

HOUSE BILL NO. HB0049

Agency fee revisions.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to agency fees; providing for fees on the
 2 supervision, testing and transferring of probationers and
 3 parolees; modifying health care facility licensing fees;
 4 modifying department of environmental quality permitting
 5 fees; authorizing the department of family services to set
 6 the fee for central registry applications; modifying
 7 department of agriculture food licensing fees and
 8 distribution; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 7-13-407 by creating a new subsection
 13 (b), 14-3-214(f), 35-2-904(a)(ii) and by creating new
 14 subsections (g) and (h), 35-7-124(b) and (c)(intro),
 15 35-11-211(b)(intro) and by creating a new subsection (j),
 16 35-11-406(a)(xii), 35-11-410(b)(vi), 35-11-414(a),

1 35-11-1420(c), 35-11-1425(a) and 35-20-116(a) are amended
2 to read:

3

4 **7-13-407. Agents' duties; probationers and parolees**
5 **fees.**

6

7 (b) Except as otherwise provided in this subsection,
8 a probationer, parolee or person committed to the
9 department and who is supervised by the department shall
10 pay the fees specified in this subsection. The department
11 may reduce or waive any fee required by this subsection or
12 suspend the monthly payment of the supervisory fee if it
13 determines that the payment would cause the person a
14 significant financial hardship. The fees to be paid to the
15 department shall be as follows:

16

17 (i) A supervisory fee of not less than
18 twenty-five dollars (\$25.00) per month and not more than
19 three hundred dollars (\$300.00) per year, prorated at not
20 less than twenty-five dollars (\$25.00) per month for the
21 number of months under supervision;

22

1 (ii) A drug screen testing fee of not less than
2 ten dollars (\$10.00) per month for the number of months
3 under supervision to help offset the cost of drug
4 screening;

5
6 (iii) A transfer fee of not less than one
7 hundred dollars (\$100.00) to help offset the cost of
8 transferring supervision.

9
10 **14-3-214. Confidentiality of records; penalties;**
11 **access to information; attendance of school officials at**
12 **interviews; access to central registry records pertaining**
13 **to child protection cases.**

14
15 (f) Upon appropriate application, the state agency
16 shall provide to any employer or entity whose employees or
17 volunteers may have unsupervised access to children in the
18 course of their employment or volunteer service, for
19 employee or volunteer screening purposes, a summary of
20 central registry records maintained under state agency
21 rules since December 31, 1986, for purposes of screening
22 employees or volunteers. The state agency shall provide the
23 results of the records check to the applicant by certified

1 mail if the records check confirms the existence of a
2 report "under investigation" or a "substantiated" finding
3 of abuse or neglect. Otherwise, the state agency shall
4 provide the results of the records check to the applicant
5 in accordance with agency rules and by United States mail.
6 The written results shall confirm that there is a report
7 "under investigation", a "substantiated" finding of abuse
8 or neglect on the central registry naming the individual or
9 confirm that no record exists. When the individual is
10 identified on the registry as a "substantiated" perpetrator
11 of abuse or neglect, the report to the applicant shall
12 contain information with respect to the date of the
13 finding, specific type of abuse or neglect, a copy of the
14 perpetrator's voluntary statement and whether an appeal is
15 pending. The applicant, or an agent on behalf of the
16 applicant, shall submit a fee ~~of ten dollars (\$10.00)~~ in an
17 amount determined by rule of the state agency and proof
18 satisfactory to the state agency that the prospective or
19 current employee or volunteer whose records are being
20 checked consents to the release of the information to the
21 applicant. The applicant shall use the information received
22 only for purposes of screening prospective or current
23 employees and volunteers who may, through their employment

1 or volunteer services, have unsupervised access to minors.
2 Applicants, their employees or other agents shall not
3 otherwise divulge or make public any information received
4 under this section. The state agency shall notify any
5 applicant receiving information under this subsection of
6 any subsequent reclassification of the information pursuant
7 to W.S. 14-3-213(e). The state agency shall screen all
8 prospective agency employees in conformity with the
9 procedure provided under this subsection.

10

11 **35-2-904. Issuance of license; fee; duration;**
12 **renewal; transferability; provisional licenses; procedures.**

13

14 (a) The division shall issue a license under this
15 act:

16

17 (ii) Upon payment of a license fee ~~as~~
18 ~~established by the department~~ for each health care facility
19 as specified in subsection (g) of this section. The
20 department ~~shall~~ may adopt rules which provide for
21 reasonable fees for health care facilities not specified in
22 subsection (g) of this section in amounts not to exceed
23 five hundred dollars (\$500.00) designed to recover

1 administrative and operational expenses of the department
 2 in conducting its licensure program under this article for
 3 those facilities.

4

5 (g) Health care facilities shall be assessed the
 6 following fees:

7

8 (i) Adult day care facility \$250.00;

9

10 (ii) Adult foster care home \$250.00;

11

12 (iii) Ambulatory surgical center . . . \$500.00;

13

14 (iv) Assisted living facility:

15

16 (A) For a facility with a bed capacity of
 17 at least one (1) but not more than twenty-five (25)
 18 \$250.00;

19

20 (B) For a facility with a bed capacity of
 21 more than twenty-five (25) but not more than fifty (50) . .
 22 \$500.00;

23

1 (C) For a facility with a bed capacity of
 2 more than fifty (50) \$1,000.00.

