any pending investigations of an audiologist or speech-language pathologist who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

D. If otherwise permitted by state law, the home state may recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that



audiologist or speech-language pathologist.

E. The home state may take adverse action based on the factual findings of the remote state, provided that the home state follows its own procedures for taking the adverse action.

F. Joint Investigations:

1. In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees;

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If adverse action is taken by the home state against an audiologist's or speech language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

H. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

I. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

## SECTION 8

### ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION

A. The Compact member states hereby create and establish a joint public agency known as the Audiology and Speech-Language Pathology Compact Commission:

1. The Commission is an instrumentality of the Compact states;

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

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

B. Membership, voting and meetings:

1. Each member state shall have two (2) delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One (1) shall be an audiologist and one (1) shall be a speech-language pathologist;

2. An additional five (5) delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the Executive Committee from a pool of nominees provided by the Commission at large;

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed;

4. The member state board shall fill any vacancy occurring on the Commission, within ninety (90) days;

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission;

6. A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication;

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

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;

2. Establish bylaws;

3. Establish a Code of Ethics;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take actions as are consistent with the provisions of this Compact and the bylaws;

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

7. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state audiology or speech-language pathology licensing board to sue or be sued under applicable law shall not be affected;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

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

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

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

13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

14. Establish a budget and make expenditures;

15. Borrow money;

16. Appoint committees, including standing committees composed of members, and other interested persons as may be designated in this Compact and the bylaws;

17. Provide and receive information from, and cooperate with, law enforcement agencies;

18. Establish and elect an Executive Committee; and

19. Perform other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.

D. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact:

1. The Executive Committee shall be composed of ten (10) members:

a. Seven (7) voting members who are elected by the Commission from the current membership of the Commission;

b. Two (2) ex-officio members, consisting of one (1) nonvoting member from a recognized national audiology professional association and one (1) nonvoting member from a recognized national speech-language pathology association;

c. One (1) ex-officio, nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards; and

d. The ex-officio members shall be selected by their respective

organizations.

2. The Commission may remove any member of the Executive Committee as provided in bylaws;

3. The Executive Committee shall meet at least annually;

4. The Executive Committee shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of member states and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in rules or bylaws.

E. All meetings of the Commission shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 10 of this Compact.

F. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission will discuss:

1. Non-compliance of a member state with its obligations under the Compact;

2. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

3. Current, threatened, or reasonably anticipated litigation;

4. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

5. Accusing any person of a crime or formally censuring any person;

6. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

7. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

8. Disclosure of investigative records compiled for law enforcement purposes;

9. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;

10. Matters specifically exempted from disclosure by federal or member state statute; or

11. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

G. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

H. Financing of the Commission:

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

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

3. The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states;

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

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the

report of the audit shall be included in and become part of the annual report of the Commission.

I. Qualified Immunity, Defense, and Indemnification:

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

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

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 9  
DATA SYSTEM

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

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

including:

1. Identifying information;
  2. Licensure data;
  3. Adverse actions against a license or compact privilege;
  4. Non-confidential information related to alternative program participation;
  5. Any denial of application for licensure, and the reason(s) for denial; and
  6. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.
- C. Investigative information pertaining to a licensee in any member state shall only be available to other member states.
- D. The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.
- E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.
- F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

#### SECTION 10 RULEMAKING

- A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.
- B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.
- C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.
- D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least thirty (30) days in advance of the meeting at which the rule shall be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and

2. On the website of each member state audiology or speech-language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and provide any written comments.

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

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

1. At least twenty-five (25) persons;

2. A state or federal governmental subdivision or agency; or

3. An association having at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing. Hearings shall be in accordance with the following:

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

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

3. All hearings shall be recorded. A copy of the recording shall be made available on request;

4. Nothing in this section shall be construed as requiring a separate hearing



on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

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

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

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

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

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

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

## SECTION 11

### OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

#### A. Dispute Resolution:

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and non-member states;

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

B. Enforcement:

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact;

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees;

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

## SECTION 12

### DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any member state may withdraw from this Compact by enacting a statute repealing the same subject to the following:

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute;

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's audiology or speech-language pathology licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any audiology or speech-language pathology licensure agreement or

other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

### SECTION 13 CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any member state, the Compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

### SECTION 14 BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

B. All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

C. All lawful actions of the Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.

D. All agreements between the Commission and the member states are binding in accordance with their terms.

E. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

**Section 2.** W.S. 7-19-106(a) by creating a new paragraph (xxxii), 7-19-201(a) by creating a new paragraph (xxviii), 33-33-105(a)(ii), by creating a new paragraph (iv) and by creating a new subsection (b), 33-33-202 by creating a new subsection (d), 33-33-303(b), 33-33-306 by creating a new subsection (e) and 33-33-307(a) 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:

(xxxii) The board of examiners of speech-language pathology and audiology for purposes of obtaining background information on persons applying for licensure on or after July 1, 2020 as speech-language pathologists, audiologists or speech-language pathology assistants under Wyoming statutes title 33, chapter 33.

**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:

(xxviii) Persons applying for licensure on or after July 1, 2020 as speech-language pathologists, audiologists or speech-language pathology assistants under Wyoming statutes title 33, chapter 33.

**33-33-105. Eligibility for licensing.**

(a) To be eligible for licensing by the board as a speech-language pathologist or audiologist, a person shall:

(ii) Submit to the board evidence of the completion of educational, clinical experience, examination and employment requirements prescribed by the rules and regulations adopted by the board; ~~and~~

(iv) Pursuant to W.S. 33-33-402, provide the board with fingerprints, necessary fees and other information required to perform a criminal history record background check as provided for by W.S. 7-19-201.

(b) To the extent a license authorized under this section does not comply with the requirements for licensure under the Audiology and Speech-Language Pathology Interstate Compact, the license shall be considered a single-state license that does not include a privilege to practice in any other member state.

**33-33-202. Functions of the board.**

(d) The board shall administer the Audiology and Speech-Language Pathology Interstate Compact in this state as provided in W.S. 33-33-402.

**33-33-303. Waiver of examination or parts thereof.**

(b) Except as otherwise provided in this subsection, the board may waive the examination and grant license to any applicant who shall present proof of current license in another state, including the District of Columbia, or territory of the United States which maintains professional standards considered by the board to be equivalent to those in force in Wyoming. The board shall authorize a privilege to practice by an applicant who is licensed in a member state as provided in the Audiology and Speech-Language Pathology Interstate Compact provided the applicant's license meets all the requirements of privilege to practice in other member states as provided in W.S. 33-33-402.

**33-33-306. Renewal of license.**

(e) Every person licensed under this act who has not previously undergone a criminal history record background check as provided for by W.S. 7-19-201 shall be required to do so as part of the person's next license renewal. A previous criminal history record background check that is not available for inspection by the board shall not be considered a background check for purposes of this subsection.

**33-33-307. Fees.**

(a) The board may prescribe application fees and fees for examination, licensing, certification, specialty examination designation, renewal, a privilege to practice pursuant to the Audiology and Speech-Language Pathology Interstate Compact and other services in amounts determined by the board.

**Section 3.** W.S. 33-33-104(a)(iii) is repealed.

**Section 4.** This act is effective July 1, 2020.

Approved March 24, 2020.

## Chapter 129

### CONCEALED WEAPONS PERMIT RENEWAL-MILITARY DUTY

Original Senate File No. 105

AN ACT relating to concealed weapons permits; providing for renewal of concealed weapons permits for military personnel and spouses under specified conditions; providing an extension renewal period for deployed armed force members under specified circumstances; and providing for an effective date.

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

**Section 1.** W.S. 6-8-104(s) and (cc) is amended to read:

**6-8-104. Wearing or carrying concealed weapons; penalties; exceptions; permits.**

(s) The permittee may renew his permit on or before the expiration date by filing with the sheriff of the applicant's county of residence the renewal form, a notarized affidavit stating that the permittee remains qualified pursuant to the criteria specified in this section, and the required renewal fee. The permit shall be renewed to a qualified applicant upon receipt of the completed renewal application, appropriate payment of fees and the division shall verify that the criminal history information available to the division does not indicate that possession of a firearm by the applicant would constitute a violation of state or federal law. A permittee who fails to file a renewal application on or before its expiration date shall renew his permit by paying a late fee of ten dollars (\$10.00), but no late fee shall be charged for permits renewed by deployed armed force members through the additional renewal period under subsection

(cc) of this section. Subject to subsection (cc) of this section, no permit shall be renewed six (6) months or more after its expiration date, and the permit shall be deemed to be permanently expired. A person whose permit has permanently expired may reapply for a permit pursuant to subsections (b) through (e) of this section.

(cc) The attorney general shall by rule and regulation provide a procedure under which a person who is in active military service outside the state of Wyoming, or who is a military spouse as defined by rule of the attorney general residing with a person in active military service outside the state, but otherwise meets the requirements specified in subsection (b) of this section may apply for a permit or a renewal of a permit to carry a concealed firearm under this section without appearing in Wyoming. An application for a permit or renewal under this subsection shall be filed with the division of criminal investigation and accepted during active military service outside the state. Members of the armed forces who are deployed outside the United States and whose permits expire during their term of deployment shall be permitted to renew their permits through the deployment period and not later than six (6) months after returning to the United States after deployment. An expired permit which is not renewed prior to the end of the extended period provided in this subsection shall be deemed to be permanently expired as provided in subsection (s) of this section. Except as provided in this subsection, requirements for applications for all renewals under this subsection shall be the same as those required for non-late renewals under subsection (s) of this section, together with verification of active military status, deployment outside the United States, termination of deployment outside the United States and marital status, all as applicable and as required by rule of the attorney general. Applications, other than renewals, under this subsection shall require:

**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 24, 2020.

## Chapter 130

### WYOMING WORKS-APPLICATION PERIOD

Original Senate File No. 93

AN ACT relating to higher education; clarifying application period for Wyoming works program grants; and providing for an effective date.

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

**Section 1.** W.S. 21-18-405(a)(iv) is amended to read:

**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:

(iv) Students shall ~~make application apply~~ 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 academic term for the applicable credential program at the college. The application shall contain information required by rule of the commission;

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

Approved March 24, 2020.

**Chapter 131****LONG-TERM CARE INSURANCE**

Original Senate File No. 123

AN ACT relating to insurance; establishing requirements for long-term care insurance; and providing for an effective date.

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

**Section 1.** W.S. 26-38-105 by creating a new subsection (r) is amended to read:

**26-38-105. Disclosure and performance standards for long-term care insurance.**

(r) Long-term care insurance premium rate increases shall be based on accepted actuarial principles and practices. All long-term care insurance premium rate increases shall be subject to the approval of the commissioner.

**Section 2.** This act is effective July 1, 2020.

Approved March 24, 2020.

**Chapter 132****MICROBREWERIES**

Original House Bill No. 158

AN ACT relating to alcoholic beverages; providing for a microbrewery to operate at more than one (1) location; making conforming changes; and providing for an effective date.

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

**Section 1.** W.S. 12-1-101(a)(xix) and 12-4-412(b)(vi) and (d) are amended to read:

**12-1-101. Definitions.**

(a) As used in this title:

(xix) “Microbrewery” means a commercial enterprise ~~at a single location~~ producing not more than fifty thousand (50,000) barrels per year and no less than fifty (50) barrels per year of malt beverage;

**12-4-412. Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; direct shipment of wine; fees.**

(b) The local licensing authority:

(vi) Shall limit the number of microbreweries or the number of wineries to no more than those allowed in W.S. 12-4-201(d) for each permit. A microbrewery operating at more than one (1) location in an incorporated town, or unincorporated area of the county, shall be considered one (1) microbrewery for purposes of this paragraph;

(d) In addition to subsection (b) of this section, the local licensing authority may:

(i) Issue to the holder of a winery permit under this section a satellite winery permit which allows the permittee to sell wine manufactured at the site identified on the manufacturer’s license at up to three (3) satellite locations within Wyoming separate from its licensed manufacturing site under the original permit fee. The satellite winery permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00) regardless of the number of satellite locations. The satellite winery permit shall be subject to the terms and conditions of W.S. 124106, the schedule of operating hours set pursuant to W.S. 12-5-101 and the licensed building provisions of W.S. 12-5-201;

(ii) Authorize a microbrewery to operate at more than one (1) location. The local licensing authority may require the payment of an additional permit fee not to exceed one hundred dollars (\$100.00) regardless of the number of locations authorized for the microbrewery. All locations shall be subject to all provisions of this title related to the operation of a microbrewery.

**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 24, 2020.



**Chapter 133****PARI-MUTUEL EVENTS-RODEO****Original House Bill No. 230**

AN ACT relating to pari-mutuel events; providing for professional rodeo events as pari-mutuel events; and providing for an effective date.

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

**Section 1.** W.S. 11-25-102(a)(v) is amended to read:

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

(a) As used in this act:

(v) “Pari-mutuel event” means the events which are authorized by the commission for the conduct of horse racing (to include quarter horse, thoroughbred or other approved races), harness racing, cutter racing, chariot racing, chuckwagon racing, professional roping and rodeo events and simulcasting of dog racing and the events described in this paragraph as prescribed by the commission. Notwithstanding W.S. 6-7-101(a)(iv) and 11-25-107, the commission may authorize and promulgate rules providing for pari-mutuel wagering on events that have previously occurred, utilizing an electronic system or device that affords an opportunity for the exercise of skill or judgment where the outcome is not completely controlled by chance alone;

**Section 2.** This act is effective July 1, 2020.

Approved March 24, 2020.

**Chapter 134****MOUNTAIN DAYLIGHT TIME PRESERVATION****Original House Bill No. 44**

AN ACT relating to legal time; requiring the state to observe a time zone as specified; establishing a new uniform state time; specifying contingencies; and providing for an effective date.

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

**Section 1.** W.S. 8-4-115 is created to read:

**8-4-115. Mountain daylight time.**

(a) The year-round observed time of the entire state of Wyoming and all of the state’s political subdivisions is mountain daylight time. Wyoming exempts all areas of the state from mountain standard time.

