

**SESSION
LAWS
OF
WYOMING**

**2021 General Session
and
2020 Special Session**

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

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LAWS
PASSED BY THE
SIXTY-FIFTH
WYOMING LEGISLATURE
2020 SPECIAL SESSION

Chapter 1

EMERGENCY APPROPRIATION-COVID-19 FUNDS-2

Original Senate File No. 1001

AN ACT relating to the emergency expenses of government; providing legislative findings; authorizing emergency governmental programs as specified; requiring reporting; providing an appropriation; specifying conditions on the appropriation and expenditure of funds; and providing for an effective date.

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

Section 1.

(a) The legislature finds that:

(i) In December 2019, a novel coronavirus known as severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) was first detected in Wuhan, Hubei province, People's Republic of China, leading to outbreaks of novel coronavirus disease (COVID-19) that have now spread globally;

(ii) On March 13, 2020, the president of the United States under the authority given to his office in the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), declared a national emergency over the coronavirus outbreak following cancellations, suspensions and growing case numbers nationwide;

(iii) On March 13, 2020, the governor declared a state of emergency in Wyoming in anticipation of the spread of COVID-19 to the state and on April 11, 2020, Wyoming received a major disaster declaration under the Stafford Act;

(iv) The governor, the state health officer, local health officers, local officials and tribal leaders responded with swift measures to contain the spread of COVID-19, minimize the public's exposure to COVID-19 and protect the health, safety and well being of Wyoming residents;

(v) The public health crisis caused by COVID-19:

(A) Resulted in death, hospitalizations, sickness, mental health suffering and numerous other adverse health impacts to the residents of Wyoming;

(B) Resulted in the economic devastation to Wyoming's economy and the tax base for the state and local governments;

(C) Resulted in the loss of employment and income for Wyoming residents, the closure of businesses and schools, destabilized housing and greatly exacerbated financial insecurity in the state;

(D) Put extraordinary financial pressure on individuals, families, homeowners, hospitals, health care facilities, businesses, educational providers, state agencies and local governments.

(vi) While it is currently not possible to fully assess the scope, duration and severity of the impact the public health crisis has and will have on the residents of Wyoming, the recovery efforts will require a dedicated response by the executive, legislative and judicial branches of Wyoming's state government, tribal governments and local governments of Wyoming's counties, cities, towns and political subdivisions;

(vii) The federal Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, has provided the state government of Wyoming with relief funds of one billion two hundred fifty million dollars (\$1,250,000,000.00) to cover costs that are necessary expenditures incurred due to the public health emergency with respect to COVID-19. Further federal stimulus aid may be forthcoming to the states from the federal government to address this crisis;

(viii) Under existing law, the governor may accept and expend federal funds through supplemental additions to approved budgets when the legislature is not in session pursuant to W.S. 9-2-1005(b). The legislature finds that due to the extraordinary circumstances of the COVID-19 public health emergency and resulting economic devastation, joint action of the legislative and executive branches in determining how the CARES Act relief funds are expended will result in the greatest benefit to the state;

(ix) Currently, the allowable expenditures of the relief funds provided to the state under the CARES Act are restricted and may not be used to fill shortfalls in state and local government revenue. However, discussions continue on how the relief funds may best be spent. State and local governments, and the services and programs they provide to the public, may be significantly reduced as a result of the public health emergency and the economic devastation it has brought. The deliberative, thoughtful and prudent use of available federal funds through the development of long-term strategies can help blunt the worst of these economic impacts for the residents of Wyoming;

(x) Article 3, section 36 of the Wyoming Constitution limits the power of the

legislature to make appropriations to persons, corporations or communities not under the absolute control of the state and article 16, section 6 of the Wyoming Constitution limits the authority of the state to loan or make donations to or in aid of any individual, association or corporation, except for the necessary support of the poor. And article 7, section 20 of the Wyoming Constitution recognizes the duty of the legislature to protect and promote the health and morality of the people. The extraordinary circumstances of the COVID-19 public health emergency and resulting economic devastation justifies the distribution of CARES Act funds for the public purposes and expenses authorized by this act in accordance with these constitutional requirements. Nothing in this act shall be construed to authorize the distribution of federal funds through future legislation without regard to the limitations imposed by the Wyoming Constitution.

(b) The legislature further finds that four (4) classifications of priority needs requiring funding from these and any future federal stimulus funds are:

(i) COVID-19 emergency response. These are expenditures that were incurred and that continue to be incurred as a direct response of combating COVID-19 in Wyoming, for which CARES Act relief funds may currently be expended. There is also an immediate need for additional state programs to respond to this crisis. This act and its companion acts provide the emergency funding and emergency authorization to create certain time limited programs to address the COVID-19 emergency;

(ii) Relief aid. These are payments to state and local programs to support businesses, families and individuals who have been economically impacted by the public health crisis;

(iii) Economic development projects. These are capital construction, road building, infrastructure, broadband and other potential projects intended to invest in Wyoming by providing employment opportunities for Wyoming residents to offset the devastating impacts of the COVID-19 crisis and by enhancing the infrastructure of the state;

(iv) Replacement of lost revenue for public entities. To the extent allowable under the CARES Act or other similarly purposed federal act, relief funds could be used to allow state and local governments to continue to provide a base level of critical services while longer term solutions to this economic crisis can be implemented.

(c) The legislature intends to work with the executive branch and local governments to enact legislation addressing all four (4) of the identified priorities if permissible in the near future. However, if the legislature determines that no additional legislative action is necessary and no further legislation is enacted, the governor may expend any remaining CARES Act relief funds pursuant to section 2 of this act. While it is beyond the power of government to alleviate

all hardships associated with this public health and economic crisis, long-term strategies to utilize available funds to address this crisis will ultimately provide the greatest benefit to the state and speed the road to economic recovery.

Section 2.

(a) To carry out the expenditure of federal funds authorized by subsection (b) of this section, the governor is authorized to establish by order or rule any emergency program that is consistent with the terms of this act and the federal gift, grant or appropriation if the program can be fully supported by federal funds appropriated under this act or other existing appropriations. Any emergency program created under the authority granted in this subsection shall expire on December 30, 2020 unless expressly continued by act of the legislature.

(b) Subject to the limitations provided in subsection (c) through (g) of this section, any federal funds provided to the state for COVID-19 related purposes including from the Coronavirus Aid, Relief and Economic Security (CARES) Act, Public Law 116-136, or other similarly purposed federal act that do not accrue to any agency under W.S. 921006(a) are appropriated to the office of the governor for the emergency expenses of government that are consistent with the terms of the federal gift, grant or appropriation and as specified in this subsection. In accordance with W.S. 9-4-205(a), this appropriation of federal funds shall be subject to further legislative review and appropriation. This appropriation shall only be expended for the following purposes:

(i) Any expenses incurred by state entities to respond to the public health emergency and the impacts caused by COVID-19 as determined by the governor. Expenses may include any costs incurred in implementing 2020 House Bill 1002 or 2020 Senate File 1002, if enacted into law, including expenditures made to adequately fund the worker's compensation account to pay for necessary and permissive liabilities created by 2020 House Bill 1002 or 2020 Senate File 1002, if enacted into law. As used in this paragraph, "state entity" includes any school district, state office, department, board, council, commission, separate operating agency, institution or other instrumentality or operating unit of the state and the University of Wyoming and Wyoming community colleges. Programs and services provided by a state entity or operated on behalf of a state entity by a third party shall be considered "state entities" for purposes of this paragraph;

(ii) Any expenses incurred by cities, towns, counties and other political subdivisions to respond to the public health emergency and the impacts caused by COVID-19. The allocation of distributions to entities under this paragraph shall be subject to the approval of the state loan and investment board;

(iii) To provide grants for expenses incurred by Wyoming health care providers, rural health care districts, hospital districts and health care facilities

to respond to the public health emergency caused by COVID-19 or to improve the state's health care delivery system and infrastructure, including major renovations or capital construction of facilities. Grants provided under this paragraph shall be subject to the approval of the state loan and investment board. The governor shall by order or rule, adopt provisions to ensure that adequate consideration is provided to the state for the expenditure of public funds on grants authorized under this paragraph;

(iv) For operational or capital construction expenses at any hospital or other health care facility that is operated by a governmental entity, including the Wyoming life resource center and the Wyoming state hospital, to improve the state's capacity to respond to the public health emergency caused by COVID-19;

(v) For capital construction expenses to improve the state's capacity to provide mental health services in response to the public health emergency caused by COVID-19. Capital construction expenses authorized under this paragraph shall be subject to the approval of the state building commission;

(vi) Any expenses incurred by the state to respond to the public health emergency to address food insecurity caused or exacerbated by COVID-19 as determined by the governor. Expenses authorized under this paragraph shall include but are not limited to expenses to produce and process food incurred by businesses, cooperatives and political subdivisions of the state which have suffered adverse market effects or experienced unusual levels of strain in the supply chain due to the impacts from the COVID-19 novel coronavirus;

(vii) Any COVID-19 related expenses and expenditures of the judicial branch;

(viii) Any COVID-19 related expenses and expenditures of the legislative branch;

(ix) Any other COVID-19 related purposes authorized by legislative act;

(x) To provide grants for expenses incurred in responding to the public health emergency and the impacts caused by COVID-19 on the Wind River Reservation. Grants provided under this paragraph shall be subject to the approval of the state loan and investment board. The state loan and investment board may enter into cooperative agreements with the business councils of the Eastern Shoshone and Northern Arapaho Tribes to facilitate grants under this paragraph;

(xi) For capital construction expenses to improve the state's emergency health care capacity in response to the public health emergency caused by COVID-19;

(xii) Any other COVID-19 related expenses necessary to provide funding for costs experienced by Wyoming businesses that were directed to cease or

limit business operations under a statewide order issued by the governor or the state health officer in response to the public health emergency caused by COVID-19.

(c) Funds appropriated under subsection (b) of this section may be expended or obligated by the governor subject to the following conditions:

(i) On the effective date of this act, up to four hundred fifty million dollars (\$450,000,000.00) shall be available for expenditure or obligation;

(ii) Absent enactment of further legislation, on July 15, 2020 an additional four hundred million dollars (\$400,000,000.00) plus any funds remaining from the amount authorized under paragraph (i) of this subsection shall be available for expenditure or obligation;

(iii) Absent enactment of further legislation, on September 15, 2020, any remaining funds shall be available for expenditure or obligation;

(iv) 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;

(v) Expenditure of this appropriation shall be documented through the B-11 process described under W.S. 9-2-1005(b)(ii), (iii) and (g) and reported pursuant to W.S. 9-2-1013(b) but need not constitute a supplemental addition to an approved budget;

(vi) This appropriation shall not be revised, changed, redistributed or increased pursuant to W.S. 9-2-1005(b)(ii) and (iii);

(vii) This appropriation shall not be transferred or expended for any purpose not specified in this act.

(d) The attorney general shall review in writing the legality of the distribution, expenditure and accounting of federal funds authorized under subsection (b) of this section.

(e) No expenditure of funds shall be made under this section except in accordance with state and federal laws, regulations and orders.

(f) As a condition of receiving any grant, aid or distribution authorized under this section, the recipient shall report to the governor the amount of all federal loans, grants or aid provided for COVID-19 related purposes including from the Coronavirus Aid, Relief and Economic Security (CARES) Act, Public Law 116-136, or other similarly purposed federal act for which the recipient:

(i) Is eligible, as determined by the recipient;

(ii) Has applied; or

(iii) Has received.

(g) The governor shall implement reporting requirements on the recipient of

any grant, distribution or aid authorized under this section sufficient to comply with all federal reporting requirements.

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 May 20, 2020.

Chapter 2

EMERGENCY POWERS-COVID-19-2

Original Senate File No. 1002

AN ACT relating to emergency aid and emergency procedures in response to the COVID-19 novel coronavirus pandemic; clarifying immunity from civil liability; amending unemployment benefits; authorizing agreements with the federal government and the expenditure of federal funds; creating programs to avoid the eviction of needy persons; amending the unemployment compensation program; amending the worker's compensation program; providing additional authority to the governor; providing for a worker's compensation premium credit; amending a prior worker's compensation premium credit; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 9-7-106(a) by creating a new paragraph (ix), 27-14-102(a)(xi)(A) and 27-14-201(q)(i), (ii) and by creating a new subsection (u) and 35-4-114(a) are amended to read:

9-7-106. Community development authority; additional powers; purchase of mortgages; loans to lenders; funds appropriated for low interest mortgages.

(a) In addition to the other powers granted in this act, the authority:

(ix) Shall perform other duties consistent with its purpose as authorized by the legislature for the period prescribed by the legislature.

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:

(A) Any illness or communicable disease unless the risk of contracting the illness or disease is increased by the nature of the employment. For the period

beginning January 1, 2020 through December 30, 2020, if any employee in an employment sector for which coverage is provided by this act is infected with the COVID-19 Coronavirus, it shall be presumed that the risk of contracting the illness or disease was increased by the nature of the employment;

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

(q) The division may, in accordance with its rules and regulations, grant a premium credit to rates established under this section if it is determined by a qualified actuary retained by the division that the fund will remain fully reserved after the premium credit is granted and implemented. If the division determines to grant a premium credit, the percentage of credit allowed for the rate year shall be the same for all employers qualified pursuant to paragraph (iii) of this subsection. The following provisions shall also apply to the premium credit program:

(i) ~~The premium credit to an employer may be applied only against premiums due in the year in which the credit was issued.~~ The premium credit can only be used to offset premiums, and in no case can the premium be redeemed by an employer for cash;

(ii) Any premium credits ~~unclaimed at the end of the year shall expire as provided by law. If no law provides for the expiration of credits, credits shall expire as determined by the division;~~

(u) No injury related to COVID-19 for which coverage is provided under this act and for which a claim was filed on or before December 30, 2020 shall be chargeable to an employer's experience rating under this section. The division shall estimate the cost to the fund of an injury subject to this subsection and shall deposit into the fund or dedicate within the fund the amount of the estimated cost but only to the extent federal monies are available for that purpose from the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, or from any other available federal monies related to the COVID-19 emergency response.

35-4-114. Immunity from liability.

(a) During a public health emergency as defined by W.S. 35-4-115(a)(i), any health care provider or other person, ~~including a business entity,~~ who in good faith follows the instructions of ~~the a state, city, town or county health officer in responding or who acts in good faith in responding~~ to the public health emergency is immune from any liability arising from complying with those instructions ~~or acting in good faith.~~ This immunity shall apply to health care providers who are retired, who have an inactive license or who are licensed in another state without a valid Wyoming license and while performing as a volunteer during a declared public health emergency as defined by W.S. 35-4-115(a)(i). This immunity shall not apply to acts or omissions constituting gross negligence or willful or wanton misconduct.

Section 2. 2020 Wyoming Session Laws, Chapter 146, Section 1, Enrolled Act No. 49, is amended to read:

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~~ June 30, 2021. Any unused credit will expire ~~January 31, 2021~~ June 30, 2021.

Section 3. Notwithstanding any state law to the contrary and to the extent not inconsistent with maintenance of the solvency of the unemployment compensation fund, the governor and the department of workforce services are authorized to enter into an agreement with the federal secretary of labor for the operation and administration of a short-time compensation program under section 2109 of the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, and to utilize any federal funding or assistance made available for that purpose. Any short-time compensation program operated pursuant to the authority granted by this section shall terminate on March 15, 2021.

Section 4.

(a) For the necessary support of the poor and in order to maintain safe, decent and sanitary housing for persons living in Wyoming, the Wyoming community development authority, created by W.S. 9-7-104, shall establish and maintain a temporary program for the payment of rent and avoidance of evictions for persons impacted by the COVID-19 coronavirus pandemic. The authority shall accept applications for program awards on forms provided by the authority. Awards shall:

(i) Provide payment to any applicant who is the owner of property leased or rented to a residential tenant in Wyoming and who has lost twenty-five percent (25%) or more of the rental income generated by the property as a result of the COVID-19 coronavirus pandemic as provided in this section. Rental income shall be measured using rental amounts actually charged for the applicable property on March 1, 2020 and any claimed losses may be offset by other grants, loans or other benefits received. A rebuttable presumption of loss resulting from the COVID-19 coronavirus pandemic shall be created if the applicant can demonstrate the loss of rental income within ninety (90) days after issuance of the governor's March 13, 2020 public health emergency declaration, executive order 2020-2;

(ii) Provide monthly payments in the amount of monthly lost rental income, continuing until the governor orders that payments under the program shall stop or until December 31, 2020, whichever occurs first;

(iii) Be conditioned on the award applicant certifying that the award will be utilized to provide housing to a household where one (1) or more household members have experienced lost hourly income pay, have been terminated or laid-off from their employment or have been subject to a reduction in work hours as a result of the COVID-19 coronavirus pandemic and are unable to pay rent;

(iv) Be conditioned upon and made in consideration of:

(A) The award applicant not evicting for the tenant's failure to pay rent any tenant living at a property for which the applicant is receiving payments under this section;

(B) The award applicant not charging any tenant living at a property for which the applicant is receiving payments under this section any rental amount for which the applicant receives payment under this section and, if an award is for less than the total rental amount charged for a property, not charging any total rental amount at that property in excess of the rental amounts actually charged for the property on March 1, 2020.

(b) In addition or in the alternative to operating the program authorized by subsection (a) of this section, the governor is authorized through the Wyoming community development authority to establish and operate a temporary program to provide rent, security deposit, mortgage payment and hazard insurance assistance for residents of this state who are under the direct threat of being dispossessed of their homes. Any program created under this subsection shall adhere to the principles and concepts of the Emergency Housing Assistance Program administered by the Montana Department of Commerce, established in response to COVID-19 coronavirus pandemic. The program authorized under this subsection shall:

(i) Limit program awards to residents in need who have suffered a loss in employment or a substantial loss in income as a result of the COVID-19 coronavirus pandemic and who own and occupy mortgaged residential property or are the tenants of rented or leased residential property;

(ii) Deduct from any program award provided to a resident under this section any monetary assistance provided to a mortgage holder or owner of the residential property as a result of the COVID-19 coronavirus pandemic that accrues to the benefit of the resident in accordance with rules promulgated by the Wyoming community development authority;

(iii) Establish criteria for program eligibility to include required income thresholds and mandatory copayment obligations. Under this paragraph, an applicant's income shall include any unemployment insurance benefits received

under the Wyoming Employment Security Law, W.S. 27-3-101 through 27-3-706, and under Title II, Subdivision A of the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136. For the purpose of this paragraph, an applicant's income shall not include economic impact payments received under section 2201 of the CARES Act or similar payments received by an applicant as the result of further federal action in response to the COVID-19 coronavirus pandemic;

(iv) Provide program awards until the governor orders that payments under the program shall stop or until December 30, 2020, whichever occurs first.

(c) The Wyoming community development authority shall promulgate any emergency and regular rules necessary to administer the programs authorized under subsections (a) and (b) of this section. The rules may include reporting requirements for award recipients, including requirements that an award recipient report the receipt of other COVID-19 related grants, loans or aid. The authority shall adopt rules requiring any reporting or the performance of other obligations necessary to comply with the terms of use of available federal funding.

(d) There is appropriated to the governor up to fifteen million dollars (\$15,000,000.00) from any federal funds made available for expenditure through the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, or from any other available federal funds related to the COVID-19 emergency response. If a COVID-19 relief account or other similarly named account is created for the deposit of COVID-19 related emergency response funds, this appropriation shall be made from that account. This appropriation shall be used for the establishment and operation of the programs authorized under subsections (a) and (b) of this section. Unless authorized by 2020 House Bill 1004 or 2020 Senate File 1004, if enacted into law, this appropriation shall not be transferred or expended for any other purpose except that on or before September 15, 2020, the governor shall estimate the total amount of funds expended, obligated and necessary for operation of the program authorized by this section. Any funds appropriated under this subsection in excess of the total amount estimated by the governor are hereby reappropriated to the governor for the purposes specified in 2020 House Bill 1001 and 2020 Senate File 1001, if enacted into law. Funds reappropriated shall be subject to any limitations imposed by 2020 House Bill 1001 and 2020 Senate File 1001. Any unexpended, unobligated funds remaining from this appropriation on December 31, 2020 shall revert as provided by law.

(e) The attorney general shall review in writing the legality of the programs authorized under subsections (a) and (b) of this section.

(f) No expenditure of funds shall be made under this section except in accordance with state and federal laws, regulations and orders.

(g) The programs authorized under subsections (a) and (b) of this section shall terminate and this section shall be repealed on March 15, 2021.

Section 5.

(a) Pursuant to W.S. 27-14-201(q), and in addition to the premium credit provided by 2020 Wyoming Session Laws, Chapter 146, Section 1, Enrolled Act No. 49, 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 section shall become effective on July 1, 2020 and may be used for premium reporting periods from July 1, 2020 through June 30, 2021. Any unused credit will expire June 30, 2021.

(b) Notwithstanding premium payment requirements under the Wyoming Worker's Compensation Act, W.S. 27-14-101 through 27-14-806, the department of workforce services may grant an employer that is current on its required premium payments under the Wyoming Worker's Compensation Act a delay in the payment of premiums after applying any premium credits granted under subsection (a) of this section. The department may promulgate rules to grant a delay in premium payments under this subsection for any duration that will maintain the solvency of the workers compensation program and to the extent that funding is made available through the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, or from any other available federal funds related to the COVID-19 emergency response, to offset the delayed premiums.

Section 6.

(a) In addition to the list of benefits that shall not be charged to an employer's unemployment compensation account under W.S. 27-3-504(e), no benefits shall be charged to an employer's unemployment compensation account if the governor, by executive order outlining the basis for the order and with the adoption of adequate standards and safeguards to assure the continued actuarial soundness of the unemployment compensation fund, determines that the charges should not be charged due to circumstances related to the unique coronavirus COVID-19.

(b) Notwithstanding contribution requirements under the Wyoming Employment Security Law, W.S. 27-3-101 through 27-3-706, the department of workforce services may grant an employer that is current on its required contributions under the Wyoming Employment Security Law a delay in the payment of contributions. The department may promulgate rules to grant a delay in payment of contributions under this subsection for any duration that

will maintain the solvency of the unemployment compensation program and to the extent that funding is made available through the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, or from any other available federal funds related to the COVID-19 emergency response, to offset the delayed contributions.

Section 7. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved May 20, 2020.

Chapter 3

COVID-19 BUSINESS RELIEF PROGRAMS

Original House Bill No. 1004

AN ACT relating to the emergency expenses of government related to business relief; providing legislative findings; authorizing emergency governmental programs related to economic development and business relief as specified; providing appropriations; providing a sunset date for created emergency programs; providing rulemaking authority; authorizing transfers of appropriations as specified; and providing for an effective date.

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

Section 1.

(a) The legislature finds that:

(i) In December 2019, a novel coronavirus known as severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) was first detected in China, leading to outbreaks of novel coronavirus disease (COVID-19) that have now spread globally;

(ii) On March 13, 2020, the president of the United States and the governor of Wyoming declared emergencies in anticipation of the spread of COVID-19 and following nationwide cancellations, suspensions, and growing cases of COVID-19;

(iii) The governor, the state health officer, local health officers, local officials and tribal leaders responded with swift measures to contain the spread of COVID-19, minimize the public's exposure to COVID-19 and protect the health, safety and well-being of Wyoming residents;

(iv) Among other actions, the governor and the state health officer enacted statewide orders that limited gatherings to ten (10) people or less and that required many Wyoming businesses to close or to severely curtail their operations in order to protect the health and safety of all Wyoming residents;

(v) The public health crisis and the required closures have caused Wyoming businesses to experience an unprecedented and unforeseen loss of

revenue and income. Accordingly, it is unclear whether those businesses will be able to adequately recover and continue contributing to Wyoming's economy;

(vi) The Wyoming businesses that have been affected by the public health crisis and required closures also help provide critical products, supplies and services to Wyoming residents and industries;

(vii) While it is not currently possible to fully assess the scope, duration and severity of the impact of the public health crisis to Wyoming businesses, the recovery efforts will require a dedicated response by Wyoming's state government, tribal governments and local governments of Wyoming's counties, cities, towns and political subdivisions;

(viii) The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. No. 116-136, has provided the state government of Wyoming with relief funds of one billion two hundred fifty million dollars (\$1,250,000,000.00) to cover costs that are necessary expenditures incurred due to the public health crisis with respect to COVID-19. Further federal stimulus aid may be forthcoming to the states from the federal government to address this crisis;

(ix) Due to the extraordinary circumstances of the COVID-19 public health crisis and resulting economic devastation, joint action of the legislature and executive branches in determining how the CARES Act relief funds are expended will result in the greatest benefit to the state;

(x) Among other things, payments to state and local programs to support Wyoming businesses and economic development projects are a priority need requiring funding from these and any future federal stimulus funds.

(b) In order to address the harms that Wyoming businesses experienced because of the public health crisis and to ensure the availability of and an adequate supply of goods and services to Wyoming's residents and industries, the legislature finds that the state has an obligation to use a portion of the CARES Act relief funds and any other federal stimulus funds made available to the state to ensure that Wyoming businesses can remain open and contribute to Wyoming's economy.

Section 2.

(a) As used in this section:

(i) "Council" means the Wyoming business council;

(ii) "Eligible business" means a business that:

(A) Was established on or before the date of enactment of any order issued by the state or any local government of Wyoming that required closures of businesses in response to the COVID-19 pandemic;

(B) Is independently owned and operated;

(C) Is headquartered in Wyoming or has its principal operations located in Wyoming; and

(D) On March 31, 2020, had employed fifty (50) full-time employees or less.

(iii) “Required closure” means the closure of a business that was ordered by the state or any local government of Wyoming in an order issued or in effect beginning March 15, 2020 in response to the COVID-19 pandemic. “Required closure” shall also include the interruption of a business’s normal business as a result of any closures or state or local public health orders associated with the COVID-19 pandemic.

(b) The Wyoming business interruption stipend program is hereby created. The Wyoming business council shall establish and administer this temporary program to reimburse eligible businesses for the costs of business interruptions caused by required closures. Stipends awarded under this section shall:

(i) Not be awarded until an eligible business submits, and the council approves, an application. The application shall be developed by the council and shall require each applicant to certify that the business is an eligible business as defined by this section and that knowingly making a false statement to the council on the application is prohibited and may result in the applicant being required to repay all funds awarded under this section;

(ii) Be conditioned upon the applicant certifying to the council that the eligible business has incurred actual losses as a result of business interruptions due to a required closure;

(iii) [~~Be twenty thousand dollars (\$20,000.00), plus the greater of an additional two thousand dollars (\$2,000.00) for every one (1) full-time employee and an additional one thousand dollars (\$1,000.00) for every one (1) part-time employee that the eligible business had employed in Wyoming on March 31, 2020 or two thousand dollars (\$2,000.00) for every full-time equivalent employee which for purposes of this paragraph shall be determined by dividing all verifiable Wyoming employee hours worked between April 1, 2019 and March 31, 2020 by two thousand eighty (2080) hours and with the business owner counted as one (1) full-time equivalent employee.~~] In no event [shall a stipend issued] under this section exceed fifty thousand dollars (\$50,000.00); **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MAY 20, 2020.]**

(iv) Be made only with funds provided to the state government of Wyoming under the federal CARES Act. No other funds of any kind and from any source shall be expended on the payment of stipends awarded under this section.

(c) In awarding stipends under this section, the council shall give preference to those eligible businesses that, as of the date of submitting an application for a stipend under subsection (b) of this section, has not received any funding from the paycheck protection program established by the Coronavirus Aid, Relief,

and Economic Security (CARES) Act, P.L. No. 116-136.

(d) The council shall promulgate any emergency and regular rules necessary to administer the program authorized by this section.

(e) The attorney general shall review in writing the legality of the program and any rules established for the program authorized by this section.

(f) No expenditure of funds shall be made under this section except in accordance with state and federal laws, regulations and orders.

(g) The council may conduct and contract for random audits of eligible businesses receiving stipends under this section to ensure awarded funds are expended in compliance with state and federal law.

(h) There is appropriated to the Wyoming business council fifty million dollars (\$50,000,000.00) from any funds appropriated in 2020 House Bill 1001, Section 2(b) and as authorized and made available for expenditure in Section 2(c)[(†)], or 2020 Senate File 1001, Section 2(b) and as authorized and made available for expenditure in Section 2(c) [(†)], if enacted into law. If a COVID-19 relief account or other similarly named account is created for the deposit of COVID-19 related emergency response funds, this appropriation shall be made from that account. This appropriation shall be used only for the establishment and operation of the program authorized by this section. Except as provided by Section 5 of this act, this appropriation shall not be transferred or expended for any other purpose. Any unobligated, unexpended funds remaining from this appropriation on December 30, 2020 shall revert as provided by law. **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MAY 20, 2020.]**

(j) The program created by this section shall terminate on December 30, 2020.

Section 3.

(a) As used in this section:

(i) “Business required to close” means any business ordered to close because of the novel coronavirus or COVID-19 pursuant to an order by the governor or the state health officer that was promulgated between March 13, 2020 and May 15, 2020, provided that the business that closed is a type of business specified in the closure order;

(ii) “Council” means the Wyoming business council;

(iii) “Eligible business” means a business that:

(A) Was established on or before the date of enactment of any order issued by the state or any local government of Wyoming that required closures of businesses in response to the COVID-19 pandemic;

(B) Is independently owned and operated;

(C) Is headquartered in Wyoming or has its principal operations located in Wyoming; and

(D) On March 31, 2020, had employed one hundred (100) full-time employees or less. The employee requirement of this subparagraph shall not apply to stipends awarded under this section upon good cause shown by the eligible business to the council as provided by rule of the council.

(iv) “Required closure” means the closure of a business that was ordered by the state or any local government of Wyoming in an order issued or in effect beginning March 15, 2020 in response to the COVID-19 pandemic. “Required closure” shall also include the interruption of a business’s normal business as a result of any closures or public health orders or as a result of the public health crisis with respect to COVID-19.

(b) The coronavirus business relief stipend program is hereby created. The Wyoming business council shall establish and administer this temporary program for the purpose of providing stipends to eligible businesses adversely impacted by the COVID-19 pandemic or by required closures. Stipends shall be awarded under this section in accordance with the following:

(i) Any eligible business may apply to the council for a stipend under this section. The application shall require the applicant to certify that it is an eligible business as defined by this section. The application shall also provide that knowingly making a false statement to the council on the application is prohibited and may result in the applicant being required to repay all funds awarded under this section;

(ii) The council may contract with financial institutions and other businesses to carry out the program created by this section and distribute stipends awarded under this section;

(iii) No stipend shall be awarded under this section without the applicant first submitting an expenditure plan on a simple form provided by the council. The council may request that the applicant provide any additional information necessary to determine the adequacy of the applicant’s submitted plan;

(iv) Stipends awarded under this section shall be used by the eligible business for the following expenditures and expenses associated with the COVID-19 pandemic:

(A) Payroll costs;

(B) Business supplies;

(C) Business equipment including equipment necessary to resuming normal business operations and equipment necessary to modify business operations in response to the COVID-19 pandemic or to public health guidelines;

(D) Other business expenses, including but not limited to rent or

mortgage payments, utilities and other operational costs;

(E) Any other expenditure or expense related to business interruption due to the COVID-19 pandemic.

(v) Before making a stipend under this section, the applicant shall demonstrate to the council's satisfaction the actual losses that the eligible business has incurred as a result of the COVID-19 pandemic or as a result of business interruptions due to a required closure or a public health order;

(vi) Stipends awarded under this section shall not exceed three hundred thousand dollars (\$300,000.00) for each eligible business;

(vii) Stipends shall be made only with funds provided to the state government of Wyoming under the federal CARES Act. No other funds of any kind and from any source shall be expended on the stipends awarded under this section;

(viii) Subject to federal law, stipends awarded under this section shall be conditioned upon the eligible business agreeing to:

(A) Continue to maintain a meaningful nexus to the state of Wyoming for not less than three (3) years after receiving a stipend under this section;

(B) Provide a report to the council not later than December 30, 2020 that describes how the funds were expended as authorized by paragraph (iv) of this subsection in response to the COVID-19 public health crisis;

(C) Repay all funds provided under this section plus interest at the rate of two percent (2%) per annum if the eligible business uses stipend funds for expenses not authorized by this section.

(ix) In awarding stipends under this section, the council shall take into consideration any funds received through the program created by Section 2 of this act, the federal paycheck protection program and any other funding available through the CARES Act and other state and federal programs in response to the COVID-19 pandemic.

(c) Any eligible business that is a business required to close as defined by paragraph (a)(i) of this section may apply to the council on a form provided by the council for a supplemental closure stipend under the program as provided by this subsection. The council shall award supplemental closure stipends to businesses required to close after consideration of the following factors for each applicant:

(i) The loss of income and revenue as a result of the ordered closures;

(ii) The change in the amount of expenses as a result of the ordered closures;

(iii) Whether the business received any state or federal funds in support of the business to reduce expenses or costs during the COVID-19 pandemic;

- (iv) Any other factor established by rule of the council.
- (d) The council shall promulgate any emergency and regular rules necessary to administer the program authorized by this section.
- (e) The attorney general shall review in writing the legality of the program and any rules established for the program authorized by this section.
- (f) No expenditure of funds shall be made under this section except in accordance with state and federal laws, regulations and orders.
- (g) The council may conduct and contract for random audits of eligible businesses receiving stipends awarded under this section to ensure funds are expended in compliance with state and federal law.
- (h) There is appropriated to the Wyoming business council two hundred twenty-five million dollars (\$225,000,000.00) from any funds appropriated in 2020 House Bill 1001, Section 2(b) and as authorized and made available for expenditure in Section 2(c)[(†)], or 2020 Senate File 1001, Section 2(b) and as authorized and made available for expenditure in Section 2(c)[(†)], if enacted into law. If a COVID-19 relief account or other similarly named account is created for the deposit of COVID-19 related emergency response funds, this appropriation shall be made from that account. This appropriation shall be used only for the establishment and operation of the program authorized by this section. Of this federal funds appropriation, fifty million dollars (\$50,000,000.00) shall be expended only on the supplemental closure stipends as provided by subsection (c) of this section. Except as provided in Section 5 of this act, this appropriation shall not be transferred or expended for any other purpose. Any unobligated, unexpended funds remaining from this appropriation on December 30, 2020 shall revert as provided by law. **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MAY 20, 2020.]**
- (j) The program created by this section shall terminate on December 30, 2020.

Section 4.

- (a) As used in this section:
 - (i) “Council” means the Wyoming business council;
 - (ii) “COVID-related expenses” means actual expenses incurred in Wyoming for the health and safety of Wyoming employees and expenses incurred by Wyoming employers to comply with public health guidelines for the health and safety of Wyoming employees as a result of the COVID-19 pandemic and include cleaning products, sanitizers, personal protection equipment, other safety equipment, expenses related to training to implement necessary and required protocols to continue operating the business and expenses related to hiring and paying employees necessary to implement protocols associated

with screening, safety, security, cleaning and sanitizing business premises;

(iii) “Eligible business” means a business that was established on or before the date of enactment of any order issued by the state or any local government of Wyoming that established required closures of businesses in response to the COVID-19 pandemic.

(b) The coronavirus mitigation stipend program is hereby created. The Wyoming business council shall establish and administer this temporary program for the purpose of providing stipends to reimburse eligible businesses adversely impacted by the COVID-19 pandemic for COVID-related expenses. Stipends issued under this section shall:

(i) Not be awarded until an eligible business submits, and the council approves, an application. The application shall be developed by the council and shall require each applicant to certify that the business is an eligible business as defined by this section and that knowingly making a false statement to the council on the application is prohibited and may result in the applicant being required to repay all funds awarded under this section;

(ii) Be made only to reimburse COVID-related expenses that an eligible business actually incurred between March 1, 2020 and December 1, 2020;

(iii) Be conditioned upon the eligible business demonstrating to the council’s satisfaction in the application that it has incurred COVID-related expenses reimbursable by the stipend provided in this section;

(iv) Be in an amount not to exceed five hundred thousand dollars (\$500,000.00);

(v) Be made only with funds provided to the state government of Wyoming under the federal CARES Act. No other funds of any kind and from any source shall be expended to pay stipends awarded under this section.

(c) The council shall promulgate any emergency and regular rules necessary to administer the program authorized by this section.

(d) The attorney general shall review in writing the legality of the program and any rules established for the program authorized by this section.

(e) No expenditure of funds shall be made under this section except in accordance with state and federal laws, regulations and orders.

(f) The council may conduct and contract for random audits of eligible businesses receiving stipends under this section to ensure funds are expended in compliance with state and federal law.

(g) There is appropriated to the Wyoming business council fifty million dollars (\$50,000,000.00) from any funds appropriated in 2020 House Bill 1001, Section 2(b) and as authorized and made available for expenditure in Section 2(c)[(†)], or 2020 Senate File 1001, Section 2(b) and as authorized and

made available for expenditure in Section 2(c)[(†)], if enacted into law. If a COVID-19 relief account or other similarly named account is created for the deposit of COVID-19 related emergency response funds, this appropriation shall be made from that account. This appropriation shall be used only for the establishment and operation of the program authorized by this section. Except as provided in section 5 of this act, this appropriation shall not be transferred or expended for any other purpose. Any unobligated, unexpended funds remaining from this appropriation on December 30, 2020 shall revert as provided by law. **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MAY 20, 2020.]**

(h) The program created by this section shall terminate on December 30, 2020.

Section 5.

(a) Notwithstanding W.S. 9-2-1005(a) and (c), the governor is authorized to transfer for the period beginning with the effective date of this act and ending December 30, 2020:

(i) Between the programs created by Sections 2, 3 and 4 of this act and between any programs created by 2020 House Bill 1002 or 2020 Senate File 1002 if enacted into law, twenty-five percent (25%) of the total appropriation for the individual program when determined by the governor as beneficial or necessary for the state to respond to the public health crisis and the impacts caused by COVID-19;

(ii) Between any other agency or program receiving funds appropriated in 2020 House Bill 1001, Section 2(b) or in 2020 Senate File 1001, Section 2(b), and between any of the programs created by Sections 2, 3 and 4 of this act, twenty-five percent (25%) of the total appropriation for the individual program created by Sections 2, 3 and 4 and for the individual program created by 2020 House Bill 1002, Section 4 or by 2020 Senate File 1002, Section 4, when determined by the governor as beneficial or necessary for the state to respond to the public health crisis and the impacts caused by COVID-19. Any transfer made under this paragraph shall be subject to the limitations on the authorization for expenditure of the appropriation in 2020 House Bill 1001, Section 2(b) as provided by 2020 House Bill 1001, Section 2(c) and to the limitations on the authorization for expenditure of the appropriation in 2020 Senate File 1001, Section 2(b) as provided by 2020 Senate File 1001, Section 2(c).

(b) All transfers authorized under this section shall be approved by the governor and reported to the joint appropriations committee and the joint minerals, business and economic development interim 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). The transfers authorized by this section shall be separately

tracked and reported.

Section 6. If 2020 House Bill 1001 and 2020 Senate File 1001 are not enacted into law, then the appropriations in Sections 2(h), 3(h) and 4(g) of this act shall be appropriated from any federal funds made available for expenditure through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. No. 116-136, or from any other available federal funds related to the COVID-19 emergency response.

Section 7. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved May 20, 2020.

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OF THE
STATE OF WYOMING
PASSED BY THE
SIXTY-SIXTH LEGISLATURE
2021 GENERAL SESSION**

**CONVENED AT CHEYENNE, January 12, 2021
ADJOURNED April 7, 2021**

**Compiled and Published under Statutory Authority
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LEGISLATIVE SERVICE OFFICE**

USERS NOTES

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

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LAWS
PASSED BY THE
SIXTY-SIXTH
WYOMING LEGISLATURE
2021 GENERAL SESSION

Chapter 1

WYOMING ENERGY AUTHORITY AMENDMENTS

Original Senate File No. 43

AN ACT relating to the Wyoming energy authority; amending the purposes of the energy authority to include support for specified minerals industries; specifying geothermal and pumped hydro energy projects as projects which may be supported by the authority; authorizing bonding for projects involving specified minerals; providing and amending definitions; and providing for an effective date.

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

Section 1. W.S. 37-5-501(a)(iv), (v) and by creating new paragraphs (viii) and (ix), 37-5-503(a) by creating a new paragraph (x) and 37-5-602(c) and by creating a new subsection (n) are amended to read:

37-5-501. Definitions.

(a) As used in this article:

(iv) “Energy project” means any project related to or involving a natural resource associated with energy or an associated natural resource, including specifically geothermal and pumped hydro energy projects;

(v) “Natural resource associated with energy” or “associated natural resource” means any technology or any substance, mineral, element or compound, either gaseous, liquid or solid, associated with the production, development, refining, processing, storage or transmission of energy or as otherwise provided in this article;

(viii) “Critical material” means any substance used in technology or production for which there are supply risks and for which there is no readily available or accessible substitute in the United States;

(ix) “Rare earth mineral” means a metallic element of the lanthanide series of the periodic table, scandium, yttrium and any other metallic element

with similar physical and chemical properties to any element specified in this paragraph.

37-5-503. Purposes; report.

(a) The authority is created to:

(x) Support efforts to maintain and expand the rare earth minerals industry, the critical materials industry, the trona industry and other mineral industries in Wyoming and to maintain and expand the production of products and materials using rare earth minerals, critical materials, trona and other minerals.

37-5-602. Authority revenue bonds; issuance; amount.

(c) The principal amount of any bonds that have been retired, redeemed, defeased or refunded by the authority need not be taken into account in computing compliance with the maximum amounts of bonds authorized to be issued under subsections ~~(a) and (b)~~ and (n) of this section.

(n) Subject to subsection (b) of this section and consistent with the purposes of W.S. 37-5-503(a), the authority may issue and have outstanding bonds to finance facilities, infrastructure and other transportation and distribution projects related to the production, transportation, distribution and utilization of rare earth minerals, critical materials, trona and other minerals that are located in Wyoming.

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

Approved February 8, 2021.

Chapter 2

INVASIVE PLANT SPECIES

Original House Bill No. 53

AN ACT relating to agriculture; creating duties for the Wyoming weed and pest council related to the management and control of invasive species; implementing recommendations from the Governor's Invasive Species Initiative; providing rulemaking authority; and providing for effective dates.

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

Section 1. W.S. 11-5-120 is created to read:

11-5-120. Wyoming weed and pest council duties.

(a) In addition to other duties prescribed by law, the Wyoming weed and pest council shall aid county weed and pest control districts in creating, managing and enhancing coordinated and comprehensive invasive plant species control programs by:

(i) Developing and implementing data systems to support each district

in making invasive plant species management decisions informed by accurate, timely data, local experts, cultural practices and best available science;

(ii) Coordinating with the University of Wyoming and community colleges to assess, to the extent practicable, the impacts that invasive plant species can have on socio-ecological systems. As used in this paragraph, “socio-ecological system” means a dynamic system encompassing interactions between people and nature within a defined geographical area;

(iii) Coordinating with the University of Wyoming, community colleges and government agencies to support and expand outreach and provide applied research on the best use of existing tools to control invasive plant species and the development of new invasive plant species management methods;

(iv) Working with federal partners to reduce barriers to timely, effective invasive plant species management on federal lands and adjoining nonfederal lands;

(v) On a biennial basis, reporting to the joint agriculture, state and public lands and water resources interim committee on the status of current funding models, existing or new funding challenges and opportunities to improve funding for designated or declared invasive plant species;

(vi) Encouraging and incentivizing cooperative, landscape-scale projects to control invasive plant species that include multi-jurisdictional partnerships with clear, long-term strategies;

(vii) Coordinating with other state and federal agencies to increase public awareness of the challenges presented by invasive plant species and to encourage prevention and mitigation practices.

(b) The Wyoming weed and pest council may, with the approval of the majority of the board, adopt and publish rules in accordance with the Wyoming Administrative Procedure Act, W.S. 16-3-101 et seq. to carry out the purposes of this act.

Section 2. W.S. 11-5-102(a)(xxiv), 11-5-105(a) by creating a new paragraph (ix) and 11-5-303(c)(v), (d)(iii) and (g)(intro) are amended to read:

11-5-102. Definitions.

(a) As used in this act:

(xxiv) “This act” means W.S. 11-5-101 through ~~11-5-119~~11-5-120.

11-5-105. Duties; powers; supervisor compensation.

(a) The district board shall:

(ix) Share data with the Wyoming weed and pest council and take other actions to support the coordinated and comprehensive invasive plant species control authorized in W.S. 11-5-120.

11-5-303. Program components; funding; rulemaking authority; penalties.

(c) Any district which implements a special management program under this article shall:

(v) At least ten (10) days before final approval of the program by the district ~~supervisors, publish board, give notice to the public~~ in at least one (1) newspaper of general circulation within the county describing the special management program, ~~listing the participating landowners and stating the approximate~~ approximating the cost of the program. Notice shall also be given through another medium if the board determines additional publication is necessary to ensure sufficient notice to the public.

(d) Programs under this article shall be funded as follows:

(iii) State or federal agencies owning lands or administering lands, which are untaxed for the purposes of this act, shall contribute to the total cost of the treatment special management program; on those lands;

(g) ~~The state board of agriculture~~ Wyoming weed and pest council, with the approval of the majority of the board, may:

Section 3. W.S. 11-5-303(b) is repealed.

Section 4. The Wyoming weed and pest council may promulgate rules as necessary to implement this act.

Section 5.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2021.

(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 February 8, 2021.

Chapter 3

TRUST COMPANY AMENDMENTS

Original House Bill No. 6

AN ACT relating to trust companies; establishing procedures for mergers and acquisitions of supervised trust companies; authorizing supervised trust company branching related to mergers and acquisitions; amending the composition of the state banking board to include public trust company members; amending the definition of "trust company"; amending other trust company definitions; authorizing bankruptcy filing requirements; amending applicability of organization requirements; amending meeting requirements for chartered family trust companies; authorizing rulemaking; and providing for an effective date.

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

Section 1. W.S. 13-5-426 is created to read:

13-5-426. Mergers and acquisitions of supervised trust companies.

(a) As used in this section:

(i) “Consummation” means the moment when a merger or acquisition becomes effective;

(ii) “Former trust company” means a trust company or business entity that will cease operations after a merger or acquisition;

(iii) “Resulting trust company” means the trust company or business entity that will continue operations after a merger or acquisition under an existing trust company charter or other authority to operate as specified by the laws of another state;

(iv) “Supervised trust company” means as defined by W.S. 13-5-301(a)(xv) and shall include a trust company substantially similar to a supervised trust company that is chartered or otherwise operating under the laws of another state, as determined by rule of the commissioner.

(b) A supervised trust company seeking to acquire or merge with another trust company, including a trust company chartered or otherwise operating under the laws of another state shall acquire or merge with another trust company as provided by this section.

(c) A supervised trust company that is proposed to become a resulting trust company after a merger or acquisition pursuant to subsection (b) of this section shall apply for a certificate of merger or acquisition not less than seventy-five (75) days before the proposed consummation date. The commissioner may conduct an investigation, examination or hearing into the application as the commissioner deems necessary. The commissioner shall approve or deny the application not later than sixty (60) days after receipt of the application.

(d) An application filed under subsection (c) of this section shall include the following information in a form determined by the commissioner:

(i) Information relating to the character of the parties to the proposed merger or acquisition, including current business operations, organizational structure, management, affiliations and any pending judicial or administrative proceedings;

(ii) The financial statements of all parties to the proposed merger or acquisition for each of the parties’ current fiscal year and each of the four (4) preceding fiscal years;

(iii) The final plan, terms and conditions of the merger or acquisition;

(iv) All records and certifications required by subsection (f) of this section;

(v) A description of any proposed material changes to the former trust company and resulting trust company, including business operations, structure, management, affiliations, name or location, including any contemplated liquidation, asset sales or further mergers or acquisitions;

(vi) The identification of any person compensated to make solicitations or recommendations related to the proposed merger or acquisition, except for any person who provides legal advice related to the merger or acquisition;

(vii) Copies of all invitations, tenders or advertisements making a tender offer for the purchase of stock or ownership positions related to the proposed merger or acquisition;

(viii) The source of funds for the proposed merger or acquisition, including any terms and conditions related to those funds;

(ix) Any other information material to the proposed merger or acquisition that the commissioner requests or requires.

(e) The commissioner shall approve or deny an application filed under this section upon consideration of the following factors, if applicable:

(i) The projected impact of the proposed merger or acquisition on competition for trust company business in Wyoming;

(ii) Whether the proposed merger or acquisition would prejudice the interests of trust company customers;

(iii) The character and financial status of the parties to the proposed merger or acquisition, including the resulting trust company;

(iv) Whether the proposed merger or acquisition, once completed, would comply with all applicable laws;

(v) The results of any investigation, examination, hearing or request for information conducted as provided by this section.

(f) Before filing an application under this section, the terms and conditions of the acquisition or the plan of merger shall be approved and documented in writing by the shareholders or members and the board of directors or managers of each trust company participating in the merger or acquisition. Approval for the terms and conditions or plan of merger shall be sought as required by the governing documents of each trust company and other applicable law. The appropriate officers of each trust company shall certify compliance with this subsection with the commissioner.

(g) Upon approval of a merger or acquisition by the commissioner and upon consummation of the merger or acquisition:

(i) A former trust company shall surrender its charter and, if required by the commissioner, dissolve the underlying business entity and take all other necessary related actions, including those in accordance with the approved

final plan of merger or acquisition. If a former trust company is chartered or otherwise operating under the laws of another state, the former trust company shall take all actions required by the laws of that state;

(ii) The resulting trust company shall assume the assets and liability of the former trust company without further action, except as provided by the final plan, terms and conditions of the acquisition or merger;

(iii) Unless otherwise specified in a customer agreement, by the terms and conditions of the acquisition or merger or other applicable law, the resulting trust company shall become the successor trustee of all customer accounts of the former trust company;

(iv) The resulting trust company may conduct trust company business and other permissible activities under the laws of Wyoming to the same extent as the former trust company;

(v) The resulting trust company may use the name of a former trust company or may select a new name. The resulting trust company shall notify the commissioner of the name it selects;

(vi) Any reference to a former trust company in a writing shall be considered a reference to the resulting trust company if not otherwise inconsistent with the writing and the laws of Wyoming;

(vii) The resulting trust company shall file the certificate of merger or acquisition with the secretary of state.

(h) A resulting trust company shall not maintain more than two (2) trust company branches in other states after consummation of a merger or acquisition.

(j) The commissioner shall adopt any rules necessary to implement the provisions of this section.

Section 2. W.S. 13-1-604(b), 13-5-301(a)(xvi), 13-5-417 by creating a new subsection (f), 13-5-501 by creating a new subsection (e), 13-5-603 by creating a new subsection (e) and 13-5-604 by creating a new subsection (b) are amended to read:

13-1-604. State banking board created; purpose; membership; appointment; qualifications; term of office.