3
 4 (v) Birthing center \$500.00;

5
 6 (vi) Boarding home in an amount established by
 7 the department within this range \$500.00-\$750.00;

8
 9 (vii) Critical access hospital \$500.00;

10
 11 (viii) Renal dialysis center \$500.00;

12
 13 (ix) Freestanding diagnostic testing center . . .
 14 \$500.00;

15
 16 (x) Freestanding emergency center . . . \$500.00;

17
 18 (xi) Home health agency \$150.00;

19
 20 (xii) Hospice facility \$250.00;

21
 22 (xiii) Hospital \$1,000.00;

23

1 (xiv) Intermediate care facility for people with
2 intellectual disability \$250.00;

3
4 (xv) Medical assistance facility . . . \$250.00;

5
6 (xvi) Nursing care facility:

7
8 (A) For a facility with a bed capacity of
9 at least one (1) but not more than twenty-five (25)
10 \$250.00;

11
12 (B) For a facility with a bed capacity of
13 more than twenty-five (25) but not more than fifty (50) . . .
14 \$500.00;

15
16 (C) For a facility with a bed capacity of
17 more than fifty (50) \$1,000.00.

18
19 (xvii) Psychiatric hospital \$1,000.00;

20
21 (xviii) Rehabilitation facility \$500.00;

22
23 (xix) Rehabilitation hospital \$500.00.

1

2 (h) In addition to the fees imposed under subsection
3 (g) of this section, if a licensed health care facility
4 changes its name, location or number of beds, the facility
5 shall pay a fee in the amount of two hundred fifty dollars
6 (\$250.00) for a revised license.

7

8 **35-7-124. License required; exemptions; electronic**
9 **transmittals.**

10

11 (b) Written application for a new license shall be
12 made on a form approved by the department of agriculture
13 and provided by the department of agriculture or the local
14 health department and shall be signed by the applicant.
15 License requirements and fees for temporary food events
16 operated by nonprofit organizations shall be waived.
17 Licenses shall expire one (1) year after the date of
18 issuance unless suspended or revoked. Licenses may be
19 renewed each year upon application to the department or
20 local health department. The director shall establish
21 license categories and fees by rule and no fee shall exceed
22 one hundred dollars (\$100.00), except that the following
23 fees shall be as specified:

1

2

(i) Food license \$200.00;

3

4

(ii) Food license annual renewal . . . \$100.00;

5

6

(iii) Temporary food establishment license . . .

7

. \$50.00.

8

9

(c) Fifty percent (50%) of the fees collected

10

pursuant to paragraphs (b)(i) through (iii) of this section

11

shall be credited to the general fund. The remainder of any

12

fees collected under this section shall be distributed as

13

follows:

14

15

35-11-211. Fees.

16

17

(b) Permit fees shall be assessed against operators

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of sources applying for any permit under this article and

19

annually thereafter for the duration of the permit. The

20

fee for operating sources shall be based on the emissions

21

of each regulated pollutant, as defined in section

22

502(b)(3)(B)(ii) of the Clean Air Act. The department shall

23

exclude any amount of regulated pollutant emitted by any

1 source in excess of four thousand (4,000) tons per year in
2 determining the amount of fee required for any operating
3 source. A fee shall be assessed upon applicants for
4 construction and modification permits based on costs to the
5 department in reviewing and acting upon those permit
6 applications. The department shall develop a fee structure
7 subject to the minimum amounts specified in subsection (j)
8 of this section which equitably assesses the fees based on
9 emissions for operating sources and projected costs of
10 reviewing and acting upon construction and modification
11 permits sufficient to recover the amount reviewed by the
12 joint appropriations committee and appropriated by the
13 legislature for implementing the operating permit program.
14 The fee structure and appropriation shall be based upon
15 measurable goals and approved by the joint appropriations
16 committee prior to implementation. The department shall
17 prepare a biennium report for review by the joint minerals,
18 business and economic development interim committee by
19 October 31 of the year prior to the Wyoming legislative
20 budget session. Permit fees shall cover all reasonable
21 direct and indirect costs including the costs of:

22

1 (j) The department shall charge the following minimum
2 fees under this section:

3
4 (i) Application \$500.00;

5
6 (ii) In addition to paragraph (i) of this
7 subsection, review and acting on an application . . . \$75.00
8 per hour;

9
10 (iii) Relocation of portable sources or
11 facilities that are authorized to use self issuance permits
12 \$150.00;

13
14 (iv) Relocation of portable sources or
15 facilities not authorized to use self issuance permits . .
16 \$300.00.