(b) As used in this section:

(i) “Mountain daylight time” means the period during a year when

mountain standard time is advanced one (1) hour in accordance with 15 U.S.C. § 260a;

(ii) “Mountain standard time” means the observed time assigned to the mountain time zone in 15 U.S.C. § 261.

### **Section 2.**

(a) This act is effective on the first Sunday of November following the day on which both of the following have occurred:

(i) Legislation enacted by the United States congress goes into effect to amend 15 U.S.C. § 260a to authorize states to observe daylight saving time year-round; and

(ii) Not fewer than four (4) western states, including Wyoming, pass legislation to place all or a portion of those states on year-round daylight time, regardless of the time zone.

(b) The governor shall inform the management council of the legislature in writing of the date this bill takes effect in accordance with this section.

(c) As used in this section, “western states” means the states of Colorado, Idaho, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming.

Approved March 24, 2020.

## **Chapter 135**

### **WEED AND PEST AMENDMENTS**

#### **Original House Bill No. 38**

AN ACT relating to weed and pest control; amending provisions related to inspections and remediation of weed and pest infestations; repealing a related provision; and providing for an effective date.

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

**Section 1.** W.S. 11-5-109(a), (b), (c)(intro), (ii), (d) and (e) is amended to read:

#### **11-5-109. Inspection of land; remedial requirements; cost to landowner.**

(a) Whenever the district board has probable cause to believe that ~~there exists land~~ a landowner's property is infested by weeds or pests which are liable to spread and contribute to the injury or detriment of others and the board has provided written notice of probable cause to the landowner, it shall make or have made an ~~investigation~~ inspection of the suspected premises through the use of lawful entry procedures. ~~The designated representative of the district board, after giving the landowner written notice, may go upon premises within the district, through the use of lawful entry procedures, without interference or obstruction for purposes of making a reasonable investigation of the infested~~

area. Notice is deemed to have been given if it is deposited in a United States post office by certified mail with sufficient postage, addressed to the last known address of the landowner at least five (5) days before entry. No entry upon any premises, lands or places shall be permitted under this subsection until the landowner or occupant has been notified by certified mail and, if the landowner has consented to receive notices electronically, by electronic means that provide actual notice to the landowner or occupant that the inspection is pending at least fifteen (15) days prior to the inspection. If possible, inspections shall be scheduled and conducted with the concurrence of the landowner or occupant. If, after receiving notice that an inspection is pending, the landowner or occupant denies access to the district supervisor or the supervisor's designee, the supervisor may seek an administrative inspection warrant issued by a municipal, circuit or district court having jurisdiction over the land. No landowner shall deny access to land when presented with an administrative inspection warrant issued by a court. The court shall issue an administrative inspection warrant upon presentation by the district board, through its agent or employee, of an affidavit stating:

(i) The information that gives the district board probable cause to believe that any provision of this chapter is being or has been violated;

(ii) That the landowner or occupant has denied access to the district supervisor or the supervisor's designee or has not responded within fifteen (15) days of receiving notice; and

(iii) A particularized description of the location of the affected land.

(b) If the suspected area is found to be infested, the district board, by resolution adopted by two-thirds (2/3) of its members, shall confirm such fact. The district board resolution may set forth minimum remedial requirements for control of the infested area,; provided that:

(i) The remedial requirements are likely to be effective in controlling an infestation of the species in question at the infested area;

(ii) The board includes potential estimated costs if available;

(iii) The benefits, both economic and environmental, exceed the estimated costs of the remedial requirements;

(iv) The board may assist the landowner in developing an integrated pest management plan for the species in question; and

(v) The landowner may propose alternate remedial requirements.

(c) The district board shall deliver, by certified mail, to the address of the landowner appearing on the most recent tax ~~roles~~ rolls of the district and, if the landowner has consented to receive notices electronically, by electronic means that provide actual notice to the landowner all of the following:

(ii) A statement of the estimated cost to the landowner of fulfilling the

requirements; and the amount that may be shared with the landowner, as determined by district board policy.

(d) At the request of the landowner, the district board shall hold a hearing in accordance with the Wyoming Administrative Procedure Act. The landowner may appeal the board's resolution to the district court.

(e) A landowner who is responsible for an infestation and fails or refuses to perform the remedial requirements for the control of the weed or pest on the infested area within the time designated in the district board's resolution may be fined not more than fifty dollars (\$50.00) per day for each day of violation and not more than a total of two thousand five hundred dollars (\$2,500.00) per year as determined by the court. Any person accused under this act is entitled to a trial by jury. The accumulated fines under this section are a lien against the property of the landowner from the day notice is delivered to the landowner by the district board. All fines shall be deposited with the county treasurer and credited to the county school fund.

**Section 2.** W.S. 11-5-109(c)(iii) is repealed.

**Section 3.** This act is effective July 1, 2020.

Approved March 24, 2020.

## Chapter 136

### LIFE INSURANCE PREMIUMS

#### Original Senate File No. 71

AN ACT relating to insurance; exempting alien insurers from specified life insurance premium taxes; requiring the separate reporting of specified life insurance premiums; modifying the tax rate for specified life insurance premiums; repealing obsolete provisions; specifying applicability; requiring a report; and providing for an effective date.

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

**Section 1.** W.S. 26-3-130(b)(i), (ii) and by creating a new paragraph (iii) and 26-4-103(a)(intro), (b)(i)(D) and by creating a new subparagraph (E) are amended to read:

**26-3-130. Retaliatory provisions against other states and countries.**

(b) This section does not apply to:

(i) Application fees, examination fees, license fees, appointment fees and continuation fees for agents, adjusters or consultants; ~~or~~

(ii) Personal income taxes, ad valorem taxes on real or personal property nor to special purpose obligations or assessments imposed by another state in connection with particular kinds of insurance other than property insurance, except that the commissioner shall consider deductions, from premium taxes

or other taxes otherwise payable, allowed because of real estate or personal property taxes paid in determining the propriety and extent of retaliatory action under this section; or

(iii) Life insurance premium taxes on that portion of a life insurance policy's annual premium exceeding one hundred thousand dollars (\$100,000.00).

**26-4-103. Premium taxes; generally; preemption by state.**

(a) Each authorized and formerly authorized insurer shall file with the commissioner on or before March 1 each year or within any extended period the commissioner grants not to exceed thirty (30) days, a report in a form the commissioner prescribes showing, except for wet marine and transportation insurance as defined in W.S. 26-5-107 and except as provided under subsection (k) of this section, total direct premium income including policy, membership and other fees, and all other considerations for insurance and annuity contracts, however designated, it received during the immediately preceding calendar year because of policies and contracts covering property, subjects or risks located, resident or to be performed in this state. The report shall also identify separately the premiums charged on life insurance policies with annualized premiums exceeding one hundred thousand dollars (\$100,000.00) for the immediately preceding calendar year. The total direct premium income reported shall include proper proportionate allocation of premiums or consideration as to those persons, property, subjects or risks in this state insured or covered under policies or contracts covering persons, property, subjects or risks located or resident in more than one (1) state, and shall be computed after deducting:

(b) At the same time the report is filed, each insurer shall pay for the privilege of transacting business in this state, a tax upon net premiums and net considerations to be computed at the following rates:

(i) As to each insurer, the tax rate, except as to annuity considerations, shall be as follows:

(D) Except as provided in subparagraph (E) of this paragraph, for premium income received, in 1994 and thereafter the tax rate shall be seventy-five hundredths percent (.75%);

(E) For premium income received, seventy-five hundredths percent (.75%) on the first one hundred thousand dollars (\$100,000.00) of a life insurance policy's annual premium and seventy-five thousandths of one percent (.075%) on that portion of a life insurance policy's annual premium exceeding one hundred thousand dollars (\$100,000.00).

**Section 2.** W.S. 26-4-103(b)(i)(A) through (C) is repealed.

**Section 3.** The provisions of this act shall apply only to life insurance policies issued on or after January 1, 2021.

**Section 4.** The insurance commissioner shall provide a summary report to

the joint corporations, elections and political subdivisions interim committee by June 1, 2022 regarding the financial effect of the tax rate created under W.S. 26-4-103(b)(i)(E), as created by this act.

**Section 5.** This act is effective January 1, 2021.

Approved March 24, 2020.

## Chapter 137

### LIFE INSURANCE BENEFITS-PAYMENTS AND INTEREST

Original House Bill No. 235

AN ACT relating to insurance; modifying payments of claims and interest requirements on life insurance benefits as specified; and providing for an effective date.

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

**Section 1.** W.S. 26-15-124(a) and 26-16-112 are amended to read:

**26-15-124. Claim to be accepted or rejected; attorney's fee.**

(a) Claims for benefits under a life, accident or health insurance policy shall be rejected or accepted and paid by the insurer or its agent designated to receive the claims within forty-five (45) days after receipt of the proofs of loss and supporting evidence. Exceptions to the time of forty-five (45) days shall be made for accident and health insurance claims if there is any question as to the validity or the amount of the claim and the question is referred to the Wyoming state medical peer review committee for adjudication. Exceptions shall also be made as authorized by W.S. 26-16-112(a).

**26-16-112. Payment of claims.**

(a) If the benefits under the policy are payable because of the death of the insured, settlement shall be made upon receipt of proof of death and, at the insurer's option, surrender of the policy or proof of the interest of the claimant, or both. If an insurer shall specify a particular period prior to the expiration of which settlement shall be made, the period may not exceed the time requirements specified in W.S. 26-15-124. For any private placement policy, settlement may be made in cash or, if allowed under the policy, by distributing assets of the separate account to the claimant with the consent of the policyholder, as long as the fair market value of the assets are independently verified at the time of disbursement by the insurer. In any private placement policy, the obligation of the insurer to settle that portion of the policy attributable to separate account assets is subject to the liquidity of the assets and the insurer shall settle the portion of the policy as and when the assets can be, by their respective terms, either converted to cash, which may be later than the time requirements specified in W.S. 26-15-124, or otherwise dispersible by the insurer.

(b) Benefits shall be paid within the time requirements of W.S. 26-15-124 and shall include interest accrued from the date of death until date of payment. The interest rate shall be not less than the rate of interest payable on death proceeds left on deposit with the insurer. For any private placement policy, the interest shall be computed commencing the latter of sixty (60) days succeeding the date of death of the insured or the date proof of death has been received by the insurer in good order, until the date of payment. In any private placement policy, the obligation of the insurer to pay interest on that portion of the policy attributable to separate account assets may only be computed as and when the assets are, by their respective terms, either converted to cash or otherwise dispersible by the insurer.

(c) For purposes of this section, date of payment shall include the date of the postmark stamped on an envelope properly addressed and postage prepaid, containing the payment.

(d) The provisions of this section requiring the payment of interest shall not apply to variable contracts which provide for insurance or annuity benefits which may vary according to the investment experience of any separate account or accounts maintained by the insurer as to such contract.

(e) As used in this chapter, "private placement policy" is a variable life insurance policy that is:

(i) Issued exclusively to a person who is an accredited investor or a qualified purchaser, as defined in the Securities Act of 1933 or the Investment Company Act of 1940 or in regulations promulgated under either statute; and

(ii) Offered for sale and sold in a transaction that is exempt from registration under the Securities Act of 1933.

**Section 2.** The provisions of this act shall apply to any life insurance policy delivered, issued for delivery or renewed in this state on or after July 1, 2020.

**Section 3.** This act is effective July 1, 2020.

Approved March 24, 2020.

## Chapter 138

### DR. LEONARD L. ROBINSON MEMORIAL BRIDGE

#### Original House Bill No. 96

AN ACT relating to highways and bridges; designating a bridge as specified; providing for signage; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 24-1-138 is created to read:

**24-1-138. Dr. Leonard L. Robinson World War II Bataan Death March memorial bridge.**

The bridge on United States Interstate Highway 25 crossing over Center Street in Casper, Wyoming shall be known as the “Dr. Leonard L. Robinson World War II Bataan Death March Memorial Bridge.” The department of transportation shall install appropriate signage, in compliance with applicable federal and state law, to identify the Dr. Leonard L. Robinson World War II Bataan Death March Memorial Bridge.

**Section 2.** Nothing in this act shall require the department of transportation to remove or modify any designation of the bridge specified in section 1 of this act submitted to the federal highway administration.

**Section 3.** There is appropriated five thousand dollars (\$5,000.00) from the general fund to the department of transportation for purposes of installing signage required by this act. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2022. 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. It is the intent of the legislature that this appropriation not be included in the department of transportation’s standard budget for the immediately succeeding fiscal biennium.

**Section 4.** This act is effective July 1, 2020.

Approved March 24, 2020.

## Chapter 139

### COAL SEVERANCE TAX EXEMPTION-CANADIAN AND MEXICAN PORTS

Original House Bill No. 231

AN ACT relating to taxation and revenue; creating a severance tax exemption for surface coal transported to markets outside of North America as specified; providing a sunset date; requiring rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 39-14-105 by creating a new subsection (e) is amended to read:

**39-14-105. Exemptions.**

(e) Surface coal transported to market outside of North America using a coal export terminal located in Canada or Mexico is exempt from the severance taxes imposed by W.S. 39-14-104(a)(iii) and (v). The taxpayer shall submit all information and documentation as specified by the department to determine



the taxpayer's qualification for the exemption. This subsection is repealed effective July 1, 2030 or upon the export in any calendar year through United States coal export terminals to markets outside of North America of a combined ten million (10,000,000) tons of surface coal subject to the tax as determined by the department of revenue and certified to the governor, whichever is sooner.

**Section 2.** The department of revenue shall promulgate rules and regulations necessary to implement this act on or before 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 March 24, 2020.