(b) The state banking board shall consist of ~~seven (7)~~ eight (8) members who shall be appointed by the governor. The director shall serve as an ex officio member of the board. Of the appointed members, ~~four (4)~~ five (5) shall be officers or directors of state or national banks ~~chartered under the laws of domiciled in~~ Wyoming, one (1) member shall be an officer or director of ~~national banks chartered under the laws of the United States and authorized to do business in Wyoming~~ a public trust company as defined by W.S. 13-5-301(a)(xiv), and two (2) members shall be residents of Wyoming who are

~~not an officer or director~~ officers, directors or employees of any bank or public trust company. No member of the banking board shall have any interest, directly or indirectly, in a bank or public trust company in which any other member of the banking board has any interest. Any member of the board who ceases to have the qualifications for which the member was appointed shall be disqualified to serve and a vacancy shall occur.

13-5-301. Definitions.

(a) As used in this chapter:

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

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

(f) If determined by the commissioner to be in the best interests of both the state and the supervised trust company, the commissioner may require the supervised trust company to file a petition under title 11 of the United States Code in lieu of a receivership under this section.

13-5-501. Formation and organizational instrument.

(e) This section shall not apply to a foreign corporation or foreign limited liability company that is qualified to do business in this state and that applies for a charter under this article.

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

(e) This section shall not apply to a foreign corporation or foreign limited liability company that is qualified to do business in this state and that applies for a charter under this article.

13-5-604. Requirements for chartered family trust company.

(b) The board of directors or managers of a chartered family trust company shall hold regular meetings not less than one (1) time each year. The commissioner may require a chartered family trust company to hold in-person or electronic meetings on a more frequent basis. A chartered family trust company shall maintain records of all proceedings.

Section 3. This act is effective July 1, 2021.

Approved February 8, 2021.

Chapter 4

CERTIFIED ADDICTIONS PRACTITIONERS-CERTIFICATION AMENDMENTS

Original House Bill No. 3

AN ACT relating to mental health professions licensing and certification; amending qualifications to practice as a certified addictions practitioner; and providing for an effective date.

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

Section 1. W.S. 33-38-106(c)(iii) and by creating a new paragraph (vii) is amended to read:

33-38-106. Requirements for licensure and certification.

(c) Certification under this subsection shall allow practice as a certified addictions practitioner only under the supervision of a qualified clinical supervisor and subject to any other restrictions which may be specified by the board. The board shall grant certification as a certified addictions practitioner to any applicant who files an application upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following:

(iii) The applicant has received a baccalaureate degree in a human ~~resource behavioral~~ discipline from a regionally accredited institution of higher education, which is professional in content and which meets ~~the academic and training content standards established~~ national standards for accreditation in the field of addiction therapy as accepted by the board, or has received a baccalaureate level equivalency in addiction therapy. In performing its duties under this paragraph, the board shall use ~~consult~~ the professional training and experience standards of ~~the appropriate~~ national professional associations as ~~established by the rules and regulations or the standards of an appropriate federal agency;~~

(vii) Notwithstanding paragraphs (iii) and (vi) of this subsection, a person who has received a baccalaureate degree in a human behavioral discipline, other than a degree in addiction therapy, may be granted certification under this subsection after providing to the board satisfactory proof of completion of two thousand (2,000) hours of supervised work experience as a certified addictions practitioner assistant or equivalent in the field of addiction therapy.

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

Approved February 8, 2021.

Chapter 5**YOUTHFUL OFFENDER PROGRAM-AMENDMENTS****Original House Bill No. 34**

AN ACT relating to the youthful offender program; amending the program name, eligibility requirements and programming emphases; authorizing the use of peer specialists; providing a definition; and providing for an effective date.

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

Section 1. W.S. 7-13-1001(a) by creating a new paragraph (ii) and by renumbering (ii) as (iii), 7-13-1002(a) by creating a new paragraph (i) and by amending and renumbering (i) and (ii) as (ii) and (iii) and 7-13-1003(a), (b)(intro), (ii), by creating a new paragraph (iv), (c)(i), (ii) and (d) are amended to read:

ARTICLE 10**YOUTHFUL OFFENDER TRANSITION PROGRAM****7-13-1001. Definitions.**

(a) As used in this article:

(ii) “Peer specialists” means long-term inmates who have completed certified training and been selected and assigned by the department to provide positive guided peer support to offenders involved in the program under the direction of program staff, provided that peer specialists shall not have direct supervision over other inmates;

(ii)(iii) “Reduction of sentence” includes changing a sentence of incarceration to a grant of probation.

7-13-1002. Sentence reduction for youthful offenders.

(a) The sentencing court may reduce the sentence of any convicted felon who:

(i) Is recommended by the sentencing court for placement in the youthful offender transition program;

(i)(ii) Is certified by the department as having successfully completed the youthful offender transition program under W.S. 7-13-1003; and

(ii)(iii) Makes application to the court for a reduction in sentence within one (1) year after the individual began serving a sentence of incarceration at a state penal institution.

7-13-1003. Establishment of program; eligibility; rulemaking authority.

(a) The department shall adopt reasonable rules and regulations to establish a youthful offender transition program for inmates incarcerated in a state penal institution.

(b) In addition to any other eligibility requirements adopted by the department, an inmate is eligible for placement in the youthful offender transition program only if he:

(ii) Has not attained the age of ~~twenty-five (25)~~ thirty (30) years;

(iv) Is able to participate in the structured programming, education, work and physical fitness activities required of program participants in compliance with the Americans with Disabilities Act.

(c) The program created by the department shall include:

(i) Separation of program participants from the general inmate population except inmates assigned to work in the program as peer specialists;

(ii) ~~Emphasis~~ Emphases upon structured programming, education, work and physical activity compliant with the Americans with Disabilities Act as a major element of the program.

(d) Participation by an inmate in the youthful offender transition program is a matter of grace and not of right. Approval of an inmate's participation in the program may be revoked by the department at any time if the inmate fails to comply with program requirements. The inmate shall not have any right to appeal the denial of his participation in the program.

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

Approved February 8, 2021.

Chapter 6

CHANCERY COURT VACANCY AMENDMENTS

Original House Bill No. 42

AN ACT relating to courts; amending requirements for filling chancery court vacancies; and providing for an effective date.

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

Section 1. W.S. 5-13-109(b) is amended to read:

5-13-109. Temporary assignment to fill vacancies; appointments to fill vacancies in office.

(b) Beginning March 1, ~~2022-2023~~, the office of judge of the chancery court and any vacancies therein shall be filled as provided by W.S. 5-13-107.

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

Approved February 8, 2021.

Chapter 7

COMMUNITY JUVENILE SERVICES BLOCK GRANT PROGRAM

Original House Bill No. 48

AN ACT relating to community juvenile services; subjecting administration of the community juvenile services block grant program to the availability of funds; and providing for an effective date.

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

Section 1. W.S. 9-2-2101(c)(intro) and 14-9-107(a) are amended to read:

9-2-2101. Department of family services; duties and responsibilities; state grants; authority to contract for shelters; definitions; youth programs.

(c) Subject to the availability of funds, the department shall administer a comprehensive state program for community services for youth which shall include the following:

14-9-107. Administration of block grant program; powers of department of family services.

(a) Subject to the availability of funds, the department of family services in cooperation with the department of health and education shall administer a community juvenile services block grant program to assist communities to develop and maintain juvenile services.

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

Approved February 8, 2021.

Chapter 8

OUT-OF-STATE STATE BANK CHARTER CONVERSIONS

Original Senate File No. 42

AN ACT relating to banks and banking; authorizing out-of-state state banks to convert from their state charter to a Wyoming charter; providing 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. 13-4-109(a) and (b)(i), 13-9-307(a) by creating a new paragraph (xviii) and 13-9-310(c) are amended to read:

13-4-109. Conversion of national bank, federally chartered savings bank, out-of-state state bank or state savings and loan into state bank.

(a) A national bank, including a federally chartered savings and loan and a federally chartered savings bank, located in this state which follows the procedure prescribed by the laws of the United States to convert into a state bank may be granted a state charter by the state banking commissioner if the

state banking commissioner finds that adequate provision has been made for successors to fiduciary positions held by the converting bank, the national bank, federally chartered savings and loan or federally chartered savings bank is legally in operation and that the resulting bank complies with the laws of the state of Wyoming. A state savings and loan chartered under chapter 6 of this act may convert into a state chartered bank in accordance with the provisions of this section. An out-of-state state bank may convert into a state chartered bank if the commissioner finds that adequate provision has been made for successors to fiduciary positions held by the converting bank, the converting bank is legally in operation and that the resulting bank complies with the laws of the state of Wyoming. A state bank resulting from the conversion of a national bank, federally chartered savings and loan, federally chartered savings bank, out-of-state state bank or state savings and loan pursuant to this section may retain, operate and maintain the banking houses or offices of the converting national bank, federally chartered savings and loan, federally chartered savings bank, out-of-state state bank or state savings and loan in accordance with W.S. 13-2-806. As used in this section, “out-of-state state bank” means as defined by W.S. 13-2-802(a)(xii).

(b) A financial institution seeking to convert under subsection (a) of this section may apply for a charter by filing with the state banking commissioner:

(i) A certificate signed by its president or vice president, secretary or cashier, and a majority of the entire board of directors setting forth the corporate action taken in compliance with the provisions of the laws of the United States, or this state as appropriate, ~~confirming the conversion of a national to a state bank supporting the proposed conversion;~~ and

13-9-307. Definitions.

(a) For purposes of this article:

(xviii) “Out-of-state state bank” means as defined by W.S. 13-2-802(a)(xii).

13-9-310. Standards for approval.

(c) The commissioner shall not approve an application by an out-of-state bank holding company for an acquisition under this article unless the Wyoming bank to be acquired or all Wyoming bank subsidiaries of the bank holding company to be acquired, or a predecessor, have as of the proposed date of acquisition been in existence and in continuous operation for at least three (3) years. A state bank resulting from the conversion of a federally chartered savings and loan, federally chartered savings bank or state savings and loan pursuant to W.S. 13-4-109, an out-of-state state bank pursuant to the procedures prescribed by the laws of the United States or of the state issuing a state charter for the out-of-state state bank or a national bank resulting from the conversion of a federally chartered savings and loan or federally chartered

savings bank pursuant to the procedures prescribed by the laws of the United States shall be deemed to have been in existence for the same period of time as the converting federally chartered savings and loan, federally chartered savings bank, out-of-state state bank or state savings and loan or a predecessor.

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

Approved February 8, 2021.

Chapter 9

PWMTF RESERVE ACCOUNT-DISTRIBUTION TIMING

Original Senate File No. 63

AN ACT relating to public funds; clarifying and amending the permissible timing for distributions from the permanent Wyoming mineral trust fund reserve account; and providing for an effective date.

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

Section 1. W.S. 9-4-719(b)(intro) and by creating a new paragraph (ii) is amended to read:

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~~ 2021 for fiscal year ~~2017-2022~~ and each fiscal year thereafter, to the extent funds are available, the state treasurer shall transfer unobligated funds from this account to the general fund on a quarterly, pro-rata basis 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)~~ paragraphs (i) and (ii) 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:

(ii) As soon as practicable after the end of the fiscal year, the state treasurer shall perform an annual reconciliation of the quarterly pro-rata payments to the general fund under this subsection. If the reconciliation reveals an excess in payments to the general fund, the treasurer shall pay the excess amount from the general fund to the permanent Wyoming mineral trust fund reserve account. If the reconciliation reveals a shortfall in payments to the general fund,

the treasurer shall pay the shortfall amount from the permanent Wyoming mineral trust fund reserve account to the general fund.

Section 2. This act is intended to clarify and strengthen the state's cash flow capabilities and is not intended to have any effect on the timing or validity of any distribution of funds from the permanent Wyoming mineral trust fund reserve account to the general fund under W.S. 9-4-719(b) prior to the effective date of this act.

Section 3. This act is effective July 1, 2021.

Approved February 8, 2021.

Chapter 10

TAX LIEN ENFORCEMENT-AMENDMENTS

Original Senate File No. 41

AN ACT relating to ad valorem taxation; amending provisions for perfection of tax liens; amending notice of tax lien provisions; amending foreclosure provisions; 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)(E)(V), (vii)(C) and (E)(intro) 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:

(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.~~

(vii) Liens on mineral production on or after January 1, 2021. The following shall apply:

(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;~~

(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:

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

Approved February 8, 2021.

Chapter 11

OMNIBUS WATER BILL - PLANNING

Original Senate File No. 37

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; extending reversion and study dates; transferring funds from water development account I to water development account II; and providing for an effective date.

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

[2021-2022 WATER PROGRAM]

[AUTHORIZED LEVEL I AND LEVEL II STUDIES]

Section 1. LEVEL I RECONNAISSANCE STUDIES – NEW DEVELOPMENT.

The following sums of money are appropriated from water development account I, as created by W.S. 41-2-124(a)(i), to the water development commission to be expended to conduct the following reconnaissance studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the reconnaissance study for any other project listed in this section. Appropriated funds not obligated prior to July 1, 2024 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 2023 legislative session:

[LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Hoback River Watershed Study	Sublette, Lincoln and Teton Counties	\$277,000
Lander Water Master Plan	Fremont County	\$208,000
Nordic Ranches Water Master Plan	Lincoln County	\$63,000
Upton Water Master Plan	Weston County	\$153,000
Wheatland Water Master Plan	Platte County	\$125,000
Lake Hattie Reservoir Full Utilization Study	Albany County	\$250,000
UW Water Research Program	Statewide	<u>\$283,454</u>
Total appropriation for Section 1		\$1,359,454

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, 2024 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 2023 legislative session:

[LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Big Horn Regional Transmission	Washakie County	\$146,000
Byron Rural Water Supply Gillette Water System	Big Horn County	\$127,000
Improvements	Campbell County	\$150,000
Little Snake River Valley Water Supply, Phase II	Carbon County	<u>\$163,000</u>
Total appropriation for Section 2		\$586,000

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, 2024 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 2023 legislative session.

[LEVEL I RECONNAISSANCE STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Highland Irrigation District Master Plan	Sublette County	<u>\$192,000</u>
Total appropriation for Section 3		\$192,000

Section 4. 2020 Wyoming Session Laws, Chapter 150, Section 4 is amended to read:

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 appropriated to the Highland Hanover ID Pump Station project~~ not obligated prior to July 1, 2023 shall revert to water development account II. Funds appropriated to the LaPrele Irrigation District Rehabilitation, Phase II project not obligated prior to July 1, 2024 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 on the Highland Hanover ID Pump Station study and prior to the 2023 legislative session on the LaPrele Irrigation District Rehabilitation, Phase II study.

[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	\$650,000 \$4,950,000
Total <u>2020</u> appropriation for Section 4		\$725,000
Total <u>2021</u> appropriation for Section 4		<u>\$4,300,000</u>

Special conditions for the LaPrele Irrigation District Rehabilitation, Phase II study: The LaPrele Irrigation District shall seek funding for the study from other sources. If the district obtains funding from any other source, the district shall, to the extent possible, reimburse the commission for any costs previously expended for the study from this appropriation. Reimbursed funds shall be deposited into water development account II. If the district obtains funding from another source but is unable to reimburse the commission, the district shall complete the study using funding from any other source before using funding appropriated under this section, provided funding appropriated under this section may be used for any cost share requirements upon approval of the commission and the select water committee.

Section 5. 2018 Wyoming Session Laws, Chapter 94, Sections 2 and 5 is amended to read:

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 appropriated to the GR-RS-SC JPWB Pump Station Sweetwater and Transmission, Lander Test Well Study and Little Snake River Valley Municipal Water Supply projects not obligated prior to July 1, 2021 shall revert to water development account I. Funds appropriated to the Fontenelle Dam and Outlet Works Infrastructure Completion and the Glendo Reservoir Full Utilization Project projects not obligated prior to July 1, 2024 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 2020 legislative session: on the GR-RS-SC JPWB Pump Station Sweetwater and Transmission, Lander Test Well Study and Little Snake River Valley Municipal Water Supply studies and prior to 2023 legislative session on the Fontenelle Dam and Outlet Works Infrastructure Completion and the Glendo Reservoir Full Utilization Project studies.

[LEVEL I FEASIBILITY STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Fontenelle Dam and Outworks Outlet Works Infrastructure Completion	Lincoln and Sweetwater Counties	\$750,000
Glendo Reservoir Full Utilization Project	Platte County	\$750,000
GR-RS-SC JPWB Pump Station and Transmission	Sweetwater County	\$180,000
Lander Test Well Study	Fremont County	\$2,340,000
Little Snake River Valley Municipal Water Supply	Carbon County	<u>\$ 135,000</u>
Total 2018 appropriation for Section 2		\$4,155,000
Total 2021 appropriation for Section 2		\$0

Section 5. TIME EXTENSION FOR LEVEL II FEASIBILITY STUDIES – DAMS AND RESERVOIRS. In the 2015 Omnibus water bill – planning, 2015 Wyoming Session Laws, Chapter 168, Section 5, the following sums of money were appropriated from water development account III, as created by W.S. 41-2-124(a)(iii), to the water development

commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. A three (3) year time extension is granted for ~~those feasibility studies~~ the Shell Valley Storage – Leavitt Reservoir project and appropriated funds for that project not obligated prior to July 1, 2021 shall revert to water development account III. A six (6) year time extension is granted for the Clear Creek Storage and Nowood River Storage – Alkali Cr. projects and funds appropriated for those projects but not obligated prior to July 1, 2024 shall revert to water development account III. The commission shall submit a report to the legislature ~~on each of the following studies~~ prior to the 2020 legislative session: on the Shell Valley Storage – Leavitt Reservoir project study and prior to the 2023 legislative session on the Clear Creek Storage and Nowood River Storage – Alkali Cr. studies.

[LEVEL II FEASIBILITY STUDIES – DAMS AND RESERVOIRS]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Clear Creek Storage	Johnson County	\$700,000
Nowood River Storage – Alkali Cr.	Bighorn, Washakie Counties	\$4,000,000
Shell Valley Storage – Leavitt Reservoir	Big Horn County	<u>\$4,500,000</u>
Total 2015 appropriation for Section 5		\$9,200,000
Total 2018 appropriation for Section 5		\$0
Total 2021 appropriation for Section 5		\$0

Section 6. The Wyoming water development commission is hereby authorized to transfer four million three hundred thousand dollars (\$4,300,000.00) from water development account I created by W.S. 41-2-124(a)(i) to water development account II created by W.S. 41-2-124(a)(ii) for the LaPrele Irrigation District Rehabilitation, Phase II study. The appropriation of funds for the LePrele Irrigation District Rehabilitation, Phase II study in Section 4 of this act is contingent upon this transfer of funds to water development account II.

Section 7. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved February 8, 2021.

Chapter 12**OMNIBUS WATER BILL - CONSTRUCTION****Original House Bill No. 44**

AN ACT relating to water development projects; authorizing construction of designated water projects; describing projects; specifying terms and conditions of funding for projects; providing grants; providing appropriations; amending the sponsor's contingency fund; amending project descriptions, amounts and terms of appropriations for specified prior projects; transferring funds from water development account I to water development account II; transferring funds and a project; and providing for an effective date.

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

Section 1. W.S. 99-3-2601 through 99-3-2604 are created to read:

ARTICLE 26**2021 CONSTRUCTION PROJECTS****99-3-2601. Definitions.**

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

99-3-2602. General authorization.

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

99-3-2603. 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 – Cloud Seeding Medicine Bow Mountains 2021-2022:

(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 2021-2022 fall, winter and spring seasons;

(iv) Total project budget: Seven hundred seventy-eight thousand dollars (\$778,000.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office seven hundred twenty-eight thousand dollars (\$728,000.00) 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, 2023;

(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.

(c) Project – Cloud Seeding Wind River Mountains 2021-2022:

(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 2021-2022 fall, winter and spring seasons;

(iv) Total project budget: Five hundred seventy-one thousand dollars (\$571,000.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office two hundred fifteen thousand dollars (\$215,000.00) 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, 2023;

(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 two hundred ten thousand dollars (\$210,000.00);

(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.

(d) Project – Lander Well and Transmission Pipeline 2021:

(i) Project sponsor: City of Lander;

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

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

(iv) Total project budget: One million three hundred twenty thousand dollars (\$1,320,000.00);

(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 hundred eighty-four thousand four hundred dollars (\$884,400.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission eight hundred eighty-four thousand four hundred dollars (\$884,400.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2026;

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

(e) Project – Northwest Rural Water System Improvements 2021:

(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, storage tanks and transmission pipelines and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Two million one hundred ten thousand dollars (\$2,110,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million four hundred thirteen thousand seven hundred dollars (\$1,413,700.00) 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 one million four hundred thirteen thousand seven hundred dollars (\$1,413,700.00) 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, 2026;

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

(f) Project – Torrington Well Connection 2021:

(i) Project sponsor: City of Torrington;

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

(iii) Project description: Design and construction of a well connection,

pumping facilities, transmission pipelines and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Five hundred eighty-one thousand dollars (\$581,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed three hundred eighty-nine thousand two hundred seventy dollars (\$389,270.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission three hundred eighty-nine thousand two hundred seventy dollars (\$389,270.00) 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, 2026;

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

99-3-2604. 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 – Interstate Irrigation and Reservoir Irrigation District Improvements 2021:

(i) Project sponsor: Interstate Irrigation and Reservoir Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Four million two hundred twenty thousand dollars (\$4,220,000.00);

(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 eight hundred twenty-seven thousand four hundred dollars (\$2,827,400.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission two million eight hundred twenty-seven thousand four hundred dollars (\$2,827,400.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2026;

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

(c) Project – Salt Creek Transmission Pipeline 2021:

(i) Project sponsor: Salt Creek Joint Powers Board;

(ii) Project purpose: Municipal and rural domestic 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: Ten million nine hundred twenty thousand dollars (\$10,920,000.00);

(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 million three hundred sixteen thousand four hundred dollars (\$7,316,400.00) 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 seven million three hundred sixteen thousand four hundred dollars (\$7,316,400.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2026;

(vii) Special Conditions:

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

(B) The appropriation of funds for this project is contingent upon the transfer of funds to water development account II as described in section 3 of this act.

(d) Project – Shoshone Irrigation District Improvements 2021:

(i) Project sponsor: Shoshone Irrigation District;

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Design and construction of lateral pipelines,

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

(iv) Total project budget: Four hundred seventy-seven thousand five hundred dollars (\$477,500.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and as approved by the commission an amount not to exceed two hundred forty thousand dollars (\$240,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission two hundred forty thousand dollars (\$240,000.00) 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, 2026;

(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;

(C) 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.

(e) Project – Sidon Irrigation District Rehabilitation 2021:

(i) Project sponsor: Sidon Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Seven hundred fifty-five thousand four hundred seventy-five dollars (\$755,475.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and as approved by the commission an amount not to exceed five hundred seventy-six thousand dollars (\$576,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission five hundred seventy-six thousand dollars (\$576,000.00) 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, 2026;

(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.

Section 2. W.S. 99-3-1106(b)(iv) and (vii), 99-3-1503(g)(vi), 99-3-1903(k)(iv) through (vi), (viii)(F) and by creating a new subparagraph (G), 99-3-1904 (m)(iv) through (vi), (viii)(F) and by creating a new subparagraph (G), 99-3-2103(b)(vi), 99-3-2503(m)(i) and 99-99-210(e) are amended to read:

99-3-1106. Sponsor's contingency funds.

(b) Project – Sponsor's Contingency Fund – Rehabilitation:

(iv) Total project budget: ~~Three million dollars (\$3,000,000.00)~~ Four million five hundred thousand dollars (\$4,500,000.00);

(vii) Appropriation: There is appropriated from water development account II to the commission ~~three million dollars (\$3,000,000.00)~~ four million five hundred thousand dollars (\$4,500,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2025~~ 2026; and

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

(g) Project – Ethete Water Supply:

(vi) Appropriation: There is appropriated from water development account I to the commission two million dollars (\$2,000,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2021~~ 2023;

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

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

(iv) Total project budget: ~~Eleven million three hundred twenty-six thousand dollars (\$11,326,000.00)~~ Thirteen million three hundred twenty-

six thousand dollars (\$13,326,000.00);

(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 ~~five million six hundred sixty-three thousand dollars (\$5,663,000.00)~~ six million six hundred sixty-three thousand dollars (\$6,663,000.00) 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 ~~five million six hundred sixty-three thousand dollars (\$5,663,000.00)~~ six million six hundred sixty-three thousand dollars (\$6,663,000.00) 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;

(viii) Special conditions:

(F) The establishment of criteria and administrative procedures for the development of small projects under this subsection and decisions of the commission relating to the recommendations, prioritization or disqualification of small projects are specifically exempt from the provisions of the Wyoming Administrative Procedure Act including judicial review under W.S. 16-3-114 and 16-3-115;

(G) W.S. 16-6-116 shall not apply to a small project unless the project sponsor determines the small project meets the definition of a "public work" as defined in W.S. 16-6-101(a)(ix).

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

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

(iv) Total project budget: ~~Five million three thousand five hundred ninety dollars (\$5,003,590.00)~~ Six million three thousand five hundred ninety dollars (\$6,003,590.00);

(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 ~~two million five hundred one thousand seven hundred ninety-five dollars (\$2,501,795.00)~~ three million one thousand seven hundred ninety-five dollars (\$3,001,795.00) 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 ~~two million five hundred one thousand seven hundred ninety-five dollars (\$2,501,795.00)~~ three million one thousand seven

hundred ninety-five dollars (\$3,001,795.00) 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;

(viii) Special conditions:

(F) The establishment of criteria and administrative procedures for the development of small projects under this subsection and decisions of the commission relating to the recommendations, prioritization or disqualification of small projects are specifically exempt from the provisions of the Wyoming Administrative Procedure Act including judicial review under W.S. 16-3-114 and 16-3-115;

(G) W.S. 16-6-116 shall not apply to a small project unless the project sponsor determines the small project meets the definition of a “public work” as defined in W.S. 16-6-101(a)(ix).

99-3-2103. Level III construction projects – new development.

(b) Project – Arapahoe Water Supply 2016:

(vi) Appropriation: There is appropriated from water development account I to the commission two million two hundred forty-seven thousand eight hundred fifty dollars (\$2,247,850.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2021~~ 2024.

99-3-2503. Level III construction projects – new development.

(m) Project – Sheridan Area Water Supply Transmission 2020:

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

99-99-210. Projects authorized; financing; excess water.

(e) All water in excess of the needs of the city of Cheyenne within the service area of the city produced by Stage II of the project shall be assigned to and marketed by the Wyoming water development commission for as long as the excess water is available or until July 1, 2036, whichever is earlier; or until the Wyoming water development commission determines that the excess water is no longer needed because the water has not been contracted for during the previous ten (10) years. Upon a determination by the commission that the excess water is not needed and has not been contracted for during the previous ten (10) years, the commission may renegotiate or seek to terminate any existing contract with the city of Cheyenne entered into pursuant to this subsection and subsection (g) of this section. Upon termination of any existing contract entered into pursuant to this subsection and subsection (g) of this section, the excess water shall no longer be assigned to and marketed by

the Wyoming water development commission. The first option to purchase not more than eighty percent (80%) of the surplus water shall be extended to cities, towns and special districts within the North Platte basin for the benefit of their inhabitants at a negotiated cost. Sales contracts entered into by the commission shall be administered by the commission. To optimize the amount of excess Stage II water available for marketing without jeopardizing water supplies necessary to meet the city of Cheyenne's municipal needs, the city shall develop a Stage II management plan acceptable to the water development commission and the state engineer. The board shall transfer thirty-seven and three-tenths percent (37.3%) of the proceeds from the sale of excess Stage II water to the city of Cheyenne which it shall apply to the repayment of the loan provided by subsection (c) of this section until the loan is repaid.

Section 3.

(a) The Wyoming water development commission is hereby authorized to transfer seven million five hundred thousand dollars (\$7,500,000.00) from water development account I created by W.S. 41-2-124(a)(i) to water development account II created by W.S. 41-2-124(a)(ii).

(b) In accordance with W.S. 41-2-115(c), upon a finding that the transfer of the test well developed as part of the level II feasibility study authorized under 2011 Wyoming Session Laws Chapter 1, Section 2, to the Lance Creek Water and Sewer District is desirable and in the public interest and that the District is capable of constructing, operating and maintaining the project and accomplishing the public interest, the water development commission shall transfer to the Lance Creek Water and Sewer District the test well developed as part of a level II feasibility study for further development by the District, provided the Lance Creek Water and Sewer District agrees to terms outlined by the commission for reimbursement of the expense of predevelopment costs, an amount which shall be not less than thirty-three thousand dollars (\$33,000.00), payment for property and assurances of construction, operation and maintenance of the test well in compliance with all applicable state and federal laws.

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

Approved February 8, 2021.

Chapter 13**2021 LARGE PROJECT FUNDING****Original House Bill No. 66**

AN ACT relating to the Wyoming Wildlife and Natural Resource Funding Act; providing for funding of large projects; specifying large projects approved for funding in 2021; authorizing appropriations from the Wyoming wildlife and natural resource trust income account for approved large projects; providing for the 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 specified in subsections (c) through (e) of this section.

(c) Dry Piney Mule Deer Crossings:

(i) Project sponsor: Wyoming Department of Transportation;

(ii) Project purpose: Fence construction, roadway replacement and underpass construction on approximately nineteen (19) miles of United States Highway 189 between the towns of Big Piney and La Barge in Sublette county in order to:

(A) Improve and maintain existing migration routes for an iconic herd of mule deer;

(B) Reduce and eliminate the potential for catastrophic collisions that impact human life, wildlife and create property damage.

(iii) Project description: Highway crossing construction;

(iv) Total project budget: Twenty million nine hundred forty-two thousand three hundred seventy-three dollars (\$20,942,373.00);

(v) Project grant: The board is authorized to grant to the sponsor six hundred ninety-nine thousand dollars (\$699,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board six hundred ninety-nine thousand dollars (\$699,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Expenditure of this appropriation is conditioned upon compliance with 2020 Wyoming

Session Laws, Chapter 80, Section 2, Section 039, footnote 3.

(d) Kaycee-Buffalo Mule Deer Crossings:

(i) Project sponsor: Wyoming Department of Transportation;

(ii) Project purpose: Fence construction, roadway replacement and underpass construction on approximately nineteen (19) miles of Interstate 25 between the towns of Buffalo and Kaycee in Johnson county in order to:

(A) Improve and maintain existing migration routes for an important herd of mule deer;

(B) Reduce and eliminate the potential for catastrophic collisions that impact human life, wildlife and create property damage.

(iii) Project description: Highway crossing construction;

(iv) Total project budget: four million six hundred thousand dollars (\$4,600,000.00);

(v) Project grant: The board is authorized to grant to the sponsor one million twenty thousand dollars (\$1,020,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board one million twenty thousand dollars (\$1,020,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Expenditure of this appropriation is conditioned upon compliance with 2020 Wyoming Session Laws, Chapter 80, Section 2, Section 039, footnote 3.

(e) Sheridan Walk-In Areas Invasive Grasses II:

(i) Project sponsor: Wyoming Game and Fish Commission;

(ii) Project purpose: Chemical, mechanical and other treatments of noxious medusahead and ventenata species on approximately fifty thousand (50,000) 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: Seven hundred forty-nine thousand eight hundred fifty-six dollars (\$749,856.00);

(v) Project grant: The board is authorized to grant three hundred thirty thousand dollars (\$330,000.00) 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) Any unexpended and unobligated funds appropriated under this section shall revert to the income account on June 30, 2025.

Section 2. W.S. 9-15-906, 9-15-908, 9-15-910, 9-15-911, 9-15-1002, 9-15-1005, 9-15-1101 through 9-15-1104 are repealed.

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

Approved February 8, 2021.

Chapter 14

CONSUMER CREDIT AMENDMENTS

Original House Bill No. 8

AN ACT relating to trade and commerce; consolidating consumer credit provisions governing supervised loans into existing law for consumer loans; authorizing sales finance activities for specified licensees; providing for refunds upon termination of consumer credit sales and loans; exempting supervised financial institutions from specified notification and fee requirements; providing payoff calculations by assignees; amending the scope and applicability of the Wyoming Uniform Consumer Credit Code; making conforming amendments; repealing obsolete provisions; authorizing rulemaking; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 40-14-454 is created to read:

PART 4

REFUND OF CERTAIN CREDIT INSURANCE PRODUCTS

40-14-454. Refund of certain credit insurance products upon prepayment; method.

(a) Not later than sixty (60) days after termination of a consumer credit sale or consumer loan, a creditor shall facilitate any refund or credit otherwise required by law for insurance or other loan products that provide protection to a consumer and cease when termination of the credit transaction occurs, including guaranteed asset protection waivers and debt cancellation contracts. The duty to facilitate a refund or credit under this subsection shall also apply to voluntary cancellation of insurance or other products by a consumer. As used in this subsection:

(i) "Creditor" means the person to whom payment is due at the time of termination;

(ii) "Termination" includes prepayment, default or other circumstances

that end an agreement.

(b) Unless otherwise provided by law, any required refund or credit made under subsection (a) of this section shall be calculated on a pro rata basis or on an alternative basis that reflects the remaining risk if authorized and defined by rule of the administrator.

Section 2. W.S. 40-14-107(a), 40-14-140(a)(xix)(intro), by creating new paragraphs (xxv) and (xxvi) and by amending and renumbering (xxv) as (xxvii), 40-14-142(a)(xxx), (lxxix) and by creating new paragraphs (lxxx) and (lxxxi), 40-14-202, 40-14-204(a)(v), 40-14-218(d), 40-14-235, 40-14-252(f), 40-14-261(a) and (c), 40-14-302, 40-14-303(a)(viii), 40-14-304(a)(iv) and by creating a new subsection (c), 40-14-310(a), (b)(intro), (e)(intro), (i), (f) and by creating new subsections (g) and (h), 40-14-312(d), 40-14-314(a)(intro), 40-14-315, 40-14-317(b), 40-14-320(a), 40-14-335, 40-14-340, 40-14-368, 40-14-402(a) and by creating a new subsection (d), 40-14-407(b)(ii), 40-14-520(a)(intro) and (ii), 40-14-521(a) and (b), 40-14-522(e), 40-14-540(a) and (b), 40-14-602(a)(i), 40-14-630, 40-14-640(a)(v) and 40-29-103(a)(vii) are amended to read:

40-14-107. Effect on powers of organizations.

(a) This act prescribes maximum charges for all creditors, except lessors and those excluded (W.S. 40-14-121), extending consumer credit including consumer credit sales (W.S. 40-14-204); and consumer loans (W.S. 40-14-304), ~~and consumer related sales and loans (W.S. 40-14-257 and 40-14-355);~~ and displaces existing limitations on the powers of those creditors based on maximum charges.

40-14-140. General definitions.

(a) In addition to definitions appearing in subsequent articles, in this act:

(xix) ~~“Supervised financial organization” means a person other than an insurance company or other organization primarily engaged in an insurance business, which is:~~ depository institution as defined by 12 U.S.C. § 1813(c);

(xxv) “Current installment” means the intervening period between regularly scheduled payments;

(xxvi) “Regularly engages” or “regularly engaged” means the extension of credit more than twenty-five (25) times, or more than five (5) times for transactions secured by a dwelling as defined by W.S. 40-14-640(a)(iv), in the preceding calendar year. The requirements of this paragraph may be applied to the current calendar year if not met in the preceding year;

(~~xxv~~)(xxvii) “This act” means W.S. 40-14-101 through 40-14-702 40-14-649.

40-14-142. Index of definitions.

(a) Definitions in this act and the sections in which they appear are:

(xxxi) “Loan primarily secured by an interest in land” - W.S. ~~40-14-305~~
~~40-14-304(c)~~;

(lxxix) “This act” - W.S. ~~40-14-140(a)(xxv)~~; ~~40-14-140(a)(xxvii)~~;

(lxxx) “Current installment” – W.S. 40-14-140(a)(xxv);

(lxxxi) “Regularly engages” or “regularly engaged” – W.S. ~~40-14-140(a)(xxvi)~~.

40-14-202. Scope; license required.

(a) This article applies to consumer credit sales, including home solicitation sales; and consumer leases; ~~in addition part 6 applies to consumer related sales.~~

(b) Unless a person has first registered with the administrator, no person shall engage in the business of making consumer credit sales or consumer leases.

40-14-204. Definition of “consumer credit sale.”

(a) Except as provided in subsection (b) of this section, “consumer credit sale” is a sale of goods, services or an interest in land in which:

(v) With respect to a sale of goods or services, the amount financed does not exceed seventy-five thousand dollars (\$75,000.00); ~~or the debt is secured by a dwelling, as defined in W.S. 40-14-640(a)(iv), located in Wyoming.~~

40-14-218. Credit service charge for revolving charge accounts.

(d) Notwithstanding subsection (c) of this section, if there is an unpaid balance on the date as of which the credit service charge is applied, the seller may contract for and receive a charge in accordance with this subsection. For accounts with a billing cycle of thirty (30) days or more, the seller may receive a charge not exceeding fifty cents (\$.50) if the billing cycle is monthly or longer, or three dollars (\$3.00). ~~For accounts with a billing cycle of less than thirty (30) days, the seller may receive a charge not to exceed the pro rata part of fifty cents (\$.50) which three dollars (\$3.00) that bears the same relation to fifty cents (\$.50) three dollars (\$3.00) as the number of days in the billing cycle bears to thirty (30), if the billing cycle is shorter than monthly.~~

40-14-235. Scope; violations of federal Military Lending Act.

(a) This part applies to consumer credit sales and consumer leases.

(b) The administrator may seek an appropriate remedy, penalty, action or license revocation or suspension as provided in articles 5 and 6 of this chapter against a person licensed under this act for a violation of 10 U.S.C. § 987 or any rule promulgated that is authorized by that section.

40-14-252. Buyer’s right to cancel.

(f) If a home solicitation sale is also subject to ~~the any other~~ provisions on a debtor’s right to rescind certain transactions, ~~(W.S. 40-14-523)~~, the buyer may proceed either under those provisions or under this part.

40-14-261. Definitions; prohibited assignments; applicable provisions.

(a) “Sales financing” means being primarily engaged in the business of taking by assignment or providing financing in-on behalf of sellers or lessors; Assignment under this subsection shall only include non-servicing rights against debtors arising from consumer credit sales or consumer leases and undertaking direct collection of payment from or enforcement of rights against debtors arising from these sales or leases which at the time of assignment the buyer or lessee is not in default.

(c) Unless a person is a supervised financial organization, is licensed under W.S. 40-14-302(b) or has first obtained a license from the administrator, authorizing him to take assignments of and undertake direct collection of payments from or enforcement of rights against debtors arising from sales and leases, not in default at time of assignment, he shall not engage in the business of taking such assignments no person shall engage in sales financing.

40-14-302. Scope; license required.

(a) This article applies to consumer loans, including supervised loans; in addition part 6 applies to consumer related loans.

(b) Unless a person is a supervised financial organization or has first obtained a license from the administrator, no person shall engage in the business of making consumer loans or taking assignments of non-servicing rights relating to consumer loans that are not in default.

40-14-303. Definitions.

(a) The following definitions apply to this act and appear in this article as follows:

(viii) “Loan primarily secured by an interest in land” - W.S. 40-14-305 40-14-304(c);

40-14-304. Definition of “consumer loan”; interests in land.

(a) Except with respect to a loan primarily secured by an interest in land, “consumer loan” is a loan made by a person regularly engaged in the business of making loans in which:

(iv) Either The principal does not exceed seventy-five thousand dollars (\$75,000.00), or the debt is secured by an interest in land or a dwelling, as defined in W.S. 40-14-640(a)(iv), located in Wyoming.

(c) “Loan primarily secured by an interest in land” means a loan made for the purpose of purchasing or acquiring ownership of land and appurtenances, including structures affixed to the land, and which is secured by a first mortgage lien. A loan primarily secured by an interest in land is not a consumer loan, except that W.S. 40-14-320, 40-14-323, 40-14-354 and 40-14-520 through 40-14-524 shall apply to loans primarily secured by an interest in land.

40-14-310. Consumer loan finance charges.

(a) With respect to a consumer loan ~~other than a supervised loan (W.S. 40-14-341) and except as provided for pawnbrokers under W.S. 40-14-360(a) and post-dated check cashers under W.S. 40-14-363(a),~~ a lender may contract for and receive a loan finance charge, ~~calculated according to the actuarial method, not exceeding ten percent (10%) per year on the unpaid balances of the principal as provided by this section.~~

(b) This section does not limit or restrict the manner of contracting for the loan finance charge, whether by way of add-on, discount, or otherwise, so long as the rate of the loan finance charge does not exceed that permitted by this section. The loan finance charge may be contracted for and earned at the single annual percentage rate that would earn the same finance charge as the graduated rates when the debt is paid according to the agreed terms and the calculations are made according to the actuarial method. If the loan is precomputed:

(e) Subject to classifications and differentiations the lender may reasonably establish, he may make the same loan finance charge on all amounts financed within a specified range. A loan finance charge so made does not violate subsection ~~(a)-(g)~~ of this section if:

(i) When applied to the median amount within each range, it does not exceed the maximum permitted by subsection ~~(a)-(g)~~ of this section; and

(f) ~~Notwithstanding subsection (a) of this section, and~~ Except as provided for pawnbrokers in W.S. 40-14-360(f) and post-dated check cashers in W.S. 40-14-363, ~~the~~ a lender may contract for and receive a minimum loan finance charge of not more than thirty dollars (\$30.00).

(g) A loan finance charge, calculated according to the actuarial method, shall not exceed the equivalent of thirty-six percent (36%) per year on that part of the unpaid balances of the principal that is equal to or less than one thousand dollars (\$1,000.00) and shall not exceed the equivalent of twenty-one percent (21%) per year on that part of the unpaid balances of the principal that is greater than one thousand dollars (\$1,000.00).

(h) If an unpaid balance exists on a consumer loan in a revolving account on the date on which the loan finance charge is applied, the lender may contract for and receive a charge in accordance with this subsection. For accounts with a billing cycle of thirty (30) days or more, the lender may receive a charge not to exceed three dollars (\$3.00). For accounts with a billing cycle of less than thirty (30) days, the lender may receive a charge not to exceed the pro rata part of three dollars (\$3.00) that bears the same relation to three dollars (\$3.00) as the number of days in the billing cycle bears to thirty (30). No charge shall be made under this subsection for an account if the lender has made an annual charge for the same period as permitted by the provisions on additional charges (W.S. 40-14-311(a)(iii)).

40-14-312. Delinquency charges.

(d) If two (2) installments or parts thereof of a precomputed loan are in default for ten (10) days or more, the lender may elect to convert the loan from a precomputed loan to one in which the loan finance charge is based on unpaid balances. In this event he shall make a rebate pursuant to the provisions on rebate upon prepayment (W.S. 40-14-319) as of the maturity date of the first delinquent installment, and thereafter may make a loan finance charge as authorized by the provisions on loan finance charge for consumer loans (W.S. 40-14-310), ~~or the provisions on loan finance charge for supervised loans (W.S. 40-14-348), whichever is appropriate.~~ The amount of the rebate shall not be reduced by the amount of any permitted minimum charge (W.S. 40-14-319). If the lender proceeds under this subsection, any delinquency or deferral charges made with respect to installments due at or after the maturity date of the first delinquent installment shall be rebated, and no further delinquency or deferral charges shall be made.

40-14-314. Loan finance charge on refinancing.

(a) With respect to a consumer loan, refinancing; or consolidation, the lender may by agreement with the debtor refinance the unpaid balance and may contract for and receive a loan finance charge based on the principal resulting from the refinancing at a rate not exceeding that permitted by the provisions on loan finance charge for consumer loans (W.S. 40-14-310), ~~or the provisions on loan finance charge for supervised loans (W.S. 40-14-348), whichever is appropriate.~~ For the purpose of determining the loan finance charge permitted, the principal resulting from the refinancing comprises the following:

40-14-315. Loan finance charge on consolidation.

(a) If a debtor owes an unpaid balance to a lender with respect to a consumer loan, refinancing; or consolidation, and becomes obligated on another consumer loan, refinancing; or consolidation with the same lender, the parties may agree to a consolidation resulting in a single schedule of payments. If the previous consumer loan, refinancing, or consolidation was not precomputed, the parties may agree to add the unpaid amount of principal and accrued charges on the date of consolidation to the principal with respect to the subsequent loan. If the previous consumer loan, refinancing, or consolidation was precomputed, the parties may agree to refinance the unpaid balance pursuant to the provisions on refinancing (W.S. 40-14-314) and to consolidate the principal resulting from the refinancing by adding it to the principal with respect to the subsequent loan. In either case the lender may contract for and receive a loan finance charge based on the aggregate principal resulting from the consolidation at a rate not in excess of that permitted by the provisions on loan finance charge for consumer loans (W.S. 40-14-310), ~~or the provisions on loan finance charge for supervised loans (W.S. 40-14-348), whichever is appropriate.~~

(b) The parties may agree to consolidate the unpaid balance of a consumer loan with the unpaid balance of a consumer credit sale. The parties may agree to refinance the previous unpaid balance pursuant to the provisions on refinancing sales (W.S. 40-14-216) or the provisions on refinancing loans (W.S. 40-14-314), whichever is appropriate, and to consolidate the amount financed resulting from the refinancing or the principal resulting from the refinancing by adding it to the amount financed or principal with respect to the subsequent sale or loan. The aggregate amount resulting from the consolidation shall be deemed principal, and the creditor may contract for and receive a loan finance charge based on the principal at a rate not in excess of that permitted by the provisions on loan finance charge for consumer loans (W.S. 40-14-310), ~~or the provisions on loan finance charge for supervised loans (W.S. 40-14-348), whichever is appropriate.~~

40-14-317. Advances to perform covenants of debtor.

(b) A loan finance charge may be made for sums advanced pursuant to subsection (a) of this section at a rate not exceeding the rate stated to the debtor pursuant to the laws relating to disclosure with respect to the loan, refinancing, or consolidation, except that with respect to a revolving loan account the amount of the advance may be added to the unpaid balance of the debt and the lender may make a loan finance charge not exceeding that permitted by the provisions on loan finance charge for consumer loans (W.S. 40-14-310), ~~or for supervised loans (W.S. 40-14-348), whichever is appropriate.~~

40-14-320. Applicability; information required.

(a) For purposes of this part, a consumer loan includes a loan secured primarily by an interest in land as defined by W.S. 40-14-304(c). ~~without regard to the rate of the loan finance charge if the loan is otherwise a consumer loan (W.S. 40-14-304).~~

40-14-335. Attorney's fees.

~~Except as provided by the provisions on limitations on attorney's fees as to certain supervised loans (W.S. 40-14-353), with respect to A consumer loan the agreement may provide for the payment by the debtor of reasonable attorney's fees after default and referral to an attorney not a salaried employee of the lender. A provision in violation of this section is unenforceable.~~

40-14-340. Use of multiple agreements.

~~A lender may not use multiple agreements with intent to avoid disclosure of an annual percentage rate pursuant to the laws relating to disclosure and advertising. No lender shall permit any person or two (2) married persons to become obligated in any way under more than one (1) loan agreement with the lender or with a person related to the lender with intent to obtain a higher rate of loan finance charge than would otherwise be permitted or to avoid disclosure of an annual percentage rate pursuant to the laws relating to~~

disclosure and advertising. The excess amount of loan finance charge provided for in agreements in violation of this section is an excess charge for the purposes of the provisions on the effect of violations on rights of parties (W.S. 40-14-521) and the provisions on civil actions by administrator (W.S. 40-14-613).

40-14-368. Violations.

The administrator is authorized to enforce an appropriate remedy, penalty, action or license revocation or suspension, as provided in articles 5 and 6 of this chapter, against a person licensed under the act for a violation of ~~any portion of Section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-634, H.R. 5122)~~ 10 U.S.C. § 987, or any regulation promulgated thereunder.

40-14-402. Scope.

(a) Except as provided in ~~subsection (b)~~ subsections (b) and (d) of this section, this article applies to insurance provided or to be provided in relation to a consumer credit sale (W.S. 40-14-204), a consumer lease (W.S. 40-14-206); or a consumer loan (W.S. 40-14-304).

(d) W.S. 40-14-454 applies to insurance and other products that provide protection to a consumer and that terminate upon prepayment, default or other circumstances that end an agreement, including guaranteed asset protection waivers and debt cancellation contracts.

40-14-407. Maximum charge by creditor for insurance.

(b) A creditor who provides consumer credit insurance in relation to a revolving charge account (W.S. 40-14-208) or revolving loan account (W.S. 40-14-308) may calculate the charge to the debtor in each billing cycle by applying the current premium rate to:

(ii) The unpaid balance of the debt or a median amount within a specified range of unpaid balances of debt on approximately the same day of the cycle. The day of the cycle need not be the day used in calculating the credit service charge (W.S. 40-14-218) or loan finance charge (~~W.S. 40-14-310 and 40-14-348~~) (W.S. 40-14-310), but the specified range shall be the range used for that purpose; or

40-14-520. Interests in land.

(a) For purposes of the provisions of this part on civil liability for violation of disclosure provisions (W.S. 40-14-522) and on a debtor's right to rescind certain transactions (~~W.S. 40-14-523~~) as otherwise provided by law:

(ii) Consumer loan includes a loan primarily secured by an interest in land, ~~without regard to the rate of the loan finance charge if the loan is otherwise a consumer loan (W.S. 40-14-305)~~ as defined in W.S. 40-14-304(c).

40-14-521. Effect of violations on rights of parties.

(a) If a creditor has violated the provisions of this act applying to certain negotiable instruments (W.S. 40-14-237), ~~or limitations on the schedule of payments or loan term for supervised loans (W.S. 40-14-351)~~, the debtor is not obligated to pay the credit service charge or loan finance charge, and has a right to recover from the person violating this act or from an assignee of that person's rights who undertakes direct collection of payments or enforcement of rights arising from the debt a penalty in an amount determined by the court not in excess of three (3) times the amount of the credit service charge or loan finance charge. No action pursuant to this subsection may be brought more than one (1) year after the due date of the last scheduled payment of the agreement with respect to which the violation occurred.

(b) If a creditor has violated the provisions of this act applying to ~~authority licensure~~ to make ~~supervised consumer~~ loans (W.S. ~~40-14-342~~) ~~(W.S. 40-14-302)~~, the loan is void and the debtor is not obligated to pay either the principal or loan finance charge. If he has paid any part of the principal or of the loan finance charge, he has a right to recover the payment from the person violating this act or from an assignee of that person's rights who undertakes direct collection of payments or enforcement of rights arising from the debt. ~~With respect to violations arising from other loans, no action pursuant to this subsection may be brought more than two (2) years after the violation occurred.~~ With respect to violations arising from other loans, no action pursuant to this subsection may be brought more than one (1) year after the due date of the last scheduled payment of the agreement pursuant to which the charge was paid.