17
18 **35-11-406. Application for permit; generally; denial;**
19 **limitations.**

20
21 (a) Applications for a mining permit shall be made in
22 writing to the administrator and shall contain:

23

1 (xii) A minimum fee of ~~one hundred dollars~~
2 ~~(\$100.00)~~ two hundred dollars (\$200.00) plus ten dollars
3 (\$10.00) for each acre in the requested permit, but the
4 maximum fee for any single permit shall not exceed two
5 thousand dollars (\$2,000.00). The permit is amendable,
6 excepting permits for surface coal mining operations,
7 without public notice or hearing if the area sought to be
8 included by amendment does not exceed twenty percent (20%)
9 of the total permit acreage, is contiguous to the permit
10 area, and if the operator includes all of the information
11 necessary in his application to amend that is required in
12 this section including a mining and reclamation plan
13 acceptable to the administrator. The fee for a permit
14 amendment shall be two hundred dollars (\$200.00) plus ten
15 dollars (\$10.00) for each acre not to exceed two thousand
16 dollars (\$2,000.00);

17

18 **35-11-410. License to mine for minerals; application.**

19

20 (b) Any operator desiring to engage in a mining
21 operation shall make a written application to the
22 administrator on forms furnished by the administrator for a
23 license to mine. A license is required for each mining

1 operation for which a separate mining permit is issued. The
2 application shall contain or be accompanied by:

3

4 (vi) A fee of ~~twenty five dollars (\$25.00)~~ one
5 hundred fifty dollars (\$150.00).

6

7 **35-11-414. Special license to explore for minerals by**
8 **dozing; application; standards; fee; bond; denial; appeal.**

9

10 (a) Any person desiring to engage in mineral
11 exploration by dozing shall apply to the administrator for
12 a special license. The application shall be in accordance
13 with rules and regulations adopted pursuant to the
14 standards set forth in subsection (b) of this section, by
15 the council upon recommendation by the director after
16 consultation with the administrator and advisory board, and
17 shall be accompanied by a fee of ~~twenty five dollars~~
18 ~~(\$25.00)~~ two hundred fifty dollars (\$250.00).

19

20 **35-11-1420. Tank notification required; change of**
21 **owner; installation requirements; inspections.**

22

1 (c) The department shall collect an installation or
2 modification fee of ~~two hundred fifty dollars (\$250.00)~~
3 five hundred dollars (\$500.00) for each tank or for all
4 multiple tanks installed or modified at the same time and
5 at the same site. The fees collected under this subsection
6 shall be deposited in the general fund.

7

8 **35-11-1425. Tank fee; deposit into corrective action**
9 **account; late fee.**

10

11 (a) On or before January 1 of each year the owner of
12 a tank shall pay a fee to the department of two hundred
13 dollars (\$200.00) per tank owned., ~~except the owner of an~~
14 ~~aboveground storage tank subject to this section that holds~~
15 ~~five thousand (5,000) gallons or less shall pay a fee of~~
16 ~~fifty dollars (\$50.00) per tank owned.~~ This fee shall be
17 deposited in the corrective action account.

18

19 **35-20-116. Access to central registry records**
20 **pertaining to adult protection cases; child and vulnerable**
21 **adult abuse and registry account.**

22

1 (a) Upon appropriate application and for employee or
2 volunteer screening purposes, the department shall provide
3 to any employer or entity whose employees or volunteers may
4 have unsupervised access to vulnerable adults in the course
5 of their employment or volunteer service a record summary
6 concerning abuse, neglect, exploitation or abandonment of a
7 vulnerable adult involving a named individual or shall
8 confirm that no record exists. The state agency shall
9 provide the results of the records check to the applicant
10 by certified mail if the records check confirms the
11 existence of a report "under investigation" or a
12 "substantiated" finding of abuse or neglect. Otherwise,
13 the state agency shall provide the results of the records
14 check to the applicant in accordance with agency rules and
15 by United States mail. The written results shall confirm
16 that there is a report "under investigation", a
17 "substantiated" finding of abuse or neglect on the central
18 registry naming the individual or confirm that no record
19 exists. When the individual is identified on the registry
20 as a "substantiated" perpetrator of abuse or neglect, the
21 report to the applicant shall contain information with
22 respect to the date of the finding, specific type of abuse
23 or neglect, a copy of the perpetrator's voluntary statement

1 and whether an appeal is pending. Any applicant receiving
2 a report under this section identifying an individual as
3 "under investigation" shall be notified by the department
4 as to the final disposition of that investigation and
5 whether an appeal is pending. The applicant, or an agent
6 on behalf of the applicant, shall submit a fee ~~of not to~~
7 ~~exceed ten dollars (\$10.00) as established by~~ in an amount
8 determined by rule of the department and proof satisfactory
9 to the department that the prospective or current employee
10 or volunteer whose records are being checked consents to
11 the release of the information to the applicant. The
12 applicant shall use the information received only for
13 purposes of screening prospective or current employees and
14 volunteers who may, through their employment or volunteer
15 services, have unsupervised access to vulnerable adults.
16 Applicants, their employees or other agents shall not
17 otherwise divulge or make public any information received
18 under this section. The department shall notify any
19 applicant receiving information under this subsection of
20 any subsequent reclassification of the information pursuant
21 to W.S. 35-20-115(c). The department shall screen all
22 prospective employees in conformity with the procedure
23 provided under this subsection.

1

2 **Section 2.** This act is effective July 1, 2021.

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(END)