## Chapter 140

### UNPAID WAGE CLAIM AMENDMENTS

#### Original House Bill No. 132

AN ACT relating to labor and employment; specifying authority of the department of workforce services to investigate unpaid wage claims; specifying employees who can file suit for payment of wages due; amending when interest is authorized for unpaid wage claims; implementing an anti-retaliation provision for issues related to unpaid wages; clarifying the jurisdiction for legal proceedings for the collection of unpaid wages; providing penalties; and providing for an effective date.

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

**Section 1.** W.S. 27-4-104(b), 27-4-502 and 27-4-504(c) are amended to read:

**27-4-104. Payment of employee quitting or discharged and suit for wages; generally.**

(b) Whenever an employee who has quit, ~~or~~ has been discharged from service, ~~or because of action taken by the employer is prevented from working~~ has cause to bring suit for wages earned and due, and shall establish in court the amount which is justly due, the court shall allow to the plaintiff interest on the past due wages at the rate of eighteen percent (18%) per annum from the date of discharge or termination or from the date when unpaid wages are required to be paid as specified in this act, together with a reasonable attorney fee and all costs of suit. Prosecution of a civil action to recover unpaid wages does not preclude prosecution under W.S. 27-4-105.

**27-4-502. Claims for unpaid wages; anti-retaliation.**

(a) The department is hereby empowered to take claims for unpaid wages

under the provisions of W.S. 27-4-101 and 27-4-104. The department in taking a claim for unpaid wages as provided for in this act is not to exceed ~~the sum of five hundred dollars (\$500.00)~~ the maximum amount specified in section 507(a)(4) of title 11, United States Code for claims arising out of bankruptcy or two (2) months wages, whichever is the greater for any claims not arising out of bankruptcy, per employee per wage claim.

(b) It shall be an unlawful employment practice for any employer to discharge, harass, discipline or in any other manner discriminate against any employee because the employee filed a claim for unpaid wages or made any other complaint or instituted or caused to be instituted any proceeding under or related to this act or testified, assisted or participated in any manner in an investigation, proceeding or hearing under this act. Any employer who violates the provisions of this subsection shall be liable for legal or equitable relief as may be appropriate to effectuate the purposes of this act including continued employment, reinstatement, promotion and the payment of wages lost and an additional equal amount as liquidated damages.

**27-4-504. Investigation and determination of unpaid wage claims; hearing; orders; collection of unpaid wages.**

(c) Upon a finding by the hearing officer that the unpaid wage claim is valid and either the time for judicial review has passed or the decision has been affirmed by final judicial review, the department shall order the employer to pay the amount of unpaid wages due. The department's order is not appealable or subject to judicial review. The department shall, with the assistance of the county attorney, initiate legal proceedings to collect the unpaid wages in the court having jurisdiction based on the total amount of unpaid wages due.

**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 24, 2020.

## Chapter 141

### TAX LIEN ENFORCEMENT-2

Original Senate File No. 139

AN ACT relating to ad valorem taxation; amending provisions for perfection of tax liens; amending notice of tax lien provisions; amending the definition of "delinquent taxpayer" for purposes of liens on mineral production; and providing for an effective date.

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

**Section 1.** W.S. 39-13-108(d)(vi)(intro), (A), (B), (C)(intro), (E)(V) and (O) and by creating a new paragraph (vii) is amended to read:

**39-13-108. Enforcement.**

(d) Liens. The following shall apply:

(vi) Liens on mineral production before January 1, 2021. 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);~~

(B) A lien under this paragraph is also a lien on all interests of the ~~delinquent~~ taxpayer in the mineral estate from which the production was severed, and on all future production of the same mineral from the same leasehold, regardless of any change of ownership or change in the person extracting the mineral. A lien under this paragraph shall not apply to a royalty interest, overriding royalty or other interest carved out of the mineral estate of an owner who is not a delinquent taxpayer;

(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:~~

(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:

(V) A statement that the amount of the unpaid tax, fees, penalties or interest is a lien on all property, real, tangible or intangible, including all after acquired property and rights to the property belonging to the 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) and located within the county, as well as all interest of the delinquent taxpayer in the mineral estate from which the production was severed and any future production from the same mineral leasehold regardless of any change of ownership or change in the person extracting the mineral. Any new owner or new person extracting the mineral shall not be subject to a prior lien under this paragraph if the new owner or new person extracting the mineral furnishes evidence of a certification from the applicable taxing authorities to the previous owner or previous person extracting the mineral that at the time of the sale or transfer to the new owner or new person extracting the mineral, payment of all state and local taxes imposed upon mineral production was current or the applicable taxing authorities had released, settled or agreed to other payment terms.

(O) As used in this paragraph, “delinquent taxpayer” means any person who has ~~the legal~~any responsibility to pay ad valorem taxes, fees, penalties or interest on mineral production and who has not made full payment as of the date due ~~of such for payment of the~~ taxes, fees, penalties or interest. A delinquent taxpayer may include a mineral lessee who is receiving production from the mineral interest; the mineral lessor to the extent of the lessor’s retained interest; an owner of a royalty, overriding royalty or other interest carved out of the mineral estate; or a person severing the mineral, if the person has the legal responsibility for remittance of ad valorem tax, fees, penalties or interest on the mineral production. “Delinquent taxpayer” ~~does shall~~ not include an owner of a royalty interest, overriding royalty or other interest carved out of the mineral estate if the person who is producing the mineral ~~and legally responsible for remitting ad valorem taxes, fees, penalties or interest on production withholds a portion of the royalty, overriding royalty or other interest carved out of the mineral estate for the purpose of remitting taxes, fees, penalties or interest on behalf of the owner.~~

(vii) Liens on mineral production on or after January 1, 2021. 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. 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. 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 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);

(B) A lien under this paragraph is also a lien on all interests of the taxpayer in the mineral estate from which the production was severed, and on all future production of the same mineral from the same leasehold, regardless of any change of ownership or change in the person extracting the mineral. A lien under this paragraph shall not apply to a royalty interest, overriding royalty or other interest carved out of the mineral estate of an owner who is not a delinquent taxpayer;

(C) 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 any superior lien existing before January 1, 2021 and the lien shall survive foreclosure actions until paid in full or until released by the lienholder. Any new owner or new person extracting the mineral shall not be subject to a prior lien under this paragraph if the new owner or new person extracting the mineral furnishes evidence of a certification from the applicable taxing authorities to the previous owner or previous person extracting the mineral that at the time of the sale or transfer to the new owner or new person extracting the mineral, payment of all state and local taxes imposed upon mineral production was current or the applicable taxing authorities had released, settled or agreed to other payment terms;

(D) No lien shall be enforced until the right of the taxpayer to file and properly perfect an appeal concerning 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. Nothing in this subparagraph shall be deemed to relieve any taxpayer of the requirement to pay any tax when due under this title;

(E) In order to foreclose a tax lien under this paragraph pursuant to a tax sale under subsection (e) of this section, the county treasurer shall file a notice of the intent to foreclose 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 intent to foreclose shall be provided to the person against whose property the lien is filed at the last known address of the person. The notice of the intent to foreclose shall contain:

(I) The name and last known address of the person or persons against whose property the lien is filed including, but not limited to, the delinquent taxpayer;

(II) The name and address of the county as the holder of the lien and the name of the contact person within the county;

(III) The amount of the tax, fees, penalties and interest owed;

(IV) A legal description of the premises of the mineral estate of the taxpayer from which the mineral was produced, detailed to at least the township, range and section.

(F) No other action beyond that described in subparagraph (E) of this paragraph shall be required to foreclose a tax lien;

(G) One (1) notice of the intent to foreclose shall be deemed sufficient to cover all taxes, together with interest, fees and penalty of the same nature which may accrue after the filing of the notice;

(H) Any tax lien created under this paragraph shall survive the death or incapacitation of any person, and shall survive any other destruction or attempted destruction of any interest in property owned by any person liable under Wyoming law for the collection, payment or remittance of taxes, fees, penalties or interest to the county;

(J) In the event of foreclosure, the county shall be entitled to recover the costs of filing the lien, foreclosing on the lien and reasonable attorney's fees;

(K) A notice of intent to foreclose shall be released within sixty (60) days after taxes, penalties and interest due are paid or collected;

(M) Notwithstanding that the lien is a lien on all interests in the mineral estate from which the production was severed and on all future production from the same leasehold 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), the county may, for good cause shown, release the lien on all property in the county, real, tangible and intangible, and settle delinquent taxes, interest and penalties to be collected against future production from that leasehold;

(N) As used in this paragraph, "delinquent taxpayer" means any person who has any responsibility to pay ad valorem taxes, fees, penalties or interest on mineral production and who has not made full payment as of the date due for payment of the taxes, fees, penalties or interest. A delinquent taxpayer may include a mineral lessee who is receiving production from the mineral interest; the mineral lessor to the extent of the lessor's retained interest; an owner of a royalty, overriding royalty or other interest carved out of the mineral estate; or a person severing the mineral. "Delinquent taxpayer" shall not include an owner of a royalty interest, overriding royalty or other interest carved out of the mineral estate if the person who is producing the mineral withholds a portion of the royalty, overriding royalty or other interest carved out of the mineral estate for the purpose of remitting taxes, fees, penalties or interest on behalf of the owner.

**Section 2.** This act is effective July 1, 2020.

Approved March 24, 2020.

## Chapter 142

### MONTHLY PAYMENT OF AD VALOREM TAX ON MINERAL PRODUCTION

Original House Bill No. 159

AN ACT relating to ad valorem taxation of mineral production; providing for monthly payment of ad valorem taxes on mineral production commencing January 1, 2020; providing a process for reporting, payment, reconciliation and distribution of the monthly ad valorem tax; specifying the payment schedule for the transition period; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 39-13-113 is created to read:

**39-13-113. Monthly payment of ad valorem tax on gross product of mineral production.**

(a) Commencing with mineral and mine production on January 1, 2020, this section shall govern the payment of all ad valorem taxes on the value of the gross product of minerals and mine products, hereafter referred to as the “ad valorem tax on mineral production”. Any provisions of this title related to the ad valorem tax on mineral production that do not conform to the processes and procedures set forth in this section are superseded by this section to the extent the procedures conflict with this section.

(b) Except as provided in this section, all mineral and mine producers in the state shall report and pay the ad valorem tax on mineral production for each county on a monthly basis. Payments shall be due and payable to the department on or before the twenty-fifth day of the second month following the month of production. Payments under this subsection shall not be less than the amount calculated by the taxpayer by applying the mill levy rate established by the county in the immediately preceding year to the value of the gross product of minerals and mine products produced each month. Annually, on or before September 20, the county treasurer shall send a written statement to each taxpayer by mail at his last known address or, if offered by the county and upon request of the taxpayer, by electronic transmission, of any tax due or overpayment received after applying the amount the county has received from that taxpayer through monthly payments under this section by reconciling those payments with the applicable mill levy rate for that production year, itemized as to property description, assessed value and applicable mill levies. Failure to send notice, or to demand payment of taxes, does not invalidate any taxes due. The taxpayer shall reconcile the amount indicated on the notice as follows:



(i) If the statement provided by the county indicates additional taxes are due, the taxpayer shall pay the additional amount due not later than December 20 of that year;

(ii) If the statement by the county indicates that the monthly payments resulted in an overpayment of the taxes, the county treasurer shall refund taxes that were overpaid under this section by December 20 of that year. The taxpayer may elect to have the county treasurer retain any overpayment amount and apply that amount towards other ad valorem taxes due.

(c) Collection and distribution. Monthly and annual payments of the ad valorem tax on mineral production shall be collected by the department on behalf of each county. The department shall properly account for the payments received and distribute the payments promptly in the course of ordinary business to the county treasurer. Upon distribution of funds to counties under this subsection the amount shall be proportionally distributed by the county treasurer to each taxing entity within the county as provided in W.S. 39-13-111.

(d) If a taxpayer's liability for severance tax as imposed under chapter 14 of this title is less than thirty thousand dollars (\$30,000.00) for the preceding calendar year, the monthly payment requirements for the ad valorem tax on mineral production under this chapter are waived and the taxpayer shall report and pay the ad valorem tax on mineral production annually as provided in this subsection. The annual report and payment shall be due and payable on February 25 of the year following the year of production. Annual payments shall be calculated by the taxpayer by applying the mill levy rate established by the county commissioners in the production year, along with any adjustments made in accordance with law and reported by the county to the department by January 15 of the year following the production year, to the value of the gross product of minerals and mine products produced in the applicable year. Annual payments made under this subsection shall be paid to the department and deposited with the applicable county treasurer as provided in subsection (c) of this section and reconciled as provided in subsection (b) of this section.

(e) Failure to make payments at the time they are due and payable under this section shall subject the taxpayer to the enforcement provisions of W.S. 39-13-108 and shall also be subject to enforcement as follows:

(i) If the report and payment of tax required under this section is not provided, the department shall value the property from the best information available to determine the fair market value of the property;

(ii) If a taxpayer producing valuable deposits fails to pay the taxes when due, the department shall file a notice of lien on behalf of the applicable county pursuant to W.S. 39-13-108(d)(vi);

(iii) Taxes due together with interest, penalties and costs shall be collectible by the department or county by appropriate judicial proceedings.



(f) Notwithstanding subsection (a) of this section or any other provision of law, upon receiving an application from a taxpayer a county may enter into an agreement with the taxpayer to accept payments for the ad valorem tax on mineral production under the processes and procedures in place prior to the effective date of this section, subject to the following:

(i) Prior to entering into any agreement under this subsection, the county shall:

(A) Establish uniform eligibility criteria and an application process;

(B) Conduct at least one (1) public meeting related to the proposed agreement. The county shall notify all taxing authorities that receive any taxes that may be impacted by the agreement of the meeting at least fourteen (14) days prior to the meeting.

(ii) Upon entering into any agreement under this subsection, the county shall notify the department;

(iii) Upon receipt of notice from a county under this subsection, the department shall exempt the taxpayer from the provisions of this section and the taxpayer shall be subject to all processes, procedures and requirements in place prior to the effective date of this section;

(iv) No taxpayer shall be eligible for an agreement under this subsection for mineral production from any property acquired on or after the effective date of this section.