40-14-522. Civil liability for violation of disclosure provisions.

(e) Any action which may be brought under this section against the original creditor in any credit transaction involving a security interest in land may be maintained against any subsequent assignee of the original creditor where the assignee, its subsidiaries, or affiliates were in a continuing business relationship with the original creditor either at the time the credit was extended or at the time of the assignment, unless the assignment was involuntary, or the assignee shows by a preponderance of evidence that it did not have reasonable grounds to believe that the original creditor was engaged in violations of W.S. 40-14-101 through ~~40-14-702~~ 40-14-649 and that it maintained procedures reasonably adapted to apprise it of the existence of the violations.

40-14-540. Willful violations.

(a) A ~~supervised lender~~ person who makes a consumer loan and who willfully makes charges in excess of those permitted by the provisions of the article on loans (article 3) ~~applying to supervised loans (part 5)~~ is guilty of a misdemeanor and upon conviction may be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00), or to imprisonment not exceeding six (6) months, or both.

(b) A person, other than a supervised financial organization, who willfully engages in the business of making supervised consumer loans without a license in violation of the provisions of this act applying to authority to make supervised loans (~~W.S. 40-14-342~~) W.S. 40-14-302 is guilty of a misdemeanor and upon conviction may be sentenced to pay a fine not exceeding five thousand dollars (\$5,000.00), or to imprisonment not exceeding one (1) year, or both.

40-14-602. Applicability.

(a) This part applies to persons who in this state:

(i) Make or solicit consumer credit sales, consumer leases; or consumer loans; ~~consumer related sales (W.S. 40-14-257) and consumer related loans (W.S. 40-14-355); or~~

40-14-630. Applicability.

(a) This part applies to a person engaged in this state in making consumer credit sales, consumer leases or consumer loans, including a pawnbroker, sales finance company and post-dated check casher, and to a person having an office or place of business who takes assignments of and undertakes direct collection of payments from or enforcement of rights against debtors arising from these sales, leases or loans.

(b) Supervised financial organizations as defined by W.S. 40-14-140(a)(xix) shall be exempt from this part.

40-14-640. Additional definitions.

(a) As used in this part:

(v) “Federal banking agency” means the board of governors of the federal reserve system, the comptroller of the currency, ~~the director of the office of thrift supervision,~~ the national credit union administration or the federal deposit insurance corporation;

40-29-103. Financial technology sandbox waiver; applicability of criminal and consumer protection statutes; referral to investigatory agencies; civil liability.

(a) Notwithstanding any other provision of law, a person who makes an innovative financial product or service available to consumers in the financial technology sandbox may be granted a waiver of specified requirements imposed by statute or rule, or portions thereof, if these statutes or rules do not currently permit the product or service to be made available to consumers. A waiver under this subsection shall be no broader than necessary to accomplish the purposes and standards set forth in this act, as determined by the commissioner or secretary. The following statutes, and the rules adopted under them, or portions of these statutes and rules, may be waived by the commissioner or secretary for the sandbox period, upon receipt and approval of an application made pursuant to W.S. 40-29-104:

(vii) W.S. 40-14-101 through ~~40-14-702~~40-14-649;

Section 3. W.S. 40-14-140(a)(xix)(A) and (B), 40-14-142(a)(xvi), (xvii), (lviii) and (lix), 40-14-203(a)(vi), 40-14-257 through 40-14-260, 40-14-303(a)(iii), (xii) and (xiii), 40-14-305, 40-14-310(d), 40-14-341, 40-14-342, 40-14-348 through 40-14-353, 40-14-355 through 40-14-358, 40-14-701 and 40-14-702 are repealed.

Section 4. This act shall apply to agreements entered into on or after July 1, 2021 and to licenses issued or renewed on or after July 1, 2021.

Section 5. This act is effective July 1, 2021.

Approved February 9, 2021.

Chapter 15

MILITARY TRAINING MEMORIALS

Original House Bill No. 18

AN ACT relating to honoring military members; authorizing the creation of memorials to military members who died in training accidents in Wyoming; authorizing expenditure of nonstate funds; and providing for an effective date.

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

Section 1. The department of state parks and cultural resources in cooperation with the Wyoming military department and appropriate nongovernmental organizations, may design and create memorials to honor United States military personnel who died in military training accidents in Wyoming during United States involvement in overseas wars and conflicts. The department shall consult with the Wyoming department of transportation to identify the placement of the memorials in appropriate locations accessible to the public along public roads, highways or parking areas to honor the known crash sites located at Shirley Basin, Edgerton and Bomber Peak. The adjutant general of the Wyoming national guard shall approve the design of each memorial prior to the creation of the memorial. The department may accept donations of private funds or funds from other nonstate entities for the design and placement of memorials under this section and shall not use state funds for purposes of this section.

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

Approved February 9, 2021.

Chapter 16**TRIBAL VEHICLE REGISTRATION EXEMPTION
IMPLEMENTATION****Original House Bill No. 25**

AN ACT relating to motor vehicles; amending the process for the tribal member vehicle registration fee exemption; and providing for an effective date.

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

Section 1. W.S. 31-3-101(b)(xiv) is amended to read:

31-3-101. Registration fees; exemptions.

(b) The fees prescribed by subsection (a) of this section are modified for owners of the following vehicles:

(xiv) From and after January 1, 1993, vehicles owned and primarily operated by an enrolled member of the Eastern Shoshone or Northern Arapaho Indian tribe who resides within the exterior boundaries of the state of Wyoming on the Wind River Indian Reservation or on other Indian country as defined by 18 U.S.C. § 1151 are exempt from fees provided by paragraph (a)(i) of this section. ~~In order To~~ To receive the exemption, at the time of first registering the vehicle for which the owner qualifies for the exemption under this paragraph, the claimant shall file a sworn claim with the county treasurer at the time of registration indicating the claimant's right to the exemption. If the claimant ceases to be an enrolled tribal member or ceases to reside within an area under this paragraph that creates the claimant's right to the exemption under this paragraph, the claimant shall pay fees as required under paragraph (a)(i) of this section beginning when the vehicle's annual registration is next due following the change in eligibility. County treasurers shall file notice of the exemptions granted and revenue lost and may be reimbursed by the state treasurer for all or a portion of revenue lost from funds appropriated for that purpose, in the same manner and subject to the same time limitation as provided for veteran exemptions under W.S. 39-13-102(k). The department, in consultation with the state treasurer, shall prescribe forms and procedures necessary to implement this paragraph. A vehicle registration issued under this paragraph shall indicate that the claimant received the exemption and shall include the text, "IF A CLAIMANT'S ELIGIBILITY FOR THIS TRIBAL MEMBER RESIDENTIAL EXEMPTION CHANGES, THE CLAIMANT SHALL NOTIFY THE COUNTY TREASURER WITHIN SIXTY (60) DAYS OF THE CHANGE." When an annual registration for a vehicle registered under this section is due to be renewed the county treasurer shall notify a claimant of the duty to inform the county treasurer if the claimant is no longer eligible for this exemption;

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

Approved February 9, 2021.

Chapter 17**THEFT STATUTE-AMENDMENT****Original House Bill No. 35**

AN ACT relating to crimes and offenses; clarifying the elements of the crime of theft; and providing for an effective date.

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

Section 1. W.S. 6-3-402(a)(ii) is amended to read:

6-3-402. Theft; penalties.

(a) A person is guilty of theft if he knowingly takes, obtains, procures, retains or exercises control over or makes an unauthorized transfer of an interest in the property of another person 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:

(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; or

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

Approved February 9, 2021.

Chapter 18**CHANGES TO WATER RIGHT - NOTICE REQUIREMENTS FOR HEARING****Original House Bill No. 45**

AN ACT relating to water; modifying notice requirements for a hearing on a petition to change a point of diversion or means of conveyance; and providing for an effective date.

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

Section 1. W.S. 41-3-114(f) is amended to read:

41-3-114. Petition to change point of diversion or means of conveyance.

(f) The state engineer or the superintendent shall set a hearing on the petition and give require the petitioner to provide thirty (30) days notice by registered mail-certified mail with return receipt requested of the time and place of the hearing to ~~the petitioner and~~ any owners of appropriations which divert between the old and new points of diversion and any owners or users of ditches or facilities to be affected by the proposed change. If the state engineer

or the state board of control determines that at least twenty (20) owners of appropriations or owners or users of ditches or facilities require notice of the hearing, the state engineer or the state board of control, in lieu of requiring notice by certified mail with return receipt requested, may allow the petitioner to provide notice of the hearing by regular mail and publication. Notice by publication under this subsection shall be accomplished by publishing notice for two (2) consecutive weeks in a newspaper of general circulation in the county where the new point of diversion is located. The last date of publication shall occur not less than ten (10) days and not more than thirty (30) days prior to the hearing. The petitioner shall provide the superintendent with a record of the proceedings which shall be transmitted to the state board of control with the superintendent's report. The state board of control or the state engineer may make such other regulations as may be found necessary. No petition shall be granted if the right of other appropriators will be injuriously affected. The attorney general shall represent the state board of control or the state engineer in any appeal.

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

Approved February 9, 2021.

Chapter 19

PUBLIC UTILITY ASSESSMENT

Original House Bill No. 30

AN ACT relating to utilities; increasing the maximum utility assessment as specified; conforming provisions; and providing for an effective date.

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

Section 1. W.S. 37-2-106, 37-2-107(a), 37-2-133(g)(i) and 37-2-404(a) are amended to read:

37-2-106. Assessment regarding telecommunications, gas, electric, water and pipeline service; disposition of revenue.

Monies derived from a ~~uniform~~ an assessment of persons subject to assessment under W.S. 37-2-107, except motor carriers as defined in W.S. 31-18-101(a)(x), shall be credited to the public service commission account for the purpose of defraying administrative expenses of the commission with respect to the persons assessed. At each regular session, the state legislature shall, under the budget provisions of Wyoming budget law, determine the amount to be collected. It shall be the duty of the director of the revenue department to ascertain and collect the proportional amount of the approved biennial budget to be paid by each person assessed and to remit the funds immediately to the state treasurer for deposit in the public service commission

account. All expenditures therefrom shall be subject to the warrant of the state auditor, upon submission of properly executed vouchers authorized by the commission in the same manner as other funds are disbursed.

37-2-107. Assessment regarding telecommunications, gas, electric, water and pipeline service; assessment generally.

(a) On or before the first day of July of each year the director of revenue shall, by requiring special reports or otherwise, determine the total aggregate amount of the gross Wyoming intrastate retail revenues of all public utilities, entities utilizing public utility facilities in the state to furnish retail utility commodities or services to the public, and providers of telecommunication services, except motor carriers, and those utilities exempted under W.S. 37-2-108, for the preceding calendar year. ~~He~~ The director shall then determine the ratio that one-half (1/2) of the total authorized budgeted amount for the biennium is to the total aggregate gross retail Wyoming intrastate operating revenues. The resulting percentage factor shall then be applied to the annual intrastate gross retail operating revenues of each of such persons for the preceding calendar year and the result shall be the assessment of each such person for the ensuing budget fiscal year. However, the assessment rate against the persons for any one (1) year shall not exceed .0030 ~~three-thousandths (.003)~~ of the gross Wyoming intrastate retail revenues of the persons unless the assessment of three-thousandths (.003) is insufficient to produce the amount to be collected. If the amount to be collected exceeds the amount produced by the application of the percentage factor to the gross Wyoming intrastate retail revenue of the persons, an additional assessment sufficient to produce the amount to be collected but not to exceed two-thousandths (.002) shall be made against those persons defined as public utilities in W.S. 37-1-101(a)(vi)(C), (D) or (G) but not cooperative utilities that are eligible for exemption and that choose to opt out from retail rate regulation. By the first day of August the director ~~of the revenue department~~ shall assess the persons, and one-half (1/2) ~~of~~ of the assessed fees shall be paid to ~~him~~ the director by the persons on or before the first day of October and one-half (1/2) of the fees shall be paid to ~~him~~ the director by the persons on or before the first day of April in the ensuing year. The director, ~~of the revenue department~~, in computing the percentage upon which fees for the first fiscal year of the ensuing biennium shall be based, shall deduct any unexpended balance in the commission's account, less an amount equal to the total of all properly authorized outstanding accounts payable, from one-half (1/2) the total authorized budgeted amount for the biennium, and the resultant figure shall be used instead of the one-half (1/2) of the total authorized budgeted amount for the biennium, as above provided. Any unexpended balance in the commission's account shall not lapse at the end of the fiscal period. "Intrastate gross retail operating revenues" as used in this section shall mean intrastate gross revenues derived from the provision of telecommunications, gas, electric, water and pipeline service offered for final

consumption and not for resale.

37-2-133. Exemption for purchase of coal fired generation facilities that would otherwise have been retired; public utility purchase requirements; conditions for exemption.

(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;

37-2-404. Consumer advocate; funding and expenses.

(a) Funding for the office of consumer advocate shall be included in the commission's budget and collected through the ~~uniform~~-utility assessment. Incidental administrative and clerical services for the office of consumer advocate shall be provided by the commission. The commission shall decide all matters of shared administrative and clerical personnel.

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

Approved February 9, 2021.

Chapter 20

SHORT TIME COMPENSATION PROGRAM

Original House Bill No. 9

AN ACT relating to labor and employment; establishing a short time compensation program within the department of workforce services; specifying duties for the director of the department of workforce services; providing for administration of the program; specifying requirements for employer program enrollment and employee benefits; authorizing rulemaking; authorizing the department of workforce services to seek and receive federal funds as specified; authorizing a position; requiring reporting; and providing for an effective date.

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

Section 1. W.S. 27-3-801 through 27-3-811 are created to read:

ARTICLE 8

SHORT TIME COMPENSATION PROGRAM

27-3-801. Definitions.

(a) As used in this article:

(i) “Affected unit” means a specified plant, department, shift or other definable unit of an employer that includes two (2) or more employees to which an approved short time compensation plan applies;

(ii) “Director” means the director of the department of workforce services or the director’s designee responsible for approving applications for participation in a short time compensation plan;

(iii) “Health and retirement benefits” means employer provided health benefits and retirement benefits under a defined benefit pension plan as defined in section 414(j) of the Internal Revenue Code or contributions under a defined contribution plan defined in section 414(i) of the Internal Revenue Code that are incidents of employment in addition to the cash remuneration earned;

(iv) “Short time compensation” means the unemployment benefits payable to employees in an affected unit under an approved short time compensation plan, as distinguished from the benefits otherwise payable under this act;

(v) “Short time compensation plan” means a plan submitted by an employer for approval by the director under which the employer requests the payment of short time compensation to employees in an affected unit of the employer to avert layoffs;

(vi) “Unemployment compensation” means the benefits payable under this act other than short time compensation and includes any amounts payable pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment;

(vii) “Usual weekly hours of work” means the usual hours of work for full-time or part-time employees in the affected unit when that affected unit is operating on the unit’s regular basis, not to exceed forty (40) hours and not including hours of overtime work.

27-3-802. Participation in the short time compensation program; director approval.

(a) An employer seeking to participate in the short time compensation program shall submit a signed written short time compensation plan in a form acceptable to the department for approval by the director. No plan shall be approved under this article unless the employer is in good standing with the department.

(b) The department shall develop an application form for an employer to request approval of a short time compensation plan and an approval process. The director may approve a short time compensation plan only if the plan:

(i) Describes the affected unit covered by the plan, including the number of full-time and part-time employees in the unit and the percentage of employees in the unit covered by the plan;

(ii) Identifies each employee in the affected unit by name, social security number and any other information required by the director to identify the plan participants;

(iii) Provides a description of how employees in the affected unit will be notified of the employer's participation in the short time compensation plan, including how the employer will notify those employees in a collective bargaining unit as well as any employees in the affected unit who are not in a collective bargaining unit. If the employer is unable to provide advance notice to employees in the affected unit, the employer shall explain in the application why it is not feasible to provide the notice required under this paragraph;

(iv) Identifies the usual weekly hours of work for the employer's employees in the affected unit and the specific percentage by which the employees' hours shall be reduced during all weeks covered by the plan. A short time compensation plan shall only be approved if the percentage by which the employees' hours will be reduced is not less than ten percent (10%) and not more than sixty percent (60%). If the plan includes any week for which the employer regularly provides no work then the week shall be identified by the employer;

(v) Certifies that if the employer provides health and retirement benefits to any employee whose usual weekly hours of work are reduced under the short time compensation plan, the benefits will continue to be provided to employees participating in the short time compensation program under the same terms and conditions as though the usual weekly hours of work of such employee had not been reduced or to the same extent as other employees not participating in the short time compensation program. In addition, the following shall apply:

(A) For defined benefit retirement plans, the hours that are reduced under the short time compensation plan shall be credited for purposes of participation, vesting and accrual of benefits as though the usual weekly hours of work had not been reduced. The dollar amount of employer contributions to a defined contribution plan that are based on a percentage of compensation may be less due to the reduction in the employee's compensation;

(B) A short time compensation plan may satisfy the certification requirement under this paragraph when a reduction in health and retirement benefits scheduled to occur during the duration of the plan will be applicable equally to employees who are not participating in the short time compensation program and to those employees who are participating.

(vi) Certifies that the aggregate reduction in work hours is in lieu of layoffs. The plan shall include an estimate of the number of employees who would have been laid off in the absence of the short time compensation plan;

(vii) Certifies that the employer agrees to furnish reports to the department relating to the administration of the plan and authorizes the department to access all records necessary for the director to assess a short time compensation

plan for approval and to monitor and evaluate the administration of the plan. The employer shall also agree to follow any other directives necessary for the department to implement the plan and which are consistent with the requirements of this article;

(viii) Certifies that the employer's participation in the short time compensation plan and the plan's implementation are consistent with the employer's obligations under applicable federal and state laws;

(ix) Certifies that the plan shall expire not later than the end of the twelfth full calendar month after the effective date of the plan;

(x) Satisfies any other requirements specified by the department that the United States secretary of labor determines to be appropriate for purposes of a short time compensation program.

27-3-803. Approval of a short time compensation plan.

The director shall approve or deny a short time compensation plan submitted by an employer within thirty (30) days of receipt of the plan and promptly notify the employer of the decision. A decision denying a plan shall clearly identify the reasons for the denial. The director's decision shall be final. An employer whose plan is not approved shall be allowed to submit another short time compensation plan for approval in accordance with rules specified by the commission.

27-3-804. Effective date and duration of the short time compensation plan.

(a) An approved short time compensation plan shall be effective on the date that is mutually agreed upon by the employer and the director. The plan shall expire at the end of the twelfth full calendar month after the plan's effective date or an earlier date proposed in the approved short time compensation plan. The effective date and expiration date of an approved plan shall be specified in a notice of approval provided to the employer by the department.

(b) If a short time compensation plan is revoked by the director under W.S. 27-3-806, the plan shall terminate on the date specified in the director's written order of revocation.

(c) An employer may terminate a short time compensation plan at any time upon written notice to the director as specified by rule of the commission. Upon receipt of such notice from the employer, the director shall promptly notify each employee of the affected unit of the termination date. An employer may submit a new application to participate in another short time compensation plan at any time after the expiration or termination of a previous plan.

27-3-805. Modification of an approved short time compensation plan.

(a) An employer may request a substantial modification of an approved short

time compensation plan by submitting a written request to the department. The request shall specify the proposed provisions to be modified and explain why the modification is appropriate. Subject to subsection (b) of this section, the director shall approve or deny in writing the proposed modification within twenty (20) days of receipt and promptly notify the employer.

(b) The director may approve a substantial modification request under subsection (a) of this section based on conditions that have changed since the short time compensation plan was originally approved provided that the modification is consistent with and supports the purposes for which the plan was initially approved. A modification shall not extend the expiration date of the original plan. If the director approves a substantial plan modification request, the effective date of the modification shall be included in the notice provided to the employer.

(c) An insubstantial plan modification shall not require director approval but the employer shall promptly report every change to the plan in writing to the director. If the director determines that the reported change is substantial, the department shall require the employer to submit a substantial plan modification request. The director may revoke an employer's plan if the employer fails to meet the reporting requirement under this subsection.

27-3-806. Revocation of short time compensation plan approval.

(a) The director may revoke approval of a short time compensation plan for good cause at any time including upon the request of any of the affected unit's employees. Good cause shall include an employer's failure to comply with the assurances and certifications given in the employer's plan under W.S. 27-3-802, unreasonable revision of productivity standards for an affected unit, conduct or occurrences tending to defeat the intent and effective operation of the short time compensation plan and violation of any criteria on which approval of the plan was based.

(b) Any revocation by the director of a short time compensation plan shall be provided to the employer in writing and shall specify the reasons for the revocation and the date the revocation is effective. A revocation under this section shall be subject to review under the Wyoming Administrative Procedure Act.

(c) The department may periodically review the operation of short time compensation plans to assure that no good cause exists for revocation of approved plans.

27-3-807. Eligibility for short time compensation benefits.

(a) An employee shall only be eligible to receive short time compensation with respect to any week if:

(i) The employee is monetarily eligible for unemployment compensation;

(ii) The employee is not otherwise disqualified for unemployment compensation;

(iii) During that week, the employee is employed as a member of an affected unit under an approved short time compensation plan that was approved prior to that week and the plan is in effect with respect to the week for which short time compensation is claimed.

(b) Notwithstanding any other provision of this act relating to an employee's availability for work and actively seeking work, the employee is eligible to receive shared work benefits for a week in which the employee is able to work and is available for additional hours of work or for full-time work with the employee's short time compensation employer. Participating in training as approved by the department to enhance job skills or participating in employer-sponsored training or training funded under the federal Workforce Innovation and Opportunity Act shall satisfy the requirements of this section.

(c) Notwithstanding any other provision of law, an employee covered by a short time compensation plan is deemed unemployed in any week during the duration of such plan if the employee's remuneration is reduced based on a reduction of the employee's usual weekly hours of work under an approved short time compensation plan.

(d) Notwithstanding any other provision of law, an eligible employee shall not be denied short time compensation benefits because of any provision of this act that provides requirements concerning:

(i) Availability for work;

(ii) Actively searching for work;

(iii) Any refusal to apply for or accept work with an employer other than the participating employer whose plan is approved under this article.

27-3-808. Benefits.

(a) The short time compensation weekly benefit amount available to employees under an approved plan shall be the product of the employee's regular weekly unemployment compensation amount for a week of total unemployment multiplied by the percentage of reduction in the employee's usual weekly hours of work.

(b) An employee may be eligible for short time compensation or unemployment compensation except no employee shall be:

(i) Eligible for combined benefits in any benefit year in an amount more than the maximum entitlement established for regular unemployment compensation;

(ii) Paid short time compensation benefits for more than fifty-two (52) weeks under a short time compensation plan.

(c) The short time compensation paid to an employee shall be deducted from the maximum entitlement amount of regular unemployment compensation established for that employee's benefit year.

(d) Provisions applicable to unemployment compensation claimants under this act shall apply to short time compensation claimants to the extent that they are not inconsistent with W.S. 27-3-801 through 27-3-810. The department shall issue a monetary determination to any employee who files an initial claim for short time compensation benefits.

(e) Employees who work in an affected unit of a short time compensation employer and another employer during weeks covered by the approved short time compensation plan shall be subject to the following:

(i) If the combined hours of work in a week for both employers do not result in a reduction of at least ten percent (10%) of the usual weekly hours of work with the short time employer, the employee shall not be entitled to benefits under the short time compensation plan;

(ii) If the combined hours of work for both employers results in a reduction equal to or greater than ten percent (10%) of the usual weekly hours of work for the short time compensation employer, the short time compensation benefit amount payable to the employee shall be reduced for that week in an amount determined by multiplying the weekly unemployment benefit amount for a week of total unemployment by the percentage by which the combined hours of work have been reduced by ten percent (10%) or more of the employee's usual weekly hours of work. A week for which benefits are paid under this paragraph shall be reported as a week of short time compensation;

(iii) If an employee worked the reduced percentage of the usual weekly hours of work for the short time compensation employer and is available for all his usual hours of work with the short time compensation employer and the employee did not work any hours for the other employer either because of the lack of work with that employer or because the employee is excused from work with the other employer, the employee shall be eligible for short time compensation for that week. The benefit amount for such week shall be calculated as provided in subsection (a) of this section.

(f) An employee who is not provided any work during a week by the short time compensation employer or any other employer and who is otherwise eligible for unemployment compensation shall be eligible for the amount of regular unemployment compensation to which they would otherwise be eligible.

(g) An employee who is not provided any work by the short time compensation employer during a week but who works for another employer and is otherwise eligible may be paid unemployment compensation for that week subject to the disqualifying income and other provisions applicable to claims for regular unemployment compensation.

27-3-809. Charging short time compensation benefits.

Short time compensation shall be charged to employers' experience rating accounts in the same manner as unemployment compensation is charged under this act. The department may relieve an employer of charges or not require reimbursement for short time compensation benefits if the benefits are subject to one hundred percent (100%) reimbursement by the federal government or as otherwise specified by law.

27-3-810. Extended benefits.

An employee who has received all of the short time compensation or combined unemployment compensation and short time compensation available in a benefit year shall be considered an exhaustee for purposes of extended benefits as provided under W.S. 27-3-315 and if otherwise eligible under those provisions shall be eligible to receive extended benefits.

27-3-811. Reporting requirements.

Not later than November 1 of each year until November 1, 2026, the department shall report to the joint appropriations committee on the short time compensation program established pursuant to this article. The report shall describe the administration of the short time compensation program, the number of employers participating in the program and the amount of funds that have been expended by the department on the program.

Section 2. W.S. 27-3-102(a)(intro) and (xxv) is amended to read:

27-3-102. Definitions generally.

(a) Except as otherwise provided, as used in this act:

(xxv) "This act" means W.S. 27-3-101 through ~~27-3-706~~ 27-3-811.

Section 3. In accordance with W.S. 9-2-1005(b)(ii) and (iii) and for the purposes of this act, the department is authorized to apply for, receive and expend any federal funds made available under and subject to any requirements and limitations imposed by the Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. No. 116-136, or from any other available federal funding related to the COVID-19 emergency response. Any federal funds that are accepted for the purpose of this act shall be reported pursuant to W.S. 9-2-1013(b).

Section 4. The department of workforce services is authorized one (1) full-time equivalent position for purposes of implementing the program established by this act. The authorization for the position created by this section is in effect beginning on the effective date of this act. The position shall be funded from available federal funds for the program established by this act as they may be available.

Section 5. The unemployment insurance commission shall promulgate any rules necessary to implement 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 February 9, 2021.

Chapter 21

BUSINESS CODE REVISIONS

Original House Bill No. 27

AN ACT relating to businesses; generally amending business, trade and commerce statutes; establishing a reinstatement process for foreign corporations; modifying and establishing filing response timelines; providing for electronic service by the secretary of state as specified and conforming related requirements; providing rulemaking and other administrative authority to the secretary of state as specified; and providing for an effective date.

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

Section 1. W.S. 17-14-210, 17-19-1533, 17-21-108, 40-2-110 and 40-2-111 are created to read:

17-14-210. Powers.

The secretary of state has the power reasonably necessary to perform the duties required of him by this chapter. The secretary of state shall promulgate reasonable forms, rules and regulations necessary to carry out the purposes of this chapter.

17-19-1533. Reinstatement following revocation.

(a) A foreign corporation whose certificate of authority has been revoked under W.S. 17-19-1531 may apply to the secretary of state for reinstatement within two (2) years after the effective date of the revocation. Reinstatement may be denied by the secretary of state if the corporation has been the subject of a secretary of state and law enforcement investigation pertaining to fraud or any other violation of state or federal law, or if there is other reason to believe the foreign corporation has engaged in illegal operations. The application shall:

(i) Recite the name of the foreign corporation and the effective date of the revocation of its certificate of authority;

(ii) State that the grounds for revocation either did not exist or have been eliminated;

(iii) If the foreign corporation's certificate of authority was revoked for failure to deliver its annual report or pay annual license taxes to the secretary of state when due pursuant to W.S. 17-19-1630, include payment of a twenty-five dollar (\$25.00) reinstatement fee and payment of any fees and taxes then delinquent; and

(iv) If the foreign corporation's certificate of authority was revoked for failure to maintain a registered agent, include payment of a one hundred fifty dollar (\$150.00) reinstatement fee and payment of any fees and taxes then delinquent.

(b) If the secretary of state determines that the application contains the information required by subsection (a) of this section and that the information is correct, the secretary of state shall cancel the revocation, prepare a certificate of reinstatement reciting that determination and the effective date of reinstatement, file the original of the certificate and serve a copy on the corporation pursuant to W.S. 17-28-104.

(c) When reinstatement is effective, it relates back to and takes effect as of the effective date of the revocation and the foreign corporation may resume carrying on its activities as if the revocation had not occurred.

(d) A foreign corporation may retain its registered corporate name during the two (2) year reinstatement period.

17-21-108. Powers.

The secretary of state has the power reasonably necessary to perform the duties required of him by this chapter. The secretary of state shall promulgate reasonable forms, rules and regulations necessary to carry out the purposes of this chapter.

40-2-110. Powers.

The secretary of state has the power reasonably necessary to perform the duties required of him by this chapter. The secretary of state shall promulgate reasonable forms, rules and regulations necessary to carry out the purposes of this chapter.

40-2-111. Refusal to file documents.

If the secretary of state refuses to file a document submitted for filing under this act, the secretary of state shall return it to the filing party or representative within fifteen (15) days after the document was delivered, together with a brief, written explanation of the reason for the refusal.

Section 2. W.S. 17-10-204(e), 17-14-306 by creating a new subsection (c), 17-16-1503(a)(iv), 17-16-1520(b)(iv), (v) and (c), 17-16-1530(a)(vii)(B) and (viii)(B), 17-16-1531(d), 17-19-125(c), 17-19-1503(a)(iv), 17-19-1520(b)(iv), (v) and (c), 17-19-1530(a)(vii)(B), 17-19-1531(e), 17-21-105(a), 17-21-905(b), 17-21-1101(f)(ii) and by creating a new subsection (p), 17-21-1104(d)(ii)(C) and (f)(iv), 17-22-110 by creating a new subsection (f), 17-23-111, 17-23-116 by creating a new subsection (f), 17-26-101 by creating a new subsection (h), 17-28-101 by creating a new subsection (e), 17-28-102(a)(intro), (vi), by creating a new paragraph (viii) and by creating a new subsection (d), 17-28-104(a) and by creating a new subsection (e), 17-28-106(a)(vi), by creating a new paragraph

(vii) and by renumbering (vii) as (viii), 17-28-107(a)(i), 17-28-109(a)(iii), 17-29-205 by creating a new subsection (d), 17-29-705(a), (b), (c)(iii)(C) and (d), 17-30-305 by creating a new subsection (e), 17-30-904(b)(i), (e)(i), (ii), (h)(iii)(C) and (j) and 40-2-101(a)(v) are amended to read:

17-10-204. Registered agent; change of registered office or registered agent.

(e) If any cooperative has failed for thirty (30) days to appoint and maintain a registered agent in this state, or has failed for thirty (30) days after change of its registered office or registered agent to file in the office of the secretary of state a statement of the change it shall be deemed to be transacting business within this state without authority and to have forfeited any franchises, rights or privileges acquired under the laws thereof and the forfeiture shall be made effective in the following manner. The secretary of state shall ~~mail~~ provide by first class mail; or by electronic means ~~if the cooperative has consented to receive notices electronically,~~ a notice of its failure to comply with aforesaid provisions. Unless compliance is made within thirty (30) days of mailing or electronic submission of the notice, the cooperative shall be deemed defunct and to have forfeited its certificate of organization acquired under the laws of this state. Provided, that any defunct cooperative may at any time within two (2) years after the forfeiture of its certificate, in the manner herein provided, be revived and reinstated, by filing the necessary statement under this act and paying a reinstatement fee established by the secretary of state by rule, together with a penalty of one hundred dollars (\$100.00). The reinstatement fee shall not exceed the costs of providing the reinstatement service. The cooperative shall retain its registered name during the two (2) year reinstatement period under this section.

17-14-306. Filing in office of secretary of state.

(c) If the secretary of state refuses to file a certificate under subsection (a) of this section, the secretary of state shall return it to the person who delivered it or to the person's representative within fifteen (15) days after the document was delivered, together with a brief, written explanation of the reason for the refusal.

17-16-1503. Application for certificate of authority.

(a) A foreign corporation may apply for a certificate of authority to transact business in this state by delivering an application to the secretary of state for filing. The application shall set forth:

(iv) The street address of its principal office and an email address for the foreign corporation;

17-16-1520. Withdrawal of foreign corporation.

(b) A foreign corporation authorized to transact business in this state may

apply for a certificate of withdrawal by delivering an application to the secretary of state for filing. The application shall set forth:

(iv) A mailing address and an email address to which the secretary of state may ~~mail~~provide a copy of any process served on him under paragraph (iii) of this subsection; and

(v) A commitment to notify the secretary of state in the future of any change in its mailing address and email address.

(c) After the withdrawal of the corporation is effective, service of process on the secretary of state under this section is service on the foreign corporation. Upon receipt of process, the secretary of state shall ~~mail~~provide a copy of the process to the foreign corporation at the mailing address or email address set forth under subsection (b) of this section.

17-16-1530. Grounds for revocation.

(a) The secretary of state may commence a proceeding under W.S. 17-16-1531 to revoke the certificate of authority of a foreign corporation authorized to transact business in this state if:

(vii) The corporation has failed to respond to a valid and enforceable subpoena; or

(B) Cannot be served ~~by either by~~ the registered agent or by mail or electronically by the secretary of state acting as the agent for process.

(viii) It is in the public interest and the corporation:

(B) Cannot be served ~~by either by~~ the registered agent or by mail or electronically by the secretary of state acting as the agent for process.

17-16-1531. Procedure for and effect of revocation.

(d) The secretary of state's revocation of a foreign corporation's certificate of authority appoints the secretary of state the foreign corporation's agent for service of process in any proceeding based on a cause of action which arose during the time the foreign corporation was authorized to transact business in this state. Service of process on the secretary of state under this subsection is service on the foreign corporation. Upon receipt of process, the secretary of state shall either:

(i) Mail a copy of the process to the secretary of the foreign corporation at its principal office shown in its most recent annual report or in any subsequent communication received from the corporation stating the current mailing address of its principal office, or, if none are on file, in its application for a certificate of authority; or

(ii) Electronically submit a copy of the process to the foreign corporation's email address.

17-19-125. Filing duty of secretary of state.

(c) If the secretary of state refuses to file a document he shall return it to the domestic or foreign corporation or its representative within ~~five (5)~~ fifteen (15) days after the document was delivered, together with a brief, written explanation of the reason or reasons for his refusal.

17-19-1503. Application for certificate of authority.

(a) A foreign corporation may apply for a certificate of authority to transact business in this state by delivering an application to the secretary of state. The application shall set forth:

(iv) The street address of its principal office and an email address for the foreign corporation;

17-19-1520. Withdrawal of foreign corporation.

(b) A foreign corporation authorized to transact business in this state may apply for a certificate of withdrawal by delivering an application to the secretary of state for filing. The application shall set forth:

(iv) A mailing address and an email address to which the secretary of state may ~~mail~~ provide a copy of any process served on him under paragraph (iii) of this subsection; and

(v) A commitment to notify the secretary of state in the future of any change in the mailing address or email address.

(c) After the withdrawal of the corporation is effective, service of process on the secretary of state under this section is service on the foreign corporation. Upon receipt of process, the secretary of state shall ~~mail~~ provide a copy of the process to the foreign corporation at the post office address or email address set forth in its application for withdrawal.

17-19-1530. Grounds for revocation.

(a) The secretary of state may commence a proceeding under W.S. 17-19-1531 to revoke the certificate of authority of a foreign corporation authorized to transact business in this state if any of the following has occurred:

(vii) It is in the public interest and the corporation:

(B) Cannot be served ~~by either~~ by the registered agent or by mail or electronically by the secretary of state acting as the agent for process.

17-19-1531. Procedure and effect of revocation.

(e) The secretary of state's revocation of a foreign corporation's certificate of authority appoints the secretary of state the foreign corporation's agent for service of process in any proceeding based on a cause of action that arose during the time the foreign corporation was authorized to transact business in this state. Service of process on the secretary of state under this subsection is service on the foreign corporation. Upon receipt of process, the secretary of state shall either:

(i) Mail a copy of the process to the secretary of the foreign corporation at its principal office shown in its most recent annual report or in any subsequent communications received from the corporation stating the current mailing address of its principal office, or, if none are on file, in its application for a certificate of authority; or

(ii) Electronically submit a copy of the process to the foreign corporation's email address.

17-21-105. Execution, filing, and recording of statements.

(a) A statement may be filed in the office of the secretary of state. A certified copy of a statement that is filed in an office in another state may be filed in the office of the secretary of state. Either filing has the effect provided in this chapter with respect to partnership property located in or transactions that occur in this state. If a statement of partnership authority is filed with the secretary of state under W.S. 17-21-303, all statements provided for under this chapter subsequent to the filing of this statement shall be filed with the secretary of state in accordance with this chapter. If the secretary of state refuses to file a statement, the secretary of state shall return it to a partner or representative within fifteen (15) days after the document was delivered, together with a brief, written explanation of the reason for the refusal.

17-21-905. Effect of merger.

(b) The secretary of state is the agent for service of process in an action or proceeding against a surviving foreign partnership or limited partnership to enforce an obligation of a domestic partnership or limited partnership that is a party to a merger. The surviving entity shall promptly notify the secretary of state of the mailing address of its chief executive office, ~~and~~ of any change of address and the email address of its chief executive officer. Upon receipt of process, the secretary of state shall mail or electronically submit a copy of the process to the surviving foreign partnership or limited partnership.

17-21-1101. Registered limited liability partnerships.

(f) Registration is effective immediately upon the filing of a statement of registration or at any later date or time specified in the statement of registration, and remains effective until:

(ii) Sixty (60) days after notice by the secretary of state that the partnership has failed to make timely payment of the annual fee specified in subsection (n) of this section or has failed to pay any penalties imposed under W.S. 17-28-109, unless the fee and any penalties are paid within the sixty (60) day period, or that the partnership is without a registered agent or registered office in this state, unless the partnership regains a registered agent or registered office in this state during the sixty (60) day period. The secretary of state shall mail provide such notice by first class mail to the last known mailing address of the partnership or by electronic means, ~~if the partnership has consented~~

~~to receive notices electronically.~~ Notwithstanding any other provisions of this paragraph, any domestic registered limited liability partnership whose statement of registration has lapsed under this paragraph may be reinstated as provided in W.S. 17-21-1107.

(p) If the secretary of state refuses to file a statement of registration, the secretary of state shall return it to the registered limited liability partnership or its representative within fifteen (15) days after the statement was delivered, together with a brief, written explanation of the reason for the refusal.

17-21-1104. Applicability of act to foreign and interstate commerce.

(d) Before transacting business in this state, a foreign registered limited liability partnership shall:

(ii) File a statement of registration as a foreign registered limited liability partnership with the office of the secretary of state, on such forms as the secretary shall provide, stating:

(C) An email address and the address of its principal office which, if in this state, shall be its registered office for service of process;

(f) A foreign registered limited liability partnership registered to transact business in this state may withdraw its registration as a foreign registered limited liability partnership by filing with the office of the secretary of state a statement of withdrawal as a foreign registered limited liability partnership, which shall set forth:

(iv) A mailing address and an email address to which the secretary of state may ~~mail~~provide a copy of any process served on him in his capacity as agent for such registered limited liability partnership.

17-22-110. Appointment of agent to receive service of process.

(f) If the secretary of state refuses to file a statement appointing an agent, the secretary of state shall return it to the nonprofit association or its representative within fifteen (15) days after the statement was delivered, together with a brief, written explanation of the reason for the refusal.

17-23-111. Failure to maintain registered agent or registered office or pay annual fee.

If any statutory trust has failed to comply with the provisions of W.S. 17-28-101 through 17-28-111 or has failed to pay the fee required by W.S. 17-23-117, it is transacting business within this state without authority and shall forfeit any franchises, rights or privileges acquired under the laws of this state. The forfeiture shall be made effective in the following manner. The secretary of state shall ~~mail~~provide by first class mail; or by electronic means if ~~the statutory trust has consented to receive notices electronically,~~ a notice of its failure to comply. Unless compliance is made within sixty (60) days of mailing or electronic submission of the notice, the statutory trust shall be deemed

defunct and to have forfeited its certificate of organization acquired under the laws of this state. Any defunct statutory trust may at any time within two (2) years after the forfeiture of its certificate, be revived and reinstated, by filing the necessary statement under this chapter and paying the prescribed fee, together with a penalty of one hundred dollars (\$100.00). The statutory trust shall retain its registered name during the two (2) year reinstatement period.

17-23-116. Filing of certificate; effective date; fee; organization.

(f) If the secretary of state refuses to file a certificate of trust, certificate of amendment, certificate of cancellation or certificate of merger or consolidation under subsection (a) of this section, the secretary of state shall return it to the filing party or its representative within fifteen (15) days after the certificate was delivered, together with a brief, written explanation of the reason for the refusal.

17-26-101. Conversion of entities.

(h) The secretary of state shall charge a fee to convert an entity. Unless otherwise specified by law, the fee for conversion shall be equal to the fee for the origination of the newly converted entity type.

17-28-101. Registered office and registered agent.

(e) In addition to the requirements imposed by this section on business entities and registered agents, each business entity and registered agent shall maintain an email address that the secretary of state's office may use to serve documents on the business entity or registered agent as provided in W.S. 17-28-104.

17-28-102. Change of registered office or registered agent.

(a) A business entity may change its registered office or registered agent by signing and delivering to the secretary of state for filing a statement of change that sets forth all of the following:

(vi) That the new registered office and registered agent comply with the requirements of W.S. 17-28-101 through 17-28-111; ~~and~~

(viii) The email address of its registered agent as required by W.S. 17-28-101(e).

(d) If a business entity changes its email address required by W.S. 17-28-101(e), the business entity shall notify the secretary of state of the new email address.

17-28-104. Service on business entity.

(a) A business entity's registered agent, or the natural person having an agency relationship with the registered agent as provided in W.S. 17-28-101(a), shall accept service of process, notice, or demand required or permitted by law that is served on the entity. The secretary of state may provide service of

process, notice or demand by electronic means.

(e) Upon formation of a business entity, the business entity shall execute a consent to service by electronic means for use in the limited circumstances where the business entity has no registered agent or where the agent cannot with reasonable diligence be served. Upon acceptance of a summons in accordance with the limited circumstances specified in this subsection, the secretary of state may elect to serve the business entity by electronic means in lieu of the process specified in subsection (b) of this section. Service is perfected under this subsection on the date the electronic communication is sent to the business entity.

17-28-106. Registration requirements.

(a) A commercial registered agent shall obtain a registration by filing an application with the secretary of state. The application shall be executed and sworn under penalty of perjury and contain information the secretary of state requires by rule including:

(vi) The name, physical street address, phone number and normal business hours of the registered office where the natural person with whom the agent has an agency agreement for purposes of receiving service of process, if applicable may be served; ~~and~~

(vii) The applicant's email address where service may be made by the secretary of state;

~~(vii)~~(viii) Other information the secretary of state deems appropriate in the registration and identification of registered agents.

17-28-107. Duties of the registered agent; duties of the entity.

(a) The registered agent shall:

(i) Maintain a physical address in accordance with W.S. 17-28-102(a)(ii) and as defined by the secretary of state by rule and maintain an email address as required by W.S. 17-28-101(e);

17-28-109. Actions against registered agents.

(a) The secretary of state may impose a civil penalty not to exceed five hundred dollars (\$500.00) for each violation, with respect to each entity represented, of this chapter for which no other specific penalty is provided, and may deny or revoke any registration, require enhanced recordkeeping and refuse to accept filings for business entities served by a registered agent if the registered agent, or in the case of registered agent that is a corporation or other business entity, its officers, directors, members, partners or persons serving in a similar capacity:

(iii) Cannot be served at the address of the registered office or the registered agent's email address;

17-29-205. Delivery to and filing of records by secretary of state; effective

time and date.

(d) If the secretary of state refuses to file a record under subsection (a) of this section, the secretary of state shall return it to the limited liability company or its representative within fifteen (15) days after the record was delivered, together with a brief, written explanation of the reason for the refusal.

17-29-705. Administrative forfeiture of authority and articles of organization.

(a) If any limited liability company's registered agent has filed its resignation with the secretary of state and the limited liability company has not replaced its registered agent and registered office, or the limited liability company is without a registered agent or registered office in this state for any reason, it shall be deemed to be transacting business within this state without authority and to have forfeited any franchises, rights or privileges acquired under the laws thereof and the forfeiture shall be made effective in the following manner. The secretary of state shall ~~mail~~ provide by first class mail; or by electronic means ~~if the limited liability company has consented to receive notices electronically,~~ a notice of its failure to comply with aforesaid provisions. Unless compliance is made within sixty (60) days of mailing or electronic submission of the notice, the limited liability company shall be deemed defunct and to have forfeited its articles of organization acquired under the laws of this state. Provided, that any defunct limited liability company may at any time within two (2) years after the forfeiture of its articles of organization or certificate of authority, in the manner herein provided, be revived and reinstated, by filing the necessary statement under this act and paying a reinstatement fee established by the secretary of state by rule, together with a penalty of two hundred fifty dollars (\$250.00). The reinstatement fee shall not exceed the costs of providing the reinstatement service. The limited liability company shall retain its registered name during the two (2) year reinstatement period under this section.

(b) If any limited liability company has failed to pay the fee required by W.S. 17-29-210 or any penalties imposed under W.S. 17-28-109, it shall be deemed to be transacting business within this state without authority and to have forfeited any franchises, rights or privileges acquired under the laws thereof. The forfeiture shall be made effective in the following manner. The secretary of state shall provide notice to the limited liability company at its last known mailing address by first class mail or by electronic means. Unless compliance is made within sixty (60) days of the date of notice the limited liability company shall be deemed defunct and to have forfeited its articles of organization or certificate of authority acquired under the laws of this state. Provided, that any defunct limited liability company may at any time within two (2) years after the forfeiture of its articles of organization of certificate of authority, be revived and reinstated by paying the amount of the delinquent fees. When the reinstatement is effective, it relates back to and takes effect as of the effective date deemed

defunct pursuant to this subsection and the limited liability company resumes carrying on its business as if it had never been deemed defunct.

(c) A limited liability company shall be deemed to be transacting business within this state without authority, to have forfeited any franchises, rights or privileges acquired under the laws thereof and shall be deemed defunct and to have forfeited its articles of organization or certificate of authority acquired under the laws of this state, and the forfeiture shall be made effective in the manner provided in subsection (a) of this section, if:

(iii) It is in the public interest and the limited liability company or any of its members:

(C) Cannot be served by either the registered agent or by mail or electronically by the secretary of state acting as the agent for process.

(d) The secretary of state may classify a limited liability company as delinquent awaiting forfeiture of its articles of organization or certificate of authority at the time the secretary of state ~~mails~~ provides the notice required under subsections (a) through (c) of this section to the limited liability company.

17-30-305. Delivery to and filing of records by secretary of state; effective time and date.

(e) If the secretary of state refuses to file a record under subsection (a) of this section, the secretary of state shall return it to the filing party or its representative within fifteen (15) days after the record was delivered, together with a brief, written explanation of the reason for the refusal.

17-30-904. Administrative forfeiture of authority and articles of formation.

(b) A forfeiture under subsection (a) of this section shall be made effective as follows:

(i) The secretary of state shall mail by first class mail; or submit by electronic means ~~if the statutory foundation has consented to receive notices electronically~~, a notice of the failure of the statutory foundation to comply with subsection (a) of this section; and

(e) A forfeiture under subsection (d) of this section shall be made effective as follows:

(i) The secretary of state shall provide notice to the statutory foundation at its last known mailing address by first class mail; or submit by electronic means ~~if the statutory foundation has consented to receive notices electronically~~, a notice of the failure of the statutory foundation to comply; and

(ii) Unless compliance is made within sixty (60) days of the date of mailing or electronic submission of the notice, the statutory foundation shall be deemed defunct and to have forfeited its articles of formation filed in this state.

(h) A statutory foundation shall be deemed to be operating within this state without authority, to have forfeited any rights or privileges acquired under the laws of this state and shall be deemed to have forfeited its articles of formation filed in this state if:

(iii) The public interest is served by forfeiture and the statutory foundation, its founder or any other person authorized to act on behalf of the statutory foundation:

(C) Cannot be served by either the registered agent or by the secretary of state ~~using mail and~~ acting as the agent for process.

(j) The secretary of state may classify a statutory foundation as delinquent and as awaiting forfeiture of its articles of formation at the time the secretary of state mails or electronically submits any notice required under this section to the foundation.

40-2-101. Definitions.

(a) As used in this act unless the context otherwise requires:

(v) "This act" means W.S. 40-2-101 through ~~40-2-109~~ 40-2-111.

Section 3. This act is effective July 1, 2021.

Approved February 9, 2021.

Chapter 22

ALCOHOLIC BEVERAGE REGULATION

Original House Bill No. 13

AN ACT relating to the regulation of alcoholic and malt beverages; creating, revising and repealing provisions governing the regulation of alcoholic and malt beverages; and providing for an effective date.

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

Section 1. W.S. 12-4-414, 12-4-415 and 12-5-601 are created to read:

12-4-414. Winery permits; authorized; conditions; satellite winery permits; direct shipment of wine; fees.

(a) Subject to restrictions imposed under W.S. 12-4-103 excluding W.S. 12-4-103(a)(vi), a local licensing authority may issue a winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption.

(b) The local licensing authority:

(i) May allow the sale of other wines under a winery permit for on-premises consumption when obtained from the division;

(ii) May allow the winery to sell its manufactured wine on site for off-

premises personal consumption, not for retail sale, in packaging of bottles of an aggregate volume not to exceed two thousand twenty-eight (2,028) ounces per sale;

(iii) In accordance with the process established under article 1 of this chapter, may allow the transfer of a winery permit to another location and ownership of the winery may be transferred upon approval by the local licensing authority;

(iv) Shall assess a fee of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00) payable annually in advance for each winery permit. When dual ownership of a winery permit and a liquor license exists no additional fee shall be assessed other than the retail, restaurant, bar and grill or resort license fee.

(c) W.S. 12-4-410 shall apply to any person holding a winery permit and a restaurant liquor license and W.S. 12-4-413 shall apply to any person holding a winery permit and a bar and grill liquor license, except that either dual holder:

(i) May sell the manufactured wine for limited off-premises personal consumption pursuant to paragraph (b)(ii) of this section;

(ii) May upon cessation of full service restaurant operations, serve a limited menu and continue to serve wines authorized under the winery permit;

(iii) Shall not include sales of wines authorized under the winery permit, or sales other than food service and alcoholic beverages, in the annual gross sales report required under W.S. 12-4-408(c).

(d) A local licensing authority may issue to the holder of a winery permit under this section a satellite winery permit which allows the permittee to sell wine manufactured at the site identified on the manufacturer's license at up to three (3) satellite locations within Wyoming separate from its licensed manufacturing site under the original permit fee. The satellite winery permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00) regardless of the number of satellite locations. The satellite winery permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours set pursuant to W.S. 12-5-101 and the licensed building provisions of W.S. 12-5-201.

(e) Notwithstanding paragraph (b)(ii) of this section and W.S. 12-5-201, any person holding a winery permit as provided by this section, may sell and ship its manufactured wine which is not listed with the liquor division as part of its inventory and distribution operation to any Wyoming retail establishment which holds a liquor license in this state.

(f) Any licensed winery holding a winery permit pursuant to this section shall:

(i) Not ship more than a total of one hundred eight (108) liters of its manufactured wine to any one (1) household in this state during any twelve (12) month period;

(ii) Offer to sell its manufactured wine to the liquor division at wholesale prices if the winery ships more than ninety (90) liters total of any of its manufactured wine to any combination of households or licensed retailers in this state;

(iii) Ship its manufactured wine only to individuals who are at least twenty-one (21) years of age for such individual's personal use and not for resale;

(iv) Ensure that all shipping containers of manufactured wine shipped pursuant to this section are conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES. ADULT (OVER 21) SIGNATURE REQUIRED FOR DELIVERY";

(v) Ensure that all of its shipments within this state are made by a duly licensed carrier and further ensure that such carriers comply with the requirement to obtain an adult signature;

(vi) File a monthly report of wines shipped out of state on a form provided by the liquor division and include a copy of the invoice for each shipment of their own manufactured wine subject to the following:

(A) The report shall be filed with the liquor division not later than the tenth day of each month following the month in which the shipment was made;

(B) Any report filed late with the liquor division shall be subject to a late filing fee of twenty-five dollars (\$25.00).

(vii) Maintain records for at least three (3) years that will permit the liquor division to ascertain the truthfulness of the information filed and permit the division to perform an audit of the licensee's records upon reasonable request.

12-4-415. Microbrewery permits; authorized; conditions; fees.

(a) Subject to restrictions imposed under W.S. 12-4-103 excluding W.S. 12-4-103(a)(vi), a local licensing authority may issue a microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premises and limited off-premises personal consumption. Notwithstanding W.S. 12-5-201 and for the purposes of this subsection, "on-premises" may include a fenced or enclosed area immediately adjacent to the licensed brewing site as approved by the local licensing authority. The dispensing of malt beverages in an immediately adjacent area authorized by this paragraph shall be subject to the schedule of operating hours set pursuant to W.S. 12-5-101. Any microbrewery permit holder shall:

(i) File a monthly report of brewed malt beverage the permit holder produced on a form provided by the liquor division. The report shall be filed

with the liquor division not later than the tenth day of each month following the month in which the brewed malt beverage was produced. Any report filed late with the liquor division shall be subject to a late filing fee of twenty-five dollars (\$25.00);

(ii) Maintain records for at least three (3) years that will permit the liquor division to ascertain the truthfulness of the information filed and permit the division to perform an audit of the licensee's records upon reasonable request.

(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;

(ii) 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;

(iii) In accordance with the process established under article 1 of this chapter, may allow the transfer of a microbrewery permit to another location and ownership of the microbrewery may be transferred upon approval by the local licensing authority; and

(iv) Shall assess a fee of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00) payable annually in advance for each microbrewery permit. When dual ownership of a microbrewery permit and a liquor license exists no additional fee shall be assessed other than the retail, restaurant, bar and grill or resort license fee.

(c) W.S. 12-4-410 shall apply to any person holding a microbrewery permit and a restaurant liquor license and W.S. 12-4-413 shall apply to any person holding a microbrewery permit and a bar and grill liquor license, except that either dual holder:

(i) May sell the brewed malt beverage for limited off-premises personal consumption pursuant to paragraph (b)(ii) of this section;

(ii) May upon cessation of full service restaurant operations, serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit;

(iii) Shall not include sales of malt beverages authorized under the microbrewery permit, or sales other than food service and alcoholic beverages, in the annual gross sales report required under W.S. 12-4-408(c).

(d) A local licensing authority may 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.

ARTICLE 6
DELIVERY

12-5-601. Delivery of alcoholic liquors and malt beverages.

(a) Retail liquor licensees, microbrewery permit holders, winery permit holders, winery satellite permit holders and manufacturer licensees with a satellite location may deliver or contract to have delivered alcoholic liquors and malt beverages to customers provided:

(i) All sales of alcoholic liquors and malt beverages under this subsection shall take place in the licensed building. Orders of alcoholic liquors and malt beverages may be placed by phone, online or through a mobile application. All deliveries under this subsection shall be completed during the licensee's remaining operating hours on the same day the alcoholic liquors or malt beverages are removed from the inventory of the licensed premise;

(ii) No order shall be received nor shall any delivery be made to or by a person under the age of twenty-one (21) years. All deliveries shall require the purchaser to provide to the deliverer a valid government issued identification demonstrating the purchaser is twenty-one (21) years of age or older;

(iii) All package sales and deliveries of alcoholic liquors and malt beverages for off-premises consumption shall be sealed. For purposes of this paragraph, "sealed" means a product enclosed:

(A) In its original package and unopened;

(B) In a plastic bag and heat sealed closed; or

(C) In a container that has a breakable seal incorporated in the container cap.

(iv) Any contract delivery service shall adhere to the requirements of this subsection when delivering alcoholic liquors and malt beverages; and

(v) Microbrewery permit holders, winery permit holders, winery satellite permit holders and manufacturer licensees with a satellite location shall only deliver or contract to have delivered their respective manufactured products.

Section 2. W.S 12-1-101(a)(viii)(E), (G), by creating new subparagraphs (J) through (U) and (xiv), 12-2-201(g)(intro) and (iii), 12-2-203(b), (c) and (e), 12-2-204(a) and (d)(i), 12-4-101(a), 12-4-103(a)(vi), 12-4-104(a) and (f), 12-4-201(f)(iii) and by creating a new subsection (k), 12-4-301(c) and (e), 12-4-403(b), 12-4-410(b) and (d), 12-4-411, 12-4-502(a) through (c), 12-4-504(a), 12-4-603(a), 12-4-604, 12-5-201(f), 12-5-401(a) and (b)(ii) and

12-6-101(c)(v), (vi) and by creating a new paragraph (vii) are amended to read:

12-1-101. Definitions.

(a) As used in this title:

(viii) "Licensee" means a person holding a:

(E) Twenty-four (24) hour malt beverage permit;

(G) Catering permit;~~or~~

(J) Malt beverage wholesale license;

(K) Limited transportation liquor license;

(M) Manufacturer's license;

(N) Manufacturer's satellite permit;

(O) Winery permit;

(P) Winery satellite permit;

(Q) Out-of-state shipper's license;

(R) Microbrewery permit;

(S) Malt beverage permit for the University of Wyoming;

(T) Special malt beverage permit issued under W.S. 12-4-504; or

(U) Malt beverage permit for events conducted at rodeo arenas issued under W.S. 12-4-507.

(xiv) "Restaurant" means space in a building maintained, advertised and held out to the public as a place where individually priced meals are prepared and served primarily for on-premise consumption and where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages;~~The building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for the preparing, cooking and serving of meals in order to satisfy the licensing authority that the space is intended for use as a full service restaurant. "Full service restaurant" means a restaurant at which waiters or waitresses deliver food and drink offered from a printed food menu to patrons at tables or booths. The service of only fry orders or such food and victuals as sandwiches, hamburgers or salads shall not be deemed a restaurant for the purposes of this section;~~

12-2-201. Wholesale license for sale of malt beverages only; fee.

(g) ~~Notwithstanding W.S. 12-2-203,~~ The division:

(iii) ~~The division~~ Shall not grant a license for a brewery and a microbrewery to the same producer.

12-2-203. Manufacturing and rectifying; importing and industry representatives; licensing; fees.

(b) The Wyoming liquor division shall grant a class A industry representative license for alcoholic liquor suppliers to a qualified individual ~~domiciled within this state~~ who submits an application to the division on forms provided by the division accompanied by an annual license fee of not to exceed seven hundred fifty dollars (\$750.00). A class A industry representative shall have a written statement from any vendor whose products the applicant proposes to represent. The class A industry representative shall be published in the division's price catalog with the products from any vendor represented by him and shall be authorized to request that the division list or delist products from the vendor represented by him.

(c) The division shall grant a class B industry representative license for alcohol liquor suppliers to a qualified individual ~~domiciled within this state~~ who submits an application to the division on forms provided by the division accompanied by an annual license fee of not to exceed two hundred fifty dollars (\$250.00). A class B industry representative shall be employed or managed by a class A industry representative. A class B industry representative shall have a written statement from the class A industry representative designating any vendor whose products he is authorized to represent.

(e) No class A industry representative shall be employed by a licensee as defined by W.S. 12-1-101(a)(viii), except that this subsection shall not apply to malt beverage wholesalers authorized under W.S. 12-2-201, manufacturers authorized under this section, microbrewery permit holders authorized under W.S. 12-4-415 or winery permit holders authorized under W.S. 12-4-414.

12-2-204. Out-of-state shipment of manufactured wine; license; fees; restrictions; conditions.

(a) Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in its state of domicile as an alcoholic liquor or malt beverage manufacturer, importer, wholesaler or retailer who obtains an out-of-state shipper's license, as provided in this section, may ship no more than a total of ~~thirty-six (36)~~ one hundred eight (108) liters of manufactured wine directly to any one (1) household in this state in any twelve (12) month period.

(d) Any out-of-state shippers licensed pursuant to this section shall:

(i) Not ship more than a total of ~~thirty-six (36)~~ one hundred eight (108) liters of manufactured wine to any one (1) household in this state during any twelve (12) month period. In the event any out-of-state shipper ships more than ninety (90) liters of any particular manufactured wine to any combination of households or licensed retailers in this state, the out-of-state shipper shall offer to sell the manufactured wine to the liquor division at wholesale prices;

12-4-101. Authority of cities, towns and counties; population figures; number of available licenses and permits; assessment of fees.

(a) Incorporated cities, towns and counties within Wyoming shall license

and regulate or prohibit the retail sale of alcoholic and malt beverages under this title. Nothing in this title prohibits a licensing authority of an incorporated city, town or county from issuing less than the total number of allowable ~~retail~~ liquor licenses pursuant to W.S. 12-4-201, ~~less than the allowable bar and grill~~ liquor licenses pursuant to W.S. 12-4-413 or from refusing to issue any license or permit authorized by this title.

12-4-103. Restrictions upon license or permit applicants and holders; license limitation per person.

(a) A license or permit authorized by this title shall not be held by, issued or transferred to:

(vi) A manufacturer of alcoholic beverages or wholesaler of malt beverages, except as authorized under W.S. 12-2-203(g) or as otherwise provided in ~~W.S. 12-4-412(j)~~ by law;

12-4-104. Publication of notice; grant or denial; renewal preference; copy of application and notice to division; judicial review.

(a) When an application for a license, permit, renewal or any transfer of location or ownership thereof has been filed with a licensing authority, the clerk shall promptly prepare a notice of application, ~~place the notice conspicuously upon the premises shown by the application as the proposed place of sale~~ and publish the notice in a newspaper of local circulation once a week for two (2) consecutive weeks. When a county is the licensing authority, the county clerk shall also post the notice on the official website of the county in the manner provided in W.S. 18-3-516(f). When a city or town is the licensing authority, the city clerk shall also post the notice on the city or town's official website if one exists. The notice shall state that a named applicant has applied for a license, permit, renewal or transfer thereof, and that protests against the issuance, renewal or transfer of the license or permit will be heard at a designated meeting of the licensing authority. Each applicant shall, at the time of filing his application, pay the clerk an amount sufficient to cover the costs of publishing notice. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A

Notice is hereby given that on the day of (year) (name of applicant) filed an application for a license (permit), in the office of the clerk of the city (or town or county) of for the following building (insert address) and protests, if any there be, against the issuance (transfer or renewal) of the license (permit) will be heard at the hour ofM., on the day of (year), in the (meeting place of the governing body).

Dated

Signed

(f) Upon an appeal the person applying for renewal of a license ~~and claiming renewal preference~~ shall be named as plaintiff, with the licensing authority

named as defendant. During the pendency of an appeal, a renewal license denied by a licensing authority shall not be granted to any other applicant. Upon notice of appeal the clerk shall transmit to the clerk of the district court a certified copy of the application, of each protest if any, and of the minutes recording the decision appealed from. The appeal shall be heard as a trial de novo with evidence taken and other proceedings had as in the trial of civil actions. The court may accept and consider as part of the record certified documents forwarded to the court by the clerk of the licensing authority. The case shall be heard promptly and the procedure shall conform to the Wyoming Rules of Civil Procedure unless other procedures are provided for or required.

12-4-201. Retail liquor licenses and malt beverage permits; population formulas; fees.

(f) Retail liquor licenses and malt beverage permits may be granted by the county commissioners as the appropriate licensing authority in a county outside of incorporated cities and towns as follows:

(iii) Malt beverage permits may be issued for county locations ~~beyond a five (5) mile zone around incorporated cities and towns~~ without regard to population.

(k) A retail liquor licensee may ship not more than a total of one hundred eight (108) liters of manufactured wine directly to any one (1) household in this state in any twelve (12) month period provided the licensee:

(i) Ships the manufactured wine only to individuals who are at least twenty-one (21) years of age for such individual's personal use and not for resale;

(ii) Ensures that all shipping containers of manufactured wine shipped pursuant to this subsection are conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES. ADULT (OVER 21) SIGNATURE REQUIRED FOR DELIVERY"; and

(iii) Ensures that all of its shipments within this state are made by a duly licensed carrier and further ensure that the carriers comply with the requirement to obtain an adult signature.

12-4-301. Sales by clubs; license fees; petition; license restrictions.

(c) Except as otherwise provided by W.S. ~~12-5-201(g)~~ 12-5-201(f), a club holding a limited retail license may sell alcoholic or malt beverages for consumption anywhere on the licensed premises for consumption by its members and their accompanied guests only as approved by the local licensing authority.

(e) ~~Notwithstanding W.S. 12-4-103(b),~~ A political subdivision of the state may hold no more than two (2) club limited retail liquor licenses for golf courses owned, maintained or operated by that political subdivision in addition to any other license held by that political subdivision.

12-4-403. Population formula not applicable; contracting for services.

(b) ~~No A resort liquor license may be transferred to another location. License ownership may be transferred to a purchaser or licensee of the licensed premises with the approval of the licensing authority. No transfer of a resort liquor license shall be required where the license is used by a person with whom the licensee has contracted~~ may contract or subcontracted subcontract for the provision of food and beverage services on the licensed premises. However, the resort liquor licensee shall remain subject to all applicable laws, rules, regulations and penalties including the provisions of W.S. 12-2-306 and 12-7-103.

12-4-410. Sale of alcoholic beverages for off-premises consumption prohibited; location, regulation and restrictions on dispensing of liquor; prohibiting certain activities.

(b) Alcoholic liquor and malt beverages shall be dispensed and prepared for consumption in one (1) room, and one (1) additional room if authorized and the licensed building in areas approved by the local licensing authority, ~~upon the licensed premises separated from the dining area in which alcoholic and malt beverages may be served and in the case of a golf course upon which a restaurant liquor license is operational or in the case of a guest ranch upon which a retail or restaurant liquor license is operational, at dispensing areas on the premises of the golf course or guest ranch as permitted by the licensing authority. No consumption of alcoholic or malt beverages shall be permitted within the dispensing room, areas~~ nor shall any person other than employees over eighteen (18) years of age be permitted to enter the dispensing room. ~~If a restaurant has a dispensing room separate from the dining area which is licensed prior to February 1, 1979 for purposes of alcoholic or malt beverage sales and consumption, the restaurant may dispense alcoholic or malt beverages in the separate dispensing room under a restaurant liquor license, and any person over eighteen (18) years of age is permitted to enter the separate dispensing room areas.~~

(d) No restaurant liquor licensee shall promote or operate the restaurant as a bar and lounge, ~~nor shall the licensee compete with a retail liquor licensee in activities other than dinner functions, including, but not limited to, dances, receptions and other social gatherings.~~ Nothing in this subsection shall require a restaurant liquor licensee to reconstruct or remodel licensed premises existing on or before June 8, 1989.

12-4-411. License fee.

The annual fee for a restaurant liquor license shall be no more than three thousand dollars (\$3,000.00) and no less than five hundred dollars (\$500.00). ~~The license fee for a county restaurant liquor license within five (5) miles of a city or town shall not be less than the restaurant liquor license fee charged by that city or town.~~

12-4-502. Twenty-four hour malt beverage permit and catering permit; restrictions; application procedure; fees.

(a) A malt beverage permit authorizing the sale of malt beverages only may be issued by the appropriate licensing authority to any responsible person or organization for sales at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold or consumed off the premises authorized by the permit. Malt beverage permits under this subsection shall not be used to operate a continuing business.

(b) A catering permit authorizing the sale of alcoholic and malt beverages may be issued by the appropriate licensing authority to any person holding a retail or resort retail liquor license authorizing the off-premises sale of both alcoholic and malt beverages, for sales at ~~meetings, conventions, private parties and dinners or at other similar gatherings~~ events not capable of being held within the licensee's licensed premises. No licensee holding a catering permit shall sell or permit consumption of any alcoholic or malt beverage off the premises described in the permit. Notwithstanding any other provision of this subsection, closed-container items sold at auction for the benefit of a nonprofit organization may be taken off-premises. Catering permits under this subsection shall not be used to operate a continuing business.

(c) The permits authorized by this section shall be issued for one (1) twenty-four (24) hour period, subject to the schedule of operating hours set pursuant to W.S. 12-5-101. No person or organization shall receive more than a total of twelve (12) malt beverage and thirty-six (36) catering permits for sales at the same premises in any one (1) year, ~~except that this limitation shall not be applicable to malt beverage permits issued for sales at any fair, rodeo, pari-mutuel event or other similar public event conducted by a public entity upon public premises, or to catering permits for events at the facilities of the University of Wyoming in Laramie, including the Marian H. Rochelle Gateway Center.~~

12-4-504. Special malt beverage permit for public auditoriums, civic centers or events centers.

(a) The appropriate licensing authority in a county, city or town may issue a special malt beverage permit to any responsible person or organization for sales of malt beverages at public auditoriums, civic centers or events centers. The licensing authority shall establish an appropriate fee for the permit. Additionally, the licensing authority shall specify the duration of the permit and where malt beverages may be sold and consumed under the permit. The issuing body may provide rules to implement this section.

12-4-603. Annexation of retail liquor license or malt beverage permit into 5-mile zone; renewal.

(a) A county retail liquor license ~~or malt beverage permit~~ having licensed premises located within a five (5) mile zone around an incorporated city or town because of annexation of property shall not be denied an application for renewal by reason of annexation alone. ~~The license or permit shall be subject to renewal by the county licensing authority in the same manner as if the licensed premises were beyond the five (5) mile zone around a city or town.~~

12-4-604. Transfer or sale of license or permit; attachment, garnishment or execution.

No license or permit shall be transferred or sold except as provided by W.S. 12-4-601 ~~through 12-4-603 and 12-4-602~~, used for any place not described in the license or permit at the time of issuance or subject to attachment, garnishment or execution.

12-5-201. Location, regulation and restrictions as to place of sale; inspections.

(f) A holder of a resort retail liquor license, a golf club that holds a retail liquor license, a restaurant liquor license or a club limited retail liquor license or a holder of a retail liquor license or restaurant liquor license operating on a guest ranch may dispense alcoholic beverages from any location within the boundaries of the ~~resort-licensee's~~ premises. The ~~resort~~ premises shall be a single property within a contiguous boundary upon which the ~~resort licensee~~ is located and which shall be identified in the license. Any location on the ~~resort~~ premises where alcoholic beverages are dispensed as approved by the licensing authority shall comply with applicable sanitation and fire hazard requirements and other applicable laws. The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements.

12-5-401. Interests in licenses or permits to sell.

(a) No industry representative shall hold any interest, stock or ownership directly or indirectly, in any license to sell products of the industry at retail under privileges of a license or permit to sell any beverage or liquor in Wyoming or in any premises so licensed. This section shall not apply to any person holding a microbrewery ~~or winery permit~~ pursuant to W.S. ~~12-4-412~~ 12-4-415 or a winery permit pursuant to W.S. 12-4-414. This section shall also not apply to a person holding a manufacturer's license under W.S. 12-2-203(a) when the license is held under the complete ownership of a retail business and to the extent he may be permitted one (1) satellite manufacturer's permit pursuant to W.S. 12-2-203(g)(i) or an off-premises permit pursuant to W.S. 12-2-203(g)(ii).

(b) As used in subsection (a) of this section:

(ii) "Retail business" means the holder of a microbrewery or winery permit, ~~who also holds a license or permit enumerated under W.S. 12-4-412(b)(iii) or (k).~~

12-6-101. Sale or possession prohibited; when possession unlawful; public drunkenness; falsification of identification; penalty; prima facie identification as defense.

(c) Except as otherwise provided in this title, no person under the age of twenty-one (21) years shall:

(v) Have measurable blood, breath or urine alcohol concentration in his body; ~~or~~

(vi) Enter or remain in ~~an establishment designated sales areas approved by the local licensing authority~~ that is primarily for off-premise sales of alcoholic liquor or malt beverages unless accompanied by a parent, spouse or legal guardian who is twenty-one (21) years of age or older; ~~or~~

(vii) Dispense or sell any alcoholic liquor or malt beverage. The term “dispensing” means mixing or pouring alcoholic liquors or malt beverages.

Section 3. W.S. 12-2-201(g)(i) and (ii), 12-2-501 through 12-2-505, 12-4-102(a)(vii) and (viii), 12-4-103(b) through (d), 12-4-201(g), 12-4-407(d), 12-4-409, 12-4-410(f), 12-4-412, 12-4-505(a) and (b), 12-4-602(c), 12-4-603(b) and 12-5-201(g) through (j) are repealed.

Section 4. This act is effective July 1, 2021.

Approved February 9, 2021.

Chapter 23

DEPARTMENT OF TRANSPORTATION COMMUNICATION FACILITIES

Original House Bill No. 15

AN ACT relating to the department of transportation; amending leasing provisions for department of transportation communications facilities for the provision of broadband and telecommunications services; specifying disposition of lease proceeds from communications facilities; providing definitions; and providing for an effective date.

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

Section 1. W.S. 24-2-116 is amended to read:

24-2-116. Department of transportation state-funded communications facilities.

(a) Upon application by a telecommunications company, if the public service commission determines that it is necessary to provide telecommunications service to underserved areas of the state, the Wyoming department of transportation shall may lease excess capacity on any state-funded communication infrastructure or facility owned operated by the department of transportation to the telecommunications company. For purposes of

~~this section an area is underserved if private communication providers are unwilling or unable to provide the telecommunication service to a substantial number of households or persons in the geographic area. The rate of the lease shall be a reasonable market-based rate as determined by the public service commission. No telecommunications company may lease excess capacity on a communication infrastructure or facility owned by the department pursuant to this section unless the telecommunications company establishes that excess capacity in that area is unavailable from private commercial communication facility owners. The public service commission may adopt rules and regulations necessary to implement this section. All monies received from any lease executed pursuant to this section shall be deposited into the state general fund and separately accounted for in the department's internal service fund specified by W.S. 9-4-204(t)(ii)(B) and governed by W.S. 9-4-205(e). Monies received and deposited under this section are continuously appropriated to the department and shall only be used to maintain, reinforce and repair the WyoLink network and towers.~~

(b) As used in this section:

(i) "Broadband provider" means a telecommunications company as defined by W.S. 37-15-103(a)(xi), a communications company under W.S. 1-26-813(b) or a cable operator as defined by 47 U.S.C. § 522(5);

(ii) "Telecommunications company" shall include a broadband provider.

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

Approved February 9, 2021.

Chapter 24

SCHOOL FINANCE-DATES FOR FUND TRANSFERS

Original Senate File No. 57

AN ACT relating to school finance; revising the dates of recapture payments for school districts; specifying an additional annual distribution of the county school fund; and providing for an effective date.

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

Section 1. W.S. 21-13-102(b)(i) and (ii) and 21-13-207 are amended to read:

21-13-102. Maximum rate of school district tax; recapture of excess; equalization of permissive levies.

(b) For each school year:

(i) A school district whose revenues from the sources provided by W.S. 21-13-310 exceed the foundation program costs determined under W.S. 21-13-309 by more than three hundred percent (300%), as estimated to the districts on or before August 15 and as subsequently certified to the districts on

or before March 1 of the current fiscal year under subsection (e) of this section, shall rebate fifty percent (50%) of the excess revenues to the department of education by January 15 of the applicable school year. The balance of the excess revenues shall be rebated to the department on or before June ~~15~~25 of that school year;

(ii) A school district whose revenues specified under W.S. 21-13-310 for any school year exceed the foundation program costs determined under W.S. 21-13-309 by three hundred percent (300%) or less, as estimated and certified under subsection (e) of this section, shall rebate forty percent (40%) of the excess revenues to the department by January 15 of the applicable school year. The balance of the excess revenues shall be rebated to the department on or before June ~~15~~25 of the applicable school year;

21-13-207. Apportionment of funds by county treasurer.

On the second Monday of each month, and on June 20 or the last business day immediately preceding June 20 of each year, the county treasurer shall apportion all monies in the county treasury belonging to the county school fund, including all interest earned thereon and including fines and forfeitures, among the various school districts of the county in the same percentages as provided by W.S. 21-13-201(b) and shall immediately pay the amount to each school district.

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

Approved February 9, 2021.

Chapter 25

CREDIT FOR REINSURANCE

Original Senate File No. 14

AN ACT relating to insurance; amending provisions governing reinsurance; providing requirements and procedures for an assuming insurer of reinsurance as specified; providing requirements for the insurance commissioner; providing applicability; and providing for an effective date.

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

Section 1. W.S. 26-5-112(a)(iv), by creating a new paragraph (vii) and by creating a new subsection (j) and 26-5-116(f) by creating a new paragraph (i) and renumbering (i) as (ii) and (ii) as (iii) are amended to read:

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

(a) Except as provided in W.S. 26-5-113, and in addition to any rules adopted by the commissioner pursuant to W.S. 26-5-116 relating to the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements and the circumstances pursuant to which credit will

be reduced or eliminated, credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a deduction from liability on account of reinsurance ceded only if the reinsurer meets the requirements of any one (1) of the following paragraphs:

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

(vii) When the reinsurance is ceded to an assuming insurer in accordance with the following:

(A) The assuming insurer has its head office or is domiciled in a reciprocal jurisdiction, as applicable, and is licensed in a reciprocal jurisdiction;

(B) The assuming insurer has and maintains, on an ongoing basis, minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction in an amount specified in rules adopted by the commissioner. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it shall have and maintain, on an ongoing basis, minimum capital and surplus equivalents, which are net of liabilities, calculated according to the methodology applicable in its domiciliary jurisdiction and a central fund containing a balance in amounts specified in rules adopted by the commissioner;

(C) The assuming insurer has and maintains, on an ongoing basis, a minimum solvency or capital ratio, as applicable, as specified in rules adopted by the commissioner. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it shall have and maintain, on an ongoing basis, a minimum solvency or capital ratio in the reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed;

(D) The assuming insurer agrees and provides adequate assurance to the commissioner, in a form specified by rules adopted by the commissioner, that:

(I) The assuming insurer shall provide prompt written notice and explanation to the commissioner if it falls below the minimum requirements set forth in subparagraphs (B) or (C) of this paragraph, or if any regulatory action is taken against it for serious noncompliance with applicable law;

(II) The assuming insurer shall consent in writing to the jurisdiction of the courts of this state and to the appointment of the commissioner as agent for service of process. The commissioner may require that consent for service of process be provided to the commissioner and included in each reinsurance agreement. Nothing in this subdivision shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree to alternative dispute

resolution mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or delinquency laws;

(III) The assuming insurer shall consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that have been declared enforceable in the jurisdiction where the judgment was obtained;

(IV) Each reinsurance agreement shall require the assuming insurer to provide security in an amount equal to one hundred percent (100%) of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment applicable to the reinsurance ceded pursuant to that agreement that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate; and

(V) The assuming insurer shall confirm that it is not presently participating in any solvent scheme of arrangement which involves this state's ceding insurers. It shall also agree to notify the ceding insurer and the commissioner and to provide security in an amount equal to one hundred percent (100%) of the assuming insurer's liabilities to the ceding insurer should the assuming insurer enter into such a solvent scheme of arrangement. Such security shall be in a form consistent with the provisions of paragraph (vi) of this subsection, W.S. 26-5-113 and rules adopted by the commissioner.

(E) The assuming insurer or its legal successor shall provide, if requested by the commissioner, on behalf of itself and any legal predecessors, documentation to the commissioner as specified by rules adopted by the commissioner;

(F) The assuming insurer shall maintain a practice of prompt payment of claims under reinsurance agreements pursuant to criteria set forth in rules adopted by the commissioner;

(G) The assuming insurer's supervisory authority shall confirm to the commissioner on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, that the assuming insurer complies with the requirements set forth in subparagraphs (B) and (C) of this paragraph;

(H) Nothing in this paragraph precludes an assuming insurer from providing the commissioner with information on a voluntary basis;

(J) The commissioner shall timely create and publish a list of reciprocal jurisdictions. The commissioner's list shall include any reciprocal jurisdiction as defined under subparagraphs (j)(ii)(A) and (B) of this section and the commissioner shall consider adding any other reciprocal jurisdiction included on the NAIC list of reciprocal jurisdictions published through the NAIC

committee process. The commissioner may approve a jurisdiction as a reciprocal jurisdiction that does not appear on the NAIC list of reciprocal jurisdictions in accordance with criteria specified in rules adopted by the commissioner. The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, in accordance with a process set forth in rules adopted by the commissioner, except that the commissioner shall not remove from the list a reciprocal jurisdiction as defined under subparagraph (j)(ii)(A) or (B) of this section. Upon removal of a reciprocal jurisdiction from this list, credit for reinsurance ceded to an assuming insurer which has its home office or is domiciled in that jurisdiction shall be allowed if otherwise allowed pursuant to this chapter;

(K) The commissioner shall timely create and publish a list of assuming insurers that have satisfied all conditions set forth in this paragraph and to which cessions shall be granted credit in accordance with this subsection. The commissioner may add an assuming insurer to the list if an NAIC accredited jurisdiction has added the assuming insurer to a list of such assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to the commissioner as required under subparagraph (D) of this paragraph and complies with any additional requirements that the commissioner may impose by rule, except to the extent that they conflict with an applicable covered agreement;

(M) If the commissioner determines that an assuming insurer no longer meets one (1) or more of the requirements under this paragraph, the commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under this paragraph in accordance with procedures set forth in rules adopted by the commissioner. While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended or renewed after the effective date of the suspension qualifies for credit except to the extent that the assuming insurer's obligations under the contract are secured in accordance with W.S. 26-5-113. If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the commissioner and consistent with the provisions of W.S. 26-5-113;

(N) If subject to a legal process of rehabilitation, liquidation or conservation, as applicable, the ceding insurer or its representative may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities;

(O) Nothing in this paragraph shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by this chapter or other applicable law or rule;

(P) Credit may be taken under this paragraph only for reinsurance agreements entered into, amended, or renewed on or after July 1, 2021 and only with respect to losses incurred and reserves reported on or after the later of the date on which the assuming insurer has met all eligibility requirements of this paragraph and the effective date of the new reinsurance agreement, amendment or renewal. This subparagraph does not alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under this paragraph, as long as the reinsurance qualifies for credit under any other applicable provision of this chapter;

(Q) Nothing in this paragraph shall authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement except as permitted by the terms of the agreement;

(R) Nothing in this paragraph shall limit, or in any way alter, the capacity of parties to any reinsurance agreement to renegotiate the agreement.

(j) As used in this section:

(i) "Covered agreement" means an agreement entered into pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. §§ 313 and 314, that is currently in effect or in a period of provisional application and that addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this state or for allowing the ceding insurer to recognize credit for reinsurance;

(ii) "Reciprocal jurisdiction" means any of the following:

(A) A non-United States jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and the European Union, is a member state of the European Union;

(B) A United States jurisdiction that meets the requirements for accreditation under the NAIC financial standards and accreditation program;

(C) A qualified jurisdiction, as determined by the commissioner pursuant to subparagraph (a)(vi)(C) of this section, that is not otherwise described in subparagraphs (A) or (B) of this paragraph and that meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, as specified in rules adopted by the commissioner.

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

(f) A regulation adopted pursuant to subsection (c) of this section shall not

apply to cessions to an assuming insurer that:

(i) Meets the conditions set forth in W.S. 26-5-112(a)(vii) or, if this state has not adopted provisions substantially equivalent to section 2F of the Credit for Reinsurance Model Law, the assuming insurer is operating in accordance with provisions substantially equivalent to section 2F of the Credit for Reinsurance Model Law in a minimum of five (5) other states;

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

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

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

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

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

Approved February 9, 2021.

Chapter 26

WATER PERMIT NOTICE REQUIREMENTS

Original Senate File No. 32

AN ACT relating to water; modifying notice requirements related to water permits; and providing for an effective date.

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

Section 1. W.S. 41-4-501(a), 41-4-502 and 41-4-506 are amended to read:

41-4-501. Permit required prior to construction of ditches, canals or other distributing works; contents of application; unlawful diversion or use of water prohibited; rulemaking authority.

(a) Any person, association or corporation hereafter intending to acquire the right to the beneficial use of the public water of the state of Wyoming shall, before commencing the construction, enlargement or extension of any ditch, canal or other distributing works, or performing any work in connection with said construction, or proposed appropriation, make an application to the state engineer for a permit to make such appropriation. Such application ~~must~~ shall

set forth the name, email address, if any, and post-office address of the applicant, the source of the water supply, the nature of the proposed use, the location and description of the proposed ditch, canal or other work, the time within which it is proposed to begin construction, the time required for completion of construction and the time required for the complete application of the water to the proposed use. The application shall also state whether the applicant will opt for any notices issued under this article to be delivered only by electronic means. Each applicant shall maintain a current post-office address with the state engineer and shall maintain an email address with the state engineer if opting for notice only by electronic means under this subsection. Any person who shall willfully divert or use water to the detriment of others without compliance with law shall be deemed guilty of a misdemeanor punishable pursuant to W.S. 41-3-616.

41-4-502. Application for permit to acquire right to beneficial use of public water; duty of state engineer upon receipt; use for irrigation purposes; defective applications; corrections; cancellation; extensions.

On receipt of an application for a permit to acquire the right to the beneficial use of the public water of the state of Wyoming, which application shall be on a form prescribed or designated by the state engineer, it is the state engineer's duty to date the application and to make a record of receipt of the application in his office. It is the state engineer's duty to examine all applications to ascertain that they contain all the necessary information to show the location, nature and amount of the proposed beneficial use. If the proposed beneficial use is for irrigation purposes, the application shall give the total acreage to be irrigated and the acreage in each legal subdivision of land proposed to be irrigated. If, upon such examination, an application submitted in hard copy is found defective, it is the duty of the state engineer to return the application for correction, with reasons therefor, and the time allowed within which to make such corrections, which shall not be less than ninety (90) days, shall be endorsed on the application, or by correspondence accompanying the return of the application, and a record made thereof. A like record shall be kept of the date of the return of corrected applications, and of the date of the refusal and return of applications rejected. If the application is submitted in hard copy, the defective application shall be returned by ~~certified mail, requesting return receipt~~ United States postal service or by other generally accepted mail delivery method to the post-office address given by the applicant. If the application is submitted electronically, the defective application shall be returned electronically. If, at the expiration of the time allowed within which to make such corrections, the application has not been returned to the office of the state engineer with the corrections properly made, it is the duty of the state engineer to cancel the filing covered by the application. The state engineer, if in his opinion an extension is justified, or, upon request by the applicant for good cause shown, shall grant extensions of time for making corrections. However,

extensions will not be granted if the request for the extension is received after the expiration of the time period the applicant seeks to extend.

41-4-506. Time limits for completing construction work; extensions; forfeiture of rights; cancellation of permit; notice of date of expiration to appropriator.

Whenever the state engineer places his endorsement of approval on any application for a water permit, he shall require that actual construction work be completed within the time set by him in the permit. The time set for completion shall not exceed a period of five (5) years after the date of approval of application. In the case of an application for a ditch permit, he shall further require that the application of the water to beneficial use must be completed before the date which he shall specify, and which shall not be earlier than the date specified for the completion of construction; and that final proof of appropriation must be submitted within five (5) years after the date specified for the completion of the application of the water to beneficial use. He may limit the application to a less period of time for the completion of construction and application of water to beneficial use than is asked for in the application. For good cause shown, the state engineer may at any time, or from time to time, before the date of expiration, extend any or all of these periods. An extension of time for compliance with any of the specified requirements shall be construed to automatically extend for a like period the time for compliance with any of the specific requirements in relation to which the time expires thereafter. Default by the holder of the permit in any of the specified requirements shall work a forfeiture of the water right involved. The state engineer may upon such default cancel the permit. The state engineer shall, ~~by registered mail, with a return receipt requested~~ at least three (3) months before default in any of these requirements shall be operative, notify the permit holder, ~~at the post-office address given by him~~ when the time allowed will expire. Notification may be delivered by United States postal service, by other generally accepted mail delivery method to the post-office address given by the permit holder or by email or other electronic means that provides actual notice to the permit holder. If the permit holder cannot be reached by ~~registered mail, or if the address of the permit holder is unknown, mail or by email,~~ the state engineer shall notify the permit holder by certified mail to the permit holder's last known address and shall publish notice of the default on the state engineer's official website and for three (3) weeks in a newspaper of general circulation published in the county, or in case there is no newspaper of general circulation published in the county, then in a newspaper published in the state of Wyoming and in general circulation in the county, the last publication to be at least two (2) months before cancellation of the permit.

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

Approved February 9, 2021.

Chapter 27**REVISED UNIFORM LAW ON NOTARIAL ACTS****Original Senate File No. 29**

AN ACT relating to notaries, notarial officers and notarial acts; creating the Wyoming Revised Uniform Law on Notarial Acts; repealing the Wyoming Uniform Law on Notarial Acts; amending and repealing laws on notaries public; allowing for remote online notarization and remote ink notarization; 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. 32-3-101 through 32-3-131 are created to read:

CHAPTER 3**NOTARIES PUBLIC****ARTICLE 1****WYOMING REVISED UNIFORM NOTARIAL ACT****32-3-101. Short title.**

This act may be cited as the “Wyoming Revised Uniform Law on Notarial Acts.”

32-3-102. Definitions.

(a) As used in this act:

(i) “Acknowledgment” means a declaration by a principal before a notarial officer that the principal has knowingly and willingly signed a record for the purposes stated in the record and, if the record is signed in a representative capacity, that the principal signed the record with proper authority, signed it as the act of the principal or entity identified in the record and acknowledges that the record was executed and acknowledged knowingly and willingly;

(ii) “Affirmation” means a notarial act, or part thereof, which is legally equivalent to an oath and in which a person at a single time and place:

(A) Is identified by the notarial officer through satisfactory evidence; and

(B) Makes a vow of truthfulness or fidelity on penalty of perjury, based on personal honor and without invoking a deity or using any form of the word “swear”.

(iii) “Appearing before,” “in the presence of,” “personal appearance” and “personally appear” mean being in the same physical location as another person and close enough to see, hear, communicate with and exchange identification credentials with that person or interacting with another remotely located person by means of an electronic notarization system or other form of communication technology in compliance with this act;

(iv) “Commission” means both to empower to perform notarial acts and the written evidence of authority to perform those acts;

(v) “Communication technology” means an electronic device or process that:

(A) Allows a notarial officer and a remotely located person to communicate with each other simultaneously by sight and sound; and

(B) When necessary and consistent with other applicable law, facilitates communication with a remotely located person who has a vision, hearing or speech impairment.

(vi) “Credential analysis” means a process or service through which a third person affirms the validity of a government issued identification credential through review of public and proprietary data sources;

(vii) “Credible witness” means an honest, reliable and impartial person who personally knows a principal appearing before a notarial officer and takes an oath or affirmation from the notarial officer to vouch for that principal’s identity;

(viii) “Dynamic knowledge based authentication assessment” means an identity assessment that is based on a set of questions formulated from public or private data sources that does not contain a question for which the principal provided a prior answer to the entity doing the assessment;

(ix) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities;

(x) “Electronic notarization system” is a specific form of communication technology which utilizes a set of applications, programs, hardware, software or technologies designed to enable a notarial officer to perform electronic notarizations that renders every electronic notarial act tamper evident through the use of a security procedure, verifies the identity of a remotely located person through identity proofing or a dynamic knowledge based authentication assessment and that meets the necessary requirements as determined by the secretary of state;

(xi) “Electronic record” means a record containing information that is created, generated, sent, communicated, received or stored by electronic means;

(xii) “Electronic signature” means an electronic symbol, sound or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record;

(xiii) “Foreign state” means a jurisdiction other than the United States, a state in the United States or a federally recognized Indian tribe;

(xiv) “Identification credential” means a passport, driver’s license or other form of identification issued by a federal, state or tribal government agency, which is current or expired not more than three (3) years before performance of the notarial act, and is satisfactory to the notarial officer as evidencing a person’s identity;

(xv) “Identity proofing” means a process or service, if required by an electronic notarization system or other form of communication technology, by which a third person provides a notarial officer with a means to verify the identity of a remotely located person by:

(A) A review of personal information from public or private data sources; or

(B) Biometric data including but not limited to facial recognition, voice analysis or fingerprint analysis.

(xvi) “In a representative capacity” means acting as:

(A) An authorized officer, agent, partner, trustee or other representative for a person other than the principal;

(B) A public officer, personal representative, guardian or other representative in the capacity stated in a record;

(C) An agent or attorney-in-fact for a principal; or

(D) An authorized representative of another in any other capacity.

(xvii) “Jurisdiction” means the authority of a state, foreign or domestic, or a federally recognized Indian tribe;

(xviii) “Notarial act” means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, or jurat, witnessing or attesting a signature, certifying or attesting a copy and noting a protest of a negotiable instrument;

(xix) “Notarial officer” means a notary public or other person authorized to perform a notarial act;

(xx) “Notary public” means a person commissioned to perform a notarial act by the secretary of state;

(xxi) “Oath” means a notarial act, or part thereof, which is legally equivalent to an affirmation and in which a person at a single time and place:

(A) Is identified by the notarial officer through satisfactory evidence; and

(B) Makes a vow of truthfulness or fidelity on penalty of perjury while invoking a deity or using any form of the word “swear”.

(xxii) “Official stamp or seal” means a physical image affixed to a tangible record, or an electronic image attached to or logically associated with an electronic record, containing information required by this act;

(xxiii) “Outside the United States” means a location outside the geographic boundaries of the United States, Puerto Rico or the United States

Virgin Islands and any territory, insular possession or other location subject to the jurisdiction of the United States;

(xxiv) “Person” means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, instrumentality or any other legal or commercial entity;

(xxv) “Personal knowledge of identity,” “personally known to the notarial officer” and “personally knows” mean familiarity with a person resulting from interactions with that person over a period of time or any other corroboration sufficient to dispel any reasonable uncertainty that the person has the identity claimed;

(xxvi) “Principal” means:

(A) A person whose signature is notarized; or

(B) A person, other than a credible witness, taking an oath or affirmation from the notarial officer.

(xxvii) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(xxviii) “Remote ink notarization” means the notarial act of an acknowledgment performed by means of an electronic notarization system or other form of communication technology on a tangible record that meets the standards adopted in this act;

(xxix) “Remote online notarization” means a notarial act or notarization performed by means of an electronic notarization system or other form of communication technology on an electronic record that meets the standards adopted under this act;

(xxx) “Remotely located person” means a person who is not in the physical presence of a notarial officer;

(xxxi) “Satisfactory evidence”, when referring to proof of identity, means meeting the requirements of both subparagraphs (A) and (B) of this paragraph as applicable:

(A) Identifying a person appearing before a notarial officer by means of:

(I) The notarial officer’s personal knowledge of identity;

(II) Inspection by the notarial officer of an identification credential in accordance with W.S. 32-3-102(xiv); or

(III) By a verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify upon inspection of an identification credential in accordance with W.S. 32-3-102(xiv).

(B) If appearing by means of an electronic notarization system or other form of communication technology, a principal or credible witness may be required to prove satisfactory evidence on the basis of two (2) or more different types of technologies, processes or services, such as dynamic knowledge based authentication assessment, valid public key certificate, identity proofing, credential analysis or other means required by the electronic notarization system or other form of communication technology being used, or as may be prescribed in rule by the secretary of state.

(xxxii) “Sign” means, with present intent to authenticate or adopt a record:

(A) To execute or adopt a tangible symbol; or

(B) To attach to or logically associate with the record an electronic symbol, sound or process.

(xxxiii) “Signature” means a tangible symbol or an electronic signature that evidences the signing of a record;

(xxxiv) “Signature witnessing” or “signature attestation” means a notarial act in which a notarial officer witnesses a principal execute a record knowingly and willingly for the purposes intended while appearing before the notarial officer;

(xxxv) “Sole control” or “sole possession” means at all times being in the direct physical custody of a notarial officer or safeguarded by a notarial officer with a password or other secure means of authentication or access;

(xxxvi) “Stamping device” means:

(A) A physical device capable of affixing to a tangible record an official stamp; or

(B) An electronic device or process capable of attaching an official stamp to, or logically associating an official stamp with, an electronic record.

(xxxvii) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States;

(xxxviii) “Venue” means the geographical location in which a notarial act or notarization takes place;

(xxxix) “Verification on oath or affirmation”, or “jurat” means a declaration, made by a principal on oath or affirmation before a notarial officer, that a statement in a record is true and that the record has been signed knowingly and willingly before the notarial officer for the purposes intended;

(xl) “This act” means W.S. 32-3-101 through 32-3-131.

32-3-103. Applicability.

This act applies to a notarial act performed on or after July 1, 2021.

32-3-104. Authority to perform; venue for notarial acts; reciprocity.

(a) A notarial officer may perform a notarial act within the jurisdiction authorized by the officer's commission from the secretary of state or under other law of this state.

(b) A commission to act as a notary public authorizes the notary public to perform notarial acts in any county in this state or in any bordering state if the border state recognizes the officer's authority within that state. The commission does not provide the officer any immunity or benefit conferred by the laws of this state on public officials or employees. If performing an allowable notarization in a bordering state, a Wyoming notary public shall adhere to the laws and rules of Wyoming.

(c) The venue for a notarial act is in the state and county where the notarial officer is physically located at the time the notarial act is performed.

32-3-105. Notarial acts in this state.

(a) A notarial act may be performed in this state by:

- (i) A notary public of this state;
- (ii) A judge, clerk or deputy clerk of a court of this state;
- (iii) A district court commissioner;
- (iv) A full-time magistrate as authorized by W.S. 5-9-208;
- (v) A part-time magistrate as authorized by W.S. 5-9-212; or
- (vi) Any other person authorized to perform the specific act by the laws of this state.

(b) The signature and title of an individual performing a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in paragraphs (a)(i) through (v) of this section conclusively establish the authority of the officer to perform the notarial act.

32-3-106. Notarial acts in another state.

(a) A notarial act, including the acknowledgment of any deed, mortgage or conveyance, performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed in that state is performed by:

- (i) A notary public of that state;
- (ii) A judge, clerk or deputy clerk of a court of that state; or
- (iii) Any other individual authorized by the law of that state to perform the notarial act.

(b) Notarial acts performed in other jurisdictions of the United States under federal authority as provided in W.S. 32-3-108 have the same effect as if performed by a notarial officer of this state.

(c) The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(d) The signature and title of a notarial officer described in paragraph (a) (i) or (ii) of this section conclusively establish the authority of the officer to perform the notarial act.

32-3-107. Notarial acts under authority of federally recognized Indian tribe.

(a) A notarial act, including the acknowledgment of any deed, mortgage or conveyance, performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this state, if the act performed in the jurisdiction of the tribe is performed by:

- (i) A notary public of the tribe;
- (ii) A judge, clerk or deputy clerk of a court of the tribe; or
- (iii) Any other individual authorized by the law of the tribe to perform the notarial act.

(b) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in paragraph (a) (i) or (ii) of this section conclusively establish the authority of the officer to perform the notarial act.

32-3-108. Notarial acts under federal authority.

(a) A notarial act, including the acknowledgment of any deed, mortgage or conveyance, performed under federal law has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed under federal law is performed by:

- (i) A judge, clerk or deputy clerk of a court;
- (ii) An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;
- (iii) An individual designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or

(iv) Any other individual authorized by federal law to perform the notarial act.

(b) The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of an officer described in paragraphs (a)(i) through (iii) of this section conclusively establish the authority of the officer to perform the notarial act.

32-3-109. Foreign notarial act.

(a) If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this state as if performed by a notarial officer of this state.

(b) If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

(c) The signature and official stamp of an individual holding an office described in subsection (b) of this section are prima facie evidence that the signature is genuine and the individual holds the designated title.

(d) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the Convention conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(e) A consular authentication issued by an individual designated by the United States Department of State as a notarizing officer for performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

32-3-110. Certificate of Authentication.

(a) The secretary of state or his designee may sign and issue a certificate of authentication or an apostille evidencing the origin of a public document or the authentication of the official stamp or signature of the person or authority in this state that stamped or signed the document.

(b) The secretary of state may affix the great seal of the state of Wyoming to the certificate or apostille.

(c) The secretary of state shall collect a fee of twenty dollars (\$20.00) for each certificate or apostille issued pursuant to this section, not to exceed one

hundred dollars (\$100.00) per the same transaction or occurrence.

(d) The secretary of state shall not issue a certificate of authentication on:

(i) A record that is not properly notarized in accordance with the requirements of this act; or

(ii) A record:

(A) Regarding allegiance to a government or jurisdiction;

(B) Relating to the relinquishment or renunciation of citizenship, sovereignty, in itinere status or world service authority; or

(C) Setting forth or implying for the bearer a claim of immunity from the law of this state or federal law.

32-3-111. Requirements for certain notarial acts.

(a) A notarial officer who takes an acknowledgment of a record shall determine from satisfactory evidence of the identity of the principal that the principal appearing before the notarial officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the principal and was made knowingly and willingly for the purposes intended.