**Section 2.** W.S. 39-13-107(b)(i)(D), 39-13-108(b)(i), (ii) and (c)(ii)(C), 39-13-111 by creating a new subsection (d), 39-14-107(b)(ii), 39-14-207(b)(ii), 39-14-307(b)(ii), 39-14-407(b)(ii), 39-14-507(b)(ii), 39-14-607(b)(ii) and 39-14-707(b)(ii) are amended to read:

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

(b) The following provisions shall apply to the payment of taxes, distraint of property and deferral:

(i) The following shall apply to the payment of taxes due:

(D) Except as otherwise provided in W.S. 39-13-113, taxes provided by this act are due and payable at the office of the county treasurer of the county in which the taxes are levied. Fifty percent (50%) of the taxes are due on and after September 1 and payable on and after November 10 in each year and the remaining fifty percent (50%) of the taxes are due on and after March 1 and payable on and after May 10 of the succeeding calendar year except as hereafter provided. If the entire tax is paid on or before December 31, no interest or penalty is chargeable;

**39-13-108. Enforcement.**

(b) Interest. The following shall apply:

(i) Except as otherwise provided in W.S. 39-13-113, taxes provided by this act are due and payable at the office of the county treasurer of the county in which the taxes are levied. Fifty percent (50%) of the taxes are due on and after September 1 and payable on and after November 10 in each year and the remaining fifty percent (50%) of the taxes are due on and after March 1 and payable on and after May 10 of the succeeding calendar year except as hereafter provided. If the entire tax is paid on or before December 31, no interest or penalty is chargeable;

(ii) The balance of any tax not paid as provided by W.S. 39-13-113 or paragraph (i) of this subsection is delinquent after the day on which it is payable and shall bear interest at eighteen percent (18%) per annum until paid or collected;

(c) Offenses and penalties. The following shall apply:

(ii) Penalties. The following shall apply:

(C) If any person fails to file the reports for ad valorem purposes required by W.S. 39-13-113 or chapter 14 of this title by the due date or any extension thereof, the department may impose a penalty equal to a total of one percent (1%) of the taxable value of the production from the well, mine or mining claim but not to exceed five thousand dollars (\$5,000.00) for each calendar month or portion thereof that the report or information is late. If any person fails to file reports and other information required by rule of the department other than those required by chapter 14 of this title, the department may impose a penalty of up to one thousand dollars (\$1,000.00). The department may waive penalties under this subparagraph for good cause. Penalties imposed under this subparagraph may be appealed to the board.

#### **39-13-111. Distribution.**

(d) Taxes collected pursuant to W.S. 39-13-113 shall be distributed as provided in this section following final reconciliation of the taxes under W.S. 39-13-113(b).

#### **39-14-107. Compliance; collection procedures.**

(b) Payment. The following shall apply:

(ii) Ad valorem taxes provided by this act are due and payable:

(A) For the 2019 tax year and all preceding tax years, at the office of the county treasurer of the county in which the taxes are levied. Fifty percent (50%) of the taxes are due on and after September 1 and payable on and after November 10 in each year and the remaining fifty percent (50%) of the taxes are due on and after March 1 and payable on and after May 10 of the succeeding calendar year except as hereafter provided. If the entire tax is paid on or before December 31, no interest or penalty is chargeable;

(B) Effective January 1, 2020 for tax year 2020 and each year thereafter,

ad valorem taxes are due as provided in W.S. 39-13-113.

**39-14-207. Compliance; collection procedures.**

(b) Payment. The following shall apply:

(ii) Ad valorem taxes are due and payable:

(A) For the 2019 tax year and all preceding tax years, at the office of the county treasurer of the county in which the taxes are levied. Fifty percent (50%) of the taxes are due on and after September 1 and payable on and after November 10 in each year and the remaining fifty percent (50%) of the taxes are due on and after March 1 and payable on and after May 10 of the succeeding calendar year except as hereafter provided. If the entire tax is paid on or before December 31, no interest or penalty is chargeable;

(B) Effective January 1, 2020 for tax year 2020 and each year thereafter, ad valorem taxes are due as provided in W.S. 39-13-113.

**39-14-307. Compliance; collection procedures.**

(b) Payment. The following shall apply:

(ii) Ad valorem taxes provided by this act are due and payable:

(A) For the 2019 tax year and all preceding tax years, at the office of the county treasurer of the county in which the taxes are levied. Fifty percent (50%) of the taxes are due on and after September 1 and payable on and after November 10 in each year and the remaining fifty percent (50%) of the taxes are due on and after March 1 and payable on and after May 10 of the succeeding calendar year except as hereafter provided. If the entire tax is paid on or before December 31, no interest or penalty is chargeable;

(B) Effective January 1, 2020 for tax year 2020 and each year thereafter, ad valorem taxes are due as provided in W.S. 39-13-113.

**39-14-407. Compliance; collection procedures.**

(b) Payment. The following shall apply:

(ii) Ad valorem taxes provided by this act are due and payable:

(A) For the 2019 tax year and all preceding tax years, at the office of the county treasurer of the county in which the taxes are levied. Fifty percent (50%) of the taxes are due on and after September 1 and payable on and after November 10 in each year and the remaining fifty percent (50%) of the taxes are due on and after March 1 and payable on and after May 10 of the succeeding calendar year except as hereafter provided. If the entire tax is paid on or before December 31, no interest or penalty is chargeable;

(B) Effective January 1, 2020 for tax year 2020 and each year thereafter, ad valorem taxes are due as provided in W.S. 39-13-113.

**39-14-507. Compliance; collection procedures.**

(b) Payment. The following shall apply:

(ii) Ad valorem taxes provided by this act are due and payable:

(A) For the 2019 tax year and all preceding tax years, at the office of the county treasurer of the county in which the taxes are levied. Fifty percent (50%) of the taxes are due on and after September 1 and payable on and after November 10 in each year and the remaining fifty percent (50%) of the taxes are due on and after March 1 and payable on and after May 10 of the succeeding calendar year except as hereafter provided. If the entire tax is paid on or before December 31, no interest or penalty is chargeable;

(B) Effective January 1, 2020 for tax year 2020 and each year thereafter, ad valorem taxes are due as provided in W.S. 39-13-113.

**39-14-607. Compliance; collection procedures.**

(b) Payment. The following shall apply:

(ii) Ad valorem taxes provided by this act are due and payable:

(A) For the 2019 tax year and all preceding tax years, at the office of the county treasurer of the county in which the taxes are levied. Fifty percent (50%) of the taxes are due on and after September 1 and payable on and after November 10 in each year and the remaining fifty percent (50%) of the taxes are due on and after March 1 and payable on and after May 10 of the succeeding calendar year except as hereafter provided. If the entire tax is paid on or before December 31, no interest or penalty is chargeable;

(B) Effective January 1, 2020 for tax year 2020 and each year thereafter, ad valorem taxes are due as provided in W.S. 39-13-113.

**39-14-707. Compliance; collection procedures.**

(b) Payment. The following shall apply:

(ii) Ad valorem taxes provided by this act are due and payable:

(A) For the 2019 tax year and all preceding tax years, at the office of the county treasurer of the county in which the taxes are levied. Fifty percent (50%) of the taxes are due on and after September 1 and payable on and after November 10 in each year and the remaining fifty percent (50%) of the taxes are due on and after March 1 and payable on and after May 10 of the succeeding calendar year except as hereafter provided. If the entire tax is paid on or before December 31, no interest or penalty is chargeable;

(B) Effective January 1, 2020 for tax year 2020 and each year thereafter, ad valorem taxes are due as provided in W.S. 39-13-113.

**Section 3.**

(a) Notwithstanding W.S. 39-13-113 as created by section 1 of this act, the following payment schedule shall apply to payment of the ad valorem tax on

mineral production to counties for the specified tax years, provided that the payments under this subsection shall not apply to any taxpayer that makes an agreement under W.S. 39-13-113(f):

(i) For the ad valorem tax on mineral production from calendar year 2018, the second half of the payment shall be due by May 10, 2020 under the processes and procedures in place prior to the effective date of this act;

(ii) For the ad valorem tax on mineral production from calendar year 2019, payments shall be due as follows:

(A) Twenty-five percent (25%) on October 10, 2020;

(B) Twenty-five percent (25%) on November 10, 2020;

(C) Sixteen and sixty-six hundredths percent (16.66%) on April 10, 2021;

(D) Sixteen and sixty-seven hundredths percent (16.67%) on May 10, 2021;

(E) Sixteen and sixty-seven hundredths percent (16.67%) on June 10, 2021.

(iii) For the ad valorem tax on mineral production from calendar year 2020, payments shall be due as follows:

(A) Sixteen and sixty-six hundredths percent (16.66%) on September 10, 2021;

(B) Sixteen and sixty-seven hundredths percent (16.67%) on October 10, 2021;

(C) Sixteen and sixty-seven hundredths percent (16.67%) on November 10, 2021;

(D) Twelve and one-half percent (12.5%) on the tenth day of March, April, May and June of 2022.

(iv) For the ad valorem tax on mineral production from calendar year 2021, payments shall be due as provided in this paragraph. Payments shall be calculated using the mill levy rate established by the county for the immediately preceding year and shall be reconciled using the then current mill levy rate not later than December 10, 2023 in the same manner as provided in W.S. 39-13-113(b):

(A) Twelve and one-half percent (12.5%) on the tenth day of August, September, October and November of 2022;

(B) Ten percent (10%) on the tenth day of February, March, April, May and June of 2023.

(v) For the ad valorem tax on mineral production from calendar year 2022, payments shall be due as provided in this paragraph. Payments shall be

calculated using the mill levy rate established by the county for the immediately preceding year and shall be reconciled using the then current mill levy rate not later than December 10, 2024 in the same manner as provided in W.S. 39-13-113(b):

(A) Ten percent (10%) on the tenth day of July, August, September, October and November of 2023;

(B) Eight and thirty-three hundredths percent (8.33%) on December 10, 2023;

(C) Eight and thirty-three hundredths percent (8.33%) on the tenth day of January, February and March 2024;

(D) Eight and thirty-four hundredths percent (8.34%) on the tenth day of April and May 2024.

(vi) For the ad valorem tax on mineral production from calendar years 2023 through 2025, payments shall be due as provided in this paragraph. Payments shall be calculated using the mill levy rate established by the county for the immediately preceding year and shall be reconciled using the then current mill levy rate not later than December 10 of the applicable year in the same manner as provided in W.S. 39-13-113(b). Payments under this paragraph shall be made at a rate of eight and thirty-three hundredths percent (8.33%) on the tenth day of every month beginning June 10, 2024 for 2023 production, provided that the November payment for each year shall be sixteen and sixty-seven hundredths percent (16.67%);

(vii) For the ad valorem tax on mineral production from calendar years 2026 and each year thereafter, payments shall be due as provided in this paragraph. Payments shall be calculated using the mill levy rate established by the county for the immediately preceding year and shall be reconciled using the then current mill levy rate not later than December 10 of the applicable year in the same manner as provided in W.S. 39-13-113(b). Payments under this paragraph shall be made at a rate of eight and thirty-three hundredths percent (8.33%) on the tenth day of every month beginning March 10, 2027 for 2026 production. Payments shall continue under this paragraph until affirmative action is taken by the legislature to revise the required payment schedule.

(b) Failure to pay any tax due pursuant to the procedures in this section shall be subject to penalties and interest as provided by law, with penalties and interest accruing from the date that payment would have been due and payable under the procedures in place prior to the effective date of this act.

**Section 4.** There is appropriated five hundred thousand dollars (\$500,000.00) from the general fund to the department of revenue for the purposes of administering the department's tax programs. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2022. 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.

**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 24, 2020.

## Chapter 143

### RECLAMATION OF SURFACE COAL MINES-TURBINE BLADES

#### Original House Bill No. 129

AN ACT relating to environmental quality; requiring the environmental quality council to establish rules and regulations for uses of wind turbine materials as specified; amending definitions; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 35-11-103(d)(ii)(E), (F), by creating a new subparagraph (G) and (iv), 35-11-402(a) by creating a new paragraph (xiii) and by renumbering (xiii) as (xiv) and 35-12-102(a)(vii)(A) are amended to read:

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

(d) Specific definitions applying to solid waste management:

(ii) "Solid waste management facility" means any facility for the transfer, treatment, processing, storage or disposal of solid waste, but does not include:

(E) Lands and facilities owned by a person engaged in farming or ranching and used to dispose of solid waste generated incidental to his farming and ranching operations; ~~or~~

(F) Transport vehicles, storage containers and treatment of the waste in containers; ~~or~~

(G) Lands and facilities subject to W.S. 35-11-402(a)(xiii).

(iv) "Commercial solid waste management facility" means any facility receiving a monthly average greater than five hundred (500) short tons per day of unprocessed household refuse or mixed household and industrial refuse for management or disposal, excluding lands and facilities subject to W.S. 35-11-402(a)(xiii);

#### **35-11-402. Establishment of standards.**

(a) The council shall, upon recommendation by the advisory board through the administrator and the director, establish rules and regulations pursuant to the following reclamation standards for the affected areas, including but not limited to:



(xiii) Rules and regulations governing the use of decommissioned wind turbine blades and towers to backfill surface coal mining sites as part of an approved reclamation plan. Rules promulgated under this paragraph shall, at a minimum, provide for:

(A) Minimum depth requirements for the burial of decommissioned wind turbine blades and towers to be buried below the surface and above any aquifers as defined in W.S. 35-11-103(h)(i). In setting depth requirements under this subparagraph, the council, administrator and director may consult standards for solid waste management facilities established by the solid and hazardous waste management division;

(B) The removal of all mechanical, electrical and other materials from the decommissioned wind turbine blades and towers allowing only the base material of the blades and towers to be buried;

(C) Disposal fees to be remitted to the department by the operator who allows disposal of decommissioned wind turbine blades and towers in surface coal mining sites, which shall be twenty-five percent (25%) of any revenues collected by the operator for the disposal of the decommissioned wind turbine blades and towers. The fees collected under this subparagraph shall be credited to the general fund;

(D) The incorporation or amendment of any rules pertaining to solid and hazardous waste necessary to allow for the disposal of decommissioned wind turbine blades and towers in surface coal mining sites to be reclaimed.