(b) A notarial officer who takes a verification on oath or affirmation of a statement shall determine from satisfactory evidence of the identity of the principal that the principal appearing before the notarial officer, signing the record and making the verification has the identity claimed and that the signature on the statement verified is the signature of the principal and was made knowingly and willingly for the purposes intended.

(c) A notarial officer who witnesses or attests to a signature shall determine from satisfactory evidence of the identity of the principal that the principal appearing before the notarial officer and signing the record has the identity claimed and has executed the record knowingly and willingly for the purposes intended.

(d) A notarial officer who takes an acknowledgment or witnesses a signature of a principal who signs a record in a representative capacity shall determine from satisfactory evidence of the identity of the principal that the principal appearing before the notarial officer has the identity claimed and from the record, personal knowledge or presentment of an official record that the principal holds the title or capacity claimed and has knowingly and willingly signed the record in that capacity for the purposes intended.

(e) A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true and accurate transcription or reproduction of the original or official record or the item. A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record and shall comply with W.S.

32-3-123(a)(iv) regarding certification or attestation of a copy of a record or item.

(f) A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in W.S. 34.1-3-505(b).

(g) A notarial officer who administers an oath or affirmation shall determine from satisfactory evidence of the identity of the person that the person appearing before the notarial officer and taking the oath or affirmation has the identity claimed and is knowingly and willingly making the statement with the intent to be bound by the statement.

(h) It shall be lawful for any notarial officer who is a stockholder, director, officer or employee of a bank or other corporation to take the acknowledgment of any party to any written instrument executed to or by the corporation, or to administer an oath to any other stockholder, director, officer, employee or agent of the corporation, or to protest for nonacceptance, or nonpayment, bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or held for collection by the bank or other corporation.

(j) A notarial officer may perform a remote ink notarization or remote online notarization for a principal who is located:

(i) In this state;

(ii) Outside of this state but within the United States; or

(iii) Outside the United States if:

(A) The act of making the statement or signing the record is not prohibited by the foreign state in which the remotely located individual is located; and

(B) The record is part of or pertains to:

(I) A matter that is to be filed with or is before a public official or court, governmental entity or other entity located in the territorial jurisdiction of the United States;

(II) Property located in the territorial jurisdiction of the United States; or

(III) A transaction substantially connected with the United States.

(k) A remote online notarization may be performed by a notarial officer for any notarial act if:

(i) The principal or credible witness personally appears before the notarial officer in accordance with this act; and

(ii) The notarial officer:

(A) Identifies the principal through satisfactory evidence;

(B) Executes the notarial act in a single recorded session that complies

with this act;

(C) Is satisfied that any record that is signed, acknowledged or otherwise presented for notarization by the principal is the same record remotely notarized by the notarial officer; and

(D) Is satisfied that the quality of the electronic notarization system or other form of communication technology is sufficient to make the determinations required for the notarial act under this chapter and any other applicable law of this state.

(m) A remote ink notarization may be performed by a notarial officer for the notarial act of an acknowledgment with the following requirements:

(i) The principal shall sign and date a tangible document and submit the tangible, ink signed document to the notarial officer;

(ii) The notarial officer shall then initiate the notarial act with the remotely located principal by means of an electronic notarization system or other form of communication technology and identify the remotely located principal or witness through satisfactory evidence; and

(iii) The notarial officer shall perform the acknowledgement as set forth in this act, abiding by the same requirements for all other notarial acts.

(n) A notarial officer who performs a remote ink notarization or remote online notarization shall take reasonable steps to ensure that the principal and any required witnesses are viewing the same record.

(o) A notarial act performed by means of an electronic notarization system or other form of communication technology is considered to have been performed in Wyoming and is governed by Wyoming law regardless of the physical location of the principal at the time of the notarization.

32-3-112. Authority to refuse to perform notarial acts.

(a) A notarial officer may refuse to perform a notarial act if:

(i) The officer is not satisfied that the principal executing the record is competent or has the capacity to execute the record;

(ii) The officer is not satisfied that the principal's signature is knowingly and voluntarily made;

(iii) The officer is not satisfied with, or does not know how to operate, the electronic notarization system or other form of communication technology chosen by the principal or other person.

(b) A notarial officer shall refuse a request that would require the officer to use an electronic notarization system or other form of communication technology that does not meet the requirements of this act.

(c) A notarial officer may refuse to perform a notarial act unless refusal is

prohibited by law other than this act.

32-3-113. Signature if principal unable to sign.

(a) If a principal is physically unable to sign a record, the principal may:

(i) In the presence of the notarial officer and one (1) witness unaffected by the record, direct the witness to sign the principal's name on the record. The notarial officer shall insert "Signature affixed by (name of witness) at the direction of (name of principal)" or words of similar import under or near the signature; or

(ii) In the presence of the notarial officer and two (2) witnesses unaffected by the record, direct the notarial officer to sign the principal's name on the record. The notarial officer shall insert "Signature affixed by (name of notarial officer) at the direction of (name of principal) in the presence of (names of two witnesses)" or other words of similar import under or near the signature.

(b) A notarial officer may use signals or electronic or mechanical means to take an acknowledgment from, administer an oath or affirmation to, or otherwise communicate with any principal or witness in the presence of the officer when it appears that the principal or witness is unable to communicate orally or in writing.

(c) A notarial officer shall identify any witness through satisfactory evidence and a notary public's journal shall reflect an entry for both the principal and all witnesses involved in the notarial act.

32-3-114. Certificate of notarial act.

(a) A notarial act shall be evidenced by a certificate. The certificate shall:

(i) Be executed contemporaneously with the performance of the notarial act;

(ii) Identify the county and state in which the notarial act is performed;

(iii) Identify the name of the principal, the type of record and issuing entity that is copied, or, if performing a verification of fact, the information the notarial officer has certified to;

(iv) Specify the notarial act being performed;

(v) Be signed and dated by the notarial officer. If the notarial officer's signature is required to be on file with the secretary of state, the certificate shall be signed in the same manner as on file;

(vi) Contain the title of office of the notarial officer; and

(vii) Contain the impression on a tangible record, or electronic image on an electronic record, of the notary public's official stamp.

(b) The certificate for a notarial act on a tangible record shall be part of or securely affixed to the record.

(c) The certificate for a notarial act on an electronic record shall be attached to or logically associated with the record.

(d) A certificate of a remote ink notarization or remote online notarization shall include the information specified in this chapter, indicate that the notarial act was performed using an electronic notarization system or other form of communication technology and include any other information required by rule of the secretary of state.

(e) A certificate of a notarial act is sufficient if it meets the requirements of subsections (a) and (b) and, if applicable, (c) and (d) of this section, and:

(i) Is in a short form set forth in W.S. 32-3-115;

(ii) Is in a form otherwise permitted by the law of this state;

(iii) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or

(iv) Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in this act or law of this state.

(f) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in this act.

(g) A notarial officer shall not affix the officer's signature or stamp to, or logically associate it with, a certificate until the notarial act has been performed

(h) A notarial officer may subsequently correct any information included on or omitted from a certificate executed by that officer if the change or correction can be evidenced by the information contained in the officer's journal record, if applicable, of the transaction.

(j) A notarial officer shall not change or correct an impression or electronic image of an official stamp on a certificate. If the stamp is incorrect, the officer shall obtain a corrected stamp. If the impression or electronic image of an official stamp is missing from a certificate, is illegible or the official stamp contained incorrect information the officer may affix a subsequent impression of the official stamp on a tangible record or attach or logically associate a subsequent impression with an electronic record.

(k) Any changes or corrections shall be dated and initialed by the notarial officer and a corresponding notation of the changes shall be made in the journal record, if applicable. Only the officer who performed the notarization may make or authorize a change or correction to a previously completed certificate. If an officer authorizes a third party to change or correct the information included or omitted on a previously completed certificate, the authorization shall be granted in writing and a copy of the message authorizing the change and a copy of the changed certificate shall be attached to the officer's journal

record, if applicable, for that transaction.

32-3-115. Short form certificates.

(a) The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by W.S. 32-3-114:

(i) For an acknowledgment in an individual capacity:

State of _____

County of _____

This record was acknowledged before me on (date) by (name(s) of person(s)).

(Stamp)

(Signature of notarial officer)

Title (and Rank)

[My commission expires:]

(ii) For an acknowledgment in an representative capacity:

State of _____

County of _____

This record was acknowledged before me on (date) by (name(s) of person(s)) as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed).

(Stamp)

(Signature of notarial officer)

Title (and Rank)

[My commission expires:]

(iii) For a verification on oath or affirmation:

State of _____

County of _____

Signed and sworn to (or affirmed) before me on (date) by (name(s) of person(s) making statement)

(Stamp)

(Signature of notarial officer)

Title (and Rank)

[My commission expires:]

(iv) For witnessing or attesting a signature:

State of _____

County of _____

Signed or attested before me on (date) by (name(s) of person(s)).

(Stamp)

(Signature of notarial officer)

Title (and Rank)

[My commission expires:]

(v) For certifying a copy of a record:

State of _____

County of _____

I certify that this is a true and correct copy of a record in the possession of

Dated _____

(Stamp)

(Signature of notarial officer)

Title (and Rank)

[My commission expires:]

32-3-116. Official signature and stamp.

(a) For a new notary public commission, or upon renewal, filed on or after July 1, 2021:

(i) The official signature of a notary public shall:

(A) Be filed with the secretary of state on a form prescribed by the secretary of state;

(B) Be reasonably similar to the official signature on file with the secretary of state;

(C) If executed on a tangible record, be in blue or black ink;

(D) If executed on an electronic record, be an electronic image of the official signature submitted to the secretary of state;

(E) Be affixed to all tangible and electronic records for which the notary public conducts a notarial act; and

(F) Conform to any requirements set forth in rule by the secretary of

state.

(ii) The official stamp of a notary public, whether the impression is on a tangible or electronic record, shall:

(A) Be rectangular in shape and approximately one (1) inch in width by two and one-half (2 1/2) inches in length;

(B) Be in blue or black ink;

(C) Have a border outline;

(D) Contain a block of text within the border outline that includes:

(I) The notary public's name, as it appears on the notary's certificate of commission;

(II) The words "Notary Public";

(III) The words "State of Wyoming";

(IV) The notary public's identification number;

(V) The words "My commission expires" followed by the expiration date of the notary public's commission; and

(VI) Any other information required by the secretary of state.

(E) If it is a physical image, be in blue or black ink and be capable of being copied together with the record to which it is affixed or attached, or with which it is logically associated;

(F) If it is an electronic image, be in the same format, color, content and approximate size as the tangible official stamp and be capable of being copied together with the record to which the official stamp is affixed or attached or with which the official stamp is logically associated;

(G) Be replaced with a new stamp upon each renewed commission term;

(H) Contain the above required content and this information shall not be included, corrected or amended on the stamp through written, typed or any other means;

(J) Not include images of the great seal of the state of Wyoming or any other image or content other than as prescribed in this section.

32-3-117. Stamping device.

(a) A notary public is the sole owner of the notary public's stamping device, is responsible for the security of the notary public's stamping device and may not allow another individual to use the device to perform a notarial act. On resignation from, or the revocation or expiration of, the notary public's commission, or on the expiration of the date set forth in the stamping device, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing or securing it against use in a manner that renders it

unusable. On the death or adjudication of incompetency of a notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the stamping device shall render it unusable by destroying, defacing, damaging, erasing or securing it against use in a manner that renders it unusable.

(b) If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall promptly notify the secretary of state in a manner set forth by the secretary of state upon discovering that the device is lost or stolen.

32-3-118. Audiovisual recordings; journal; security.

(a) If a notarial act is performed using an electronic notarization system or other form of communication technology, the notarial officer shall make an audiovisual recording of the entire communication.

(b) Except as provided in subsection (c) of this section, a notarial officer shall keep sole possession of an audiovisual recording.

(c) An audiovisual recording may be examined and copied by a law enforcement officer in the course of an official investigation, subpoenaed by court order or surrendered at the direction of the secretary of state.

(d) A notary public shall maintain one (1) or more journals in which the notary public chronicles all notarial acts that the notary public performs.

(e) A journal may be created on a tangible medium or in an electronic format to chronicle all notarial acts, whether those notarial acts are performed regarding tangible or electronic records.

(f) A notary public is responsible for the security of the notary public's journal. A notary public shall keep the journal and all other notarial records in a secure area under the sole control of the officer and surrender or destroy them only as authorized by statute, rule, court order or at the direction of the secretary of state.

(g) A notary public shall not allow the notary public's journal to be used by any other notarial officer and shall not surrender the journal to an employer upon termination of employment without the approval of the secretary of state. An employer may retain a copy of the journal of an employee who is a notary public after the officer's employment ceases if the journal contains records of notarial acts performed within the scope of the officer's employment.

(h) A journal may be examined and copied by a law enforcement officer in the course of an official investigation, if subpoenaed by court order or at the direction of the secretary of state.

(j) A notary public shall promptly notify the secretary of state, in a manner required by the secretary of state, upon discovering that the notary public's journal is lost or stolen.

(k) On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the notary public's journal or audiovisual recordings may transmit all journals and recordings to the secretary of state.

32-3-119. Acceptance of tangible copy of electronic record.

A recorder may accept for recording a tangible copy of an electronic record containing a notarial certificate as satisfying any requirement that a record accepted for recording be an original, if the notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.

32-3-120. Notary public commissions and renewals; qualification; no immunity or benefit.

(a) To hold a commission as a notary public, an individual shall:

- (i) Be at least eighteen (18) years of age;
- (ii) Be a citizen or permanent legal resident of the United States, or otherwise lawfully present in the United States;
- (iii) Be a resident of Wyoming or have a place of employment or practice in this state or be the spouse or legal dependent of military personnel assigned to active duty in this state;
- (iv) Not be disqualified to receive a commission under W.S. 32-3-122; and
- (v) Have passed the examination required under W.S. 32-3-121(a).

(b) To be eligible for a new or renewed commission, an applicant shall pass an examination and shall meet the education requirements as provided in rule and in W.S. 32-3-121 and shall not have been disqualified as provided in W.S. 32-3-122.

(c) An individual qualified under subsection (a) of this section may apply to the secretary of state for a new or renewed commission as a notary public.

(d) An applicant for a new or renewed commission shall:

- (i) Complete an application and oath of office in the form prescribed by the secretary of state;
- (ii) Pay a filing fee of sixty dollars (\$60.00);
- (iii) Provide certification that the applicant has passed the examination and completed the education requirements in rule and in W.S. 32-3-121; and
- (iv) Submit the application and oath, certification and filing fee to the secretary of state.

(e) The secretary of state shall issue a commission for a six (6) year term as a notary public to an applicant for a new or a renewed commission who has complied with this section.

(f) An individual shall not have more than one (1) Wyoming notary public commission in effect at the same time.

(g) A commission to act as a notary public authorizes the notary public to perform notarial acts. Before a notary public performs the notary public's initial notarial act with respect to an electronic record, or a remotely located person, a notary public shall notify the secretary of state that the notary public will perform notarial acts with respect to electronic records or a remotely located person and identify the electronic notarization systems or other forms of communication technology the notary public intends to use.

(h) The commission shall not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.

32-3-121. Examination and education of notary public.

(a) An applicant for a new or renewed commission as a notary public in this state must pass an examination administered by the secretary of state or an entity approved by the secretary of state. The examination must be based on the course of study described in subsection (b) of this section.

(b) The secretary of state or an entity approved by the secretary of state shall regularly offer a course of study to applicants for a new or renewed commission. The course shall cover the laws, rules, procedures and ethics relevant to notarial acts.

(c) For a new notary public commission filed on or after July 1, 2021, or upon any renewal filed on or after July 1, 2021, in addition to passing the examination required in subsection (a) of this section the applicant shall complete notary public education as required by the secretary of state.

(d) The secretary of state may collect reasonable fees commensurate with the cost incurred by the secretary of state's office for providing notary public education and examination.

32-3-122. Grounds to deny, refuse to renew, revoke, suspend or condition commission of a notary public.

(a) The secretary of state may suspend or impose conditions on a commission as a notary public for failure to:

(i) Meet the examination and education requirements set forth in W.S. 32-3-121; or

(ii) Pay the application filing fee.

(b) The secretary of state may deny, refuse to renew or revoke a commission as notary public for any act or omission that demonstrates that the individual lacks the honesty, integrity, competence or reliability to act as a notary public, including:

(i) A fraudulent, dishonest or deceitful misstatement or omission in the

application for a commission as a notary public submitted to the secretary of state;

(ii) A conviction of the applicant or notary public of any felony relevant to the duties of a notary or a crime involving fraud, dishonesty or deceit;

(iii) A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty or deceit;

(iv) Failure by the notary public to discharge any duty required of a notary public, whether by this act, rules of the secretary of state, or any federal or state law;

(v) Use of false or misleading advertising or representation by the notary public representing that he has a duty, right or privilege that he does not have;

(vi) Violation by the notary public of a rule or requirement of the secretary of state regarding a notary public;

(vii) Denial, refusal to renew, revocation, suspension or conditioning of a notary public commission in another state;

(viii) Failure to comply with any term of suspension or condition imposed on the commission of a notary public under this section; or

(ix) Performance of any notarial act while not currently commissioned by the secretary of state or pursuant to other authority to perform a notarial act under this act.

(c) A notary public who is convicted of or pleads guilty or no contest to a felony or a crime involving fraud, dishonesty or deceit shall notify the secretary of state by written notice within thirty (30) days of the conviction or plea.

(d) The authority of the secretary of state to deny, refuse to renew, suspend, revoke or impose conditions on a commission as a notary public does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

(e) A person may not apply for or receive a commission and appointment as a notary public if a denial, refusal to renew or revocation pursuant to this section has been issued by the secretary of state except as otherwise provided by rule of the secretary of state.

(f) If the secretary of state denies, refuses to renew, revokes, suspends or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to contest the action in accordance with the Wyoming Administrative Procedure Act.

32-3-123. Prohibited acts; penalties.

(a) A notarial officer shall not:

(i) Perform a notarial act with respect to a record to which the officer or the officer's spouse or civil partner is a party or in which either of them has a direct beneficial interest;

(ii) Notarize the officer's own signature;

(iii) Notarize a record in which the officer is individually named or from which the officer will directly benefit by a transaction involving the record;

(iv) Certify a copy of an official record issued by a public entity, such as a birth, death or marriage certificate, a court record or a school transcript, unless the officer is employed by the entity issuing or holding the original version of the record;

(v) Affix the notarial officer's official signature or stamp to any record that does not contain the officer's completed notarial certificate;

(vi) Investigate, ascertain or attest the lawfulness, propriety, accuracy or truthfulness of a record or transaction involving a notarial act;

(vii) Execute a certificate containing information known or believed by the notarial officer to be false;

(viii) Perform any official action with the intent to deceive or defraud; or

(ix) Use the official notarial officer title or stamp to endorse, promote, denounce or oppose any product, service, contest, candidate or other offering.

(b) A commission as a notary public does not authorize an individual to:

(i) Assist persons in drafting legal records, give legal advice, influence or otherwise practice law;

(ii) Act as an immigration consultant or an expert on immigration matters;

(iii) Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship or related matters; or

(iv) Receive compensation for performing any of the activities listed in this subsection.

(c) A notary public shall not engage in false or deceptive advertising.

(d) A notary public, other than an attorney licensed to practice law in this state, shall not use the term "notario" or "notario publico".

(e) A notary public, other than an attorney licensed to practice law in this state, shall not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media and the

internet, the notary public shall include the following statement, or an alternate statement authorized or required by the secretary of state, in the advertisement or representation, prominently and in each language used in the advertisement or representation: “I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities”. If the form of advertisement or representation is not broadcast media, print media or the internet and does not permit inclusion of the statement required by this subsection because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

(f) Except as otherwise allowed by law, a notary public shall not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.

(g) Nothing in this act shall be construed to deny a notarial officer the right to obtain an assurance in the form of a surety bond or errors and omissions insurance on a voluntary basis to provide coverage for liability.

32-3-124. Validity of notarial acts.

The failure of a notarial officer to perform a duty or meet a requirement specified in this act does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act in this act does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on the law of this state other than this act or law of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

32-3-125. Rulemaking authority.

The secretary of state shall promulgate reasonable rules and regulations necessary to carry out the purposes of this act.

32-3-126. Notarial officer fees.

(a) For performing a notarial act, a notarial officer may charge the maximum fees specified in this section, charge less than the maximum fees or waive the fees.

(b) A notarial officer may charge the following fees:

- (i) Not more than ten dollars (\$10.00) per notarial act; or
- (ii) Not more than ten dollars (\$10.00) per acknowledgement, signature, oath or affirmation, certification or note of protest if more than one (1) person appears before a notarial officer to complete a notarial act on a single record;
- (iii) A technology fee associated with utilizing an electronic notarization system or other form of communication technology if:

(A) The notarial officer and the person requesting the notarial act agree upon the total fee in advance of the notarial act; and

(B) The notarial officer explains to the person requesting the notarial act that the technology fee is both separate from the notarial fee, if any, and neither specified nor mandated by law.

(iv) A travel fee when traveling to perform a notarial act provided that:

(A) A fee charged for travel must be equal to or less than the standard mileage rates allowed by the United States Internal Revenue Service;

(B) The notarial officer and the person requesting the notarial act agree upon the travel fee in advance of the travel; and

(C) The notarial officer explains to the person requesting the notarial act that the travel fee is both separate from the notarial fee, if any, and neither specified nor mandated by law.

(c) A notarial officer may require payment of any fees specified in this section prior to performance of a notarial act.

(d) Any fees paid to a notarial officer prior to performance of a notarial act are nonrefundable, at the discretion of the notarial officer, if:

(i) The act was completed;

(ii) In the case of technology fees paid in compliance with this section, the act was not completed due to the principal failing to pass knowledge based authentication or identity proofing that may be required by an electronic notarization system or other form of communication technology, whether due to fraud or innocent reasons; or

(iii) In the case of travel fees paid in compliance with this section, the act was not completed for reasons determined valid in rules adopted by the secretary of state.

(e) An employer may prohibit an employee who is a notarial officer from charging for notarial acts performed as part of the employee's employment.

32-3-127. Change of name or contact information.

(a) A notary public shall notify the secretary of state within thirty (30) days of any change in the information on file with the secretary of state using a form prescribed by the secretary of state.

(b) In the case of a name change, the notary public shall also include:

(i) A sample of the officer's handwritten official signature on the notice; and

(ii) A ten dollar (\$10.00) filing fee.

32-3-128. Notary public commission in effect.

A commission as a notary public in effect on the effective date of this act continues until its date of expiration. A notary public who applies to renew a commission as a notary public on or after the effective date of this act is subject to and shall comply with this act. A notary public, in performing notarial acts after the effective date of this act, shall comply with this act.

32-3-129. Savings clause.

This act does not affect the validity or effect of a notarial act performed before July 1, 2021.

32-3-130. Uniformity of application and construction.

In applying and construing this act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

32-3-131. Relation to electronic signatures in Global and National Commerce Act.

This act modifies, limits and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c) or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

Section 2. W.S. 1-2-102(b), 6-5-114, 8-1-102(a)(xiv), 9-1-303(e), 9-1-305(a)(i) and (iii) and 34-1-113 are amended to read:

1-2-102. Officers authorized to administer.

(b) Except for notarial officers, officers listed in this section are authorized to administer oaths, but are not authorized to perform other notarial acts as defined in W.S. ~~34-26-101(b)(iii)~~ 32-3-102(a)(xviii), unless specified otherwise in W.S. ~~34-26-103(a)~~ 32-3-105(a).

6-5-114. Notarial officers; issuance of certificate without proper acknowledgment; penalties.

A notarial officer commits a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if he signs and affixes his ~~seal~~ stamp to a certificate of acknowledgment when the party executing the instrument has not first acknowledged the execution of the instrument in the presence of, as defined in W.S. ~~34-26-101(b)(xxi)~~ 32-3-102(a)(iii), the notarial officer, if by law the instrument is required to be recorded or filed and cannot be filed without a certificate of acknowledgment signed and sealed by a notarial officer.

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:

(xiv) “Notarial officer” means a notary public or other officer authorized to perform notarial acts as defined in W.S. ~~34-26-101(b)(iii)~~ 32-3-102(a)(xviii);

9-1-303. Powers and duties; affixing seal to and countersigning commissions and documents; certified copies of acts; file of commissions and appointments; publication of documents.

(e) The secretary of state may affix the great seal of the state to certificates or apostilles issued pursuant to W.S. ~~32-1-114~~ 32-3-110.

9-1-305. Fees; amounts; collection; exceptions.

(a) The secretary of state shall collect the following fees in advance for:

(i) Except as provided in W.S. ~~32-1-114(c)~~ 32-3-110(c), certificate and seal, three dollars (\$3.00);

(iii) Issuing a ~~notarial officer~~ notary public commission, ~~thirty dollars (\$30.00)~~ sixty dollars (\$60.00);

34-1-113. Acknowledgment of conveyances; generally.

Execution of deeds, mortgages or other conveyances of lands, or any interest in lands, shall be acknowledged by the party or parties executing same, before any notarial officer. The notarial officer taking such acknowledgment shall comply with the requirements of W.S. ~~34-26-107~~ 32-3-109.

Section 3. W.S. 32-1-101 through 32-1-114 and W.S. 34-26-101 through 34-26-304 are repealed.

Section 4. The secretary of state shall promulgate any rules necessary to administer this act.

Section 5.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2021.

(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 February 9, 2021.

Chapter 28**MONTHLY AD VALOREM TAX REVISIONS-2****Original Senate File No. 60**

AN ACT relating to ad valorem taxation of mineral production; specifying that the monthly payment of ad valorem taxation begins January 1, 2022; providing for the payment of ad valorem taxes from calendar years 2020 and 2021; clarifying distribution of the taxes; making conforming changes; repealing an existing ad valorem tax payment transition period; providing for loans to counties; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 21-13-310(a)(i), (ii)(A), (B) and (d), 39-13-111(d) and 39-13-113(c) and by creating a new subsection (g) are amended to read:

21-13-310. Annual computation of district revenues.

(a) To ensure revenues available to each district are uniformly sufficient to enable compliance with the uniform standards for educational programs prescribed under W.S. 21-9-101 and 21-9-102 and to secure state board accreditation of educational programs under W.S. 21-2-304(a)(ii), the revenues specified under this subsection shall be deemed state revenues and shall be considered in determining the amount to be distributed to each district under W.S. 21-13-311. A district shall make an annual computation of the following revenues:

(i) The revenue collections estimated to be received by each district during the school year as its proportionate share of the county six (6) mill levy imposed under W.S. 21-13-201(a) as certified on August 10 under W.S. 39-11-102.1(c)(v) for that school year;

(ii) The required local tax effort in the current school year for the assessment and levy of school taxes by the district according to the following schedule:

(A) Any district actually and physically operating a school within the boundaries of the district offering instruction in kindergarten through grade twelve (12), the amount of revenue collections estimated to be received during the school year under the twenty-five (25) mill local district levy as certified on August 10 under W.S. 39-11-102.1(c)(v) for that school year;

(B) Any nonunified district actually and physically operating a school within the boundaries of the district offering instruction in kindergarten through grade eight (8), the amount of revenue collections estimated to be received during the school year under the number of mills levied pursuant to W.S. 21-13-102(a)(ii)(A), as certified on August 10 under W.S. 39-11-102.1(c)(v) for that school year.

(d) As used in this section, ~~assessed valuation means the assessed valuation certified on August 10 under W.S. 39-11-102.1(c)(v)~~ “revenue collections

estimated to be received” means nonmineral ad valorem taxes due in accordance with W.S. 39-13-107(b)(i)(D) as certified on August 10 under W.S. 39-11-102.1(c)(v) and monthly payment of ad valorem taxes on mineral production due in accordance with W.S. 39-13-113.

39-13-111. Distribution.

(d) Taxes collected pursuant to W.S. 39-13-113 shall be distributed as provided in this section by the county treasurer on or before the tenth day of the month following the month of receipt. Taxes collected following final reconciliation of the taxes under W.S. 39-13-113(b) shall be distributed by the county treasurer on or before the tenth day of the month following the month of collection.

39-13-113. Monthly payment of ad valorem tax on gross product of mineral production.

(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 monthly 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.

(g) Notwithstanding subsection (a) of this section and except as otherwise provided in subsections (d) and (f) of this section, estimated monthly ad valorem tax payments shall first be due under this section beginning with production on January 1, 2022. The ad valorem tax on mineral production from calendar years 2020 and 2021 shall be paid as provided in this subsection. Fifty percent (50%) of taxes due for production from calendar year 2020 shall be due on and after September 1, 2021 and payable to the counties on and after November 10, 2021. Unless the entire tax due for production from calendar year 2020 is paid by December 31, 2021, the remaining fifty percent (50%) of the taxes due for production from calendar year 2020 and all taxes due from production in calendar year 2021 shall be paid as provided in this subsection. The total amount of 2020 and 2021 remaining taxes due under this subsection shall be calculated by the department and the applicable counties. The taxpayer shall make an additional payment on December 1 of each year beginning in 2023 equal to eight percent (8%) of the total amount calculated under this subsection until the total amount has been paid. Timely payments made in accordance with this subsection shall not be subject to penalties or interest. If a taxpayer fails to make timely payments under this subsection, all applicable penalties and interest shall be calculated from the date the tax would have been paid if monthly payments began January 1, 2020.

Section 2. 2020 Wyoming Session Laws, Chapter 142, Section 3 is repealed.

Section 3.

(a) There is appropriated sixteen million seven hundred twenty-six thousand dollars (\$16,726,000.00) from the legislative stabilization reserve account to the state treasurer. This amount shall only be used to make loans to counties to cover funding shortfalls caused by the transition to payment of ad valorem taxes under W.S. 39-13-113(g) upon application to the state treasurer. Loans shall be repaid by the county on a schedule determined by the state treasurer consistent with the schedule for the payment of remaining taxes under W.S. 39-13-113(g) at an interest rate of zero percent (0%) per annum and the loans shall be guaranteed by the payment of remaining taxes made under W.S. 39-13-113(g). Repayments of loans made under this section shall be deposited in the legislative stabilization reserve account. 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 twenty-six million dollars (\$26,000,000.00) from the school foundation program account to the department of education for purposes of administering the education resource block grant model in school year 2021-2022 to address decreased local school district revenues caused by the transition to monthly payment of ad valorem taxes under W.S. 39-13-113(g).

Section 4. There is appropriated two hundred seventy-four thousand dollars (\$274,000.00) from the legislative stabilization reserve account to the department of revenue for the costs of implementing 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's standard budget for the immediately succeeding fiscal biennium.

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 February 9, 2021.

Chapter 29**STATEWIDE HEALTH INFORMATION EXCHANGE-CODIFICATION****Original Senate File No. 54**

AN ACT relating to the administration of government; codifying the statewide health information exchange; authorizing the department of health to administer and maintain the exchange; authorizing the department to establish fees for participation in the exchange; providing rulemaking authority; and providing for effective dates.

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

Section 1. W.S. 9-2-131 is created to read:

9-2-131. Wyoming health information exchange.

(a) This section codifies the statewide health information exchange authorized by 2016 Wyoming Session Laws, Chapter 31, Section 048, except that the term “multi-payer” in that section shall not be codified or impose any requirements on the operation of the information exchange as provided for under this section. The department of health is authorized to administer and maintain the exchange to facilitate the secure and voluntary sharing of electronic health information between health care providers for the benefit of Wyoming residents.

(b) The department may charge reasonable participation fees to participating entities, which shall not include individual patients, subject to the following:

(i) Fees shall be established by rule promulgated in accordance with the Wyoming Administrative Procedure Act;

(ii) Fees shall be established in an amount sufficient to recoup the department’s costs for administering and maintaining the exchange in accordance with this section; and

(iii) Fees collected by the department pursuant to this section shall be credited to a special revenue account, which shall be expended only for administration and maintenance costs associated with operating the statewide health information exchange.

Section 2. The department shall adopt rules as necessary to implement and administer the statewide health information exchange and participation fees authorized by this act on or before July 1, 2021, provided these rules shall not take effect until July 1, 2021.

Section 3.

(a) Except as otherwise provided by subsection (b) of this section, this act is effective July 1, 2021.

(b) Sections 2 and 3 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved February 9, 2021.

Chapter 30**ANIMAL ABUSE STATUTES REORGANIZATION AND UPDATE**

Original Senate File No. 26

AN ACT relating to animal abuse crimes; reorganizing and amending offenses involving animal abuse; making conforming amendments; continuing and modifying an account for reimbursement of costs incurred by counties in animal abuse cases; and providing for an effective date.

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

Section 1. W.S. 6-3-1001 through 6-3-1009 are created to read:

ARTICLE 10
ANIMAL ABUSE

6-3-1001. Definitions.

(a) As used in this article:

(i) “Costs of the animal’s impoundment” means all costs incurred by the impounding entity in providing necessary food and water, veterinary attention and treatment for any animal which is the subject of a violation of this article;

(ii) “Household pet” means any privately owned dog, cat, rabbit, guinea pig, hamster, mouse, gerbil, ferret, bird, fish, reptile, amphibian, invertebrate or any other species of domesticated animal sold, transferred or retained for the purpose of being kept as a pet in or near a house. “Household pet” shall not include any livestock;

(iii) “Livestock” means horses, mules and asses, rabbits, llamas, cattle, swine, sheep, goats, poultry, or other animal generally used for food or in the production of food or fiber, working animals and guard animals actively engaged in the protection or management of livestock. Bison are considered livestock unless otherwise designated by the Wyoming livestock board and the Wyoming game and fish commission.

6-3-1002. Cruelty to animals.

(a) A person commits cruelty to animals if the person:

(i) Knowingly overrides an animal or drives an animal when overloaded;

(ii) Intentionally or knowingly, unnecessarily injures or beats an animal;

(iii) Knowingly carries an animal in a manner that poses undue risk of injury or death;

(iv) Has the charge and custody of any animal and under circumstances which manifest extreme indifference to the animal’s safety, health or life:

(A) Fails to provide it with proper food, drink or protection from the weather adequate for the species;

(B) Abandons the animal. Relinquishment of an animal to a public or

private animal shelter or like facility is not a violation of this subparagraph;

(C) In the case of immediate, obvious, serious illness or injury to the animal, fails to provide the animal with appropriate care; or

(D) Keeps any household pet in a manner that results in chronic or repeated serious physical harm to the household pet.

(v) Owns, possesses, keeps or trains fowls or dogs with the intent to allow the dog or fowl to engage in an exhibition of fighting with another dog or fowl;

(vi) For gain causes or allows any dog to fight with another dog or any fowl to fight with another fowl;

(vii) Promotes any dog or fowl fighting;

(viii) Knowingly permits any act prohibited under paragraphs (v) through (vii) of this subsection on any premises under the person's charge or control; or

(ix) Shoots, poisons or otherwise intentionally acts to seriously injure or destroy any livestock or domesticated animal owned by another person while the animal is on property where the animal is authorized to be present.

6-3-1003. Other misdemeanors involving animal abuse; prohibition on manner of destruction of animals; attending fowl or dog fights; keeping household pets in unsanitary conditions.

(a) A person shall not destroy an animal by the use of a high-altitude decompression chamber or a carbon monoxide gas chamber utilizing a gasoline engine. This subsection is uniformly applicable to all cities and towns.

(b) A person is guilty of a misdemeanor if he knowingly is present at any place where an exhibition of fighting of fowls or dogs is occurring for amusement or gain.

(c) A person is guilty of a misdemeanor if he keeps a household pet confined in conditions which constitute a public health hazard.

6-3-1004. Penalties, misdemeanor offenses.

(a) A first offense of cruelty to animals or of a violation of W.S. 6-3-1003 is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

(b) A second or subsequent conviction, resulting from charges separately brought and arising out of separate occurrences within a five (5) year period:

(i) Of animal cruelty under W.S. 6-3-1002 is punishable by imprisonment for not more than six (6) months, a fine of not more than five thousand dollars (\$5,000.00), or both;

(ii) Under W.S. 6-3-1003 is a misdemeanor offense punishable by imprisonment for not more than six (6) months, a fine of not more than five thousand dollars (\$5,000.00), or both.

6-3-1005. Felony cruelty to animals; penalty.

(a) A person commits felony cruelty to animals if the person:

(i) Commits aggravated cruelty to animals as defined in W.S. 6-3-1002(a)(v) through (ix), that results in the death or required euthanasia of the animal; or

(ii) Knowingly, and with intent to cause death or undue suffering, beats with cruelty, tortures, torments or mutilates an animal.

(b) Felony cruelty to animals is a felony punishable by imprisonment for not more than two (2) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

6-3-1006. Additional remedies, generally.

(a) In addition to the penalties for misdemeanor and felony offenses in W.S. 6-3-1004 and 6-3-1005, the court may order any or all of the following:

(i) If the defendant is the owner of the animal, require the defendant to forfeit ownership of the animal. This paragraph shall not affect the interest of any secured party or other person who has not participated in the offense;

(ii) Require the defendant to pay all reasonable costs of the animal's impoundment, if the animal has been impounded;

(iii) Impose continuing prohibitions or limitations on the defendant's ownership, possession or custody of any animal.

6-3-1007. Separate counts.

Each animal affected by the defendant's conduct may constitute a separate count for the purposes of prosecution, conviction, sentencing and penalties under this article.

6-3-1008. Use of agricultural and livestock management practices, wildlife management and humane destruction not prohibited.

(a) Nothing in this article may be construed to prohibit:

(i) A person humanely destroying an animal, including livestock;

(ii) The use of industry accepted agricultural and livestock practices on livestock or another animal used in the practice of agriculture;

(iii) Rodeo events, training for rodeo events or participating in rodeo events, whether the event is performed in a rodeo, fair, jackpot, agricultural exhibition or other similar event;

(iv) The use of dogs in the management of livestock by the owner of the livestock, his employees or agents or other persons in lawful custody of the livestock;

(v) The use of dogs or raptors in hunting;

(vi) The training of dogs or raptors or the use of equipment in the training of dogs or raptors for any purpose not prohibited by law;

(vii) The hunting, capture, killing or destruction of any predatory animal, pest or other wildlife in any manner not otherwise prohibited by law.

6-3-1009. Household pet protection account continued; authorized uses of the account.

The cruelty to household pet animals protection account as originally created by W.S. 6-3-203(o) is continued. Funds shall be credited to the account as provided by law. Funds in the account are continuously appropriated to the attorney general to reimburse county law enforcement agencies for eligible expenses regarding animal cruelty cases involving household pets under W.S. 6-3-1002(a)(iv)(D) or 6-3-1003(c). The attorney general shall develop rules and regulations to establish eligible expenses and to determine how county law enforcement agencies will be reimbursed for the costs of an animal cruelty case under W.S. 6-3-1002(a)(iv)(D) or 6-3-1003(c), in an amount not to exceed ninety percent (90%) in any particular case. Any reimbursement under this subsection shall be contingent upon available funding and upon a showing that the agency has made reasonable efforts to seek reimbursement from the offender of expenses incurred by the agency, as permitted by law. All funds in the account may be used for and are continuously appropriated for eligible expenses authorized to be made under this section. Notwithstanding W.S. 9-2-1008 and 9-4-207 funds in the account shall not lapse at the end of the fiscal period.

Section 2. W.S. 6-1-104(a)(vi)(F)(I) and (xv)(P), 7-2-101(a)(iv)(E)(I), 11-29-108, 11-29-109, 11-29-114(b)(intro) and 35-21-105(a)(ix) and (x) 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:

(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, 6-3-402, 6-3-410, 6-3-601 through 6-3-603, 6-3-607, 6-3-610 through 6-3-612, 6-3-1002, 6-3-1003, 6-3-1005, 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;

(xv) “Pattern of criminal street gang activity” means the commission of,

conviction or adjudication for or solicitation, conspiracy or attempt to commit two (2) or more of the offenses listed in this paragraph on separate occasions within a three (3) year period. Offenses that form a pattern of criminal street gang activity include:

(P) ~~Aggravated Cruelty to animals in violation of W.S. 6-3-203(c) 6-3-1002(a)(v) through (ix);~~

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, 6-3-402, 6-3-410, 6-3-601 through 6-3-603, 6-3-607, 6-3-610 through 6-3-612, ~~6-3-1002~~, ~~6-3-1003~~, ~~6-3-1005~~, 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;

11-29-108. Livestock board; seized livestock animals and vehicles; lien on seized chattels; civil action for unpaid expenses.

When any person arrested under this act is in charge of any vehicle drawn by or containing any livestock animal cruelly treated ~~as defined in W.S. 6-3-203 in violation of W.S. 6-3-1002 or this chapter~~ at the time of arrest, any peace officer, agent or officer of the board may take charge of the livestock animal and vehicle and its contents, and give notice thereof to the owner, if known, and shall provide for them until their owner takes possession of them. The board or local government shall have a lien on the livestock animals, the vehicle and its contents for the expense of the care and provision. The expense or any part remaining unpaid may be recovered by the board or local government in a civil action.

11-29-109. Livestock board; care of abandoned livestock animals; civil action for expenses; lien.

Any peace officer, agent or officer of the board may take charge of any livestock animal found abandoned, neglected or ~~cruelly treated~~ with cruelty as defined in W.S. 6-3-203 in violation of W.S. 6-3-1002 or this chapter. He shall give notice to the owner, if known, and may care and provide for the livestock animal until the livestock animal is released or destroyed. The expenses of care and provision is a charge against the owner of the livestock animal and collectible from the owner by the board or by the local government employing the peace officer taking charge of the livestock animal in a civil action. The board or local

government may detain the livestock animals until the expense for food, shelter and care is paid and shall have a lien upon the livestock animals therefor. This lien shall be filed as provided pursuant to W.S. 29-7-101 through 29-7-106.

11-29-114. Impoundment of livestock animals; cost of care for livestock animals; providing for bond.

(b) The owner of the livestock animal impounded under subsection (a) of this section, and who has been cited under W.S. ~~6-3-203~~ 6-3-1002, 6-3-1003 or 6-3-1005, shall be required to post a bond with the circuit court in the county where the livestock animal was impounded. The bond shall be:

35-21-105. Order of protection; contents; remedies; order not to affect title to property; conditions.

(a) Upon finding that an act of domestic abuse has occurred, the court shall enter an order of protection ordering the respondent household member to refrain from abusing the petitioner or any other household member. The order shall specifically describe the behavior that the court has ordered the respondent to do or refrain from doing. As a part of any order of protection, the court may:

(ix) Grant sole possession of any household pet, as defined in W.S. ~~6-3-203(o)~~ 6-3-1001(a)(iii), owned, possessed or kept by the petitioner, the respondent or a minor child residing in the residence or household of either the petitioner or the respondent to the petitioner during the period the order of protection is effective if the order is for the purpose of protecting the household pet;

(x) Order that the respondent shall not have contact with any household pet, as defined in W.S. ~~6-3-203(o)~~ 6-3-1001(a)(iii), in the custody of the petitioner and prohibit the respondent from abducting, removing, concealing or disposing of the household pet if the order is for the purpose of protecting the household pet.

Section 3. W.S. 6-3-203 is repealed.

Section 4. This act is effective July 1, 2021.

Approved February 9, 2021.

Chapter 31

UNIVERSAL OCCUPATIONAL LICENSURE

Original Senate File No. 18

AN ACT relating to professions and occupations; amending professional licensing requirements for military spouses; providing for the issuance of professional and occupational licenses to qualified applicants from other states; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 33-1-120 is created to read:

33-1-120. Professional and occupational licensure for qualified individuals licensed in other jurisdictions.

(a) As used in this section:

(i) “Active” means a status of occupational or professional licensure which has not been suspended, revoked or terminated and which is not otherwise inactive;

(ii) “Applicant” means a natural person seeking licensure from a professional or occupational licensing board of this state;

(iii) “Good standing” means a status of occupational or professional licensure which is in compliance with all requirements imposed by the issuing licensing, certification or registration authority;

(iv) “License” means any license, certificate or registration required to practice an occupation or profession.

(b) A professional or occupational licensing board shall issue a license to an applicant to allow the applicant to lawfully practice a profession or occupation requiring licensure in this state if the Wyoming licensing board determines that the applicant:

(i) Holds a relevant, active occupational or professional license in good standing from another state that mandates substantially equivalent or more stringent educational, training, examination and experience requirements for licensure than the licensing entity in this state. Substantial equivalency shall be determined pursuant to rules adopted by the licensing board in Wyoming provided that:

(A) The educational equivalency shall be determined by whether the degree required is a doctorate, master, bachelor, associate or other degree with curriculum deemed substantially equivalent by the licensing board;

(B) If the Wyoming licensing board requires an examination for licensure, the substantially equivalent examination requirement may be met by passing the same or an earlier version of the exam. The Wyoming licensing board shall waive this requirement if the individual has been licensed for more than ten (10) years;

(C) In evaluating any work experience requirements the provisions of subsection (c) of this section shall apply;

(D) In addition to any exam required under subparagraph (B) of this paragraph the Wyoming licensing board may require an examination relating to the specifics of Wyoming law and regulations regardless of the length of time the individual has been licensed.

(ii) Demonstrates competency in the occupation or profession for which the applicant seeks licensure. Competency shall be determined pursuant to rules that shall be adopted for that purpose and may include consideration of continuing education credits, recent work experience, prior licensing examinations, disciplinary actions taken against the applicant in other states and other appropriate factors;

(iii) Has not engaged in any act that would constitute grounds for refusal, suspension or revocation of the occupational or professional license sought in this state; and

(iv) Has completed all required application procedures and paid any required fee.

(c) All relevant work experience of an applicant, including full-time or part-time experience, regardless of whether in a paid or volunteer capacity, may be credited in any work experience requirement adopted by an occupational or professional licensing board.

(d) This section shall apply to all applications for licensure under W.S. 21-2-802 or under title 33 of the Wyoming statutes except for the following:

(i) An application to be an attorney at law under chapter 5 of title 33;

(ii) An application to any board which represents a profession with prescriptive drug authority, but only with respect to the profession with the prescriptive drug authority.

(e) Nothing in this section shall be held to limit the rights or privileges of a military service member under W.S. 33-1-116.

Section 2. W.S. 33-1-117(b)(intro), (i), (e) and by creating a new subsection (g) is amended to read:

33-1-117. Temporary permits for military spouses.

(b) A professional or occupational licensing board shall issue a an expedited license to a military spouse to allow the military spouse to lawfully practice a profession or occupation requiring licensure in this state if the military spouse:

(i) Holds a relevant, active occupational or professional license in good standing from another state; ~~which state mandates substantially equivalent or more stringent educational, training, examination and experience requirements for licensure. Substantial equivalency shall be determined pursuant to rules which shall be adopted by the licensing board from which the military spouse applicant seeks licensure;~~

(e) Pursuant to rules which may be adopted for this purpose, a professional or occupational licensing board may issue a temporary practice permit to a military spouse applicant who meets the requirements of paragraph (b)(i) of this section and who has applied for a professional or occupational license under

this section. The military spouse applicant may practice under the temporary permit for a period not to exceed ~~one hundred twenty (120) days~~ three (3) years provided the military spouse is making progress toward satisfying the unmet licensure requirements, or until the professional or occupational license for which they have applied has been either granted or denied, whichever first occurs. A board shall not charge a military spouse any fees for a temporary permit under this subsection.

(g) On each licensure application or renewal form, a professional or occupational licensing board shall inquire and maintain a record of whether an applicant is a member of the military or military spouse. If an applicant self-identifies as and provides the board with satisfactory proof that the applicant is a military spouse, the board shall immediately commence the process of issuing a license or temporary permit.

Section 3. Professional and occupational licensing boards shall adopt rules necessary to implement this act.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2021.

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

Approved February 9, 2021.

Chapter 32

GROUND AMBULANCE SERVICE PROVIDER ASSESSMENT ACT

Original Senate File No. 53

AN ACT relating to public welfare; establishing a private ground ambulance service provider assessment as specified; providing for the use of assessments to obtain federal matching funds; providing for payments to private ground ambulance service providers as specified; establishing an account; providing definitions; providing regulatory authority; providing penalties; clarifying an intergovernmental transfer provision; and providing for an effective date.

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

Section 1. W.S. 42-11-101 through 42-11-109 are created to read:

CHAPTER 11
PRIVATE GROUND AMBULANCE SERVICE PROVIDER ASSESSMENT
ACT

42-11-101. Short title.

This chapter shall be known and may be cited as the “Wyoming Private Ground Ambulance Service Provider Assessment Act.”

42-11-102. Definitions.

(a) As used in this chapter:

(i) “Account” means the private ground ambulance service provider assessment account created by W.S. 42-11-103;

(ii) “Ambulance” has the same meaning as defined in W.S. 33-36-102(a)(i)(A) and (B);

(iii) “Department” means the department of health;

(iv) “Fiscal year” means the twelve (12) month period beginning October 1 and ending September 30;

(v) “Private ground ambulance service provider” means any person operating a licensed ambulance service designed to operate on the ground, which is not owned or operated by the state or any city, town, county, special district or other political subdivision of the state or local government;

(vi) “License” and “licensed” means an ambulance business license issued under W.S. 33-36-104 that is not expired and has not been revoked or suspended;

(vii) “Medicaid” means the medical assistance program established by title XIX of the federal Social Security Act and administered in this state by the department pursuant to the Wyoming Medical Assistance and Services Act;

(viii) “Net patient revenue” means all amounts received by a private ground ambulance service provider licensed under W.S. 33-36-104 for the provision of licensed, ground ambulance services in the state of Wyoming. The department shall establish a procedure for determining net patient revenue for purposes of the assessment provided under W.S. 42-11-104;

(ix) “Quarterly adjustment payment” means the quarterly payments made to private ground ambulance service providers that the department may establish and distribute pursuant to W.S. 42-11-106;

(x) “Rate enhancement” means Medicaid reimbursement rate increases to private ground ambulance service providers, as determined by the department and approved by the Centers for Medicare and Medicaid Services;

(xi) “Upper payment limit” means a limitation on aggregate Medicaid payments to private ground ambulance service providers, or another applicable class of Medicaid payees, as established by the Centers for Medicare and Medicaid Services;

(xii) “Upper payment limit gap” means the amount calculated annually by the department constituting the difference between the applicable upper payment limit and Medicaid payments made subject to that limit in a fiscal year, excluding any payments authorized by this chapter.

42-11-103. Private ground ambulance service provider assessment

account.

(a) The private ground ambulance service provider assessment account is created.

(b) The state treasurer shall invest amounts deposited in the account in accordance with law and all investment earnings shall be credited back to the account. Funds in the account are continuously appropriated to the department for the purposes specified in this section.

(c) The account shall consist of:

(i) Amounts collected or received by the department from private ground ambulance service provider assessments under this chapter;

(ii) All federal matching funds received by the department as a result of expenditures made by the department pursuant to this chapter.

(d) The account shall be used exclusively for the following purposes:

(i) To pay administrative expenses incurred by the department or its agent in performing the activities authorized by this chapter, provided that these expenses shall not exceed a total of three percent (3%) of the aggregate assessment funds collected in the fiscal year;

(ii) To secure federal matching funds available through the state Medicaid plan as approved pursuant to W.S. 42-11-108, which shall be used to make quarterly adjustment payments or to provide rate enhancements to private ground ambulance service providers as provided by this chapter;

(iii) To repay to the federal government any excess payments received or made to private ground ambulance service providers if the state plan, after approval by the Centers for Medicare and Medicaid Services, is subsequently disapproved for any reason and after the state has exhausted all appeals. Private ground ambulance service providers shall refund any excess payments to the assessment account. If a private ground ambulance service provider is unable to refund payments as provided in this paragraph, the department shall develop a payment plan to recoup deficient payments and accordingly deduct amounts from future Medicaid payments. The department shall refund the federal government for the federal portion of those overpayments;

(iv) To refund assessments paid by private ground ambulance service providers for payments which were earned but not paid by the department, but only after the payments authorized by paragraphs (i) and (iii) of this subsection have been made.

42-11-104. Assessments.

(a) Each private ground ambulance service provider shall pay a private ground ambulance service provider assessment to the department in accordance with this section.

(b) The assessment due under this section shall be imposed each fiscal year in an amount calculated as a uniform percentage of each private ground ambulance service provider's net patient revenue. The assessment rate shall be determined by the department on a prospective basis and shall be based on the percentage of private ground ambulance service provider net patient revenue necessary to generate an amount not to exceed the nonfederal portion of the upper payment limit gap plus the fee authorized by W.S. 42-11-103(d)(i). If a rate enhancement is paid to private ground ambulance service providers pursuant to this chapter, the assessment rate shall include a uniform percentage of each private ground ambulance service provider's net patient revenue necessary to generate the nonfederal portion of all enhanced rates paid under this chapter plus the fee authorized by W.S. 42-11-103(d)(i). In no event shall assessments or the assessment rate exceed the indirect guarantee threshold amount established by 42 C.F.R. 433.68(f)(3)(i) or other federal law.

(c) Unless otherwise determined by the department, the department shall collect and each private ground ambulance service provider shall pay the assessment required by this section on a quarterly basis, each payment constituting twenty-five percent (25%) of the annual assessment determined by the department. The initial payment shall be due not later than forty-five (45) days after the state plan has been approved by the Centers for Medicare and Medicaid Services unless a later date is set by the department. Subsequent payments are due not later than forty-five (45) days after the end of each calendar quarter unless a later date is set by the department.

(d) If a private ground ambulance service provider ceases to operate as an ambulance service or for any reason ceases to be subject to the assessment imposed under this chapter, the assessment for the fiscal year in which the cessation occurs shall be adjusted by multiplying the annual assessment by a fraction, the numerator of which is the number of days in the year during which the private ground ambulance service provider is subject to the assessment and the denominator of which is three hundred sixty-five (365). Immediately upon ceasing to operate as an ambulance service provider, or otherwise ceasing to be subject to this chapter, the private ground ambulance provider shall pay the assessment for each quarter as adjusted, to the extent not previously paid.

42-11-105. Penalties for failure to pay assessment.

(a) If a private ground ambulance service provider fails to pay an assessment due under this chapter, there shall be added to the assessment a penalty equal to five percent (5%) of the amount of the assessment that was not paid when due. The penalty under this section may be waived by the department for good cause. Any payments made after a penalty is assessed under this section shall be credited first to unpaid assessment amounts rather than to penalty amounts, beginning with the most delinquent installment.

(b) In addition to the penalty under subsection (a) of this section, the

department may implement any of the following remedies for failure of a private ground ambulance service provider to pay its assessment when due under this chapter:

(i) Withhold any Medicaid payments, including any quarterly adjustment payments or rate enhancements, until the assessment is paid;

(ii) Develop a plan that requires the private ground ambulance service provider to pay any delinquent assessment in installments;

(iii) Suspend or revoke the private ground ambulance service provider's license.

42-11-106. Payments to private ground ambulance service providers.

(a) Subject to W.S. 42-11-107, the initiation of assessments under W.S. 42-11-104(c) and the federal approval authorized in W.S. 42-11-108, the department shall make quarterly adjustment payments to or implement rate enhancements for private ground ambulance service providers as set forth in this section.

(b) Each private ground ambulance service provider that pays assessments under this chapter and meets the eligibility standards set by subsection (c) of this section shall be eligible to receive quarterly adjustment payments as provided in this section. The department shall distribute quarterly adjustment payments in amounts up to but not to exceed the applicable upper payment limit gap. The department shall establish a uniform methodology by which to distribute payments in compliance with applicable federal and state Medicaid laws and regulations.

(c) Unless otherwise prohibited by federal law, only private ground ambulance service providers who meet all of the following requirements shall be eligible to receive a quarterly adjustment payment authorized in subsection (b) of this section:

(i) Private ground ambulance service providers who provide ground ambulance services to Medicaid beneficiaries;

(ii) Private ground ambulance service providers who provide ground ambulance services to Medicare beneficiaries;

(iii) Private ground ambulance service providers who accept as full payment for ground ambulance services any payments made under Wyoming's worker's compensation system; and

(iv) Private ground ambulance service providers who:

(A) Are network providers for all insurers offering private health benefit plans in this state who maintain not less than a twenty percent (20%) share of the state's individual or small group health insurance market; or

(B) Have made a bonafide and reasonable offer to become a network

provider to all of the insurers identified in subparagraph (A) of this paragraph by offering to accept as network provider reimbursement not more than double the Medicaid reimbursement rate for relevant medical services. The offer required by this subparagraph may be higher to the extent the private ground ambulance service provider demonstrates to the department that the actual cost of providing relevant medical services plus six percent (6%) of the actual cost is an amount higher than double the Medicaid reimbursement rate for the relevant medical services.

(d) To the extent rate enhancements are approved by the Centers for Medicare and Medicaid Services and subject to the collection of assessments under W.S. 42-11-104(b), the department shall provide rate enhancement payments to private ground ambulance service providers consistent with applicable federal and state requirements.

(e) Quarterly payments or rate enhancements shall not be used to offset any other payment by Medicaid for ground ambulance services to Medicaid beneficiaries, including without limitation any fee-for-service, per diem, adjustment or cost settlement payments.

(f) No private ground ambulance service provider is guaranteed, expressly or otherwise, that quarterly adjustment payments or rate enhancements will equal or exceed the amount of private ground ambulance service provider assessments due under this chapter.

(g) Monies made available by this chapter shall not be used to replace other general revenues appropriated and funded by the legislature or other revenues used to support Medicaid.

42-11-107. Discontinuation of the assessment and payments.

(a) The assessments imposed by this chapter shall be discontinued or not allowed if:

(i) The state plan amendment or other agreement with the Centers for Medicare and Medicaid Services reflecting the payments authorized by this chapter is not approved by the Centers for Medicare and Medicaid Services. The department may modify the payment or qualification provisions as necessary to obtain the Centers for Medicare and Medicaid Services approval if the changes do not exceed the authority and purposes of this chapter;

(ii) Federal financial participation to match assessments under this chapter becomes unavailable under federal law. In this event, the department shall terminate the imposition of assessments beginning on the date the federal statutory, regulatory or interpretive change takes effect.

(b) If the collection of assessments is discontinued as provided in this section, payments or rate enhancements under this chapter shall be discontinued and, after payment of all amounts under W.S. 42-11-103(d)(i) and (iii), any

assessments remaining in the account shall be returned to the private ground ambulance service providers from which the assessments were collected on the same basis as they were collected.

(c) If the department is collecting assessments for both quarterly adjustment payments and rate enhancements and both collections are not discontinued, the department shall continue to maintain the account as required by this chapter for the type of assessment that continues to be collected.

42-11-108. Approval of state plan; rulemaking.

(a) The department shall seek necessary federal approval in the form of state plan amendments or otherwise in order to implement the provisions of this chapter. The department shall be deemed to satisfy this requirement by seeking approval for the operation of an upper payment limit program that provides for quarterly adjustment payments, by seeking approval for rate enhancements, or both. While seeking federal approval under this subsection, the department may modify payment or qualification provisions as necessary to obtain the Centers for Medicare and Medicaid Services approval if the changes do not exceed the authority and purposes of this chapter.

(b) The department shall adopt rules and regulations necessary to implement the provisions of this chapter.

42-11-109. Multiple ambulance services.

If a person conducts, operates or maintains more than one (1) private ground ambulance service provider licensed by the department, the person shall pay the assessment for each private ground ambulance service provider separately.

Section 2. W.S. 42-4-104(b)(ix) is amended to read:

42-4-104. Powers and duties of department of health; state Medicaid agent appointed by governor.

(b) In carrying out subsection (a) of this section, the department may:

(ix) Enter into intergovernmental transfer arrangements with qualifying facilities and providers, including but not limited to hospitals, nursing homes, hospital owned and operated professional service providers and ground ambulance service providers, in which all federal funding received as a result of the intergovernmental transfer arrangements shall be distributed to participating facilities and providers in accordance with the terms of an approved state plan amendment or other agreement with the centers for Medicare and Medicaid services. Notwithstanding, if consistent with the state plan amendment or agreement, the department may use funds derived from such intergovernmental transfers to pay administrative expenses incurred by the department or its agent in performing the activities authorized under this subsection, provided that these expenses shall not exceed a total of three percent (3%) of the aggregate intergovernmental transfer funds collected in the

fiscal year;

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

Approved February 9, 2021.

Chapter 33

BURIALS FOR INDIGENT PERSONS

Original House Bill No. 29

AN ACT relating to indigent person burial expenses; providing for reimbursement of burial expenses for indigent persons; imposing a surcharge for death certificates; creating an account; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 18-3-504(c), 19-14-101(a), 35-1-428 by creating a new subsection (c) and 42-2-103(c) are amended to read:

18-3-504. Powers and duties generally.

(c) Each board of county commissioners shall provide for the burial or cremation of the human remains of any deceased person not receiving personal opportunities with employment responsibilities (POWER) assistance, supplemental security income or Medicaid under the Wyoming Public Assistance and Social Services Act at the time of death and without sufficient means in his own estate or other resources to provide burial or cremation. The amount paid under this subsection for burial or cremation shall not exceed one thousand five hundred dollars (\$1,500.00). Each board shall account for the county expenses incurred under this subsection during a fiscal year. By August 1 of each year, a county may request reimbursement by the department of family services for the expenses incurred under this subsection for the preceding fiscal year. The department of family services shall reimburse the expenses in accordance with W.S. 35-1-428(c).

19-14-101. Burial of indigents.

(a) The board of county commissioners of each county shall provide for the preparation of the body and transmittal to and burial in the veteran's cemetery of any other than a dishonorably discharged veteran of the armed forces of the United States who served on behalf of the United States in any war or conflict as defined in section 101, title 38, United States Code and who dies leaving insufficient funds to defray the necessary funeral expenses. The amount expended for transporting the body shall not exceed five hundred dollars (\$500.00). The amount paid under this section for burial shall not exceed one thousand five hundred dollars (\$1,500.00). Each board shall account for

the county expenses incurred under this subsection during a fiscal year. By August 1 of each year, a county may request reimbursement by the department of family services for the expenses incurred under this subsection for the preceding fiscal year. The department of family services shall reimburse the expenses in accordance with W.S. 35-1-428(c).

35-1-428. Fees for copies and searches; surcharges.

(c) In addition to the fees imposed by department of health rules under subsection (a) of this section and the surcharges imposed under subsection (b) of this section, the department shall collect a surcharge of five dollars (\$5.00) for each copy of a death certificate issued pursuant to this article. Revenues collected from the surcharge imposed under this subsection shall be deposited by the department in the indigent persons burial account, which is hereby created. All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be deposited in the account. Subject to legislative appropriation, the department of family services shall disperse one-half (1/2) of the funds within the account to counties that made a request for reimbursement under W.S. 18-3-504(c) or 19-14-101(a) and the remaining one-half (1/2) of funds shall be available to the department of family services for expenses incurred under W.S. 42-2-103(c). If a legislative appropriation is insufficient to reimburse all county reimbursement requests, the department of family services shall disperse the available funds so that each county that made a reimbursement request receives equal percentage reimbursements.

42-2-103. Provision of assistance and services; duties of department; burial assistance; department of health state supplemental security income program.

(c) Notwithstanding any other provision of this article and subject to the availability of funds, the department shall pay the burial or cremation expenses of any recipient of aid under the personal opportunities with employment responsibilities (POWER) program, supplemental security income or Medicaid at the time of his death and without sufficient means in his own estate or other resources to provide burial or cremation. The amount paid under this subsection shall not exceed one thousand dollars (\$1,000.00) after consideration of funds available to the recipient from all other sources. In determining eligibility under this subsection, the department shall not consider as available funds, an amount up to or equal to one thousand five hundred dollars (\$1,500.00) of the corpus of a Medicaid qualifying trust meeting the requirements of W.S. 42-4-113. No board of county commissioners shall be responsible for any burial or cremation expenses in excess of the amount paid under this subsection. Burial or cremation expenses under this subsection shall not include those expenses relating to cemetery costs.

Section 2. This act shall only apply to expenses incurred under W.S. 18-3-504(c), 19-14-101(a) and 42-2-103(c) on or after the effective date of this act.

Section 3. This act is effective July 1, 2021.

Approved March 30, 2021.

Chapter 34

OFF-ROAD RECREATIONAL VEHICLES REGISTRATION AUTHORIZED

Original House Bill No. 86

AN ACT relating to motor vehicles; authorizing the licensing and registration of specified off-road vehicles; amending vehicle equipment requirements as specified; amending limitations on the use of specified off-road recreational vehicles on public roadways; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 31-2-232 is created to read:

31-2-232. Specified off-road vehicle licensing and registration.

(a) Off-road recreational vehicles as defined by W.S. 31-1-101(a)(xv)(K)(II) may be registered and licensed pursuant to this section.

(b) Before the owner of an off-road recreational vehicle as defined by W.S. 31-1-101(a)(xv)(K)(II) may operate the vehicle upon any public road, except pursuant to W.S. 31-5-1601(a) through (c), the owner shall register the vehicle by submitting an application to the county treasurer indicating:

(i) The owner wishes to operate the vehicle upon public roadways in Wyoming;

(ii) The vehicle is owned and operated primarily for the purposes of off-road recreational use or other related activities and will not be used primarily for general transportation upon public roadways;

(iii) The vehicle is titled in Wyoming;

(iv) The applicant has certified on a form created by the department that the vehicle has the equipment required by W.S. 31-5-912(b), 31-5-913(a) and (b), 31-5-914, 31-5-915(a), 31-5-917, 31-5-952, 31-5-953, 31-5-954(a), 31-5-956 and 31-5-1601(a)(iv) and (v)(B).

(c) Upon receipt of an approved application and payment of fees the county treasurer shall issue to the applicant a certificate of registration together with one (1) license plate or validation sticker. The registration fee for off-road recreational vehicles shall be the same rate as for motorcycles. The registration expires upon transfer of ownership of the vehicle. License plates on the off-

road recreational vehicle shall be displayed in accordance with W.S. 31-2-205.

Section 2. W.S. 31-1-101(a)(xv)(K)(II), 31-2-205(a)(i)(A) by creating a new subdivision (IX), 31-2-224(b), 31-5-124(a)(ii), by creating a new paragraph (iii) and by creating a new subsection (c), 31-5-901(c), 31-5-912(b), 31-5-913(a), 31-5-914, 31-5-915(a), 31-5-952(e), 31-5-953(c), 31-5-954(a), 31-5-956(h) and 31-5-1601 by creating new subsections (d) and (e) are amended to read:

31-1-101. Definitions.

(a) Except as otherwise provided, as used in this act:

(xv) “Motor vehicle” means every vehicle which is self-propelled except vehicles moved solely by human power, electric bicycles or motorized skateboards. The term includes the following vehicles as hereafter defined:

(K) “Off-road recreational vehicle” means:

(II) Any ~~unlicensed~~ motorcycle ~~which not required by law to be licensed that~~ has an unladen weight of six hundred (600) pounds or less, ~~and is~~ designed to be ridden off-road with the operator astride upon a seat or saddle and travels on two (2) tires; and

31-2-205. Display of license plates.

(a) License plates for vehicles shall be:

(i) Conspicuously displayed and securely fastened to be plainly visible:

(A) One (1) on the front of the vehicle, excluding the following:

(IX) Off-road recreational vehicles as defined by W.S. 31-1-101(a)(xv)(K)(II) that are registered pursuant to W.S. 31-2-232.

31-2-224. Registration exemptions.

(b) Off-road recreational vehicles ~~shall~~ are not required to be registered. Off-road recreational vehicles as defined by W.S. 31-1-101(a)(xv)(K)(II) shall be registered as provided by W.S. 31-2-232 if they are to be operated on public roadways.

31-5-124. Off-road recreational vehicles; multipurpose vehicles; limitation on use; equipment.

(a) No person shall operate an off-road recreational vehicle as defined in W.S. 31-1-101(a)(xv)(K) upon public streets or highways except:

(ii) For operation of a vehicle in accordance with the provisions of W.S. 31-5-1601;

(iii) For off-road recreational vehicles as defined by W.S. 31-1-101(a)(xv)(K)(II) that are registered pursuant to W.S. 31-2-232.

(c) Off-road recreational vehicles shall not be operated on interstate highways.

31-5-901. General requirements; applicability of provisions.

(c) The provisions of W.S. 31-5-901 through 31-5-970 and regulations of the superintendent with respect to equipment required on vehicles shall not apply to vehicles moved solely by human power, motorcycles, autocycles, motor-driven cycles, mopeds, electric bicycles, multipurpose vehicles, off-road recreational vehicles as defined by W.S. 31-1-101(a)(xv)(K)(II), implements of husbandry, highway construction machinery or farm tractors except as specifically made applicable.

31-5-912. Head lamps.

(b) A motorcycle, motor-driven cycle, multipurpose vehicle which is fifty (50) inches or less in width, ~~or moped~~ or off-road recreational vehicle as defined by W.S. 31-1-101(a)(xv)(K)(II) that is registered pursuant to W.S. 31-2-232 shall be equipped with at least one (1) head lamp which shall comply with the regulations of the superintendent.

31-5-913. Tail lamps.

(a) A motor vehicle, multipurpose vehicle which is greater than fifty (50) inches in width, trailer, semitrailer, pole trailer or any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two (2) tail lamps mounted on the rear, which shall comply with the regulations of the superintendent. The superintendent may by regulation allow one (1) tail lamp on any vehicle equipped with only one (1) when it was made. A motorcycle, motor-driven cycle, multipurpose vehicle which is fifty (50) inches or less in width, autocycle, ~~or moped~~ or off-road recreational vehicle as defined by W.S. 31-1-101(a)(xv)(K)(II) that is registered pursuant to W.S. 31-2-232 shall be equipped with at least one (1) tail lamp which shall comply with the regulations of the superintendent.

31-5-914. Rear reflectors.

Every motor vehicle, multipurpose vehicle which is greater than fifty (50) inches in width, trailer, semitrailer, pole trailer or other vehicle which is being drawn at the end of a combination of vehicles shall carry on the rear, either as a part of the tail lamps or separately, two (2) or more red reflectors complying with the regulations of the superintendent. Motorcycles, motor-driven cycles, multipurpose vehicles which are fifty (50) inches or less in width, autocycles, ~~or mopeds~~ or off-road recreational vehicles as defined by W.S. 31-1-101(a)(xv)(K)(II) that are registered pursuant to W.S. 31-2-232 shall carry on the rear at least one (1) red reflector complying with the regulations of the superintendent.

31-5-915. Stop lamps; electric turn signal lamps.

(a) Every motor vehicle, multipurpose vehicle which is greater than fifty (50) inches in width, trailer, semitrailer, pole trailer or other vehicle which is being drawn at the end of a combination of vehicles shall be equipped with two (2) or more stop lamps complying with the regulations of the superintendent. Every motorcycle, motor-driven cycle, multipurpose vehicle which is fifty (50)

inches or less in width, autocycle, ~~or~~ moped or off-road recreational vehicle as defined by W.S. 31-1-101(a)(xv)(K)(II) that is registered pursuant to W.S. 31-2-232 shall be equipped with at least one (1) stop lamp complying with the regulations of the superintendent. The superintendent may by regulation allow one (1) stop lamp on any vehicle equipped with only one (1) when it was made.

31-5-952. Horns and warning devices.

(e) This section applies to motorcycles, motor-driven cycles, multipurpose vehicles, ~~and~~ mopeds and off-road recreational vehicles as defined by W.S. 31-1-101(a)(xv)(K)(II) that are registered pursuant to W.S. 31-2-232.

31-5-953. Mufflers.

(c) This section applies to motorcycles, motor-driven cycles, multipurpose vehicles, ~~and~~ mopeds and off-road recreational vehicle as defined by W.S. 31-1-101(a)(xv)(K)(II) that is registered pursuant to W.S. 31-2-232.

31-5-954. Mirrors.

(a) On or before January 1, 1986, every motor vehicle including motorcycles, motor-driven cycles, multipurpose vehicles, ~~and~~ mopeds and off-road recreational vehicles as defined by W.S. 31-1-101(a)(xv)(K)(II) that are registered pursuant to W.S. 31-2-232 shall be equipped with a mirror mounted on the left side of the vehicle and so located as to reflect to the driver a view of the highway to the rear of the vehicle.

31-5-956. Tires; restriction of travel under hazardous conditions; penalties.

(h) This section applies to motorcycles, motor-driven cycles, multipurpose vehicles, ~~and~~ mopeds and off-road recreational vehicles as defined by W.S. 31-1-101(a)(xv)(K)(II) that are registered pursuant to W.S. 31-2-232.

31-5-1601. Operation on highways.

(d) Off-road recreational vehicles as defined by W.S. 31-1-101(a)(xv)(K)(II) that are registered pursuant to W.S. 31-2-232 may be operated upon any open public road rights-of-way, streets, roads or highways within Wyoming, notwithstanding the designation of the public road right-of-way, street, road or highway as a Wyoming off-road recreational vehicle trail pursuant to W.S. 31-2-701 through 31-2-707.

(e) Off-road recreational vehicles shall not be operated on interstate highways.

Section 3. The department of transportation shall create or utilize an existing certification form to provide to applicants in order to certify the equipment requirements imposed by this act.

Section 4. This act is effective July 1, 2021.

Approved March 30, 2021.

Chapter 35

ACCESS TO ANATOMICAL GIFTS AND ORGAN TRANSPLANTS

Original House Bill No. 111

AN ACT relating to health care; prohibiting discrimination in the provision of health care services and insurance for organ transplants and related procedures based on a person's disability; providing definitions; providing for enforcement and authorizing a civil action; and providing for an effective date.

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

Section 1. W.S. 26-20-801, 26-20-802 and 35-5-301 through 35-5-303 are created to read:

ARTICLE 8

ANATOMICAL GIFTS AND ORGAN TRANSPLANTATION

26-20-801. Definitions.

(a) As used in this article:

(i) "Covered person" means a policyholder, subscriber, enrollee, member or individual covered by any policy, contract or certificate listed in W.S. 26-20-802(a);

(ii) "Health insurance issuer" means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including through a policy, contract or certificate listed in W.S. 26-20-802(a), and shall include a sickness and accident insurance company, a nonprofit corporation, a health maintenance organization, a preferred provider organization, or any similar entity, or any other entity providing a plan of health insurance or health benefits.

(b) The definitions in W.S. 35-5-301 shall apply to this article.

26-20-802. Discrimination prohibited.

(a) No individual or group health insurance policy providing coverage on an expense incurred basis, individual or group service or indemnity type health insurance contract or certificate issued by any health insurance issuer that provides coverage for anatomical gifts, organ transplants or related treatment and services shall:

(i) Deny coverage of an anatomical gift, organ transplant or related treatment or service to a covered person solely on the basis of the person's disability;

(ii) Deny to a covered person eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the policy, contract or certificate, solely for the purpose of avoiding the requirements of this section or W.S. 35-5-301 through 35-5-303;

(iii) Penalize or otherwise reduce or limit the reimbursement of an attending provider, or provide monetary or nonmonetary incentives to an attending provider, to induce the provider to provide care to a covered person in a manner inconsistent with this section or W.S. 35-5-301 through 35-5-303; or

(iv) Reduce or limit coverage benefits to a covered person for the medical services or other services related to organ transplantation performed pursuant to this section and W.S. 35-5-301 through 35-5-303 as determined in consultation with the attending physician and covered person.

(b) In the case of any policy, contract or certificate listed in subsection (a) of this section that is maintained pursuant to one (1) or more collective bargaining agreements between employee representatives and one (1) or more employers, any policy, contract or certificate amendment made pursuant to a collective bargaining agreement relating to the policy and made solely to conform to any requirement under this section shall not be treated as a termination of the collective bargaining agreement.

(c) Nothing in this section shall require a health insurance issuer to provide coverage for a medically inappropriate organ transplant.

CHAPTER 5

ANATOMICAL GIFTS AND ORGAN TRANSPLANTATION

ARTICLE 3

NONDISCRIMINATION IN ACCESS TO ANATOMICAL GIFTS AND ORGAN TRANSPLANTATION

35-5-301. Definitions.

(a) As used in this article:

(i) “Anatomical gift” means a donation of all or part of a human body to take effect after the donor’s death for the purpose of transplantation or transfusion;

(ii) “Auxiliary aid or service” means an aid or service that is used to provide information to an individual with a cognitive, developmental, intellectual, neurological or physical disability and is available in a format or manner that allows the individual to better understand the information. An auxiliary aid or service includes any of the following:

(A) Qualified interpreters or other effective methods of making aurally delivered materials available to persons with hearing impairments;

(B) Qualified readers, taped texts, texts in accessible electronic format or other effective methods of making visually delivered materials available to persons with visual impairments;

(C) Supported decision making services, including:

(I) The use of a support individual to communicate information to the individual with a disability, ascertain the wishes of the individual or assist the individual in making decisions;

(II) The disclosure of information to a legal guardian, authorized representative or another individual designated by the individual with a disability for decision making purposes, as long as the disclosure is consistent with state and federal law, including the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., and any regulations promulgated by the United States department of health and human services to implement the act;

(III) If an individual has a court appointed guardian or other individual responsible for making medical decisions on behalf of the individual, any measures used to ensure that the individual is included in decisions involving the individual's health care and that medical decisions are in accordance with the individual's own expressed interests;

(IV) Any other aid or service that is used to provide information in a format that is easily understandable and accessible to individuals with cognitive, neurological, developmental or intellectual disabilities, including assistive communication technology.

(iii) "Covered entity" means:

(A) Any licensed provider of health care services, including licensed health care practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric residential treatment facilities, institutions for individuals with intellectual or developmental disabilities and prison health centers;

(B) Any entity responsible for matching anatomical gift donors to potential recipients.

(iv) "Disability" has the meaning stated in the Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Amendments Act of 2008, at 42 U.S.C. § 12102;

(v) "Organ transplant" means the transplantation or transfusion of a part of a human body into the body of another for the purpose of treating or curing a medical condition;

(vi) "Qualified recipient" means an individual who has a disability and meets the essential eligibility requirements for the receipt of an anatomical gift with or without any of the following:

(A) Individuals or entities available to support and assist the individual with an anatomical gift or transplantation;

(B) Auxiliary aids or services;

(C) Reasonable modifications to the policies, practices or procedures of a covered entity, including modifications to allow for either or both of the following:

(I) Communication with one (1) or more individuals or entities available to support or assist with the recipient's care and medication after surgery or transplantation;

(II) Consideration of support networks available to the individual, including family, friends and home and community based services, including home and community based services funded through Medicaid, Medicare, another health plan in which the individual is enrolled or any program or source of funding available to the individual, when determining whether the individual is able to comply with post-transplant medical requirements.

35-5-302. Discrimination prohibited.

(a) A covered entity shall not, solely on the basis of an individual's disability:

(i) Consider the individual ineligible to receive an anatomical gift or organ transplant;

(ii) Deny medical services or other services related to organ transplantation, including diagnostic services, evaluation, surgery, counseling or post-operative treatment and services;

(iii) Refuse to refer the individual to a transplant center or other related specialist for the purpose of being evaluated for or receiving an organ transplant;

(iv) Refuse to place a qualified recipient on an organ transplant waiting list;

(v) Place a qualified recipient on an organ transplant waiting list at a lower priority position than the position at which the individual would have been placed if the individual did not have a disability;

(vi) Refuse insurance coverage for any procedure associated with being evaluated for or receiving an anatomical gift or organ transplant, including post-transplantation and post-transfusion care.

(b) A covered entity may take an individual's disability into account when making treatment or coverage recommendations or decisions, solely to the extent that the disability has been found by a physician or surgeon, following an individualized evaluation of the individual, to be medically significant to the provision of the anatomical gift.

(c) If an individual has the necessary support system to assist the individual in complying with post-transplant medical requirements, a covered entity may not consider the individual's inability to independently comply with post-transplant medical requirements to be medically significant for the purposes of subsection (b) of this section.

(d) A covered entity shall make reasonable modifications to its policies, practices or procedures to allow individuals with disabilities access to transplantation related services, including diagnostic services, surgery, coverage, post-operative treatment and counseling, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of those services.

(e) A covered entity shall take steps necessary to ensure that an individual with a disability is not denied medical services or other services related to organ transplantation, including diagnostic services, surgery, post-operative treatment or counseling, due to the absence of auxiliary aids or services, unless the covered entity demonstrates that taking the steps would fundamentally alter the nature of the medical services or other services related to organ transplantation or would result in an undue burden for the covered entity.

(f) Nothing in this section shall require a covered entity to make a referral or recommendation for or perform a medically inappropriate organ transplant.

(g) A covered entity shall otherwise comply with the requirements of titles II and III of the Americans with Disabilities Act, as amended.

(h) The provisions of this article shall apply to all stages of the organ transplant process.

35-5-303. Enforcement.

(a) Whenever it appears that a covered entity has violated or is violating any of the provisions of this article, the affected individual may commence a civil action for injunctive and other relief against the covered entity for purposes of enforcing compliance with this article. The action may be brought in the district court for the county where the affected individual resides or resided or was denied the organ transplant or referral.

(b) In an action brought under this article, the court shall give priority on its docket and expedited review, and may grant injunctive or other relief, including:

(i) Requiring auxiliary aids or services to be made available for a qualified recipient;

(ii) Requiring the modification of a policy, practice or procedure of a covered entity; or

(iii) Requiring facilities be made readily accessible to and usable by a qualified recipient.

(c) Nothing in this article is intended to limit or replace available remedies under the Americans With Disabilities Act, as amended, or any other applicable law.

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

Approved March 30, 2021.

Chapter 36

INTERFERENCE WITH PUBLIC CONTRACTING

Original House Bill No. 33

AN ACT relating to crimes and offenses; providing legislative findings; creating criminal offenses related to interference with public contracts; defining terms; specifying penalties; and providing for an effective date.

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

Section 1. The legislature finds that the cost to the public is increased and the quality of goods, services and construction paid with public funds is decreased when contracts for those goods, services and construction are obtained by any means other than through the independent and non-collusive submission of bids or offers by individual contractors or suppliers, and the evaluation of those bids or offers by the governmental entity is pursuant only to criteria publicly announced in advance.

Section 2. W.S. 6-5-401 through 6-5-408 are created to read:

ARTICLE 4

INTERFERENCE WITH PUBLIC CONTRACTING

6-5-401. Definitions.

(a) As used in this article:

(i) “Governmental entity” means any unit of state or local government or any branch, subdivision or agency thereof or any school district or special district;

(ii) “Kickback” means any money, fee, commission, credit, gift, gratuity, thing of value or compensation of any kind that is provided, directly or indirectly, to any public official, public servant, prime contractor, prime contractor employee, subcontractor or subcontractor employee for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or in connection with a subcontract relating to a prime contract;

(iii) “Prime contractor” means any person who has entered into a public contract;

(iv) “Prime contractor employee” means any officer, partner, employee or agent of a prime contractor;

(v) “Public contract” means any contract for goods, services or construction awarded to any person with or without bid by any governmental entity, regardless of any procedures for the bid or contract process that are required by law;

(vi) “Public officer” means as defined by W.S. 6-5-101(a)(v);

(vii) “Public servant” means as defined by W.S. 6-5-101(a)(vi);

(viii) “Subcontract” means a contract or contractual action entered into by a prime contractor or subcontractor for the purpose of obtaining goods, services or construction of any kind under a public contract;

(ix) “Subcontractor” means any person, except for the prime contractor, who offers to furnish or furnishes any goods, services or construction of any kind under a public contract or a subcontract entered into in connection with a public contract. “Subcontractor” shall include any person who offers to furnish or furnishes goods, services or construction to the prime contractor or a higher-tier subcontractor;

(x) “Subcontractor employee” means any officer, partner, employee or agent of a subcontractor.

6-5-402. Bid rigging; penalties; prohibitions.

(a) A person commits bid rigging when he knowingly conspires with any other person who is or would be a competitor to any submitted or not submitted bid to a governmental entity with the intent that the bid submitted or not submitted will result in the award of a public contract to the person or to another person and the person:

(i) Provides the other person or receives from the other person or another person information concerning the price or a material term of any bid that would otherwise not be disclosed to a competitor in an independent, non-collusive submission of bids; or

(ii) Submits a bid that is of such price or other material term that he does not intend the bid to be accepted.

(b) Bid rigging is a felony punishable by imprisonment for not more than five (5) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

6-5-403. Bid rotating; penalties; prohibitions.

(a) A person commits bid rotating when, pursuant to any collusive scheme, plan or agreement with another, he engages in a pattern of submitting sealed bids to governmental entities with the intent that the award of those bids rotates or is distributed among persons that submit bids on a substantial number of the same or similar public contracts. For purposes of this subsection, a pattern of submitting sealed bids shall include not less than three (3) contract bids within a period of ten (10) years.

(b) Bid rotating is a felony punishable by imprisonment for not more than five (5) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

6-5-404. Acquisition or disclosure of bidding information by a public servant.

(a) A public servant who knowingly opens a sealed bid at a time or place other than that designated in the invitation to bid or as otherwise provided for by state law or local ordinance, or who knowingly opens a bid outside of the presence of witnesses if required by state law or local ordinance, is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

(b) Any public servant who knowingly discloses to any interested person any information related to the terms of a sealed bid, except when the information is obtained as provided by law or if the disclosure is necessary to the public servant's responsibilities relating to the bid, is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than ten thousand dollars (\$10,000.00), or both. This subsection shall not apply to any public servant who makes any disclosure of information related to a sealed bid when that disclosure would otherwise be made available to the public upon request.

(c) This section shall apply only to public contracts for which sealed bids are submitted.

6-5-405. Interference with contract submission and award by a public servant.

(a) A public servant who knowingly conveys, either directly or indirectly and outside of the publicly available official invitation to bid or pre-qualify to bid or solicitation for contracts, any information concerning the specifications for a contract or the identity of any specific potential prime contractors or subcontractors, when disclosure of that information is intended to influence the likelihood of acceptance of a bid or offer, is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both. This subsection shall not apply to a public servant who conveys information intended to clarify plans or specifications regarding a public contract where disclosure of that information is also made available to the public upon request.

(b) A public servant who, either directly or indirectly, knowingly informs a bidder or offeror that the bid or offer will be accepted or executed only if specified persons are included as subcontractors is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

(c) Any public servant who knowingly awards a public contract based on

criteria that were not publicly disseminated via an invitation to bid that is published pursuant to law, a pre-bid or pre-qualification conference or any other lawful procedure for soliciting contracts is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than ten thousand dollars (\$10,000.00), or both. This subsection shall not apply to any public servant who provides a person a copy of the transcript or other summary of any pre-bid or pre-qualification conference where the transcript or summary would otherwise be made available to the public upon request.

(d) This section shall apply only to public contracts for which sealed bids are submitted.

6-5-406. Kickbacks; penalties; civil action.

(a) A person is guilty of providing or accepting kickbacks when he knowingly:

- (i) Provides, attempts to provide or offers to provide any kickback;
- (ii) Solicits, accepts or attempts to accept any kickback; or
- (iii) Includes, either directly or indirectly, the amount of any kickback in the contract price charged by a subcontractor to a prime contractor or a higher-tier subcontractor or includes, either directly or indirectly, in the contract price the amount of any kickback in the contract price charged by a prime contractor to a governmental entity for a public contract.

(b) Providing or accepting kickbacks is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), imprisonment for not more than one (1) year, or both.

(c) A governmental entity may file a civil action to recover a civil penalty of two (2) times the amount of each kickback from any person who knowingly engages in conduct prohibited by paragraph (a)(iii) of this section. This subsection shall not be construed to limit any governmental entity from seeking to recover damages as authorized by any other law. A civil action shall not be commenced under this subsection after six (6) years of the later of the date on which:

- (i) The conduct establishing the civil action occurred; or
- (ii) The governmental entity knew or should have known that the conduct establishing the civil action occurred.

6-5-407. Bribery of an inspector employed by a contractor.

(a) A person commits bribery of an inspector when:

(i) He offers to any person any property or other thing of value with the intent to obtain a wrongful certification or approval of the quality or completion of any goods, services or construction supplied or performed in the course of performing the obligations of a public contract; or

(ii) He is employed by a prime contractor or subcontractor to work

pursuant to a public contract and he accepts any property or other thing of value knowing that the property or thing of value was intentionally offered for the purpose of influencing the certification or approval of the quality or completion of any goods, services or construction supplied or performed under a subcontract and he issues a wrongful certification.

(b) Bribery of an inspector is a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

6-5-408. Prohibitions for bidding.

(a) Any person convicted of any offense under this article or of any substantially similar offense under federal law or the laws of another state shall be barred for three (3) years from the date of conviction from contracting with any governmental entity.

(b) No partnership, company or corporation shall be barred under this section if an employee of the partnership, company or corporation is convicted under this section if the employee is no longer employed by the partnership, company or corporation and the partnership, company or corporation:

(i) Has been found not guilty or the case against the partnership, company or corporation has been dismissed if charged under this section; or

(ii) Demonstrates to the satisfaction of the governmental entity with which it seeks to contract that the employee's offense was not authorized, requested, commanded or performed by a director or officer of the partnership, company or corporation.

Section 3. This act is effective July 1, 2021.

Approved March 30, 2021.

Chapter 37

MENTAL HEALTH PROFESSIONS PRACTICE ACT-AMENDMENTS

Original House Bill No. 4

AN ACT relating to the Mental Health Professions Practice Act; providing for criminal background checks as specified; providing standards for certification as a certified mental health worker and defining scope of practice; amending reciprocity allowances; repealing obsolete provisions; 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 (xxxiv), 7-19-201(a) by creating a new paragraph (xxx), 33-38-102(a)(xii) and by creating a new paragraph (xvii), 33-38-105 by creating a new subsection (j), 33-38-106 by creating a new subsection (q) and 33-38-108(b) and by creating a

new subsection (d) 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:

(xxxiv) The mental health professions licensing board for purposes of obtaining background information on applicants for licensure or certification by the board.

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:

(xxx) All persons applying for licensure or certification to the mental health professions licensing board under title 33, chapter 38 of the Wyoming statutes.

33-38-102. Definitions.

(a) As used in this act:

(xii) Certified mental health worker (CMHW) means a person certified under this act to perform ~~mental health procedures~~ the application of human services or psychological theory and methods to the assessment, treatment or prevention of psychosocial dysfunction, disability or impairment, including emotional or mental disorders, under the supervision of a qualified clinical supervisor licensed in the state of Wyoming. The practice of a CMHW shall not include assigning a diagnosis or acting as a primary treatment provider;

(xvii) "Human behavioral discipline" refers to a degree in addictionology, chemical dependency, substance use disorder, counseling, psychology, social work, sociology or a related field.

33-38-105. Powers and duties of the board; rules; meetings; fees.

(j) The board shall request criminal history background information as authorized under W.S. 7-19-106(a)(xxxiv) on license and certificate applicants for:

(i) All initial applicants; and

(ii) All renewal applicants once every four (4) years.

33-38-106. Requirements for licensure and certification.

(q) Certification under this subsection shall allow practice as a certified mental health worker only under the supervision of a qualified clinical supervisor and subject to any other restrictions which may be specified by the board. The board shall grant certification as a certified mental health worker to any applicant who files an application upon a form and in the manner prescribed by the board,

accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following:

(i) The applicant has reached the age of majority;

(ii) The applicant has no felony convictions and no misdemeanor convictions that relate adversely to the practice of clinical mental health work or to the ability to practice clinical mental health work, although exceptions to this requirement may be granted by the board if consistent with the public interest;

(iii) The applicant has received a baccalaureate degree in a human behavioral discipline from an accredited program and institution of higher education, which is professional in content and which meets the academic and training content standards established by the board. The board shall use the professional training and experience standards of the appropriate professional associations as established by the rules and regulations;

(iv) The applicant has demonstrated knowledge in the field of mental health work in general by passing a standard examination which may be written or situational, as the board prescribes. The board may develop, adopt and administer appropriate examinations. The board shall establish specific provisions for examination of applicants for certification in the specific discipline at reasonable times and places at least twice each year;

(v) Unless extended, the applicant has six (6) months from the date of employment to become certified. The board may, for good cause shown, grant an extension of this grace period.

33-38-108. Reciprocity.

(b) Any individual holding a certification in good standing to engage in the practice of social work, ~~or~~ addictions therapy or mental health work under the laws of another state having certification requirements substantially similar to those required by this act may, upon approval of the board, be issued certification to practice in this state.

(d) For good cause shown the board shall issue a license or certification to practice in this state to an individual seeking reciprocity as a social worker, addictions practitioner, addictions practitioner assistant or mental health worker who does not otherwise meet the reciprocity requirements under subsection (a) or (b) of this section.

Section 2. W.S. 33-38-106(e) through (m) is repealed.

Section 3. This act is effective July 1, 2021.

Approved March 30, 2021.

Chapter 38**DRIVER'S LICENSE REQUIREMENTS-VISUAL ACUITY****Original House Bill No. 20**

AN ACT relating to motor vehicles; amending the driver's license requirement to demonstrate visual acuity; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 31-7-110(b), 31-7-114(a) and 31-7-119(b) and (g) are amended to read:

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

(b) Any person at least fifteen (15) years of age may apply to the division for a motorcycle instruction permit. The division, after the applicant has successfully passed a written examination and ~~a vision test~~ has demonstrated adequate visual acuity according to department rules, may issue to the applicant an instruction permit ~~which that~~ entitles the applicant to drive a motorcycle for a period of ninety (90) days without a passenger. If the applicant also passes a driving test, the division may issue an instruction permit ~~which that~~ entitles the applicant to drive a motorcycle for a period of one (1) year, without a passenger. The motorcycle instruction permit for a person who is under seventeen (17) years of age shall be subject to restricted hours of operation as provided in W.S. 31-7-110(h)(ii)(B) through (E).

31-7-114. Examinations; visual acuity.

(a) The division shall examine every applicant for a driver's license and instructional permit and shall require each applicant to demonstrate adequate visual acuity according to department rules. The division's examination shall include a test of the applicant's ~~eyesight, his~~ ability to read and understand official traffic control devices; ~~his and the applicant's~~ knowledge of safe driving practices; and the traffic laws of the state, ~~and~~ The examination may also include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicles to be driven.

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

(b) The division shall require every person applying for renewal of a driver's license to ~~take and successfully pass a test of his eyesight~~ demonstrate adequate visual acuity according to department rules. The division may require any applicant to take and successfully pass any additional tests or provide affidavits required or authorized under the original application as the division finds reasonably necessary to determine ~~his~~ the applicant's qualification according to the type or class of license. The written test for a hazardous materials endorsement shall be taken and passed if the person wants to retain an "H" endorsement unless the applicant's written test results are less than two (2) years old.

(g) The division shall send 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 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~~ applicant has demonstrated adequate visual acuity according to department rules. 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.

Section 2. Not later than July 1, 2021, the department of transportation shall promulgate rules to accomplish the purposes 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, 2021.

Approved March 30, 2021.

Chapter 39

CRIME OF BESTIALITY

Original House Bill No. 46

AN ACT relating to crimes and offenses; creating the crime of bestiality; prohibiting bestiality as specified; providing definitions; providing a penalty; and providing for an effective date.

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

Section 1. W.S. 6-4-601 is created to read:

ARTICLE 6
BESTIALITY

6-4-601. Bestiality; penalty.

(a) As used in this section:

- (i) "Actor" means the person accused of bestiality;
- (ii) "Sexual act with an animal" means any act, between a person and

an animal involving direct physical contact between the genitals of one and the mouth, anus or genitals of the other. A sexual act with an animal may be proved without evidence of penetration.

(b) An actor commits the crime of bestiality if the actor knowingly:

- (i) Engages in a sexual act with an animal;
- (ii) Causes, aids or abets another in engaging in a sexual act with an animal;
- (iii) Uses any part of the actor's body or an object to sexually stimulate an animal; or
- (iv) For the purpose of sexual gratification, the actor visually records a person engaging in a sexual act with an animal.

(c) Bestiality is a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both.

(d) This section shall not apply to or prohibit normal, ordinary or accepted practices involved in animal husbandry, artificial insemination or veterinary medicine.

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

Approved March 30, 2021.

Chapter 40

DIVISION OF BANKING-FEES

Original House Bill No. 69

AN ACT relating to banking and commerce; specifying how fees authorized by statute may be charged by the state banking commissioner; requiring a report; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 13-1-603(d) and by creating new subsections (e) and (f), 34-29-104(n), 40-14-632 by creating a new subsection (d), 40-14-634 by creating a new subsection (s), 40-14-642(f), 40-14-646 by creating a new subsection (c), 40-19-114 by creating a new subsection (k), 40-22-109, 40-22-111 by creating a new subsection (d), 40-22-114(c), 40-23-103(a) by creating a new paragraph (x) and 40-29-104 by creating a new subsection (m) are amended to read:

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

(d) The commissioner shall establish any fee by rule and regulation if this act any provision of this title authorizes the fee to be established by rule and regulation of the commissioner. The fee shall be established in accordance with

the Wyoming Administrative Procedure Act and shall be set in an amount to ensure that, to the extent practicable, the total amount generated from the fee approximates but does not exceed the direct and indirect costs incurred by the commissioner in carrying out his duties as a result of the submission or supervisory activity for which a fee is authorized.

(e) Not later than October 1 of each year, the commissioner shall submit a report to the joint minerals, business and economic development interim committee listing all fees collected in the immediately preceding fiscal year by the commissioner including those authorized or required pursuant to this title and any other provision of law. The report shall separately identify the amount collected for each fee collected.

(f) The commissioner may, after review and consideration of actual and projected revenues and expenditures in the current fiscal year, decrease the aggregate amount of an installment and bill a proportionately lower amount to each financial institution subject to an assessment.

34-29-104. Digital asset custodial services.

(n) 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 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. Fees charged and collected under this subsection shall be reported as required by W.S. 13-1-603(e).

40-14-632. Fees.

(d) Fees charged, paid and collected under this section shall be subject to the requirements of W.S. 13-1-603(d) through (f).

40-14-634. License required; application; fee; conditions and execution; license nontransferable; display; renewal.

(s) Any fee charged and collected under this section shall be in accordance with W.S. 13-1-603(d) through (f).

40-14-642. Loan originator application; processing.

(f) Each application submitted under subsection (a) of this section shall be accompanied by an application fee not to exceed three hundred dollars (\$300.00), as established by rule of the administrator. When an application for licensure is denied or withdrawn, the administrator shall retain all fees paid by the applicant. Fees charged and collected under this section shall be in accordance with W.S. 13-1-603(d) through (f).

40-14-646. Standards for loan originator license renewal; rulemaking.

(c) Any fee charged and collected under this section shall be in accordance with W.S. 13-1-603(d) through (f).

40-19-114. License required; application for license; fee; qualifications.

(k) Any fee charged and collected under this section shall be in accordance with W.S. 13-1-603(d) through (f).

40-22-109. Application fee.

Each application shall be accompanied by a nonrefundable application fee not to exceed three thousand dollars (\$3,000.00) for each license applied for, as set by rule of the commissioner. Any fee charged and collected under this section shall be in accordance with W.S. 13-1-603(d) through (f).

40-22-111. Renewal of license and annual report.

(d) Any fee charged and collected under this section shall be in accordance with W.S. 13-1-603(d) through (f).

40-22-114. Changes in control of a licensee.

(c) The licensee shall reapply and submit the required fees established by rule, not to exceed three thousand dollars (\$3,000.00) for a new license upon a change in the control of the licensee as determined by the commissioner. The license is not transferable nor assignable to the new persons in control of the licensee. Any fee charged and collected under this section by the commissioner shall be in accordance with W.S. 13-1-603(d) through (f).

40-23-103. Powers and duties of commissioner.

(a) In addition to any other powers and duties imposed upon the commissioner by law, the commissioner shall:

(x) Establish fees authorized in this act in accordance with W.S. 13-1-603(d) through (f).

40-29-104. Financial technology sandbox application; standards for approval; consumer protection bond.

(m) Any fee charged and collected under this section by the commissioner shall be in accordance with W.S. 13-1-603(d) through (f).

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

Approved March 30, 2021.

Chapter 41

PROVIDER RECRUITMENT GRANT PROGRAM

Original House Bill No. 87

AN ACT relating to the provider recruitment grant program; amending the health care provider recruitment grant program; making a conforming amendment; and providing for an effective date.

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

Section 1. W.S. 9-2-117(a)(iii)(intro) and 35-1-1101(c) are amended to read:

9-2-117. Office of rural health created; duties.

(a) The office of rural health is created within the department of health. The office shall:

(iii) Contract, if necessary, with other entities to carry out duties prescribed under this section, and to conduct an active and ongoing recruitment program for physicians and other health care professionals, subject to the availability of funds, and to engage in the following activities:

35-1-1101. Provider recruitment grant program.

(c) Subject to the availability of funds, the department shall solicit provider recruitment applications from hospitals, physicians and others seeking to recruit providers. The applications shall be prioritized by need based on geographic area, then by medical need within the geographic area. Priority shall be given to recruitment of private practice providers. The department shall issue award letters to the persons or entities receiving grant authorizations within sixty (60) days after the close of an application period. The grant authorizations shall authorize the person or entity receiving it, for a period of one (1) year, to make a firm offer of recruitment incorporating the benefits authorized by this section to a candidate, conditioned upon Wyoming licensure and the candidate's signed written agreement to the conditions 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 30, 2021.

Chapter 42

FOOD FREEDOM ACT AMENDMENTS

Original House Bill No. 118

AN ACT relating to marketing homemade foods; authorizing the sale of eggs as specified; amending provisions to allow for the sale of homemade foods in accordance with federal exemptions to the maximum extent possible; and providing for an effective date.