(xiii)(xiv) Establishing such other rules and regulations necessary to insure full compliance with all requirements relating to reclamation, and the attainment of those objectives directed to public health, safety, and welfare.

### **35-12-102. Definitions.**

(a) As used in this chapter:

(vii) “Industrial facility” or “facility” means any industrial facility with an estimated construction cost of at least ninety-six million nine hundred thousand dollars (\$96,900,000.00) as of May 30, 1987. Exempt activities shall not be included in the estimated construction cost of an industrial facility. The council shall adjust this amount, up or down, each year using recognized construction cost indices as the council determines to be relevant to the actual change in construction cost applicable to the general type of construction covered under this chapter. “Facility” also includes, regardless of construction cost:

(A) Any commercial waste incineration or disposal facility capable of receiving greater than five hundred (500) short tons per day of household refuse or mixed household and industrial refuse, excluding lands and facilities subject to W.S. 35-11-402(a)(xiii);



**Section 2.** This act is effective July 1, 2020.

Approved March 24, 2020.

## Chapter 144

### RELIABLE AND DISPATCHABLE LOW-CARBON ENERGY STANDARDS

Original House Bill No. 200

AN ACT relating to public utilities; requiring the public service commission to establish electricity generation portfolio standards for public utilities; limiting the recovery of costs for the retirement of coal fired electric generation facilities; authorizing the public service commission to grant reasonable rate recovery for public utilities as specified; authorizing a surcharge; requiring reports; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 37-18-101 and 37-18-102 are created to read:

#### CHAPTER 18 RELIABLE AND DISPATCHABLE LOW-CARBON ENERGY STANDARDS

##### **37-18-101. Definitions.**

(a) As used in this article:

(i) “Carbon capture, utilization and storage technology” means technology that has the principal purpose of capturing, reusing, storing, sequestering or using carbon dioxide emissions to prevent carbon dioxide from entering the atmosphere whether constructed integral or adjacent to a coal fired generation facility;

(ii) “Dispatchable” means a source of electricity that is available for use on demand and that can be dispatched upon request of a power grid operator or that can have its power output adjusted, according to market needs;

(iii) “Low-carbon” means electricity that is generated while using carbon capture, utilization and storage technology that produces carbon emissions not greater than six hundred fifty (650) pounds of carbon dioxide per megawatt hour of generated electricity averaged over one (1) calendar year;

(iv) “Reliable” means generated electricity that is not subject to intermittent availability.

##### **37-18-102. Energy generation portfolio standards; reporting requirements; rate recovery and limitations.**

(a) Consistent with the objective of ensuring Wyoming electric utilities maintain access to reliable and cost effective electric generation resources, the

public service commission shall establish by rule energy portfolio standards that will maximize the use of dispatchable and reliable low-carbon electricity. In establishing standards, the commission:

(i) Shall require a public utility to generate a specified percentage of electricity generated to be dispatchable and reliable low-carbon electricity;

(ii) Shall establish a date not later than July 1, 2030 for requiring a percentage of electricity generated by a public utility to be dispatchable and reliable low-carbon electricity taking into consideration any potentially expiring federal tax credits;

(iii) Shall establish intermediate standards and requirements for dispatchable and reliable low-carbon electricity that public utilities must generate before the electricity generation standard established in paragraphs (i) and (ii) of this subsection;

(iv) Shall require each public utility to demonstrate in each integrated resource plan submitted to the commission the steps the public utility is taking to achieve the electricity generation standard established in paragraphs (i) through (iii) of this subsection;

(v) Shall for each public utility:

(A) Establish baseline standards for electric reliability to ensure that new or expanded intermittent generation resources do not unreasonably diminish power quality or increase momentary outages across a utility's service territory or in any particular location;

(B) Require the utility to monitor and report electric reliability and power quality outcomes in integrated resource plan submissions or as otherwise directed by the commission; and

(C) Require the utility to take any steps the commission deems reasonably necessary to maintain reasonable levels of electric reliability and power quality.

(b) In addition to W.S. 37-3-117(a), the rates charged by an electric public 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 generation facilities located in Wyoming and retired on or after January 1, 2024, unless the commission determines that the public utility that owned the retired coal fired electric generation facility:

(i) Has satisfied the requirements of W.S. 37-3-117(a); and

(ii) Is achieving or has taken steps to the commission's satisfaction to achieve the electricity generation standards established under subsection (a) of this section.

(c) Subject to W.S. 37-3-117(a) and the limitation in subsection (b) of this section, the commission shall consider the following when establishing reasonable rates for a public utility working toward and achieving the electricity generation standards established under subsection (a) of this section:

(i) A public utility that generates dispatchable and reliable low-carbon electricity may apply to the commission for rate recovery of the cost of any carbon capture, utilization and storage technology used to achieve the electricity generation standards established under subsection (a) of this section, including a higher return on equity, provided that the carbon capture, utilization and storage technology is integral or adjacent to a coal fired generation facility in Wyoming;

(ii) A public utility may apply to the commission for authorization to allow a portion of any revenues from the sale of carbon dioxide captured, stored or utilized as a result of generating dispatchable and reliable low-carbon electricity to be returned to the shareholders of the public utility;

(iii) To the extent a public utility can demonstrate that it will incur incremental costs to comply with the reliable and dispatchable low-carbon energy standard, the commission shall authorize the public utility to implement a rate recovery mechanism that collects a surcharge from customers not to exceed two percent (2%) of each customer's total electric bill to provide for the recovery of the prudently incurred incremental costs to comply with the reliable and dispatchable low-carbon energy standard. A rate recovery mechanism may be authorized and established prior to the public utility incurring incremental costs to comply with the reliable and dispatchable low-carbon energy standard and the public utility may retain funds collected through a mechanism in a regulatory account approved by the commission to offset future costs. To the extent the rate recovery mechanism is insufficient to compensate the public utility for its prudently incurred incremental costs to comply with the reliable and dispatchable low-carbon energy standard, the commission shall take such actions as necessary notwithstanding any other provision of this section to ensure the public utility is able to recover its prudently incurred incremental costs and customers are not charged for those incremental costs other than through the rate recovery mechanism.

(d) The commission shall promulgate rules to ensure that public utilities are satisfactorily progressing toward achieving the dispatchable and reliable low-carbon electricity generation standard that the commission establishes as required in subsection (a) of this section and achieving reasonable electric reliability and power quality outcomes as required by subsection (a) of this section.

(e) Beginning in 2023, and occurring every second year thereafter, the commission shall report to the legislature regarding whether implementation of the electricity portfolio standards is meeting the legislative declaration and

findings and recommend whether it should be continued, modified or repealed. To the extent the electricity portfolio standards is modified or discontinued, nothing shall impair the ability of a public utility that has incurred costs to comply with the electricity portfolio standard to recover its prudently incurred costs as authorized by the commission.

**Section 2.** W.S. 37-1-101(a)(intro) and (vi) by creating a new subparagraph (N) is amended to read:

**37-1-101. Definitions.**

(a) As used in chapters 1, 2, 3, 12, ~~and 17~~ and 18 of this title:

(vi) "Public utility" means and includes every person that owns, operates, leases, controls or has power to operate, lease or control:

(N) The provisions of W.S. 37-18-101 and 37-18-102 shall not apply to any public utility owned or operated by a municipality or any cooperative electrical generation and transmission association operating in interstate commerce whose rates are not regulated by the Wyoming public service commission.

**Section 3.** This act is effective July 1, 2020.

Approved March 24, 2020.

## Chapter 145

### GOVERNMENTAL AGENCY PARKING

Original Senate File No. 76

AN ACT relating to motor vehicles; repealing requirement for governmental entities to provide free parking; and providing for an effective date.

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

**Section 1.** W.S. 31-5-501(d) is repealed.

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

Approved March 24, 2020.

## Chapter 146

### WORKER'S COMPENSATION CREDIT

Original Senate File No. 89

AN ACT relating to worker's compensation; providing a premium credit for employers as specified; and providing for an effective date.

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

**Section 1.** Pursuant to W.S. 27-14-201(q), the department of workforce services shall establish a premium credit for any employer who has made all required worker's compensation payments for the period beginning January 1, 2019 and ending December 31, 2019. To qualify for the credit, an employer shall be in good standing with the worker's compensation division within the department of workforce services for all required worker's compensation payments by June 15, 2020. Premium credits granted under this act shall become effective on August 1, 2020 and may be used for premium reporting periods from July 1, 2020 through December 31, 2020. Any unused credit will expire January 31, 2021.

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

Approved March 24, 2020.

## Chapter 147

### CERTIFICATION OF CASES TO STATE BOARD OF EQUALIZATION

Original Senate File No. 40

AN ACT relating to tax administration; providing for certification of specified cases directly to the state board of equalization; providing standing for a county assessor to appeal a decision of the state board of equalization as specified; and providing for an effective date.

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

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

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

(c) The state board of equalization shall perform the duties specified in article 15, section 10 of the Wyoming constitution and shall hear appeals from county boards of equalization and review final decisions of the department upon application of any interested person adversely affected, including boards of county commissioners for the purposes of this subsection, under the contested case procedures of the Wyoming Administrative Procedure Act. Upon request of a county board of equalization providing compelling reasons to do so, the state board of equalization may accept a case certified directly to the state board of equalization pursuant to rules adopted by the state board of equalization. The state board of equalization shall accept a case certified directly to the state board of equalization that involves property that may subject a county to tax liability as provided in W.S. 39-13-102(c)(iv). The board shall also review final decisions of the department of transportation concerning the assessment

or application of taxes authorized under this title upon application of any interested person adversely affected. Any interested person adversely affected by the adoption, amendment or repeal of a rule pursuant to W.S. 16-3-103(a) shall be afforded an opportunity for a hearing before the board. In addition, the board shall:

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

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

(iv) Hear and determine the complaint of any person relative to any property assessment or value as returned by the county assessor subject to W.S. 39-13-109(b)(i). The county board of equalization may request that a case be certified directly to the state board of equalization as provided in W.S. 39-11-102.1(c). If the case involves property that may subject the county to tax liability, the county board of equalization shall certify the case directly to the state board of equalization and the board of county commissioners shall have standing to appeal any decision made by the state board of equalization regarding the property;

**Section 2.** This act is effective July 1, 2020.

Approved March 24, 2020.

## Chapter 148

### WILD BISON LICENSES

Original Senate File No. 65

AN ACT relating to game and fish; amending provisions relating to the reservation of unused licenses; providing for the reservation of unused wild bison licenses; authorizing wild bison licenses to be donated to a veteran or person with disabilities; and providing for effective dates.

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

**Section 1.** W.S. 23-1-703(f) and 23-1-705(k) are amended to read:

**23-1-703. Limitation of number of certain licenses; reservation of certain licenses; reservation of certain unused licenses.**

(f) Notwithstanding W.S. 23-1-704, ~~and 23-2-101(j) and 23-2-107(e)~~, any person who is issued and purchases a ~~limited quota, full price big or trophy game animal license for any species and sex of animal and is unable to use~~

~~for good cause as provided by regulations that license for the year in which issued license listed in paragraph (i) of this subsection, but who does not use the license, may reserve a license for the particular species and sex of big or trophy game animal designated on the unused license for use during the immediately succeeding hunting season by applying to the commission in accordance with commission rules. The initial big or trophy game animal license shall accompany the application as provided in this subsection. Upon receipt of an application that establishes the conditions listed in paragraphs (i) through (iv) of this subsection, the commission shall cancel the initial license and prior to the subsequent season opening date for the designated species and sex of animal, issue to the applicant at an administrative cost not less than of ten dollars (\$10.00), and not to exceed four percent (4%) of the cost of the initial license, a license for the designated big or trophy game animal valid for that season. A person may apply for and reserve a license under this subsection only if all the following conditions exist:~~

~~(i) The license is one (1) of the following:~~

~~(A) A limited quota, full price big game animal license;~~

~~(B) A trophy game animal license;~~

~~(C) An any wild bison license;~~

~~(D) A female or calf wild bison license.~~

~~(ii) The person is unable to use the license in the year for which it was issued and good cause, as defined in commission rule and regulation, exists for the person's inability to use the license in the year for which it was issued;~~

~~(iii) The person submits an application to the commission that demonstrates eligibility under this subsection before the closing date of the season for which the initial license was issued;~~

~~(iv) The person submits the initial license with the application.~~

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

(k) The holder of any valid big game animal license, trophy game animal license, an any wild bison license or a female or calf wild bison license may surrender said license to the department for reissuance to a veteran with disabilities or a person with a permanent disability who uses a wheelchair as established by commission rule and regulation selected and sponsored by a nonprofit charitable organization providing hunting opportunities for disabled veterans or persons with permanent disabilities who use wheelchairs. Any license reissued in accordance with the provisions of this subsection shall be for the same species, area and license type as the license donated. The license shall be reissued by the department to a qualifying person at no fee. Any license

donated and reissued under the provisions of this subsection shall not be sold, traded, auctioned or offered for any monetary value and shall not be issued to, or used by, any person other than a qualifying person under the provision of this section and in compliance with commission rule and regulation. Licenses reissued to persons pursuant to this subsection shall not be subject to residency, drawing or fee requirements under W.S. 23-2-101 or 23-2-107. The five (5) year restriction imposed on the receipt of a moose or big horn sheep license by W.S. 23-1-703(b), ~~or~~ the lifetime restriction imposed on the receipt of a grizzly bear or mountain goat license by W.S. 23-1-703(c) or the restrictions imposed on the harvest of a wild bison under W.S. 23-2-107(f) shall not be applicable in any manner to a license issued pursuant to this subsection.