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

Section 1. W.S. 11-49-103(c)(i) and by creating a new subsection (m) is amended to read:

11-49-103. Wyoming Food Freedom Act; purpose; exemptions; assumption of risk.

(c) Transactions under this act shall:

(i) Be directly between the seller and the informed end consumer, except as otherwise provided by this act. The seller of eggs or 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, except eggs, shall be the producer of the item;

(m) In addition to the transactions permitted under this act, homemade food producers may sell homemade food and drink products or eggs to the maximum extent permitted by federal law. Nothing in this article shall be construed to be more restrictive than applicable federal requirements.

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

Approved March 30, 2021.

Chapter 43

HATHAWAY SCHOLARSHIPS-SUCCESS CURRICULUM IN MIDDLE SCHOOL

Original House Bill No. 120

AN ACT relating to the Hathaway scholarship program; authorizing additional courses taken prior to grade nine to qualify for the Hathaway success curriculum; and providing for an effective date.

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

Section 1. W.S. 21-16-1307(b)(viii), (d) by creating a new paragraph (vii) and (e) by creating a new paragraph (iv) is amended to read:

21-16-1307. Success curriculum; test standards.

(b) Except as otherwise provided for by law, the success curriculum required to qualify for honor or performance scholarship eligibility under this article for students graduating from high school in the 2019-2020 school year and each school year thereafter shall be as follows:

(viii) Notwithstanding the requirements in ~~paragraph~~ paragraphs (ii) through (iv) and (vii) of this subsection and as provided in paragraph (i) of this subsection for courses to be taken in grades nine (9) through twelve (12), courses taken before grade nine (9) that are the functional equivalent of courses specified in ~~paragraph (vii) of this subsection~~ those paragraphs may be used to satisfy ~~not more than one (1) year of the requirements in paragraph (vii) of those paragraphs~~ of this subsection.

(d) The success curriculum required to qualify for opportunity scholarship eligibility under this article for students graduating from high school in the

2010-2011 school year and each school year thereafter shall be as follows:

(vii) Notwithstanding the requirements in paragraphs (ii) through (vi) of this subsection and as provided in paragraph (i) of this subsection for courses to be taken in grades nine (9) through twelve (12), courses taken before grade nine (9) that are the functional equivalent of courses specified in those paragraphs may be used to satisfy the requirements of those paragraphs of this subsection.

(e) The success curriculum required to qualify for provisional opportunity scholarship eligibility under this article for students graduating from high school in the 2010-2011 school year and each school year thereafter shall be the curriculum required for high school graduation under W.S. 21-2-304(a)(iii) subject to the following:

(iv) For purposes of paragraph (i) of this subsection and as provided in paragraph (iii) of this subsection, courses taken before grade nine (9) that are the functional equivalent of courses specified in those paragraphs may be used to satisfy the requirements of those paragraphs of this subsection.

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

Approved March 30, 2021.

Chapter 44

WYOMING MEAT PACKING INITIATIVE

Original House Bill No. 54

AN ACT relating to agriculture and economic development; amending the duties of the Wyoming business council to require support for Wyoming producers in the agriculture and meat processing industry; expanding permissible loans and grants to Wyoming meat producers and processors; limiting state rule-making authority related to meat processing; authorizing rulemaking; requiring a report; and providing for effective dates.

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

Section 1. W.S. 9-12-109(b) and by creating new subsections (c) and (d), 35-7-123(a)(iii) and 35-11-112 by creating a new subsection (g) are amended to read:

9-12-109. Promotion of agriculture.

(b) The council shall meet not fewer than two (2) times per year to solicit input from industry groups, and in consultation with the economically needed diversity options for Wyoming (ENDOW) executive council the department of agriculture and the Wyoming governor's office to:

(i) ~~Develop~~ Maintain a strategy to create small regionally located ~~beef~~ meat processing plants inspected by the United States department of agriculture or Wyoming department of agriculture and mid-to-large sized

processing plants for in-state, interstate and international sales;

(ii) Market Wyoming grown or produced agricultural products in-state, regionally, nationally and internationally, through market development, trade shows and social media and other media outlets;

(iii) Enhance the council's website to promote Wyoming grown or produced agricultural products including match making services between key food system partners;

(iv) Contingent on available funds, provide loans or grants to be used to fund infrastructure for mid-sized meat processing plants for international, in-state and interstate sales. Loans or grants under this paragraph shall ~~be:~~

(A) ~~Limited to~~ Provide funding to create, maintain or expand infrastructure for plants processing meat products for ~~export and for international, in-state or~~ interstate sale;

(B) Be 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.

(v) Coordinate strategies to improve meat processing facilities and capabilities in Wyoming, including by providing technical assistance or expertise to assist producers and processors with constructing, maintaining, expanding, marketing and seeking federal grants and loans.

(c) Any meat processing facility receiving assistance under this section shall comply with all applicable state and federal regulations.

(d) The council shall submit a comprehensive report of the programs, objectives, activities and conditions covering the previous fiscal period to the joint agriculture, state and public lands and water resources interim committee not later than October 1 annually.

35-7-123. Establishment of food safety system.

(a) The director of the department of agriculture shall establish and maintain a food safety program located within the department. The director shall carry out the provisions of the food safety program and shall be assisted by the director of the department of health. A local department of health, if established according to law, may establish and maintain its own local food safety program so long as the program meets the requirements of this act. The director of the department of agriculture or his designee shall:

(iii) Regulate the safety of foods and work together with the department of health and the governor's food safety council established pursuant to W.S. 35-7-127 to promulgate rules and regulations necessary to carry out the provisions of this act, except that the director of the department of agriculture shall not promulgate any rules which impose standards or requirements related to meat processing which are more stringent than federal law, rules

or regulations. In any area which does not have a local food safety program established pursuant to law, the department shall issue licenses, conduct inspections, hold hearings to enforce any legal provision or rule promulgated under this act;

35-11-112. Powers and duties of the environmental quality council.

(g) The council shall not promulgate any rules which impose standards or requirements related to meat processing which are more stringent than federal law, rules or regulations.

Section 2. The Wyoming business council may promulgate rules as necessary to carry out the purposes of this act.

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2021.

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

Approved April 1, 2021.

Chapter 45

RIGHTS OF WAY ALONG PUBLIC WAYS-AMENDMENTS

Original House Bill No. 14

AN ACT relating to rights-of-way; specifying requirements and procedures for rights-of-way along public ways; requiring an application for a blanket easement for rights-of-way on public roads on federal lands in Wyoming for broadband infrastructure development; providing for a working group for rights-of-way on public roads on federal lands; and providing for an effective date.

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

Section 1. W.S. 1-26-813(a), (b)(intro) and by creating a new subsection (c) is amended to read:

1-26-813. Right-of-way along public ways granted; permission necessary for new lines.

(a) ~~Corporations~~Persons authorized to do business in this state for the purpose of constructing, maintaining and operating a public utility or communications company may set their fixtures and facilities along, across or under any of the public roads, streets and waters of this state in such manner as not to inconvenience the public in their use. Any public utility or communications company desiring to install its facilities in any city shall first attempt to obtain consent from the city council in accordance with applicable law. A person shall first obtain permission from ~~the state transportation~~

commission or the board of county commissioners in the county where the construction is contemplated before entering upon any state highway or county road for the purpose of commencing the construction. An application for all construction permits, licenses and authorizations to construct broadband facilities on government property or public rights-of-way shall be submitted to the appropriate governing entity as the applicable governing entity may require. Upon receiving an application as required in this subsection, any necessary permits, licenses or authorizations shall receive a response, be approved or be denied by the city, department of transportation or the county. Unless a different period is stipulated to by the parties, the city, department of transportation or the county shall respond to the application, approve or deny all necessary permits, authorizations and licenses not later than sixty (60) calendar days after receipt of the application.

(b) As used in this section, “communications company” means a person, or any agent, contractor or subcontractor of the person, who in the course of business, provides services which are telecommunications services, as defined in W.S. 37-15-103(a)(xii), internet protocol enabled service or voice over internet protocol. For purposes of this section only, and notwithstanding any other provision of law, a communications company includes a cable operator as defined in 47 U.S.C § 522(5), provided the cable operator provides any of the services listed in this subsection. As used in this section:

(c) Nothing in this section shall:

(i) Authorize communications companies to set or install permanent towers along, across or under any of the public roads, streets and waters of this state or to set communication poles in a state managed right-of-way;

(ii) Be construed to prohibit a city, town or county from requiring a franchise before issuing any permits, licenses or authorizations as provided by this section.

Section 2. The department of transportation shall petition the United States federal government and any appropriate federal agency for a broad form or blanket easement to the state of Wyoming for rights-of-way for broadband providers to set their fixtures and facilities along, across or under any public roads located on or through federal lands in the state of Wyoming.

Section 3.

(a) The department of transportation shall seek approval from the governor to proceed under section 2 of this act not later than May 1, 2021.

(b) The department of transportation shall transmit a copy of this act to the Wyoming congressional delegation. The department shall seek the support of the Wyoming congressional delegation in relation to any application or petition filed in accordance with section 2 of this act.

(c) As soon as possible after the effective date of this act, the director of the department of transportation shall convene an unpaid working group of stakeholders, which may include legislators, federal representatives, industry representatives and state agency representatives, to provide feedback to the department regarding implementation of section 2 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 April 1, 2021.

Chapter 46

STATE PARKS ACCOUNT-EXPENDITURE AUTHORITY

Original House Bill No. 58

AN ACT relating to state lands; modifying the expenditure authority of the department of state parks and cultural resources for funds in the state parks account; and providing for an effective date.

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

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

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

(h) The funds received by the department from the sale of the permits shall be deposited into an account within the special revenue fund, hereby created as the state parks account, and, except as otherwise provided by this subsection, may be expended by the department for capital construction projects, major maintenance, and site interpretation such as exhibits, signage and displays as approved by the legislature. Interest on funds in the account shall accrue to the account. Not more than thirty percent (30%) of the funds in the account in any fiscal year may also be expended, with legislative approval, for maintenance of outdoor recreation areas and facilities provided that no amount shall be expended for additional full-time employees or increases in salaries or overtime pay for full-time employees. For fiscal years 2022 and 2023 only, not more than sixty percent (60%) of the funds in the account may be expended, with legislative approval, for maintenance and operational costs associated with outdoor recreation areas and facilities provided that no amount shall be expended for additional full-time employees or increases in salaries or overtime pay for full-time employees.

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

Approved April 1, 2021.

Chapter 47

WYOMING NATIONAL GUARD-PREFERENCE FOR EDUCATION

Original House Bill No. 21

AN ACT relating to defense forces and affairs; extending existing preference for entry into academic programs based on Wyoming residency to current nonresident Wyoming national guard members; and providing for an effective date.

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

Section 1. W.S. 21-24-201 is created to read:

CHAPTER 24
MILITARY STUDENTS AND STUDENTS OF MILITARY FAMILIES
ARTICLE 2
ADMISSION REQUIREMENTS AND PREFERENCES

21-24-201. Extension of residential requirement for admission.

For admission into an academic program or a course of study, if the University of Wyoming or any Wyoming community college, vocational, technical or trade school, other secondary educational institution or school district gives a preference or benefit to Wyoming residents, the same preference or benefit shall be extended to any current Wyoming national guard member regardless of the member's state of residence. This section applies when Wyoming residency is required for selection by or entry into a program. This section does not apply for calculating tuition or fees.

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

Approved April 1, 2021.

Chapter 48

UNIFORM STATEWIDE PAYMENT PROCESSING

Original House Bill No. 76

AN ACT relating to the administration of government; amending requirements for statewide payment processor services; requiring disclosure of fees; requiring a report; and providing for an effective date.

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

Section 1. W.S. 9-4-217(h) is amended to read:

9-4-217. Uniform state accounting system; uniform statewide payment processing.

(h) The department of enterprise technology services shall contract with a payment processor for uniform statewide payment processing services that each ~~executive branch agency as defined by W.S. 9-2-1002(a)(i), including the~~

~~game and fish department and the Wyoming department of transportation,~~ shall utilize, except as specifically prohibited by law or as otherwise provided in this subsection, to allow any tax, assessment, license, permit, fee, fine, or other money owing to the state or collectible by the state on behalf of another unit of government to be paid by negotiable paper, or in payment of any bail deposit or other trust deposit. The statewide payment processor contract shall establish a uniform rate or uniform fee for the costs of processing payment transactions for all agencies. If the administrative head of a division within a ~~department~~an agency determines that it is not feasible to utilize the statewide payment processor contract, the administrative head ~~shall~~may request a waiver from the state chief information officer. If the waiver is granted, the ~~division~~agency may, except as otherwise prohibited by law, contract with a payment processor for the purposes specified in this subsection and as reasonably limited by the waiver. The University of Wyoming, Wyoming community colleges and the judicial and legislative departments of state government may, except as otherwise prohibited by law, contract with a payment processor or utilize the statewide payment processor contract for the purposes specified in this subsection. ~~As used in this subsection, "negotiable paper" means money orders, paper arising from the use of a lender credit card as defined in W.S. 40-14-140(a)(ix), checks and drafts, including, without limitation, sales drafts and checks and drafts signed by a holder of a lender credit card issued by a bank maintaining a revolving loan account as defined in W.S. 40-14-308, for lender credit card holders.~~The acceptance of negotiable paper by the state or any of its agencies under this subsection shall be in accordance with and subject to the same terms and conditions provided by W.S. 18-3-505. Any fees assessed for processing a payment under this subsection ~~may~~shall be borne by the ~~agency or person~~ tendering payment. Any fees borne by the person tendering payment pursuant to this subsection ~~may~~shall only be used by ~~the state auditor or the~~ collecting agency responsible for the collection of such fees to pay the processing costs of rendering the payment transaction. The collecting agency shall clearly and conspicuously disclose any debit or credit card fees assessed for processing payment transactions under this subsection at the time the fees are collected, which shall include disclosure on any website used by the agency to accept payments. As used in this subsection:

(i) "Agency" means as defined by W.S. 9-2-1002(a)(i);

(ii) "Negotiable paper" means money orders, paper arising from the use of a lender credit card as defined in W.S. 40-14-140(a)(ix), checks and drafts, including, without limitation, sales drafts and checks and drafts signed by a holder of a lender credit card issued by a bank maintaining a revolving loan account as defined in W.S. 40-14-308, for lender credit card holders.

Section 2. Any office, department, board, commission or operating unit of the executive branch of state government affected by amendments made to W.S. 9-4-217(h), as provided by this act, shall report to the department of enterprise

technology services by May 31, 2022 regarding any savings, efficiencies or inefficiencies resulting from implementation of this act. The department of enterprise technology services shall summarize the findings and provide a report of the findings to the joint appropriations committee by June 30, 2022.

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

Approved April 1, 2021.

Chapter 49

LOCAL HEALTH OFFICERS-EDUCATION REQUIREMENTS

Original House Bill No. 109

AN ACT relating to health officers; specifying education requirements for a county, municipal or district health officer; and providing for an effective date.

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

Section 1. W.S. 35-1-305(a) and 35-1-306(a) are amended to read:

35-1-305. Appointment of health officers and other personnel generally; local board of health may fix fees for certain services.

(a) In the counties, municipalities or districts where health departments are created, as provided herein, the local board of health may appoint a full-time or part-time health officer, deputy health officers, public health nurses, sanitarians, environmental health specialists and such other public health personnel as may be deemed necessary to adequately protect the public health. Any full-time or part-time health officer shall have a degree of doctor of medicine, be an advanced practice registered nurse as defined in W.S. 33-21-120(a)(i) or be a physician assistant as defined in W.S. 33-26-501(a)(iii). A full-time or part-time health officer appointed under this section shall assist the state department of health in carrying out the provisions of all health and sanitary laws and regulations of the state and shall complete continuing education in public health as directed by the local board of health. Subject to subsection (c) of this section, the local board of health may fix reasonable fees and charges for services, except for follow-up of communicable diseases and for individuals who receive services under the public health nursing infant home visitation subprogram created by W.S. 35-27-102. No person shall be denied necessary nursing services within the limits of available personnel because of an inability to pay the cost of such services.

35-1-306. Appointment of health officer and other personnel where departments not established; fees and charges for services; payment.

(a) In counties or municipalities where such departments are not established the boards of county commissioners or municipal governing body shall appoint the county or municipal health officer and other necessary personnel. The governing body of any combination of municipalities, counties, or municipalities and counties where such departments are not established may form a health district and appoint a district health officer thereof. The term of office for the county, municipal; or district health officer shall be four (4) years unless sooner removed by the board of county commissioners, municipal; or district governing body. ~~He~~The county, municipal or district health officer shall have a degree of doctor of medicine, ~~and be an advanced practice registered nurse as defined in W.S. 33-21-120(a)(i) or be a physician assistant as defined in W.S. 33-26-501(a)(iii).~~ The county, municipal or district health officer shall assist the state department of health in carrying out the provisions of all health and sanitary laws and regulations of the state and shall complete continuing education in public health as directed by the local board of county commissioners, health district or municipal governing body.

Section 2. This act applies to persons appointed as county, municipal or district health officers on and after July 1, 2021.

Section 3. This act is effective July 1, 2021.

Approved April 1, 2021.

Chapter 50

UNIFORM FRAUDULENT TRANSFER ACT-EXTINGUISHING CLAIMS

Original House Bill No. 64

AN ACT relating to the Uniform Fraudulent Transfer Act; specifying when claims related to fraudulent transfers to qualified spendthrift trusts and irrevocable trusts are extinguished; amending time limits for extinguishing other actions involving fraudulent transfers; making conforming amendments and technical corrections; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 4-10-514 and 34-14-210 are amended to read:

4-10-514. Action brought pursuant to provisions of Uniform Fraudulent Transfer Act.

Except as provided in W.S. 4-10-518, no action of any kind, including an action to enforce a judgment entered by a court or other body having adjudicative authority, may be brought at law or in equity for an attachment or other provisional remedy against qualified trust property or to set aside a qualified transfer unless the action is brought pursuant to the provisions of the Uniform Fraudulent ~~Transfers~~ Transfer Act.

34-14-210. Extinguishment of claim for relief.

(a) Except as provided in subsection (b) of this section, a claim for relief with respect to a fraudulent transfer or obligation under this act is extinguished unless an action is brought:

(i) Under W.S. 34-14-205(a)(i), within ~~four (4)~~ two (2) years after the transfer was made or the obligation was incurred or, if later, within ~~one (1) year~~ six (6) months after the transfer or obligation was or could reasonably have been discovered by the claimant;

(ii) Under W.S. ~~31-14-205(a)(ii)~~ 34-14-205(a)(ii) or 34-14-206(a), within ~~four (4)~~ two (2) years after the transfer was made or the obligation was incurred; or

(iii) Under W.S. 34-14-206(b), within ~~one (1) year~~ six (6) months after the transfer was made or the obligation was incurred.

(b) A claim for relief with respect to a fraudulent transfer or obligation under this act involving qualified transfers to a qualified spendthrift trust as provided by W.S. 4-10-510 through 4-10-515 or involving transfers to an irrevocable discretionary trust, provided that the trustee may only make discretionary distributions under W.S. 4-10-506(c), is extinguished unless an action is brought:

(i) With respect to a creditor known to the settlor, one hundred twenty (120) days after the date on which notice of the transfer is mailed to the creditor, provided that the notice states:

(A) The name and address of the settlor or the settlor's representative and the name and address of the trustee or the trustee's representative;

(B) That assets were transferred to a qualified spendthrift trust or to an irrevocable trust where the trustee can only make discretionary distributions; and

(C) That the creditor is required to initiate an action against the settlor and the trustee within one hundred twenty (120) days from the mailing of the notice or the claim is forever barred.

(ii) With respect to a creditor not known to the settlor, one hundred twenty (120) days after the date on which notice of the transfer is first published in a newspaper of general circulation in the county in which the settlor resides, provided that the notice includes the information required in paragraph (i) of this subsection;

(iii) Notwithstanding paragraphs (i) and (ii) of this subsection, within the later of two (2) years after the transfer is made or six (6) months after the transfer is or reasonably could have been discovered by the creditor if the creditor can demonstrate by clear and convincing evidence that the creditor asserted a specific claim against the settlor before the transfer.

Section 2. The provisions of this act shall apply to causes of action involving fraudulent transfers that accrue on or after the effective date of this act.

Section 3. This act is effective July 1, 2021.

Approved April 1, 2021.

Chapter 51

FEES PAID TO SECRETARY OF STATE-AMENDMENTS

Original House Bill No. 148

AN ACT relating to fees paid through the office of the secretary of state; increasing fees as specified; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 1-6-301(a) and (b), 9-1-305(a)(i), 17-4-410(a), 17-14-209(a)(i), (ii) and by creating a new paragraph (v), 17-16-1630(a) and (f), 17-16-1720(e), 17-19-122(a)(i), (iv), (v) and (vi), 17-19-1630(d), 17-21-1101(n), 17-29-209(a), 17-29-210(a)(i), (ii) and by creating a new paragraph (v), 17-29-211 by creating a new subsection (o), 17-29-1011(e), 22-5-208(a)(i), (ii) and by creating a new paragraph (iii), 22-24-302, 22-24-402 and 28-7-101(b)(intro) are amended to read:

1-6-301. Secretary of state deemed attorney for service; continuance of action; costs; record of process; jurisdiction; direction of summons.

(a) The use and operation of a motor vehicle on any street or highway within Wyoming by any person upon whom service of process cannot be made within Wyoming either personally or by service upon a duly appointed resident agent is deemed an appointment of the secretary of state of Wyoming as the operator's lawful attorney upon whom may be served all legal processes in any proceeding against him, or his personal representative if he be deceased, due to damage or injury to person or property resulting from the operation of a motor vehicle on the streets or highways within this state. Such operation constitutes the operator's agreement that any process served in any action against him or his personal representative has the same legal force and validity as if served upon him or his personal representative personally within this state. Service shall be made by serving a copy of the process upon the secretary of state or by filing such copy in his office, together with payment of a fee of ~~three dollars (\$3.00)~~ ten dollars (\$10.00). Within ten (10) days after the date of service, notice of such service and a copy of the process shall be served upon the defendant or his personal representative either personally or by certified mail addressed to the last known address of the defendant or his personal representative. The plaintiff shall file with the clerk of the court in which the action is brought an affidavit that he has complied with such requirement.

(b) The court in which the action is pending shall order such continuance as necessary to afford the defendant or his personal representative reasonable opportunity to defend the action. The fee of ~~three dollars (\$3.00)~~ ten dollars (\$10.00) paid by the plaintiff to the secretary of state at the time of service of process shall be taxed as costs in the suit.

9-1-305. Fees; amounts; collection; exceptions.

(a) The secretary of state shall collect the following fees in advance for:

(i) Except as provided in W.S. 32-1-114(c), certificate and seal, ~~three dollars (\$3.00)~~ ten dollars (\$10.00);

17-4-410. Filing fees.

(a) A person shall pay a fee of ~~two hundred dollars (\$200.00)~~ two hundred fifty dollars (\$250.00) when initially filing an application for registration as a broker-dealer and a fee of ~~two hundred dollars (\$200.00)~~ two hundred fifty dollars (\$250.00) when filing a renewal of registration as a broker-dealer. If the filing results in a denial or withdrawal, the secretary of state shall retain the entire fee.

17-14-209. Fees.

(a) The secretary of state shall charge and collect the following fees:

(i) For filing a certificate of limited partnership; or for an application for a certificate of continuance ~~or for registering a foreign limited partnership~~, a fee of one hundred dollars (\$100.00);

(ii) For filing a certificate of amendment or cancellation, or for filing a reservation of name, ~~fifty dollars (\$50.00)~~ sixty dollars (\$60.00);

(v) For registering a foreign limited partnership, a fee of one hundred fifty dollars (\$150.00).

17-16-1630. Filing of reports and payment of tax required; amount of tax; exemptions; records.

(a) Every corporation organized under the laws of this state and every foreign corporation which obtains the right to transact and carry on business within this state (except banks, insurance companies and savings and loan associations) shall file with the secretary of state on or before the first day of the month of registration of every year a certification, under the penalty of perjury, by its treasurer or other fiscal agent setting forth its capital, property and assets located and employed in the state of Wyoming. The statement shall give the names and addresses of its officers and directors and the address of its principal office. On or before the first day of the month of registration of every year the corporation shall pay to the secretary of state in addition to all other statutory taxes and fees a license tax based upon the sum of its capital, property and assets reported, of ~~fifty dollars (\$50.00)~~ sixty dollars (\$60.00) or two-tenths of one mill on the dollar (\$.0002), whichever is greater.

(f) In addition to other fees provided under this section, each corporation shall pay one hundred dollars (\$100.00), except for foreign corporations which shall pay one hundred fifty dollars (\$150.00), to the secretary of state for initial incorporation or qualification to do business in Wyoming.

17-16-1720. Transfer of a Wyoming corporation to another jurisdiction.

(e) Every corporation organized, domesticated or continued under the laws of this state in order to receive a certificate of transfer pursuant to subsection (c) of this section shall pay to the secretary of state, in addition to all other statutory taxes and fees, a special toll charge of ~~fifty dollars (\$50.00)~~ sixty dollars (\$60.00).

17-19-122. Filing, service and copying fees.

(a) The secretary of state shall collect the following fees when the documents described in this subsection are delivered for filing:

Document	Fee
(i) Articles of Incorporation.....	\$25.00 <u>\$50.00</u>
(iv) Amendment of articles of incorporation.....	\$ 3.00 <u>\$25.00</u>
(v) Application for certificate of authority	\$25.00 <u>\$50.00</u>
(vi) Application for certificate of existence or authorization.....	\$ 3.00 <u>\$20.00</u>

17-19-1630. Filing of reports.

(d) A fee of ~~twenty-five dollars (\$25.00)~~ fifty dollars (\$50.00) shall be collected by the secretary of state upon initial incorporation or qualification and an annual franchise fee of twenty-five dollars (\$25.00) shall accompany the annual report.

17-21-1101. Registered limited liability partnerships.

(n) An initial registration fee of one hundred dollars (\$100.00) shall be paid to the secretary of state except for foreign limited liability partnerships which shall pay an initial registration fee of one hundred fifty dollars (\$150.00). In addition each registered limited liability partnership and foreign limited liability partnership shall annually comply with and pay the fees provided by W.S. 17-16-1630(a) through (e) and 17-16-120(j) as if it were a corporation. Any registered foreign limited liability partnership transacting business in this state without registering or annually maintaining its registration is subject to the penalties provided by W.S. 17-16-1502(d).

17-29-209. Annual report for secretary of state.

(a) Every limited liability company organized under the laws of this state and every foreign limited liability company which obtains a certificate of authority to transact and carry on business within this state shall file with the secretary

of state on or before the first day of the month of organization of every year a certification, under the penalty of perjury, by its treasurer or other fiscal agent setting forth its capital, property and assets located and employed in the state of Wyoming. The statement shall give the address of its principal office. On or before the first day of the month of organization of every year the limited liability company or foreign limited liability company shall pay to the secretary of state in addition to all other statutory taxes and fees a license fee based upon the sum of its capital, property and assets reported, of ~~fifty dollars (\$50.00)~~ sixty dollars (\$60.00) or two-tenths of one mill on the dollar (\$.0002), whichever is greater.

17-29-210. Fees; annual fee.

(a) The secretary of state shall charge and collect fees from limited liability companies and foreign limited liability companies for:

(i) Filing the original articles of organization ~~or issuing a certificate of authority for a foreign limited liability company~~, one hundred dollars (\$100.00);

(ii) For amending the articles of organization, a filing fee of ~~fifty dollars (\$50.00)~~ sixty dollars (\$60.00);

(v) Issuing a certificate of authority for a foreign limited liability company, a filing fee of one hundred fifty dollars (\$150.00).

17-29-211. Series of members, managers, transferable interests or assets.

(o) The secretary of state shall charge and collect fees from limited liability companies and foreign limited liability companies establishing one (1) or more series in the amount of ten dollars (\$10.00) per series designated or established under this section.

17-29-1011. Transfer of a Wyoming limited liability company to another jurisdiction.

(e) Every limited liability company organized, domesticated or continued under the laws of this state in order to receive a certificate of transfer pursuant to subsection (c) of this section shall pay to the secretary of state, in addition to all other statutory taxes and fees, a special toll charge of ~~fifty dollars (\$50.00)~~ sixty dollars (\$60.00).

22-5-208. Filing fees; exception.

(a) Applications shall be accompanied by the following fees:

(i) ~~Twenty-five dollars (\$25.00)~~ One hundred dollars (\$100.00) for the offices of state senator, state representative, district attorney and for the offices to be voted for by electors wholly within a county;

(ii) ~~Two hundred dollars (\$200.00)~~ Three hundred dollars (\$300.00) for offices to be voted for by electors of the entire state except as provided in paragraph (iii) of this subsection.

(iii) Seven hundred fifty dollars (\$750.00) for any federal office voted for by electors of the entire state.

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

An initiative shall be proposed by filing an application with the secretary of state. A fee of ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) shall accompany the application. This fee shall be deposited in the general fund.

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

A referendum shall be proposed by filing an application with the secretary of state. A fee of ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) shall accompany the application. This fee shall be deposited in the general fund.

28-7-101. Registration; reports.

(b) Any person, who, on behalf of any association, corporation, labor union, public, nonprofit or private special interest group or any interest other than personal, is receiving or has a reasonable expectation of receiving expense reimbursement or compensation in excess of five hundred dollars (\$500.00) in a reporting period defined under W.S. 28-7-201(c), as a lobbyist shall, before, or within forty-eight (48) hours of, commencing lobbying activities during a reporting period as defined under W.S. 28-7-201(c), register with the secretary of state. The secretary of state shall collect a registration fee of ~~twenty-five dollars (\$25.00)~~ seventy-five dollars (\$75.00) at time of registration, which shall be deposited with the state treasurer to be placed in the general fund. Any person who is not receiving or has no reasonable expectation of receiving expense reimbursement or compensation in excess of five hundred dollars (\$500.00), or who shall receive no compensation beyond travel and per diem expenses for lobbying activities under this chapter shall pay a registration fee of ~~five dollars (\$5.00)~~ ten dollars (\$10.00) to the secretary of state at the time of registration. Registration shall state:

Section 2. The secretary of state 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, 2021.

Approved April 1, 2021.

Chapter 52**SUBDIVISIONS****Original House Bill No. 79**

AN ACT relating to real estate subdivisions; amending exemptions from subdivision requirements as specified; and providing for an effective date.

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

Section 1. W.S. 18-5-303(a)(i)(C) is amended to read:

18-5-303. Exemptions from provisions.

(a) Unless the method of sale or other disposition is adopted for the purpose of evading the provisions of this article, this article shall not apply to the following subdivisions of land however, the following subdivisions are subject to requirements which may be adopted by the board of county commissioners regarding documentation of the proper use and implementation of the following exemptions:

(i) A division of land made outside of platted subdivisions for the purpose of a single gift or sale to a member of the landowner's immediate family, subject to the following requirements:

(C) The land shall have been titled in the name of the grantor, or in the name of a trust controlled by the grantor, for a combined period prior to the division of not less than five (5) years for land titled before February 27, 2019, or ten (10) years prior to the division and for land titled on or after February 27, 2019. Parcels created under this paragraph shall be titled in the name of the immediate family member for whom the division is made for a period of not less than five (5) years, or for not less than one (1) year if the parcel was created before February 27, 2019, unless ~~such~~ the parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;

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 April 1, 2021.

Chapter 53**UNIFORM TRUST CODE-AMENDMENTS****Original House Bill No. 104**

AN ACT relating to trusts; amending default and mandatory rules for trusts; providing for the enforcement of foreign judgments as specified; making conforming amendments; amending provisions related to the duty of loyalty of trustees; specifying applicability of the act to existing trust relationships and the principal places of administration; amending requirements for directed trusts; and providing for an effective date.

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

Section 1. W.S. 4-10-507.1 is created to read:

4-10-507.1. Enforcement of foreign judgments; liability for compliance.

(a) Notwithstanding any other provision of law, no judgment, decree or order of a court of the United States, a court of another state or any other court other than a Wyoming court shall be enforced against the property of any trust governed by the laws of this state unless a court of competent jurisdiction in Wyoming determines that the time, manner and mechanism for enforcing the judgment, decree or order is consistent with the restrictions and limitations imposed under this article for the enforcement of the claims of any creditor and is consistent with the terms of the trust.

(b) A trustee, trust protector, trust advisor or other fiduciary of a trust, whether acting in a fiduciary capacity or not, shall not be liable for failing to comply with any judgment, decree or order of a court of the United States, a court of another state or any other court other than a Wyoming court that the trustee, trust protector or trust advisor believes in good faith to be inconsistent with the restrictions and limitations imposed under the terms of the trust or by this act.

Section 2. W.S. 4-10-105(b)(iii), (xi) and by creating a new paragraph (xiii), 4-10-107(c)(i), (ii) and by creating a new paragraph (iii), 4-10-108 by creating a new subsection (f), 4-10-718(a) through (c), 4-10-802(a), 4-10-814 by creating a new subsection (f) and 4-10-1103(a)(intro), (iii), (iv) and by creating a new subsection (e) are amended to read:

4-10-105. Default and mandatory rules.

(b) The terms of a trust shall prevail over any provision of this act except:

(iii) The requirement that a trust and its terms be for the benefit of its beneficiaries as their interests are defined under the terms of that trust, and that the trust have a purpose that is lawful, not contrary to public policy, and possible to achieve;

(xi) The power of the court to take such action and exercise such jurisdiction as may be necessary in the interests of justice; ~~and~~

(xiii) Trust protectors as provided under W.S. 4-10-710 and trust advisors

as provided under W.S. 4-10-712 shall be a fiduciary as to the powers, duties and discretions granted to the trust protector or trust advisor if the trustee is an excluded fiduciary as to the powers, duties and discretions granted to the trust protector or the trust advisor.

4-10-107. Governing law.

(c) If the law of this state governs the meaning and effect of the terms of a trust in accordance with paragraph (a)(i) or subsection (b) of this section, the trust and any transfer of property by a settlor to the trust, or any disposition made subject to the terms of the trust, shall not be void, voidable, set aside or deemed defective in any manner for any reason including:

(i) That the law of a foreign jurisdiction prohibits or does not recognize the concept of a trust; ~~or~~

(ii) That the trust, transfer of property by a settlor to the trust, or disposition made subject to the terms of the trust avoids or defeats any forced heirship or legitimate right, claim or interest under the law of a foreign jurisdiction; ~~or~~

(iii) That the law or public policy of a foreign jurisdiction does not recognize or limits the validity or enforceability of any or all of the terms of the trust if the terms are valid and enforceable under the laws and public policy of this state.

4-10-108. Principal place of administration; governing law for administering trusts.

(f) The laws of this state shall govern the administration of any trust:

(i) For which the principal place of administration of the trust is Wyoming;

(ii) Whose principal place of administration has been changed to Wyoming;

(iii) Of which a trustee's principal place of business is located in, or a trustee is a resident of, Wyoming, provided that a majority of the trustees select the laws of this state to govern the administration of the trust through a signed, written instrument, unless the terms of the trust:

(A) Specify that the law of the principal place of administration, which is a jurisdiction other than Wyoming, governs the administration of the trust;

(B) Expressly prohibit a change in the choice of law for the administration of the trust; and

(C) Expressly state that a change in the choice of law for the administration of the trust is prohibited, even if a trustee from another jurisdiction becomes a trustee of the trust.

4-10-718. Directed trusts.

(a) If a trust instrument provides that a the fiduciary duties of a trustee or other fiduciary are to be performed by a trust protector or a trust advisor or

that a trustee or other fiduciary is to follow the direction of a trust protector or a trust adviser ~~advisor with respect to the performance of fiduciary duties~~ and the trustee or other fiduciary acts in accordance with such direction, the trustee or other fiduciary shall be treated as an excluded fiduciary under the provisions of W.S. 4-10-715 and 4-10-717 with respect to the fiduciary duties performed by or directed by the trust protector or trust advisor and the trust protector or trust advisor performing or directing the fiduciary duties and shall become the fiduciary in place of the excluded fiduciary.

(b) Where one (1) or more persons are given authority by a trust instrument or court order ~~to either appoint a trust protector or to direct, consent to or disapprove a fiduciary's actual or proposed distribution decisions or other noninvestment decisions of the fiduciary, the persons or the persons appointed by them given the authority shall be considered to be trust protectors under W.S. 4-10-103(a)(xxiii) and where one (1) or more persons are given the authority to appoint a trust protector, the appointed persons shall be considered to be trust protectors under W.S. 4-10-103(a)(xxiii).~~

(c) Where one (1) or more persons are given authority by a trust instrument or court order ~~to either appoint a trust advisor or to direct, consent to or disapprove a fiduciary's actual or proposed investment decisions, the persons or the persons appointed by them given the authority shall be considered to be trust advisors under W.S. 4-10-103(a)(xxii) and where one (1) or more persons are given the authority to appoint a trust advisor, the appointed persons shall be considered to be trust advisors under W.S. 4-10-103(a)(xxii).~~

4-10-802. Duty of loyalty.

(a) A trustee shall administer the trust solely in the interests of the beneficiaries as their interests are defined under the terms of the trust.

4-10-814. Discretionary powers; tax savings; distribution limitations.

(f) Except as otherwise provided in the terms of a trust, the trustee shall not consider the assets or resources of a beneficiary in determining whether to make a distribution of trust income or principal.

4-10-1103. Application to existing relationships.

(a) Except as otherwise provided in this act and subsections (c) ~~and (d)~~ through (e) of this section, on July 1, 2003:

(iii) Any rule of administration, construction or presumption provided in this act shall not apply to trust instruments executed before July 1, 2003, unless subsection (c), ~~or (d)~~ or (e) of this section is applicable;

(iv) An action taken before July 1, 2003, is not affected by this act and any review of actions taken before July 1, 2003 by a trustee or other person shall be reviewed under the law and standards applicable at the time the action was taken unless subsection (c), ~~or (d)~~ or (e) of this ~~act~~ section is applicable.

(e) This act shall apply to a trust created before July 1, 2003 if the principal place of administration of the trust is changed from a jurisdiction other than Wyoming to Wyoming on or after July 1, 2003 or if on or after July 1, 2003, a person whose principal place of business is located in, or who is a resident of, Wyoming becomes a trustee of the trust or a trustee moves the trustee's principal place of business to, or becomes a resident of, Wyoming.

Section 3. This act is effective July 1, 2021.

Approved April 1, 2021.

Chapter 54

COMMUNITY HEALTH CENTER AND RURAL HEALTH CLINIC GRANTS

Original House Bill No. 217

AN ACT relating to public health and safety; modifying the department of health grant program for community health centers and rural health clinics as specified; repealing a sunset date; and providing for an effective date.

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

Section 1. W.S. 9-2-127(a), (c), (d)(intro), (ii) and (v) is amended to read:

9-2-127. Community health centers and rural health clinics; process for grants facilitating capital construction, start up costs and equipment costs; account established; grant criteria.

(a) There is created a process for grants facilitating capital construction and for start up costs and equipment costs of community health centers and rural health clinics. The process shall be administered by the Wyoming department of health, which shall award grants in accordance with this section and consistent with the requirements imposed for the receipt of any federal grants when applicable.

(c) The department shall establish by rule and regulation an application procedure and calendar for grants awarded under ~~subsection (d) this section~~ and adopt other rules as necessary to implement this section.

(d) ~~The department shall provide grants.~~ Any grants provided by the department under this section that are funded in whole or in part with state funds shall be subject to the following:

(ii) Grants may be made to community health centers and rural health clinics for one-time startup costs of a new center or clinic, for existing centers or clinics to expand the population served or initiate new services for existing or new centers or clinics to facilitate compliance with quality criteria. The grants shall be used for capital ~~and expenses,~~ start up expenses costs and equipment

costs only and shall not be used for ongoing operating expenses;

(v) Centers or clinics awarded a grant shall provide services to the public regardless of the ability to pay; and

Section 2. W.S. 9-2-127(d)(vi) and (g) 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 April 1, 2021.

Chapter 55

JUDICIAL REVIEW OF AGENCY ACTIONS-PERMISSIBLE VENUES

Original Senate File No. 21

AN ACT relating to administrative procedure; amending the permissible district courts where judicial review for agency actions may be sought; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 16-3-114(a) is amended to read:

16-3-114. Judicial review of agency actions; district courts.

(a) Subject to the requirement that administrative remedies be exhausted and in the absence of any statutory or common-law provision precluding or limiting judicial review, any person aggrieved or adversely affected in fact by a final decision of an agency in a contested case, or by other agency action or inaction, or any person affected in fact by a rule adopted by an agency, is entitled to judicial review in the district court for the county in which the injury or harm for which relief is sought occurred, in the district court for the county in which the administrative action or inaction was taken, or in which any real property affected by the administrative action or inaction is located, or if no real property is involved, in the district court for the county in which the party aggrieved or adversely affected by the administrative action or inaction resides or has its principal place of business. The procedure to be followed in the proceeding before the district court shall be in accordance with rules heretofore or hereinafter adopted by the Wyoming supreme court.

Section 2. This act shall apply to petitions for judicial review of agency actions filed on or after the effective date of this act.

Section 3. This act is effective July 1, 2021.

Approved April 1, 2021.

Chapter 56

STATE BUDGET DEPARTMENT

Original Senate File No. 35

AN ACT relating to administration of government; approving the implementation plan to transfer the budget division of the department of administration and information to the state budget department; specifying duties of the department; conforming provisions to reflect responsibilities; recreating, renumbering and amending statutes for the department of administration and information; repealing conflicting provisions; directing the legislative service office to correct statutory references; and providing for an effective date.

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

Section 1.

(a) W.S. 9-2-2021 created the state budget department and required the director to prepare a reorganization plan. Pursuant to W.S. 9-2-2021(c) and (d), the state budget department reorganization plan dated October 1, 2020 was approved by the governor and submitted to the joint appropriations committee. The legislature hereby approves that reorganization plan for implementation.

(b) The budget division within the department of administration and information and associated budgetary and fiscal functions within the department of administration and information are transferred from the department of administration and information to the state budget department as a Type 1 transfer.

(c) All positions, personnel, appropriations, property, equipment and authority in agencies and programs transferred to the state budget department by this act are under the control of the state budget department. The validity of rules, regulations, contracts, agreements or other obligations of agencies or programs transferred by this act is not affected by this act.

(d) This act recreates and renumbers statutes pertaining to the department of administration and information. The validity of rules, regulations, contracts, agreements or other obligations of agencies or programs that are recreated and renumbered by this act is not affected by this act.

Section 2. W.S. 9-2-1001.1, 9-2-1003.1 and 9-2-3202 are created to read:

9-2-1001.1. Creation.

The state budget department is created.

9-2-1003.1. Director of department; appointment; removal; cooperation with legislature and judiciary.

(a) The administrative head of the department shall be a director appointed by the governor with the advice and consent of the senate. Appointments for the director of the department shall be in accordance with W.S. 28-12-101 through 28-12-103.

(b) The governor may remove the director as provided in W.S. 9-1-202.

(c) The director may:

(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 to administer this act pursuant to the Wyoming Administrative Procedure Act;

(iii) Formulate through the director's office the policies and programs to be carried out by the department.

(d) This act shall be construed to provide the governor, through the department, with a more coordinated and responsive system of management of the executive branch of state government, and to preserve and protect the separation of powers mandated by article 2, section 1 of the Wyoming constitution. The department shall cooperate with the legislature and the judiciary which may utilize the services and assistance of the department to achieve economy in government, but procedures affecting the administration of the legislature shall be determined by the legislature and the management council, and procedures affecting the administration of the judiciary shall be determined by the judges for their respective courts, and they shall not be bound by rules and regulations promulgated by the department.

ARTICLE 32

DEPARTMENT OF ADMINISTRATION AND INFORMATION

9-2-3202. Definitions; powers generally; duties of governor; provisions construed; cooperation with legislature and judiciary; divisions enumerated.

(a) As used in this act:

(i) "Agency" means an office, department, board, commission or operating unit of the executive branch of state government;

(ii) "Department" means the department of administration and information;

(iii) "Executive branch" means the executive department of state government established by article 2, section 1 of the Wyoming constitution;

(iv) "Judiciary" means the judicial department of state government established by article 2, section 1 of the Wyoming constitution;

(v) "Legislature" means the legislative department of state government established by article 2, section 1 of the Wyoming constitution;

(vi) "This act" means W.S. 9-2-3201 through 9-2-3221.

Section 3. W.S. 2-3-1002(a)(vi), 5-2-123, 6-3-902(b)(ii), 7-6-103(a), 7-6-113(b)(intro), 7-19-302(a)(xii), 9-1-403(a)(viii), 9-1-409(e)(xiii)(B), 9-2-128(d), 9-2-419, 9-2-1002(a)(ii), (iv), (x) and (xii), 9-2-1004(a)(intro), (i), by creating a new paragraph (vi) and (c),

9-2-1005(b)(iv), (e)(i)(C), (f) and (p), 9-2-1007(a), 9-2-1010(a)(intro) and (ii), 9-2-1011(a), (c) and (d), 9-2-1012(a), (b) and (f) through (h), 9-2-1013(b), 9-2-1014(a) through (c), 9-2-1104(a)(i), 9-2-2012(d), 9-2-2202(b)(iii), 9-3-203(a)(iv), 9-3-211(c), 9-3-402(a)(vii)(M), 9-3-406(a)(xiii)(B), 9-3-412(b) and (c)(iv), 9-3-413, 9-3-424(a), 9-3-501(a)(iii), 9-4-204(s)(ii), 9-4-205(c), 9-4-206(b), 9-4-207(b), (e)(iii)(B)(intro) and (g), 9-4-214(a), 9-4-217(e), 9-4-715(q)(iii), 9-5-106(b), 9-7-104(g), 9-12-103(g)(i), 9-17-128(a)(v), 11-20-201(b), 132807(d), 14-5-104, 16-3-101(b)(ii), (ix)(G) and (xii), 16-3-103(h)(iv), 16-4-122(b), 19-7-103(b)(xii) and (xxi), 21-2-204(h)(viii)(A), 21-15-119(a)(intro), 21-18-203(a), 21-18-204(b), 21-18-225(a)(intro), 22-25-107(e), 242115(b)(v), 26-2-105, 26-2-106(c), 28-8-111(b), 33-1-302(a)(viii) and (ix), 35-1-243(d), 36-4-110(b)(i), 40-14-636(j), 40-23-112(e) and 42-4-120(m) are amended to read:

2-3-1002. Definitions.

(a) As used in this act:

(vi) “Custodian” means a person that carries, maintains, processes, receives or stores a digital asset of a user through the internet as defined in W.S. ~~9-2-1035(a)(iii)~~ 9-2-3219(a)(iii);

5-2-123. Supreme court budget submittal.

The supreme court shall submit standard and supplemental budget requests to the legislature not later than November 1 of the year preceding the fiscal year in which the standard or supplemental budget is to take effect. Subject to W.S. 9-2-1003.1(d), the supreme court shall prepare all personal services budget requests using the same methods and practices as the executive branch.

6-3-902. Unlawful impersonation through electronic means; penalties; definitions; civil remedies.

(b) For purposes of this section:

(ii) “Internet” means as defined in W.S. ~~9-2-1035(a)(iii)~~ 9-2-3219(a)(iii);

7-6-103. Creation of office of state public defender; appointment of state public defender and assistants; duties; removal.

(a) There is created the office of the state public defender. The office of the state public defender shall be deemed a state agency for budgeting purposes pursuant to W.S. ~~9-2-1001~~ 9-2-1001.1 through ~~9-2-1026~~ 9-2-1014.2.

7-6-113. Funding.

(b) Each county shall appropriate funds to supplement the state public defender budget in accordance with an equitable formula determined by the state public defender and the state budget division ~~of the department of administration and information~~ in cooperation with the legislative service office, taking into account the following factors:

7-19-302. Registration of offenders; procedure; verification; fees.

(a) Any offender residing in this state or entering this state for the purpose of residing, attending school or being employed in this state shall register with the sheriff of the county in which he resides, attends school or is employed, or other relevant entity specified in subsection (c) of this section. The offender shall be photographed, fingerprinted and palmprinted by the registering entity or another law enforcement agency and shall provide the following additional information when registering:

(xii) Internet identifiers, including each email address and other designations used by the offender for self-identification or routing in internet communications or postings. As used in this paragraph, "internet" means as defined in W.S. ~~9-2-1035(a)(iii)~~ 9-2-3219(a)(iii); and

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

(a) The state auditor shall:

(viii) On or before the fifteenth day of each month, make available in electronic or hard copy detailed statements of expenditures and revenues for each state entity that receives an appropriation in accordance with budget classification. These statements shall be available to each entity and to the state budget division ~~department~~.

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

(e) The state treasurer may implement and administer a performance compensation plan in accordance with this subsection. The plan shall:

(xiii) Subject participating employees to the following terms and conditions related to leave time:

(B) Senior analysts and analysts shall receive leave time in accordance with standards and rules established or promulgated in accordance with W.S. ~~9-2-1022(a)~~ 9-2-3207(a).

9-2-128. Health care innovation; studies; account.

(d) The department may enter into agreements to carry out this section. Except as otherwise provided in this section, agreements under this section shall be exempt from the procurement requirements set forth in W.S. ~~9-2-1016~~ 9-2-3204 and other state laws and rules governing the procurement of services by a state agency. The department shall obtain approval of all agreements from the attorney general.

9-2-419. Marking, defacing, removing or tampering with certain materials; penalty.

Any person marking, defacing, removing or tampering in any manner whatsoever with any property acquired under W.S. 9-2-404 through 9-2-415,

by the director or, acquired under W.S. ~~9-2-1026.5~~ 9-2-3210 through ~~9-2-1026.7~~ 9-2-3212 by the state librarian or state library board is guilty of a misdemeanor punishable by a fine of not more than one hundred dollars (\$100.00).

ARTICLE 10

~~DEPARTMENT OF ADMINISTRATION AND INFORMATION~~ STATE BUDGET DEPARTMENT

9-2-1002. Definitions; provisions construed; cooperation with legislature and judiciary.

(a) As used in this act:

(ii) "Department" means the state budget ~~department of administration and information~~;

(iv) "Exception budget" means a budget prepared by an entity containing requests for appropriations which vary from the standard budget as prepared by the ~~budget division~~ department or otherwise represents additional or increased services. The agency shall justify the new or increased services and describe all new staff, support services and additional equipment which will be required. The exception budget shall also be used to describe any decreases in nongeneral fund revenues formally supporting an entity's services and for which a general fund appropriation is being requested;

(x) "This act" means W.S. ~~9-2-1001~~ 9-2-1001.1 through ~~9-2-1026.13~~ 9-2-1014.2;

(xii) "Base budget" means a budget containing all legislative appropriations as defined by W.S. 9-2-1013(d)(iv), which shall be prepared by the ~~division~~ department for each entity containing all programs for the biennium preceding the biennium for which a standard budget is being prepared pursuant to this act. The base budget and all information accompanying the base budget as required by this act shall be of sufficient detail to parallel components of the standard budget prepared for each entity under this act;

9-2-1004. Duties of the department; receipt of monthly statements of income, revenues and expenditures of state agencies and offices; authority to contract; purposes.