**Section 2.** The game and fish commission shall promulgate rules and regulations necessary to implement this act on or before 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 March 24, 2020.

## Chapter 149

### HEMP PRODUCTION-FEES

Original Senate File No. 55

AN ACT relating to hemp production; requiring fees for compliance inspections and disposal verification; authorizing disposal verification; amending requirements for corrective action plans; requiring rulemaking; correcting references; and providing for an effective date.

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

**Section 1.** W.S. 11-51-101(a)(intro), (i), (ii) and (iv), 11-51-102, 11-51-103(b)(iv) and (e), 11-51-104, 11-51-105(a), 11-51-106 and 11-51-107 are amended to read:

**11-51-101. Definitions.**

(a) As used in this ~~article~~ chapter:

(i) “Corrective action plan” means a plan the department develops in consultation with a licensee to correct any violation of this ~~article~~ chapter;

(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~~ chapter to ensure that the THC is reduced to bring the hemp or hemp



product into compliance with this ~~article-chapter~~ or, if compliance is not attainable, that the THC is rendered inaccessible;

(iv) "Licensee" means a person licensed under this ~~article-chapter~~ to produce, process or test hemp;

**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-chapter~~, a person may produce or process hemp.

(b) Notwithstanding the requirements of this ~~article-chapter~~, the possession, purchase, sale, transportation and use of hemp and hemp products by any person is allowable without restriction.

**11-51-103. Licensing.**

(b) The application for a license under this section shall include:

(iv) Authorization for reasonable access by the department for **random inspections and verifications** related to production or processing activities **for which a licensee shall be assessed fees under W.S. 11-51-104(a);** and

(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-chapter~~.

**11-51-104. Enforcement; fees; penalties.**

(a) The department shall perform inspections and provide chemical **sampling and analysis of a random sample of production or processing activities by licensees to determine compliance with this ~~article-chapter~~. The department may require verification of effective disposal by licensees of hemp or hemp products that contain in excess of three-tenths of one percent (0.3%) THC on a dry weight basis. For any sample, analysis or verification conducted under this subsection, the department shall assess the licensee fees as established by rule of the department, not to exceed the following:**

**(i) Two hundred dollars (\$200.00) per sample conducted by the department;**

**(ii) Two hundred dollars (\$200.00) per analysis conducted by the department;**

**(iii) Two hundred fifty dollars (\$250.00) for verification of effective disposal of hemp or hemp products that contain in excess of three-tenths of one percent (0.3%) THC on a dry weight basis.**

(b) Any licensee who violates any provision of this ~~article-chapter~~ or any regulation promulgated pursuant to this ~~article-chapter~~ 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 or providing notice of the violation to the licensee's known creditors. 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-chapter 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-chapter or any regulation promulgated pursuant to this article-chapter 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-chapter.

**11-51-106. Disposition of fees.**

All fees collected under this article-chapter shall be deposited with the state treasurer in a separate account which is continuously appropriated to the department for the administration of this article-chapter.

**11-51-107. Exception if this chapter is not implemented.**

Nothing in this article-chapter 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-chapter.

**Section 2.** The department of agriculture shall adopt rules necessary 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 March 24, 2020.

## Chapter 150

### OMNIBUS WATER BILL - PLANNING

Original Senate File No. 61

AN ACT relating to water development projects; authorizing specified level I and level II studies; providing appropriations; requiring reports; providing for the reversion of unexpended funds; authorizing unobligated funds to be used to complete other designated projects as specified; providing an appropriation for the office of water programs; and providing for an effective date.

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

**[2020-2021 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. In developing recommendations for 2021 water development projects, the water development commission shall give priority consideration to the Sheridan Municipal Watershed Wildfire Hazard Mitigation Assessment, Phase II project and the commission may reissue without further legislative action and without additional bidding requirements the existing contract for the project. 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, 2023 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 2022 legislative session:

[LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Bridger Valley Regional Water Master Plan	Uinta County	\$100,000
Cody Water Master Plan	Park County	\$205,000
LaGrange Water Master Plan	Goshen County	\$114,000
Lower Shoshone Watershed Study	Big Horn and Park Counties	\$231,000
Pavillion Water Master Plan	Fremont County	\$135,000
Pinedale Water Master Plan	Sublette County	\$172,000
Shoshoni Water Master Plan	Fremont County	\$157,000
UW Water Research Program	Statewide	<u>\$243,888</u>
Total appropriation for Section 1		\$1,357,888

**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, 2023 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 2022 legislative session:

[LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Happy Valley Water Supply	Lincoln County	\$59,000
Skyline ISD Water Supply	Teton County	\$93,000
South End Water Users ISD Transmission	Big Horn County	<u>\$142,000</u>
Total appropriation for Section 2		\$294,000

**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, 2023 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 2022 legislative session.

[LEVEL I RECONNAISSANCE STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Owl Creek ID Lucerne Master Plan	Hot Springs County	<u>\$170,000</u>
Total appropriation for Section 3		\$170,000

**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, 2023 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 2022 legislative session.

[LEVEL II FEASIBILITY STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Highland Hanover ID Pump Station	Washakie County	\$75,000
LaPrele Irrigation District Rehabilitation, Phase II	Converse County	<u>\$650,000</u>

Total appropriation for Section 4

\$725,000

**Section 5.** There is appropriated one hundred seventy-five thousand dollars (\$175,000.00) to the Wyoming water development commission from water development account I, as created by W.S. 41-2-124(a)(i), to fund the office of water programs established under W.S. 41-2-125 for the period beginning July 1, 2020 and ending June 30, 2022. 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.

**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 24, 2020.

## Chapter 151

### SEX OFFENDER-PROHIBITED ACCESS TO SCHOOL FACILITIES

#### Original House Bill No. 68

AN ACT relating to regulation of sex offenders; amending an exception that allows registered sex offenders to be in, on or near school buildings and grounds under certain specified circumstances; and providing for an effective date.

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

**Section 1.** W.S. 6-2-320(b)(ii) is amended to read:

**6-2-320. Prohibited access to school facilities by adult sex offenders; exceptions; penalties; definitions.**

(b) The provisions of paragraphs (a)(i) and (ii) shall not apply to the extent the registered offender:

(ii) With the written permission of the school principal, vice-principal or person with equivalent authority, is attending an academic conference or other scheduled extracurricular school event with school officials present when the registered offender is a parent or legal guardian of a child who is participating in the conference or extracurricular event;

**Section 2.** This act is effective July 1, 2020.

Approved March 24, 2020.

**Chapter 152****CRIMINAL JUSTICE-MENTAL HEALTH-SUBSTANCE USE  
PROGRAMMING****Original House Bill No. 31**

AN ACT relating to behavioral health and substance use disorders; requiring the department of health and the department of corrections to collaborate to reduce criminal offender recidivism by improving mental health and substance use programming and funding; creating new programs; creating a unit within the department of corrections; making an appropriation; requiring reports; and providing for an effective date.

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

**Section 1.** W.S. 9-2-130 is created to read:

**9-2-130. Mental health and substance use disorder programming; department of corrections; criminal justice populations.**

(a) Pursuant to this section and W.S. 25-1-105(f) and (g), the department of health shall collaborate with the department of corrections to reduce recidivism rates for persons with behavioral health needs and substance use disorders who are involved in the criminal justice system and improve mental health and substance use disorder programming by:

(i) Creating a behavioral health services enhancement program for community providers to improve outcomes for persons involved in the criminal justice system through a separate contract, or in a separate provision in an existing contract, administered by the department of health;

(ii) Adopting standardized, evidence based treatment practices and guidelines for treating and providing programming to persons involved in the criminal justice system with behavioral health and substance use needs;

(iii) Increasing communication between the department of health, the department of corrections and contracted behavioral health providers working with persons involved in the criminal justice system;

(iv) Promoting and requiring to the maximum extent practical and permissible under applicable laws and regulations the portability and universal recognition of mental health and substance use disorder assessment tools and other assessment tools that may be applicable to mental health and substance use disorder treatment; and

(v) Creating a competitive and outcomes based funding stream for behavioral health providers to:

(A) Expand existing services for criminal justice involved populations;

(B) Improve the quality and availability of services and programs;

(C) Train and develop the skills of providers and stakeholders working with persons who have behavior health needs and substance use disorders and who are involved in the criminal justice system.

(b) This section shall not be interpreted to require the creation or maintenance of any duplicate functions, services or programs in the department of health and the department of corrections, but shall be interpreted with W.S. 25-1-105(f) and (g) to require coordination and collaboration between the agencies to assure the creation and maintenance of independent or coordinated functions, services and programs to meet the goals of this section and W.S. 25-1-105(f) and (g).

**Section 2.** W.S. 25-1-105 by creating new subsections (f) and (g) is amended to read:

**25-1-105. Powers of department; care of persons committed outside of state.**

(f) Pursuant to this section and W.S. 9-2-130, the department of corrections shall collaborate with the department of health to reduce recidivism rates for persons with behavioral health needs and substance use disorders who are involved in the criminal justice system and improve mental health and substance use disorder programming by:

(i) Improving the quality and accuracy of substance use assessments administered to persons with criminal justice involvement by creating a quality improvement unit in the department of corrections that will regularly monitor the administration and use of assessment tools. The department of corrections shall report to the joint labor, health and social services interim committee on the status of the unit, including progress on the creation of the unit, results of unit efforts, unit expenditures and remaining funds from appropriations made for the unit. The department of corrections shall provide this report to the joint labor, health and social services interim committee by September 1 of each year through 2023;

(ii) Creating a behavioral health services enhancement program for community providers to improve outcomes for persons involved in the criminal justice system through a separate contract, or in a separate provision in an existing contract, administered by the department of health;

(iii) Adopting standardized, evidence based treatment practices and guidelines for treating and providing programming to persons involved in the criminal justice system with behavioral health and substance use needs;

(iv) Increasing communication between the department of health, the department of corrections and contracted behavioral health providers working with persons involved in the criminal justice system;

(v) Promoting and requiring to the maximum extent practical and permissible under applicable laws and regulations the portability and universal recognition of mental health and substance use disorder assessment tools and other assessment tools that may be applicable to mental health and substance use disorder treatment; and



(vi) Creating a competitive and outcomes based funding stream for behavioral health providers to:

(A) Expand existing services for criminal justice involved populations;

(B) Improve the quality and availability of services and programs;

(C) Train and develop the skills of providers and stakeholders working with persons who have behavior health needs and substance use disorders and who are involved in the criminal justice system.

(g) This section shall not be interpreted to require the creation or maintenance of any duplicate functions, services or programs in the department of corrections and the department of health, but shall be interpreted with W.S. 9-2-130 to require coordination and collaboration between the agencies to assure the creation and maintenance of independent or coordinated functions, services and programs to meet the goals of this section and W.S. 9-2-130.

**Section 3.** There is appropriated three hundred twenty-four thousand three hundred eighty dollars (\$324,380.00) from the general fund to the department of corrections for the purpose of creating the quality improvement unit in the department of corrections required by W.S. 25-1-105(f)(i), created by this act, including for the payment of salaries and benefits for quality improvement unit employees. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2022. 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. It is the intent of the legislature that this appropriation not be included in the department of correction's standard budget for the immediately succeeding fiscal biennium.

**Section 4.** This act is effective July 1, 2020.

Approved March 24, 2020.

## Chapter 153

### CONTRACT BREWING

#### Original House Bill No. 82

AN ACT relating to alcoholic beverages; providing for brewers and microbrewers to obtain by contractual arrangement malt beverages for sales for on or off premises consumption; providing a definition; and providing for an effective date.

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

**Section 1.** W.S. 12-1-101(a) by creating a new paragraph (xxvi), 12-2-201(a)(iii) and 12-4-412(b)(i) and (iv) are amended to read:

#### **12-1-101. Definitions.**



(a) As used in this title:

(xxvi) “Contract brewing” means a commercial arrangement in which a client brewer or microbrewer contracts with a brewery or microbrewery to produce malt beverage for the client brewer or microbrewer and where the contract brewery or microbrewery is entirely responsible for:

(A) Producing the malt beverage;

(B) Packaging the malt beverage;

(C) Reporting and keeping appropriate brewery or microbrewery records, including crediting the malt beverage production toward the contract brewery’s or microbrewery’s production requirements for annual permit renewal;

(D) Labeling the malt beverage with the contract brewery’s or microbrewery’s name and address;

(E) Obtaining the necessary certificates of label approval;

(F) Retaining ownership of the malt beverage until removal of the malt beverage from the contract brewing facility;

(G) Obtaining any required territorial assignment;

(H) Distributing the malt beverage back to the client brewer or microbrewer through a wholesaler;

(J) Paying the appropriate rate of tax upon removal of the malt beverage from the contract brewing facility and reporting and remitting the tax to the appropriate tax authority.

**12-2-201. Wholesale license for sale of malt beverages only; fee.**

(a) Except as otherwise provided in paragraph (ii) of this subsection a wholesale license authorizing the sale of malt beverages only may be granted by the division to microbreweries and malt beverage wholesalers resident within this state. Wholesale licensees have the exclusive right to sell malt beverages at wholesale. Any qualified person desiring a wholesale license shall apply to the division on forms to be provided and pay a license fee of two hundred fifty dollars (\$250.00) annually in advance. A wholesale license issued under this subsection shall be subject to the following:

(iii) Nothing in this subsection shall be interpreted to impair any contract between a brewery, microbrewery, malt beverage manufacturer or malt beverage importer and a distributor.

**12-4-412. Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; direct shipment of wine; fees.**

(b) The local licensing authority:

(i) May allow the sale of malt beverage obtained through a contract

brewing arrangement and other malt beverages under a microbrewery permit for on-premises consumption when obtained through licensed wholesale malt beverage distributors;

(iv) May allow the microbrewery to sell on site its brewed product and its malt beverage obtained through a contract brewing arrangement for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand (2,000) ounces per sale;

**Section 2.** This act is effective July 1, 2020.

Approved March 24, 2020.

## Chapter 154

### AGRICULTURE MARKETING FUNDS-PROCESSING PLANTS

Original House Bill No. 142

AN ACT relating to economic diversification and development; providing for the support of meat processing plants for Wyoming product export; limiting use of certain funds in the agriculture marketing subaccount within the economic diversification account to support such processing plants; and providing for an effective date.

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

**Section 1.** W.S. 9-12-109(b)(ii) and by creating a new paragraph (iv) and 9-12-1404(a)(i) are amended to read:

**9-12-109. Promotion of agriculture.**

(b) The council shall solicit input from industry groups and in consultation with the economically needed diversity options for Wyoming (ENDOW) executive council:

(ii) Market Wyoming grown agricultural products in-state, regionally, nationally and internationally, through market development, trade shows and social media and other media outlets;~~and~~

(iv) Provide loans or grants to be used to fund infrastructure for mid-sized meat processing plants for international and interstate sales. Loans or grants under this paragraph shall be:

(A) Limited to funding infrastructure for plants processing meat products for export and for interstate sale;

(B) Provided through a program administered by the council, including the Wyoming business ready community program, and subject to all applicable statutes and rules governing the program.

**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:

(i) The agriculture marketing 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 purposes of W.S. 9-12-109 and as specified by law;

**Section 2.**

(a) Except as otherwise provided in this section, from funds within the agriculture marketing subaccount within the economic diversification account as of the effective date of this act, one million dollars (\$1,000,000.00) shall only be expended for purposes of W.S. 9-12-109(b)(iv), as created by this act. Any expenditure of these funds shall be subject to the provisions of W.S. 9-12-1404(a)(i).

(b) If no funds have been expended or obligated as authorized by subsection (a) of this section prior to January 1, 2025, the funds subject to subsection (a) of this section shall not be restricted as provided in subsection (a) of this section and may be expended pursuant to W.S. 9-12-1404(a)(i).

**Section 3.** This act is effective July 1, 2020.

Approved March 24, 2020.

**Chapter 155**

**OIL AND GAS TAX-NEW PRODUCTION**

**Original House Bill No. 243**

AN ACT relating to mine product taxes; providing an exemption for production of crude oil and natural gas in specified price environments and for specified periods; providing limitations on the exemption; and providing for an effective date.

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

**Section 1.** W.S. 39-14-204(a)(iv) and 39-14-205 by creating new subsections (n) and (o) are amended to read:

**39-14-204. Tax rate.**

(a) Except as otherwise provided by this section and W.S. 39-14-205, the total severance tax on crude oil, lease condensate or natural gas shall be six percent (6%), comprising one and one-half percent (1.5%) imposed by the Wyoming constitution article 15, section 19 and the remaining amount imposed by Wyoming statute. The tax shall be distributed as provided in W.S. 39-14-211 and is imposed as follows:

(iv) Two percent (2%) except as provided in W.S. 39-14-205(n).

### **39-14-205. Exemptions.**

(n) Crude oil and natural gas production resulting from any well that is drilled on or after July 1, 2020 and prior to December 31, 2025 as certified, by the oil and gas conservation commission, is exempt from the severance taxes imposed by W.S. 39-14-204(a)(iv) as provided in this subsection. Subject to subsection (o) of this section, the exemption under this subsection shall not apply to natural gas production when the twelve (12) month rolling average of the Henry hub spot price for natural gas is two dollars and ninety-five cents (\$2.95) or more per thousand cubic feet at the time of first production from the well and shall not apply to the production of crude oil when the twelve (12) month rolling average of the West Texas Intermediate (WTI) spot price of sweet crude oil is fifty dollars (\$50.00) or more per barrel at the time of first production from the well. If the exemption under this subsection is applicable to a new well based upon the oil or gas price at the time of first production, the exemption shall be an exemption of the full two percent (2%) tax rate under W.S. 39-14-204(a)(iv) for the first six (6) months of production and shall reduce the rate under W.S. 39-14-204(a)(iv) to one percent (1%) for the next six (6) months of production.

(o) In determining the exemption under subsection (n) of this section, the department shall use the twelve (12) month rolling average based on the monthly average of daily spot prices for West Texas Intermediate (WTI) per barrel of oil and the monthly average of daily spot prices for Henry hub per thousand cubic feet of natural gas for the twelve (12) month period immediately preceding first production from the well. The department shall post the most recent monthly average and the twelve (12) month rolling average for the calculated prices on its website. Not later than November 1 of each year, the department shall report to the joint revenue interim committee on the use of the exemptions under subsection (n) of this section, and associated revenue impacts.

**Section 2.** This act is effective July 1, 2020.

Approved March 26, 2020.

**Chapter 156****WORKER'S COMPENSATION-LEGISLATORS****Original House Bill No. 137**

AN ACT relating to worker's compensation; providing for worker's compensation coverage for legislators; amending and creating definitions; and providing for an effective date.

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

**Section 1.** W.S. 27-14-102(a)(vii)(N) and by creating a new paragraph (xxxix) and 27-14-108(d) by creating a new paragraph (xix) are amended to read:

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

(a) As used in this act:

(vii) "Employee" means any person engaged in any extrahazardous employment under any appointment, contract of hire or apprenticeship, express or implied, oral or written, and includes legally employed minors, aliens authorized to work by the United States department of justice, office of citizenship and immigration services, and aliens whom the employer reasonably believes, at the date of hire and the date of injury based upon documentation in the employer's possession, to be authorized to work by the United States department of justice, office of citizenship and immigration services. "Employee" does not include:

(N) An elected public official or an appointed member of any governmental board or commission, except for a duly elected or appointed county officer or a member of the legislature;

(xxxix) "Member of the legislature" means a duly elected or appointed member of the Wyoming legislature commencing when the member's term begins if elected or upon being sworn into office if appointed and until such time as the member's seat is vacated as provided in W.S. 22-18-101 or the member's term ends.

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

(d) This act applies to governmental entities engaged in an industrial classification listed under subsection (a) of this section and to employees of governmental entities engaged in or employed as the following:

(xix) A member of the legislature while engaged in an activity or traveling to or from an activity in the member's official capacity as a member of the legislature.

**Section 2.** This act is effective January 2, 2023.

Approved March 26, 2020.

**Chapter 157****SCHOOL FINANCE - MODEL RECALIBRATION****Original House Bill No. 40**

AN ACT relating to school finance; creating the select committee on school finance recalibration; providing for a study to recalibrate the education resource block grant model; authorizing the use of consultants; requiring a report; providing an appropriation; and providing for an effective date.

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

**Section 1.**

(a) There is created the select committee on school finance recalibration consisting of the following members:

(i) Six (6) members of the Wyoming senate appointed by the president of the senate;

(ii) Six (6) members of the Wyoming house of representatives appointed by the speaker of the house of representatives.

(b) At least two (2) members from the house of representatives and one (1) member from the senate shall be from the minority party.

(c) The president of the senate and the speaker of the house of representatives shall select the select committee co-chairmen. The legislative service office shall staff the select committee.

(d) The select committee shall undertake a study to recalibrate the education resource block grant model as required by W.S. 21-13-309(t) to determine if modifications are necessary to ensure the model remains cost-based in light of changing conditions, including changing technologies and modifications to law. The select committee may work with professional consultant experts for model recalibration. The legislative service office, subject to the approval of management council, shall retain professional consulting experts for the purposes of this act.

(e) The select committee shall report its recommendations and any associated legislation to the legislature by December 31, 2020. The select committee may introduce legislation as provided in W.S. 28-8-104(e).

(f) Appointments shall be made under this section not later than March 31, 2020. The select committee shall remain in existence until December 31, 2020. Any vacancy occurring on the select committee shall be filled without delay by the president or speaker, as appropriate.

(g) The department of education, other state agencies, school districts and the school data advisory committee established under W.S. 21-2-203(d) shall collect and provide information requested by the committee or professional consultant experts working with the committee.

(h) There is appropriated eighty thousand dollars (\$80,000.00) from the general fund to the legislative service office for the purposes of providing salary, including salary for the chairmen under W.S. 28-5-101(e)(i), mileage and per diem to members of the select committee on school finance recalibration and for other expenses of the select committee authorized by law or policy of the legislature. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2021. 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 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 26, 2020.

## Chapter 158

### STATE TRUST LANDS-PROPOSALS AND STUDY

#### Original House Bill No. 162

AN ACT relating to state lands; requiring the office of state lands and investments to solicit proposals for the development of identified school and state trust lands in Teton county; requiring the office to review proposals and make recommendations as specified; requiring reports; providing an appropriation; and providing for an effective date.

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

#### **Section 1.**

(a) Not later than August 1, 2020, the office of state lands and investments shall solicit proposals on opportunities for development of identified school trust land parcels and of any other state trust lands in Teton county that would maximize the value of the parcel to the greatest extent possible. Any person may submit a proposal to the office for consideration. Before soliciting proposals, the office shall ensure that a map and a list of all school trust land parcels and state trust lands are available for the public to view. Proposals may include, but are not limited to, commercial, retail, recreational, agricultural and residential development.

(b) The office of state lands and investments shall review all submitted proposals for feasibility and shall prepare a report with preliminary plans and recommendations for the development of areas and parcels identified in proposals that the office deems feasible. The plan shall:

(i) Identify and recommend opportunities for the transfer, lease, development or exchange of the state trust land and school trust land parcels

identified in the feasible proposals in order to maximize the value of the parcels to the greatest extent possible;

(ii) Identify the potential increases or decreases to public access for hunting, fishing and other current recreational activities;

(iii) Identify potential impacts to existing grazing leases, water rights and irrigation and drainage ditches;

(iv) Consider any other opportunities not included in submitted proposals but that would maximize the value of parcels the office identifies to the greatest extent possible;

(v) Identify costs and sources of revenue to develop and maintain the identified opportunities;

(vi) Estimate the time needed to develop the opportunities on the parcels;

(vii) Identify specific changes to Wyoming law that may be necessary in order to develop and maintain the identified opportunities including public private partnerships and the state's ability to partner with a private entity for purposes of maximizing the return on state funds;

(viii) Identify any resources including personnel necessary for the office of state lands and investments or other state agencies to implement the recommendations and opportunities identified in the plan.

(c) The office of state lands and investments may engage the services of research and consulting firms to solicit proposals and prepare the proposed plan required by this section.

(d) The plan shall ensure that any opportunity for development on any state trust land or school trust land parcel would retain all of the state's royalty or other income interests in the parcels.

(e) The plan shall only include proposals that the office of state lands and investments determines are feasible to implement and that would maximize the value of the parcels to the greatest extent possible.

(f) The office of state lands and investments shall regularly provide updates to the joint appropriations committee and the select committee on capital financing and investments on the status of proposals received by the office and the status of the plan. Not later than October 31, 2020, the office of state lands and investments shall submit and present the plan to the joint appropriations committee, the select committee on capital financing and investments and the board of land commissioners. The joint appropriations committee and the select committee on capital financing and investments shall consider the plan and either committee may develop legislation as it deems appropriate for consideration by the legislature.

(g) The office of state lands and investments shall consult with agencies,



local governments and other interested parties and engage in good faith with representatives from Teton county and the county commissioners, recognizing the objectives of the comprehensive master plan for Teton county. The office of state lands and investments shall duly consider all feedback provided throughout the process.

**Section 2.** There is appropriated seventy-five thousand dollars (\$75,000.00) from the general fund to the office of state lands and investments for the purposes of this act. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2022. 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. It is the intent of the legislature that this appropriation not be included in the office of state lands and investments' standard budget for the immediately succeeding fiscal biennium.

**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.

Became law without signature March 26, 2020.

## Chapter 159

### KINDERGARTEN START DATE

Original House Bill No. 174

AN ACT relating to education; amending the minimum school age; conforming provisions; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 21-2-704, 21-3-110(a) by creating a new paragraph (xxxvii), 21-4-102(a)(intro), 21-4-301, 21-4-302(a), (b) and (c)(ii) and 21-13-315(k) are amended to read:

**21-2-704. School district responsibility.**

Notwithstanding any other provisions of this act, any preschool children with disabilities who are five (5) years of age on or before August 1, or September 15 if pursuant to an approved request under W.S. 21-3-110(a)(xxxvii), of the year in which they may register in kindergarten as provided in W.S. 21-4-302(b) and who are receiving services from a school district shall be the responsibility of that school district.

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

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

(xxxvii) Establish a process in policy to approve or deny requests made

by a pupil's parent or guardian based on the pupil's kindergarten readiness assessment score to assess whether the pupil is sufficiently mature to be admitted to the applicable grade.

**21-4-102. When attendance required; exemptions; withdrawal.**

(a) Every parent, guardian or other person having control or charge of any child who is a resident of this state and whose seventh birthday falls on or before August 1, or September 15 if the child started kindergarten pursuant to an approved request under W.S. 21-3-110(a)(xxxvii), of any year and who has not yet attained his sixteenth birthday or completed the tenth grade shall be required to send such child to, and such child shall be required to attend, a public or private school each year, during the entire time that the public schools shall be in session in the district in which the pupil resides; provided, that the board of trustees of each school district may exempt any child from the operation of this article when:

**21-4-301. Schools to be free and accessible to all children; minimum school year.**

Except as otherwise provided by law, the public schools of each school district in the state shall at all times be equally free and accessible to all children resident therein of five (5) years of age as of August 1, or September 15 of the applicable school year if pursuant to an approved request under W.S. 21-3-110(a)(xxxvii), of the year in which they may register in kindergarten as provided in W.S. 21-4-302(b) and under the age of twenty-one (21), subject to regulations of the board of trustees. Each school district shall operate its schools and its classes for a minimum of one hundred seventy-five (175) days each school year unless an alternative schedule has been approved by the state board. Prior to submission of a proposed alternative schedule to the state board, the board of trustees shall hold at least two (2) advertised public meetings within the district, at which the board shall present the proposed alternative schedule and respond to public questions and comments. Any school district operating under an alternative schedule shall annually evaluate the effectiveness of that schedule in meeting the educational goals and purposes for which the schedule was adopted.

**21-4-302. Age for registration in first grade and kindergarten; preschool programs.**

(a) A pupil may register in the first grade in the public schools of this state in the year in which his sixth birthday falls on or before August 1, or September 15 if the child started kindergarten pursuant to an approved request under W.S. 21-3-110(a)(xxxvii).

(b) A pupil may register in kindergarten in the public schools of this state in the year in which his fifth birthday falls on or before August 1, or September 15 if pursuant to an approved request under W.S. 21-3-110(a)(xxxvii).

(c) The board of trustees of a school district may permit the enrollment

of pupils in a part-time preschool program with a curriculum based on developmentally appropriate practices funded by the district. The school district may:

(ii) Establish a minimum attendance age for the program, but a pupil must have attained at least his third birthday on or before ~~September 15~~ August 1 of the year in which that pupil enrolls. A pupil who enrolls in such a preschool program shall not be included within the district's average daily membership (ADM) for purposes of receiving state funds or within any other school funding formula for purposes of receiving funds from the state, unless the pupil has attained the minimum age for registration in kindergarten as provided in subsection (b) of this section;

**21-13-315. Costs of court ordered placement of children in private residential treatment facilities, group homes, day treatment programs and juvenile detention facilities.**

(k) Except as otherwise provided by law, this section applies to children who are at least five (5) years of age as of August 1, or September 15 of the applicable school year if pursuant to an approved request under W.S. 21-3-110(a)(xxxvii), of the year in which they may register in kindergarten as provided in W.S. 21-4-302(b) but who are under twenty-one (21) years of age.

**Section 2.** The change in the age requirement for registering in the first grade as provided in this act shall not apply to students who were registered to attend kindergarten in the public schools of this state during school year 2020-2021.

**Section 3.** This act is effective August 1, 2021.

Became law without signature March 26, 2020.

## Chapter 160

### FIRST RESPONDER WORKPLACE MENTAL INJURY COVERAGE

Original Senate File No. 117

AN ACT relating to worker's compensation; specifying when mental injury is considered a compensable injury for first responders; providing conforming changes; and providing for an effective date.

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

**Section 1.** W.S. 27-14-102(a)(xi)(J) and by creating a new paragraph (xxxi) is amended to read:

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

(a) As used in this act:

(xi) "Injury" means any harmful change in the human organism other than normal aging and includes damage to or loss of any artificial replacement

and death, arising out of and in the course of employment while at work in or about the premises occupied, used or controlled by the employer and incurred while at work in places where the employer's business requires an employee's presence and which subjects the employee to extrahazardous duties incident to the business. "Injury" does not include:

(J) Any mental injury unless it is:

(I) Caused by a compensable physical injury, it occurs subsequent to or simultaneously with, the physical injury and it is established by clear and convincing evidence, which shall include a diagnosis by a licensed psychiatrist, or licensed clinical psychologist or psychiatric mental health nurse practitioner meeting criteria established in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American Psychiatric Association. In no event shall benefits for a compensable mental injury under this subdivision be paid for more than ~~six (6)~~ thirty-six (36) months after an injured employee's physical injury has healed to the point that it is not reasonably expected to substantially improve; or

(II) Experienced by a first responder and established by clear and convincing evidence, which shall include a diagnosis by a licensed psychiatrist, licensed clinical psychologist or psychiatric mental health nurse practitioner meeting criteria established in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American Psychiatric Association. The mental injury shall not be considered a compensable injury if the mental injury is directly attributed to disciplinary action, work evaluation, job transfer, layoff, demotion, termination or similar action taken by an employer. In no event shall any disability benefit for a compensable mental injury under this subdivision extend more than thirty-six (36) months beyond the diagnosis of a compensable injury.

(xxx) "First responder" means a peace officer or an employee who is employed or volunteers as a firefighter, search and rescue personnel or ambulance personnel.

**Section 2.** This act is effective July 1, 2020.

Became law without signature March 26, 2020.

## Chapter 161

### SPECIAL EVENT LIQUOR LICENSES

Original Senate File No. 134

AN ACT relating to alcoholic beverages; requiring the issuance of malt beverage permits for special events as specified; providing for permit fees; specifying prohibited assessments for licensing authority costs relating to a permitted event; and providing for an effective date.

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

**Section 1.** W.S. 12-4-507 is created to read:

**12-4-507. Malt beverage permit for events conducted at rodeo arenas.**

(a) Upon application and upon submission of a reasonable malt beverage sales and control plan mutually agreeable to the applicant and the licensing authority, the appropriate licensing authority shall issue a special malt beverage permit for the sale of malt beverages only at events conducted on the grounds of an indoor or outdoor rodeo with a total seating capacity of over seven thousand five hundred (7,500). The permit may be issued without public notice or hearing. An application for a permit under this section shall be accompanied by a designation of the event for which the application is sought specifying the type of event and the name of the sponsor. The malt beverages shall be served only on grounds contiguous or immediately adjacent to the arena in areas specifically designated by the permittee and approved by the licensing authority. Contiguous or adjacent grounds shall be fenced or otherwise enclosed as approved by the licensing authority. The issuance of a malt beverage permit under this subsection shall not be considered an alcoholic beverage permit issued on the basis of population as provided in W.S. 12-4-201. Malt beverages shall only be sold for consumption under a permit issued under this section during the dates of an event. W.S. 12-5-201 shall not apply to this section.

(b) The fee for a permit issued under subsection (a) of this section shall be established by rule of the licensing authority but shall not exceed two (2) times the maximum fee provided for twenty-four (24) hour permits under W.S. 12-4-502(e) for each day of the event.

(c) A licensing authority may adopt rules to implement this section provided:

(i) Permit fees may be graduated based upon expected attendance at the event;

(ii) No permittee shall be assessed any additional fee by a licensing authority for the issuance of a special malt beverage permit under this section. Nothing in this paragraph shall prohibit a licensing authority from:

(A) Negotiating with a permittee for the voluntary payment of costs incurred by the licensing authority related to the permitted event; or

(B) Recouping costs incurred by the licensing authority related to the permitted event to which the licensing authority is otherwise entitled under Wyoming law.

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

Became law without signature March 26, 2020.

**Original House Resolution No. 3**

A JOINT RESOLUTION requesting Congress to enact legislation expanding and improving efforts to coordinate reporting, investigation and pursuit of justice for missing and murdered Native Americans and other persons.

WHEREAS, in some tribal communities, Native Americans are murdered at more than ten (10) times the national average; and

WHEREAS, Native American and Alaska Native women and girls are at least two (2) times more likely to experience rape or sexual assault and two and one-half (2½) times more likely to experience violent crimes compared to women and girls of all other races, and those factors often are tied to cases involving a disappearance or murder; and

WHEREAS, the National Crime Information Center reported five thousand seven hundred twelve (5,712) cases of missing Native American and Alaska Native women and girls in 2016, yet the United States Department of Justice's federal missing persons database only logged one hundred sixteen (116) cases; and

WHEREAS, Wyoming reported to the National Crime Information Center one hundred seven (107) missing Native Americans in 2018 and ninety-three (93) missing Native Americans through the end of July 2019, and it is likely that many cases go unreported; and

WHEREAS, populations that experience chronic unemployment, homelessness, substance abuse, severe poverty and high rates of sexual violence and other crimes including Native American and Alaska Native communities are at a higher risk of human trafficking; and

WHEREAS, violence against children and crimes associated with dating violence and domestic violence has immediate and long term effects, including increased rates of altered neurological development, poor physical and mental health, poor school performance and substance abuse. Exposure to this violence increases the instances of trauma in tribal communities, which affects health outcomes, reduces educational attainment, hinders economic growth and undermines public safety; and

WHEREAS, investigation into cases of missing and murdered Native Americans and domestic violence calls, which are amongst the most dangerous calls that law enforcement receives, is made difficult for tribal law enforcement agencies due to a lack of necessary training, equipment or funding, complicated jurisdictional structures, a lack of interagency cooperation and a host of inadequate laws; and

WHEREAS, no federal agency has comprehensive data on how many Native Americans are murdered or missing; and

WHEREAS, the Urban Indian Health Institute reported that the challenges and barriers in accessing data on these issues from law enforcement severely impede the ability of communities, tribal nations and policymakers to make informed decisions on how best to address this violence; and

WHEREAS, Savanna LaFontaine-Greywind, for whom federal legislation is named, was a member of the Spirit Lake Tribe and was murdered when she was eight (8) months pregnant; and

WHEREAS, Savanna's Act (2019 S. 227/H.R. 2733) will improve tribal access to federal crime information databases on missing persons and cooperation among tribal, federal, state, and local law enforcement, and will mandate the United States Attorney General to consult with tribes and submit a report to Congress on how to resolve the barriers tribes face and to review, revise and develop law enforcement and justice protocols appropriate to address missing and murdered Native Americans; and

WHEREAS, the Not Invisible Act (2019 S. 982/H.R. 2438) will establish an advisory committee on violent crime composed of law enforcement, tribal leaders, federal partners, service providers and survivors to recommend actions to the Department of Interior and Department of Justice. The bill will also establish best practices for law enforcement on combatting the epidemic of missing persons, murder and trafficking of Native Americans and Alaska Natives, and coordinate prevention efforts, grants and programs across offices within the Bureau of Indian Affairs, the Department of Justice and other agencies of the federal government related to the murder of, trafficking of, and missing Native Americans and Alaska Natives; and

WHEREAS, the Bridging Agency Data Gaps and Ensuring Safety (BADGES) for Native Communities Act (2019 S. 1853/H.R. 4289) will bridge agency data gaps by requiring federal law enforcement databases to report on cases of missing or murdered Native Americans, to coordinate with the National Missing and Unidentified Persons System liaisons, to share data with the tribes and to establish a background check demonstration program to ensure safety for Native American communities; and

WHEREAS, the Native Youth and Tribal Officer Protection Act (2019 S. 290/H.R. 958) will build on the Violence Against Women Act by allowing tribes to charge offenders for dating violence, domestic violence, child violence and violence committed against members of the tribal justice system and by coordinating federal domestic violence training and hotline resources; and

WHEREAS, the Studying the Missing and Murdered Indian Crisis Act of 2019 (2019 S. 336/H.R. 2029) will direct the Comptroller General of the United States to report on law enforcement agencies' responses to reports of missing or murdered Indians; and



WHEREAS, other proposed legislation will continue and grow existing endeavors to support Native Americans and other persons, including the Justice for Native Survivors of Sexual Violence Act (2019 S. 288/H.R. 3977), which amends the Indian Civil Rights Act of 1968 to extend the jurisdiction of tribal courts to cover crimes involving sexual violence; the Securing Urgent Resources Vital to Indian Victim Empowerment (SURVIVE) Act (2019 S. 211/H.R. 1351), which amends the Victims of Crime Act of 1984 and the Native American Child Protection Act (H.R. 4957), which amends the Indian Child Protection and Family Violence Prevention Act and the Violence Against Women Reauthorization Act of 2019 (S. 2843/H.R. 1585), which reauthorizes the Violence Against Women Act of 1994.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

**Section 1.** That the Wyoming Legislature requests that Congress swiftly enact legislation providing for justice for missing and murdered Native Americans and other persons, including enacting Savanna's Act, the Not Invisible Act, the BADGES for Native Communities Act, the Native Youth and Tribal Officer Protection Act, the Studying the Missing and Murdered Indian Crisis Act of 2019 and other legislation that amends and reauthorizes existing protections.

**Section 2.** That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

Approved March 9, 2020.

### **Original Senate Resolution No. 1**

A JOINT RESOLUTION to urge and request the game and fish commission to work with the state superintendent of public instruction and the state board of education to provide firearm and hunter education as a voluntary physical education elective in public schools.

WHEREAS, Wyoming law requires a person born after January 1, 1966, to complete a hunter safety course in order to take any wildlife using firearms on land other than that of the person's family; and

WHEREAS, firearm and hunter education programs teach the state's youth not only how to hunt but also how to use weapons responsibly and how to respect weapons and their capabilities while attempting to demonstrate that using a firearm is not akin to portrayals in entertainment, all of which could reduce the occurrence of severe incidents or mistakes involving a firearm; and

WHEREAS, firearm and hunter programs include instruction in areas such as understanding responsibilities as a sports person, understanding hunting



ethics, demonstrating the safe handling of firearms, understanding and identifying different types of firearms, ammunition and the correct use of both, practicing safe firearms cleaning and storage in the home, principles of wildlife management, conservation and preservation and understanding how hunters can be means for conservation in wildlife management; and

WHEREAS, familiarity with these principles, equipment, and responsibilities can benefit our society overall and may reduce the number of gun-related accidents; and

WHEREAS, several states including Kansas, Iowa and South Carolina have instituted programs whereby students in their middle and high schools may opt to meet their firearm and hunter education obligations through their physical education classes; and

WHEREAS, while these principles and learning experiences are necessary for those people who want to be outdoors hunting, firearm and hunter education classes also provide knowledge and skills that are generally useful across the board and are skills and information that can easily and quickly be relayed through voluntary physical education classes; and

WHEREAS, the game and fish department is currently statutorily tasked with overseeing the firearm and hunter education programs, and partnering with the department of education would allow delivery of training that is consistent with the mission of the game and fish department and would enable the game and fish department to reach out to the next generation of Wyoming sportspersons through programs coordinated throughout the state's schools.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

**Section 1.** That the Wyoming Legislature urges and requests the game and fish commission, through the game and fish department, to work with the superintendent of public instruction, the state board of education and the department of education to provide hunter education as a physical education elective in the public schools in Wyoming.

**Section 2.** That the Secretary of State of Wyoming transmit copies of this resolution to the state superintendent of public instruction, the state board of education, the game and fish commission and the director of the game and fish department.

Approved March 24, 2020.

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