(a) The department ~~through its budget division~~ shall:

(i) In conjunction with the human resources division of the department of administration and information, assure that all personnel transactions conform to budget requirements;

(vi) Appear before the joint appropriations committee as requested by the committee to provide information on the budgetary and financial affairs of the state.

(c) The ~~budget division~~ department, with the approval of the governor,

may enter into contracts on behalf of the state of Wyoming with the federal government or any agency thereof for the purpose of initiating unified or joint letters of credit, simplified fund matching ratios, consolidated grants-in-aid, cost allocation programs, state audit of federally sponsored programs or any other practice that will allow the more effective, efficient and economical use of state and federal revenues.

9-2-1005. Payment of warrants; budget powers of governor; agency budgets; federal funds; new employees.

(b) Subject to subsection (c) of this section, the governor may:

(iv) Authorize the implementation of the personnel classification and compensation plan consistent with W.S. ~~9-2-1022(b)~~9-2-3207;

(e) As used in this section:

(i) "Approved budget" means:

(C) A budget for a program as developed by the ~~budget division~~ department and approved by the governor for appropriations for which no budgeted request was submitted.

(f) The joint appropriations ~~interim~~ committee of the legislature shall compile the approved budget for each agency's appropriation and transmit the budget to the governor and the agency.

(p) The governor shall make available monthly for public inspection information on the exercise of his authority under paragraph (b)(ii), (v) and subsection (g) of this section and under W.S. 9-2-1014.2 for the immediately preceding month. The information shall be made available on the Wyoming public finance and expenditure of funds website created by W.S. ~~9-2-1036(a)~~ 9-2-3220(a).

9-2-1007. Restrictions on indebtedness and expenditures of state agencies; allotment system.

(a) No indebtedness shall be incurred or expenditure made by any agency in excess of the amount appropriated or otherwise authorized by law or where expressly prohibited by law or regulation adopted under this act or prohibited by federal law. Expenditures from the account administered through the surplus property section of the division of general services within the department of administration and information shall be made only as permitted by federal law. Transfers in budget categories shall not be permitted by the department where the items of appropriation or other revenues are explicitly limited to a defined purpose by law or regulation adopted under this act. No agency shall revise, modify or otherwise change its approved budget without the prior approval of the department, ~~through the budget division~~.

9-2-1010. Duties of department; biennial budgets and appropriations.

(a) The department ~~through the budget division~~ shall:

(ii) Prescribe the form, contents and procedure of and for budget documents with the advice of the chairman of the joint appropriations ~~interim~~ committee; and

9-2-1011. Duties of the department; preparation of standard budget estimates; entities to prepare expanded and exception budgets; form; required information; base budgets.

(a) Subject to subsection (c) of this section, the department ~~through the budget division~~ shall prepare standard budget estimates. Entities shall prepare expanded and exception budgets in a form consistent with the standard budgets as directed by the department.

(c) The ~~budget division~~ department shall for purposes of preparing the standard budget for entities under this section, include the base budget and the specific amount the base budget differs from the standard budget estimate. The differences shall be itemized and explained in writing on a standardized form prescribed by rule and regulation of the ~~division~~ department. The base budget and accompanying forms shall be included within the budget estimates and related information for each entity as compiled under W.S. 9-2-1012(b).

(d) Except as otherwise provided by law, budgets for the game and fish department and department of transportation shall be submitted to the governor and the ~~budget division~~ department as provided in this subsection. The budget shall be submitted in a manner and format approved by the ~~budget division~~ department and shall be submitted by the game and fish commission by August 1 of each year and by the transportation commission by October 1 of each year. The manner and format approved by the ~~budget division~~ department shall provide for legislative review. Any modification to the manner and format shall be reported to the joint appropriations committee immediately upon approval.

9-2-1012. Duties of the department; transmittal of standard budget and manual; return of completed exception and expanded budgets; submission to governor; disposition of excess general fund appropriations; submission of selected budget information to joint appropriations committee.

(a) The department ~~through the budget division~~ shall transmit a standard budget and a manual of instruction for the preparation of exception and expanded budgets to entities on or before August 15 of odd numbered years. On or before September 15 of odd numbered years entities shall return the completed exception and expanded budgets.

(b) The director of the department ~~and administrator of the budget division~~ after compiling the requested budget estimates and related information collected from the several agencies of the state shall submit the overall state budget estimate and related information along with their comments and

recommendations to the governor no later than November 1 of each budget period.

(f) In addition to subsection (b) of this section and not later than October 1 of each odd-numbered year, the ~~administrator of the budget division~~ director of the department shall file with the legislative service office a copy of the base budget, standard budget estimate and accompanying base budget forms required under W.S. 9-2-1011(c) for each entity. The legislative service office shall provide copies of the information filed under this subsection to the joint appropriations ~~interim~~ committee.

(g) The state employee compensation commission shall submit to the ~~budget division~~ department and the joint appropriations ~~interim~~ committee within the time periods specified in subsection (a) of this section its recommendations regarding state employee compensation. The ~~budget division and~~ department shall consider those recommendations in developing budgets and submitting recommendations to the governor pursuant to subsection (b) of this section. When distributing the overall state budget to the legislature, the governor shall summarize the manner in which the proposed budget addresses the recommendations of the state employee compensation commission.

(h) If the governor exercises his authority provided by W.S. ~~9-2-1022(a)(xi)(F)(VI)~~ 9-2-3207(a)(xi)(F)(VI) to create an at-will employment contract position, the governor shall seek continued authorization for that position by a budget request in the next session of the legislature. If authorization for the at-will employee contract position is not specifically approved in the general appropriations bill, the position shall terminate and shall not be reauthorized in the future without prior legislative approval.

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).

9-2-1014. Report required with budget request; format and contents of report; compilation of compendium of agency reports; distribution of copies.

(a) An agency's budget request to the department shall be accompanied by a written, comprehensive report of the programs, objectives, activities and condition covering the previous fiscal period. The report shall be in a format developed by the department and the department of administration and

information, in conjunction with the agency and the legislative service office. Notice of the format requirements shall be forwarded to each agency no later than July 15 of each year. The report shall detail the fiscal affairs of the reporting agency including receipts and expenditures and make recommendations for improving the agency's programs. The report shall include an annual performance report which provides a means of evaluation of the outcomes included in an agency strategic plan required by W.S. 28-1-115 and 28-1-116.

(b) Upon the receipt of all agency reports, the department of administration and information shall compile and index the information into a single compendium that will facilitate its use by the governor and the legislature. When preparing the compendium neither the department of administration and information nor the state budget department shall in ~~no~~ any manner alter or amend the information received from an agency without that agency's written direction. The report of any agency to the department is available pursuant to the Public Records Act.

(c) Electronic or printed copies of the compendium and the state budget document shall be submitted to the governor and to each legislator. Printed copies of the compendium shall be furnished to the ~~budget division department~~ and the state library division within the department of administration and information, the state auditor, the department of audit, the legislative service office; and to any legislator requesting a printed copy.

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

(a) The commission shall:

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

9-2-2012. Department of corrections created; director appointed; structure.

(d) The board of parole shall be deemed a state agency for budgeting purposes pursuant to W.S. ~~9-2-1001~~ 9-2-1001.1 through ~~9-2-1026~~ 9-2-1014.2.

9-2-2202. Duties and function of office.

(b) In addition to conducting hearings pursuant to subsection (a) of this section, the office of administrative hearings may, if requested, provide hearing services for any other state agency, provided:

(iii) Hearings will be conducted in an impartial manner pursuant to the Wyoming Administrative Procedure Act, applicable provisions of the Wyoming Rules of Civil Procedure and any rules for the conduct of contested

cases adopted by the director of the office of administrative hearings which shall take precedence over hearing rules promulgated by the requesting agency. In the case of personnel hearings conducted pursuant to W.S. ~~9-2-1019~~ 9-2-3206, the state personnel rules shall govern the conduct of the hearings;

9-3-203. Definitions.

(a) As used in this act:

(iv) "Employee" means any employee of a participating school district or participating board of cooperative educational services whose salary is paid by funds of the district or board, or any official or employee of the state of Wyoming whose salary is paid by state funds, including employees and faculty members of the University of Wyoming and various community colleges in the state, except persons employed on intermittent, irregular, or less than halftime basis and any at-will contract employee who does not meet the requirements established under W.S. ~~9-2-1022(a)(xi)(F)(III) or (IV)~~ 9-2-3207(a)(xi)(F)(III) or (IV). "Employee" shall not include employees of the agricultural extension service of the University of Wyoming who hold federal civil service appointments, are required to participate in federal civil service retirement and who elect to participate in the federal employees' health benefit program as authorized in W.S. 9-3-210(d);

9-3-211. Deductions from salaries of monthly contributions by employees and officials; establishment of procedure.

(c) Notwithstanding any other provision of the State Employees' and Officials' Group Insurance Act and for the contributions provided by W.S. ~~9-2-1022(a)(xi)(F)(IV)~~ 9-2-3207(a)(xi)(F)(IV), the contributions required by subsection (a) of this section may be paid by the Wyoming livestock board for state employee members in order to be treated as employer contributions for the sole purpose of determining tax treatment under the United States Internal Revenue Code, section 414(h). The amounts shall be stated in the employment contract.

9-3-402. Definitions.

(a) As used in this article:

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

(M) An at-will contract employee under W.S. ~~9-2-1022(a)(xi)(F)~~ 9-2-3207(a)(xi)(F), unless specifically authorized by the contract pursuant to W.S. ~~9-2-1022(a)(xi)(F)(III) or (IV)~~ 9-2-3207(a)(xi)(F)(III) or (IV);

9-3-406. Retirement board; employment and compensation of director, consulting actuary and assistants; director designated secretary;

compensation of members; quorum; seal.

(a) The board shall employ a director and a consulting actuary and other professional and clerical assistants necessary for the administration of the retirement system and the Wyoming deferred compensation program established under W.S. 9-3-501 through 9-3-508. The compensation of employees shall be fixed by the board, subject to confirmation and approval by the human resources division and together with all other necessary expenses of the board shall be paid by vouchers drawn on the state treasurer of Wyoming. The director shall also serve, without additional compensation, as secretary of the board. The board shall have the authority to obtain the financial and criminal background history of an employee or employment applicant of the Wyoming retirement system in accordance with W.S. 7-19-106 and 7-19-201. In fixing compensation of employees the board may implement and administer a performance compensation plan in accordance with this subsection. The plan shall:

(xiii) Subject participating employees to the following terms and conditions related to leave time:

(B) Senior analysts and analysts shall receive leave time in accordance with standards and rules established or promulgated in accordance with W.S. ~~9-2-1022(a)~~9-2-3207(a).

9-3-412. Members' contributions; payroll deductions; employer authorized to pay employee's share.

(b) Except as provided by W.S. ~~9-2-1022(a)(xi)(F)(III) or (IV)~~ 9-2-3207(a)(xi)(F)(III) or (IV), in order to be treated as employer contributions for the sole purpose of determining tax treatment under the United States Internal Revenue Code, section 414(h) the contributions required by subsection (a) of this section shall be paid by the employer for state employee members and may be paid by the employer for member employees of political subdivisions of this state. Any contract employee authorized to participate in the state retirement system under W.S. ~~9-2-1022(a)(xi)(F)(III)~~ 9-2-3207(a)(xi)(F)(III) shall pay the entire member contribution and the entire employer contribution under W.S. 9-3-413. For the contributions as provided by W.S. ~~9-2-1022(a)(xi)(F)(IV)~~ 9-2-3207(a)(xi)(F)(IV), the contributions required by subsection (a) of this section may be paid by the Wyoming livestock board for state employee members in order to be treated as employer contributions for the sole purpose of determining tax treatment under the United States Internal Revenue Code, section 414(h). The amounts shall be stated in the employment contract.

(c) The contributions under subsection (b) of this section shall be paid from the source of funds which is used in paying salary to the member. The employer may pay these contributions by a reduction in cash salary of the member or by

an offset against a future salary increase, or by a combination of a reduction in salary and an offset against a future salary increase, provided:

(iv) For full-time brand inspection contract employees authorized to participate in the state retirement system under W.S. ~~9-2-1022(a)(xi)(F)(IV)~~ 9-2-3207(a)(xi)(F)(IV), not more than five and fifty-seven hundredths percent (5.57%) of the contract employee's salary shall be paid by the livestock board unless specified otherwise by legislative act.

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

Except as provided by W.S. ~~9-2-1022(a)(xi)(F)(HH) or (IV)~~ 9-2-3207(a)(xi)(F)(III) or (IV), 9-3-431 and 9-3-432, each employer excluding employers of firefighter members, shall on a monthly basis, pay into the account a contribution equal to eight and sixty-two hundredths percent (8.62%) of the salary paid to each of its members covered under this article for the period from September 1, 2018 through June 30, 2019, eight and eighty-seven hundredths percent (8.87%) of the salary paid for the period from July 1, 2019 through June 30, 2020, nine and twelve hundredths percent (9.12%) of the salary paid for the period from July 1, 2020 through June 30, 2021 and thereafter nine and thirty-seven hundredths percent (9.37%) of the salary paid. Employers of firefighter members shall pay into the account a contribution equal to seven and twelve hundredths percent (7.12%) of the salary paid. Employer contributions for any month, together with the members' contributions for that month, if any, shall be transferred to the board not later than the twelfth day of the following month. These contributions shall be credited to the account in a manner as directed by the board. Any employer failing to transfer contributions under this section in sufficient time for the board to receive the contributions by the twenty-fifth day of the month due shall be assessed interest at the assumed rate of return as determined by the board, compounded annually. Interest imposed under this section shall be payable not later than the twelfth day of the next succeeding month. If the contributions and any interest imposed under this section are not transferred to the board when due, they may be recovered, together with court costs, in an action brought for that purpose in the first judicial district court in Laramie County, Wyoming.

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

(a) Except as provided in subsection (b) of this section, any member covered by this article, including an at-will contract employee under W.S. ~~9-2-1022(a)(xi)(F)(HH) or (IV)~~ 9-2-3207(a)(xi)(F)(III) or (IV), who terminates his employment or any employee of the agricultural extension service of the University of Wyoming who has not elected to continue to be covered by this article is entitled to a refund of his account. In addition, any member who is entitled to a refund who is an at-will contract employee under W.S.

~~9-2-1022(a)(xi)(F)(III)~~ 9-2-3207(a)(xi)(F)(III), shall be entitled to a refund of his account plus any employer matching contributions made by that member. In addition, any member who is entitled to a refund who is an at-will contract employee under ~~W.S. 9-2-1022(a)(xi)(F)(IV)~~ 9-2-3207(a)(xi)(F)(IV), shall be entitled to a refund of his account plus any employer matching contributions made by that member. The refunds shall be made only upon written request to the board. A member may elect, at the time and in the manner prescribed by the system, to have the refund of his account paid directly to an eligible retirement plan as specified by the member. Any member who withdraws from the system under this section shall forfeit all rights to further benefits, employer matching contributions and service credit under the system. Any person who later returns to service covered by this article may redeposit a single lump-sum amount equal to the amount of the contributions withdrawn, together with an amount equal to the actuarial equivalent of the benefits to be derived from the redeposit, past employer contributions, the individual's attained age and the benefit structure of the appropriate plan, and upon earning not less than two (2) years service credit, may reestablish his service credits as of the time of withdrawal of his contributions. For service prior to July 1, 2002, any law enforcement member covered under W.S. 9-3-432 may redeposit the amount of contributions withdrawn for service covered under W.S. 9-3-432, in a lump sum, together with interest and the actuarial equivalent of the difference between the benefit provided under W.S. 9-3-415 through 9-3-419 and the benefit provided under W.S. 9-3-432, and upon earning not less than two (2) years service credit, may reestablish his service credit as of the time of withdrawal of his contributions. Any redeposit payment pursuant to this subsection shall be made not later than ten (10) years following the date of reemployment or prior to retirement, whichever first occurs. A member may make a redeposit under this subsection with personal funds or, subject to rules and regulations established by the board, through rollover contributions. Unless received by the system in the form of a direct rollover, the rollover contribution shall be paid to the system on or before sixty (60) days after the date it was received by the member. Unless otherwise permitted by section 401(a)(8) of the Internal Revenue Code, forfeitures shall not be applied to increase the benefits that any employee would otherwise receive under the system.

9-3-501. Definitions.

(a) As used in this article:

(iii) "Employee" means any person including any elected official employed by and receiving compensation from the state of Wyoming or a county, city, town or other political subdivision, but does not include any at-will contract employee under ~~W.S. 9-2-1022(a)(xi)(F)~~ 9-2-3207(a)(xi)(F);

9-4-204. Funds established; use thereof.

(s) It is the intent of the legislature to establish uniform requirements for

state government accounting and financial reporting in accordance with the generally accepted accounting principles (GAAP) as promulgated by the governmental accounting standards board (GASB), or its successor bodies, so that the financial position and the results of operations of state government can be publicly available to citizens, legislators, financial institutions and others interested in such information. To implement these requirements:

(ii) All state agencies in all branches of government and specifically the state budget division of the department, ~~of administration and information~~, the governor and the consensus revenue estimating group shall use the fund types specified in subsection (t) of this section in preparing state budget documents, budget recommendations, revenue estimates and legislation;

9-4-205. Appropriations and expenditures.

(c) The revenues and other resources in any funds created by this act which are not affected by subsection (a) or (b) of this section may be expended pursuant to law or agreement if in conformity with the requirements of the state budget division of the department, ~~of administration and information~~, if any.

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 state budget 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.

9-4-207. Disposition of unexpended appropriations.

(b) All unexpended federal funds appropriations and budget authorizations to accept and expend federal funds as provided by W.S. 9-4-206(b) shall be reviewed by the state budget department ~~of administration and information~~ at the end of the fiscal period. The department may authorize amounts to be carried forward into the next fiscal period which are necessary to complete activities or functions in progress, for activities or functions not then started, and for purposes as specified in subsection (d) of this section. Federal funds not carried forward shall revert to the general fund unless federal requirements provide otherwise or unless otherwise provided by the legislature.

(e) In each even numbered year:

(iii) Not later than December 1, the auditor shall:

(B) In consultation with the state budget department, ~~of administration~~

~~and information,~~ report to the governor and joint appropriations ~~interim~~ committee on all unexpended appropriations or authorizations remaining after September 30. The state chief information officer shall be consulted for purposes of information technology projects within the report. The report shall include:

(g) The state auditor, in consultation with the state budget department, ~~of administration and information,~~ shall accommodate the department of transportation's October through September fiscal period in implementing the reporting requirements of subsections (e) and (f) of this section regarding the disposition of unexpended appropriations while still identifying any reversions by October 1 of each even numbered year.

9-4-214. Control and budgetary accounts; uniform accounting systems.

(a) The state auditor shall establish general control accounts for each fund appropriation included in legislative appropriation acts to reflect the amount of expenditure approved charging against each type of fund the expenditures as made to disclose the unexpended authorizations. The state budget department ~~of administration and information~~ shall establish budgetary accounts as necessary. The state auditor, state treasurer and the state budget department ~~of administration and information~~ shall develop and maintain the state's uniform centralized accounting system and methods for identifying, classifying and reporting revenues, receipts and disbursements including accounts and subaccounts for all nonappropriated state funds and shall develop and implement a uniform modified accrual accounting system.

9-4-217. Uniform state accounting system.

(e) The state auditor, with assistance from the department of audit, the state budget division ~~of the department, of administration and information,~~ and the state treasurer shall prescribe such internal control procedures for any state agency as he deems necessary to assure assets are properly safeguarded, accounting entries are accurate and reliable, and assets and resources are being utilized consistent with the requirements of the law and duly established managerial policies in an effective, economical and efficient manner.

9-4-715. Permissible investments.

(q) The state treasurer, or his designee, which shall be registered under the Investment Advisor's Act of 1940 as amended if required to be registered by the terms of that act as amended shall invest the legislative stabilization reserve account created in W.S. 9-4-219 in a manner to obtain the highest return possible subject to the following:

(iii) After consultation with the state budget division ~~of the department, of administration and information,~~ up to fifty-five percent (55%) of the unobligated, unencumbered balance of the legislative stabilization reserve account in excess of the amount specified in paragraph (ii) of this subsection,

as calculated by the state auditor on October 1 of each fiscal year, may be invested in equities, including stocks of corporations. Investments under this paragraph shall be made in compliance with subsections (c) and (d) of this section;

9-5-106. State building commission; powers relative to use of state buildings; rules authorized; exceptions.

(b) The secretary to the commission under W.S. ~~9-2-1016(b)(xxi)~~ 9-2-3204(b)(xxi) shall administratively implement any rules of the state building commission adopted under this section. The director of the department of administration and information may adopt rules and regulations which make violation of rules adopted by the commission under subsection (a) of this section grounds for disciplinary action for any state employee violating the rules of the state building commission regarding operation, management or use of state buildings.

9-7-104. Community development authority; creation; composition; compensation; termination; meetings; surety bonds; personal liability; fiscal control.

(g) Notwithstanding any other provision, the directors, the executive director and the employees of the authority shall receive approval in advance from the governor prior to traveling out of state on official business. Except as specifically provided in this act, the provisions of W.S. ~~9-2-1001~~ 9-2-1001.1 through ~~9-2-1024~~ 9-2-1014.2 and 9-2-3201 through 9-2-3208 do not apply to the authority.

9-12-103. Wyoming business council; creation; composition; compensation; termination; meetings; surety bonds; fiscal control.

(g) Except as specifically provided in this act, the following provisions do not apply to the council:

(i) W.S. ~~9-2-1001~~ 9-2-1001.1 through ~~9-2-1026~~ 9-2-1014.2 and 9-2-3201 through 9-2-3209;

9-17-128. Reports by corporation; audits; budget; fiscal year.

(a) To ensure the financial integrity of the lottery, the corporation through its board of directors shall:

(v) Submit to the governor, the department of audit and the joint revenue interim committee by June 30 of each year a copy of the annual operating budget for the corporation for the next fiscal year. This annual operating budget shall be approved by the board and be on forms as prescribed by the state budget department; ~~of administration and information~~;

11-20-201. Designation of contract services to implement brand inspection laws; bond required; bond of inspectors; interstate cooperative agreements.

(b) The agency, or the board may contract for inspectors as the board deems necessary to carry out specified duties. The board may contract for inspectors through an individual at-will contract. The board may contract to provide the inspector salary, mileage, per diem and other necessary reimbursable expenses, membership in the state employees' and officials' group insurance plan in accordance with W.S. ~~9-2-1022(a)(xi)(F)(IV)~~~~9-2-3207(a)(xi)(F)(IV)~~ and 9-3-207, and the state retirement system in accordance with W.S. ~~9-2-1022(a)(xi)(F)(IV)~~~~9-2-3207(a)(xi)(F)(IV)~~ and 9-3-412. The board shall be authorized to establish mileage rates without regard to the limitations provided in W.S. 9-3-103. During the time that inspectors are acting within the scope of their duties on behalf or in service of the state in their official capacity, inspectors are covered by the provisions of the Wyoming Governmental Claims Act, W.S. 1-39-101 through 1-39-120, and the state self-insurance program, W.S. 1-41-101 through 1-41-111. It may assign inspectors inside or outside of this state as it deems appropriate. A blanket bond or individual bonds shall be executed to the state with good and sufficient surety in an amount determined by the board, conditioned for the full and faithful performance and discharge of the inspector's duties. The bond shall be approved by and filed in the office of the board.

13-2-807. Examinations; periodic reports; cooperative agreements; assessment of fees.

(d) The commissioner may enter into contracts with any bank supervisory agency having concurrent jurisdiction over a Wyoming state bank or an out-of-state state bank operating a branch in this state pursuant to this article to engage the services of the agency's examiners at a reasonable rate of compensation, or to provide the services of the commissioner's examiners to the agency at a reasonable rate of compensation. Any such contract shall not be subject to the provisions of W.S. ~~9-2-1016(b)~~~~9-2-3204(b)~~.

14-5-104. Agreements with other party states authorized; when approval required.

Officers and agencies of the state of Wyoming and its subdivisions having authority to place children may enter into agreements with appropriate officers or agencies of other party states pursuant to article IV(b) of W.S. 14-5-101. Any agreement which contains a financial commitment or imposes a financial obligation on the state of Wyoming, a subdivision or agency thereof is not binding unless it has the written approval of the ~~administrator~~~~director~~ of the ~~state~~ budget division of the Wyoming department of administration and ~~information~~ or the county treasurer in the case of a county.

16-3-101. Short title; definitions.

(b) As used in this act:

(ii) "Contested case" means a proceeding including but not restricted

to ratemaking, price fixing and licensing, in which legal rights, duties or privileges of a party are required by law to be determined by an agency after an opportunity for hearing but excludes designations under W.S. ~~9-2-1022(h)(i)~~ 9-2-3207(h)(i);

(ix) "Rule" means each agency statement of general applicability that implements, interprets and prescribes law, policy or ordinances of cities and towns, or describes the organization, procedures, or practice requirements of any agency. The term includes the amendment or repeal of a prior rule, but does not include:

(G) Designations under W.S. ~~9-2-1022(h)(i)~~ 9-2-3207(h)(i); or

(xii) "Internet" means as defined in W.S. ~~9-2-1035(a)(iii)~~ 9-2-3219(a)(iii);

16-3-103. Adoption, amendment and repeal of rules; notice; hearing; emergency rules; proceedings to contest; review and approval by governor.

(h) An agency may incorporate, by reference in its rules and without publishing the incorporated matter in full, all or any part of a code, standard, rule or regulation that has been adopted by an agency of the United States or of this state, another state or by a nationally recognized organization or association, provided:

(iv) The incorporating agency maintains and makes available for public inspection a copy of the incorporated matter at cost from the agency and the rules of the incorporating agency state where the incorporated matter is available on the internet as defined in W.S. ~~9-2-1035(a)(iii)~~ 9-2-3219(a)(iii); and

16-4-122. Required annual audits; reports; contents and filing.

(b) Copies of the audit reports shall be filed with and preserved by the county clerk of each affected county and shall be open to inspection by any interested person. Copies of all audits shall also be filed with the director of the state department of audit. Copies of school audits shall also be filed with the state department of education on or before December 15 following the end of the audited fiscal year. Copies of community college audit findings shall also be filed with the community college commission and the state budget division ~~of the department of administration and information~~ as provided by W.S. 21-18-204.

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:

(xii) He may dispose of lands, buildings or fixtures under the control of the department by sale, exchange or other transfer. He may execute deeds for such transfers in the name of the state. Money from such sale, exchange

or transfer may be utilized for the acquisition of additional lands, buildings or fixtures within the same budget biennium. Any such sale, exchange or other transfer shall be conducted in accordance with the provisions of W.S. 36-9-101, 36-9-102 and 36-9-104 through 36-9-120, except these provisions of W.S. title 36, chapter 9 shall not apply when both the title to the land and to all buildings thereon is solely in the name of the department or any division of the department and the provisions of W.S. ~~9-2-1016(b)(viii)~~ 9-2-3204(b)(viii) also shall not apply when both the title to the land and to all buildings thereon is solely in the name of the department or any division of the department. The sections of title 36 identified in this paragraph and W.S. ~~9-2-1016(b)(viii)~~ 9-2-3204(b)(viii) also shall not apply when any such sale, exchange or other transfer is to another governmental entity, state agency or local government, as defined in W.S. 1-39-103, even if the title to the land and to all buildings thereon are not solely in the name of the department or a division thereof;

(xxi) He may use federal procurement procedures when letting contracts concerning properties under the control of the adjutant general, subject to authorization as provided in W.S. ~~9-2-1016(b)(iv)(H)~~ 9-2-3204(b)(iv)(H);

21-2-204. Wyoming Accountability in Education Act; statewide education accountability system created.

(h) For all schools a progressive system of support and intervention to assist schools shall be established by the state board through the department. The system shall increase the ability of schools and school districts to improve achievement and growth indicator performance and expand the ability for schools and school districts within the state to continuously improve. The system shall clearly identify and prescribe the actions for each level of support, including comprehensive and targeted support and intervention. The state superintendent shall take action based upon system results according to the following:

(viii) To the extent permitted by law and rule and regulation, plans submitted in compliance with paragraphs (v) and (vi) of this subsection shall serve to comply with similar requirements administered by the state superintendent and the department, and the state board shall ensure the plans minimize submission of duplicative information, material and the administrative burdens placed upon schools. In addition, the following shall apply to the plans submitted under this subsection:

(A) All plans submitted under this subsection shall be made available for public inspection through internet access as defined by W.S. ~~9-2-1035(a)(iii)~~ 9-2-3219(a)(iii);

21-15-119. Commission budget and funding recommendations.

(a) Notwithstanding W.S. 9-2-1012, the commission shall annually, not later than September 1, develop and submit a recommended budget for projects and

school capital construction financing to the governor, through the ~~state budget division of the department of administration and information~~ and to the select committee on school facilities. The department shall prepare and provide information as requested by the commission. The commission shall include with its recommended budget to the select committee the comprehensive assessment specified in W.S. 21-15-115(b), the prioritized list of projects specified in W.S. 21-15-117 including the amounts allocated to each project and the annual building status report specified under W.S. 21-15-121. The recommended budget submitted by the commission shall include:

21-18-203. Budget procedure.

(a) In collaboration with the boards of the community colleges, the commission shall submit state appropriation requests on behalf of the community college system in compliance with the statewide community college system strategic plan. The standard budget request submitted by the commission for state aid to community colleges under W.S. 21-18-205 for the fiscal biennium commencing July 1, 2020 and every four years thereafter, shall be equal to the amount defined in W.S. 9-2-1002(a)(ix). A request for an enrollment adjustment to the standard budget for state aid to community colleges shall be submitted every four (4) years commencing in the fiscal biennium beginning July 1, 2018. The enrollment adjustment shall be based solely upon the calculation under subsection (e) of this section. The budget requests shall be made upon forms and in a format to be determined by the ~~state budget division of the department of administration and information~~.

21-18-204. Commission and districts subject to public records provisions; Uniform Municipal Fiscal Procedures Act.

(b) The community college districts are subject to the provisions of the Uniform Municipal Fiscal Procedures Act. Audits for each community college required by W.S. 16-4-121 shall be performed by independent auditors selected by the college. The audits shall be conducted in accordance with guidelines set forth in W.S. 9-1-507. The independent auditors shall submit audit findings to the college board of trustees, the commission and the ~~state budget division of the department of administration and information~~. Questions by the commission regarding audits shall be submitted to the community colleges for response.

21-18-225. College maintenance and capital construction funding.

(a) As part of its administrative functions, the community college commission shall identify community college building needs and develop a prioritized list of community college capital construction projects. The prioritized community college capital construction projects shall be reported by the commission to the state construction department in accordance with subsection (g) of this section. Following review, analysis and study, the state

construction department shall forward recommendations for community college capital construction projects to the state building commission. The state construction department shall also submit major maintenance budget requests for college buildings to the legislature in accordance with this section. Major maintenance budget requests shall be based upon the square footage submitted by the commission under subsection (f) of this section and upon a formula adopted by the state building commission, and upon forms and in a format specified by the ~~state budget division of the department of administration and information.~~ College building maintenance budget requests submitted by the state construction department to the legislature and capital construction budget requests forwarded by the state building commission to the legislature shall include only necessary building square footage:

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

(e) The secretary of state shall maintain a searchable database of reports filed pursuant to this chapter available to the public on or through the Internet as defined in W.S. ~~9-2-1035(a)(iii)~~ ~~9-2-3219(a)(iii)~~. The secretary of state shall be responsible for the provision of training and instruction for filers on how to access and use the campaign finance electronic filing system. The training shall be for the purpose of educating filers about use of the system, and is not intended to assist filers with filing their reports.

24-2-115. Program for specific service signing by businesses or attractions; department duties and responsibilities; contracting of duties; fees.

(b) In establishing the program under this section, the department shall by rule and regulation:

(v) Provide for oversight of the program and subject to W.S. ~~9-2-1016(b)~~ ~~9-2-3204(b)~~, may establish necessary procedures for contracting services for the construction, erection and maintenance of highway specific service signing pursuant to this section;

26-2-105. Insurance commissioner; salary.

The commissioner shall receive a salary as provided under W.S. ~~9-2-1022~~ ~~9-2-3207~~.

26-2-106. Deputy commissioner, examiners, clerks, assistants and consultants.

(c) Salary for personnel in subsections (a) and (b) of this section shall be as provided under W.S. ~~9-2-1022~~ ~~9-2-3207~~.

28-8-111. Assistance to be provided by state and local officers or agencies; duty of audited agencies.

(b) In preparing fiscal and personnel notes for proposed legislation as required by joint rule of the legislature, the ~~state budget division of the department of administration and information, its successor, and any agency or department~~

of state government shall furnish any information or assistance relative thereto as soon as reasonably practicable upon request of the director.

33-1-302. Duties of licensure boards.

(a) Except as otherwise specifically provided by statute, a board authorized to establish examination, inspection, permit or license fees for any profession or occupation regulated under this title or under W.S. 11-25-105, 21-2-802 or 23-2-414 shall:

(viii) Receive budget, fiscal, administrative and clerical service from the department of administration and information as provided in W.S. ~~9-2-1002(b)~~ 9-2-3202(b) and 9-2-1707(b)(iii), except as provided hereinafter. The licensure board or commission shall pay a reasonable rate established by rule and regulation of the department of administration and information for services necessary to support the operation of the licensure board or commission. A board or commission may terminate services described herein upon demonstration to the department of administration and information, in the manner and form determined sufficient by the department of administration and information, that the board or commission is financially independent and able to secure staff to perform the functions necessary for independent operation;

(ix) If applicable, pay the amount determined appropriate for any cost allocation program supporting licensure boards as determined by the state budget department of ~~administration~~ as provided in W.S. 9-2-1004(c).

35-1-243. Public health nursing.

(d) If the commissioners of a county enter into a memorandum of understanding to provide public health nursing services under the system specified in paragraph (a)(ii) of this section, at the request of the commissioners of the county, county employee positions assisting in providing public health functions may be transferred to state at-will employee contract positions under W.S. ~~9-2-1022(a)(xi)(F)~~ 9-2-3207(a)(xi)(F) or to permanent state positions, provided that the number of positions transferred under this subsection shall not exceed the largest number of public health nursing positions in the county between July 1 and December 31 of the year prior to the transfer. A transfer under this subsection shall mean payment of monies to the department for the purpose of creating a position under W.S. 35-1-243(a)(ii). Any state employee position created shall comply with the state of Wyoming personnel rules. The department may charge an administrative fee and accept county or other local funds to defray the cost of transferred positions as provided in the memorandum of understanding. The funds shall be deposited by the state treasurer in a separate account. The funds in the account are continuously appropriated to the department of health and shall be paid out upon request of the department as provided by law. Positions transferred under this

subsection into state permanent positions shall be paid benefits in the same manner and at the same rates as for comparable state employees pursuant to the state of Wyoming compensation policy. The department's authorization for employee positions shall be expanded by operation of law to accommodate all positions transferred to the state under this subsection and shall continue so long as the county that requested the transfers satisfies its obligations under its memorandum of understanding with the department. Upon a county's failure to make all payments required by its memorandum of understanding with the department or upon the county's request, the department shall no longer have any state positions transferred by the county under this subsection and, upon written notice to the transferred employees and the county, shall follow the state of Wyoming personnel rules regarding reductions in force. All positions created under this subsection shall be included within the department's standard or supplemental budget request.

36-4-110. Power to lease or rent concessions.

(b) The department, with the advice of the commission, shall promulgate rules that shall apply to any for profit business concession with a five (5) year or greater contract or lease term to promote the uniform and effective administration of state outdoor recreation areas and facilities. Rules adopted under this subsection shall specify:

(i) Uniform procedures for bidding, entering into leases or contracts and assessing fees under this section, consistent with W.S. ~~9-2-1016(b)(iv)~~ 9-2-3204(b)(iv), and making any forms available in electronic format on the department website;

40-14-636. Records; confidentiality.

(j) The administrator may enter into contracts with any supervisory agency having concurrent jurisdiction over a Wyoming licensee pursuant to this act to engage the services of the agency's examiners at a reasonable rate of compensation. Any contract under this subsection shall not be subject to the provisions of W.S. ~~9-2-1016(b)~~ 9-2-3204(b).

40-23-112. Records; confidentiality of records; exception.

(e) The commissioner may enter into contracts with any mortgage lending or mortgage brokering supervisory agency having concurrent jurisdiction over a Wyoming licensee pursuant to this act to engage the services of the agency's examiners at a reasonable rate of compensation. Any such contract shall not be subject to the provisions of W.S. ~~9-2-1016(b)~~ 9-2-3204(b).

42-4-120. Contracts for waiver services; authority of department; emergency case services; cost based payments; training and certification of specialists.

(m) The department shall ensure that state agencies working with service

providers receiving funds pursuant to this section shall have established employment first policies, including competitive employment in an integrated setting, consistent with the requirements of W.S. ~~9-2-1022~~ 9-2-3207.

Section 4. W.S. 9-2-1001 is renumbered as 9-2-3201, 9-2-1002(a)(xi), (xiii) through (xv) and (b) through (d) as 9-2-3202(a)(vii) through (xii) and (b) through (d), 9-2-1003 as 9-2-3203, 9-2-1016 as 9-2-3204, 9-2-1017 as 9-2-3205, 9-2-1019 as 9-2-3206, 9-2-1022 as 9-2-3207, 9-2-1024 as 9-2-3208, 9-2-1026 as 9-2-3209, 9-2-1026.5 through 9-2-1026.13 as 9-2-3210 through 9-2-3218 and 9-2-1035 through 9-2-1037 as 9-2-3219 through 9-2-3221.

Section 5. W.S. 9-2-1002(d)(i), renumbered as 9-2-3202(d)(i) by Section 4 of this act and 9-2-2021(g) are repealed.

Section 6. In preparing the statutes of the state of Wyoming for printing after the 2021 general session in accordance with W.S. 28-8-105(a)(v), the legislative service office shall correct any references to section numbers that are renumbered by this act and which are not otherwise corrected. This authority shall include correction of internal references in the renumbered W.S. 9-2-3202(a)(vii), 9-2-3209, 9-2-3219(a)(vii) and 9-2-3220(b)(iv).

Section 7. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved April 1, 2021.

Chapter 57

PUBLIC MEETINGS-EXECUTIVE SESSIONS FOR SECURITY PLANS

Original Senate File No. 23

AN ACT relating to public meetings; authorizing executive sessions for safety and security planning; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 16-4-405(a) by creating a new paragraph (xii) and (c) is amended to read:

16-4-405. Executive sessions.

(a) A governing body of an agency may hold executive sessions not open to the public:

(xii) To consider, discuss and conduct safety and security planning that, if disclosed, would pose a threat to the safety of life or property.

(c) Unless a different procedure or vote is otherwise specified by law, an executive session may be held only pursuant to a motion that is duly seconded

and carried by majority vote of the members of the governing body in attendance when the motion is made. A motion to hold an executive session which specifies any of the reasons set forth in paragraphs (a)(i) through ~~(xi)~~ (xii) of this section shall be sufficient notice of the issue to be considered in an executive session.

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 April 1, 2021.

Chapter 58

INVESTMENT OF STATE PERMANENT FUNDS

Original Senate File No. 119

AN ACT relating to public funds; adopting a risk profile standard for the investment of funds of the state which may be invested in equities, including stocks; repealing specified maximum amounts of state permanent funds which may be invested in equities including stocks; and providing for an effective date.

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

Section 1. W.S. 9-4-715(b) and 9-4-716(d)(i)(C) and by creating new subsections (e) and (f) are amended to read:

9-4-715. Permissible investments.

(b) The state treasurer, or his designee, which shall be registered under the Investment Advisor's Act of 1940 as amended if required to be registered by the terms of that act as amended, may invest ~~up to seventy percent (70%) of~~ the permanent funds in equities, including stocks of corporations ~~pursuant to in accordance with~~ subsections ~~(c) and (d)~~ (a) through (e) of this section ~~and W.S. 9-4-716~~. The state treasurer shall report at least annually to the select committee on capital financing and investments, 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) ~~and (e)~~.

9-4-716. State investment policy; investment consultant.

(d) The board:

(i) Shall procure the services of a qualified entity to evaluate:

(C) At least annually or when market conditions warrant a change or reallocation of investments, the risks of investing state funds using the metrics specified in the investment policy statements pursuant to paragraph (b)(ix) of this section ~~and the risk profile under subsection (e) of this section~~.

(e) In investing monies of a fund or account which may be invested in stock of a corporation or other equities, the overall risk profile of the investments,

excluding any specific public purpose investment authorized or directed by the legislature, shall not materially exceed the risk profile of a reference portfolio that consists of seventy percent (70%) global equities and thirty percent (30%) domestic fixed income investments. The state treasurer after consultation with the investment funds committee shall submit to the board the committee's recommendations of specific benchmarks for the measurement of the portfolio risk characteristics. The specific benchmarks shall be determined by the board. Any provision of law which restricts the investment of a specific fund or account to a greater degree than the provisions of this subsection shall control over this subsection.

(f) Investments made in accordance with this section and W.S. 9-4-715 and policies adopted pursuant to this section shall be deemed to satisfy provisions of law which require funds to be invested in a manner to obtain the highest net return consistent with preservation of principal or the corpus of a fund.

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

Approved April 1, 2021.

Chapter 59

FINANCIAL COUNCIL AND REPORTING-BUDGET REDUCTIONS

Original Senate File No. 72

AN ACT relating to administration of government; removing a preliminary financial reporting requirement of the state auditor; repealing 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. 9-1-403(a)(v) is amended to read:

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

(a) The state auditor shall:

(v) ~~Make a preliminary~~ Provide an annual financial report of the fiscal affairs of the state to the governor, president of the senate, speaker of the house, and cochairmen of the joint appropriations committee, on or before September 30 of each year. ~~The state auditor shall provide a final annual report on or before December 15-31 of each year.~~ The report shall include financial statements which shall be prepared, insofar as practical, in conformance with generally accepted accounting principles;

Section 2. W.S. 9-4-216 is repealed.

Section 3. This act is effective July 1, 2021.

Approved April 1, 2021.

Chapter 60**MEDICAID BILLING FOR SCHOOL-BASED SERVICES**

Original Senate File No. 79

AN ACT relating to school finance; authorizing school districts to bill for school based services for Medicaid eligible students as specified; providing reimbursement to school districts for administrative costs; providing appropriations; authorizing a position; requiring reports; and providing for effective dates.

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

Section 1. W.S. 21-13-321(b) and by creating new subsections (h) and (j) and 42-4-103(a) by creating new paragraphs (xxxiv) through (xxxvi) are amended to read:

21-13-321. Special education; amount within foundation program formula for special education programs and services; district reporting requirements; billing for Medicaid authorized school based services.

(b) The amount provided for special education within the education resource block grant model pursuant to W.S. 21-13-309(m)(v)(E)(II) shall be equal to one hundred percent (100%) of the amount actually expended by the district during the previous school year for special education programs and services, which shall include the amount actually expended by the district during the previous school year for reasonable administrative costs to bill for authorized Medicaid services under subsection (h) of this section. The statewide total amount reimbursed under this section in school year 2019-2020 or 2020-2021 shall not exceed the statewide total amount reimbursed under this section in school year 2018-2019, notwithstanding any additional appropriation for that purpose by the legislature.

(h) Beginning July 1, 2022, each school district with Medicaid eligible students receiving special education programs and services, as calculated by the department of education pursuant to subsection (j) of this section, may bill the department of health for the costs of any special education program and service covered under W.S. 42-4-103(a)(xxxiv) through (xxxvi) provided to the district's students. The department of health shall provide payment to each eligible school district that has billed the department of health as soon as reasonably practical for the costs of approved services. By September 1 of each school year, each school district shall remit to the department of education all funds received during the prior school year from the department of health for billed services. The department of education shall remit all funds received under this subsection to the state treasurer for deposit in the school foundation program account.

(j) A school district may report the number of Medicaid eligible students receiving special education programs and services enrolled within the school district on forms and in such manner required by the department for the 2021-2022 school year. Beginning with the 2022-2023 school year and each school

year thereafter, a school district shall report the number of Medicaid eligible students receiving special education programs and services enrolled within the school district on forms and in the manner required by the department. The number of Medicaid eligible students receiving special education programs and services for a school year shall be determined by the department of education using data from October 1 of the immediately preceding school year.

42-4-103. Authorized services and supplies.

(a) Services and supplies authorized for medical assistance under this chapter include:

- (xxxiv) The professional services of a school psychologist;
- (xxxv) The professional services of a school social worker;
- (xxxvi) School based services delivered pursuant to an individualized education program, including services:
 - (A) Provided by an otherwise enrolled Medicaid provider type;
 - (B) Provided by a licensed professional in a school setting; or
 - (C) Otherwise covered under this chapter to support delivery of special education programs and services.

Section 2. The director of the department of health, with the consent of the governor, shall negotiate with the United States department of health and human services regarding necessary amendments to the state Medicaid plan, or any necessary waiver under 42 U.S.C. § 1315, to provide the services specified under W.S. 42-4-103(a)(xxxiv) through (xxxvi), as created by this act. Any state Medicaid plan amendments or waiver under this subsection shall be effective July 1, 2022 or upon state plan or waiver approval from the Centers for Medicare and Medicaid Services, whichever is later.

Section 3. The department of health is authorized one (1) full-time position for the purposes of this act. There is appropriated one hundred forty-two thousand six hundred twenty-two dollars (\$142,622.00) from the school foundation program account to the department of health. Additionally, there is appropriated one hundred forty-two thousand six hundred twenty-two dollars (\$142,622.00) from federal funds to the department of health. These appropriations shall be used only for the purposes of implementing this act. Not more than one hundred eighty-seven thousand five hundred eighty-four dollars (\$187,584.00) of the appropriations made under this section shall be expended for contract services to implement this act. Not more than ninety-seven thousand six hundred sixty dollars (\$97,660.00) of the appropriations made under this section shall be expended for salary and benefits. These appropriations shall be for the period beginning on the effective date of this section and ending June 30, 2022. These appropriations 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.

Section 4. The department of health and the department of education shall report on implementation of Medicaid billing for school based services as provided for by this act. Reports on implementation required by this section shall include information on relevant action taken by school districts, relevant action taken by the department of health and the department of education and any approvals received from the federal government for plan amendments or waivers to the state Medicaid plan. The departments shall evaluate impediments to implementation and determine necessary or recommended improvements to the program and any required additional funding. Findings shall be submitted in two (2) written reports to the joint education interim committee, the joint labor, health and social services interim committee and the joint appropriations committee, one (1) report to be submitted not later than October 1, 2021 and the other report to be submitted not later than October 1, 2022.

Section 5.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2021.

(b) Sections 2 through 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 April 1, 2021.

Chapter 61

WYOMING MONEY TRANSMITTERS ACT-AMENDMENTS

Original Senate File No. 40

AN ACT relating to trade and commerce; amending definitions applicable to the Wyoming Money Transmitters Act; amending actions and entities exempted from the act; amending fees, bonds and security requirements; clarifying application procedures; repealing definitions of the act; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 40-22-102(a)(ii), (xiii) and (xv), 40-22-104(a)(vi), 40-22-106(a), 40-22-108(f), (g), (h)(ii)(intro), (j) and (k), 40-22-111(a) and 40-22-115(b) are amended to read:

40-22-102. Definitions.

(a) As used in this act:

(ii) "Authorized delegate" means an entity designated by the licensee to engage in the business of ~~transmitting~~ money transmission on behalf of a licensee;

(xiii) “Money transmission” means to engage in business to sell or issue payment instruments, ~~stored value~~ or receive money or monetary value for transmission to a location within or outside the United States by any and all means, including but not limited to wire, facsimile or electronic transfer;

(xv) “Payment instrument” means any electronic or written check, draft, money order, travelers check or other electronic or written instrument or order for the transmission or payment of money, sold or issued to one (1) or more persons, whether or not the instrument is negotiable. “Payment instrument” shall include prepaid access as defined in 31 C.F.R. 1010.100(ww). For purposes of this act, stored value shall be deemed equivalent to prepaid access. The term “payment instrument” does not include any credit card voucher, any letter of credit or any instrument which is redeemable by the issuer in goods or services;

40-22-104. Exemptions; applicability.

(a) This act shall not apply to:

(vi) Buying, selling, issuing, or taking custody of payment instruments ~~or stored value~~ in the form of virtual currency or receiving virtual currency for transmission to a location within or outside the United States by any means;

40-22-106. Bond or other security device.

(a) ~~Each application shall be accompanied by~~ A surety bond, irrevocable letter of credit or other similar security device acceptable to the commissioner shall be provided with a license application or upon approval of the application, as determined by the applicant. An application without a security device may be conditionally approved by the commissioner pending receipt of the security device. The surety bond, irrevocable letter of credit or other security device shall be in the amount of ten thousand dollars (\$10,000.00) or two and one-half (2½) times the outstanding payment instruments, whichever is greater, not to exceed five hundred thousand dollars (\$500,000.00). The commissioner may increase the required amount of the ~~bond or security device~~ up to a the maximum of five hundred thousand dollars (\$500,000.00) amount authorized by this subsection upon the basis of the impaired financial condition of a licensee as evidenced by a reduction in net worth, financial losses or other relevant criteria. The security device shall be in a form satisfactory to the commissioner and shall run to the state for the benefit of any claimants against the licensee to secure the faithful performance of the obligations of the licensee with respect to the receipt, handling, transmission and payment of money in connection with the sale and issuance of payment instruments or transmission of money. In the case of a bond, the aggregate liability of the surety in no event shall exceed the principal sum of the bond. Claimants against the licensee may bring suit directly on the security device or the commissioner may bring suit on behalf of the claimants either in one (1) action or in successive actions.

40-22-108. Application for license.

(f) The commissioner may determine the content of application forms and the means by which an applicant applies for, renews or amends a license under this act. The ~~administrator~~commissioner may allow applicants to utilize the registry or an entity designated by the registry for the processing of applications and fees.

(g) In order to fulfill the purposes of this act, the ~~administrator~~commissioner may establish relationships or contract with the registry or any other entity designated by the registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this act.

(h) In connection with an application for licensing the applicant shall, at a minimum, furnish the commissioner or the registry information concerning the identity of the applicant, the owners or persons in charge of the applicant and individuals designated in charge of the applicant's places of business, including:

(ii) Personal history and experience, including the submission of authorization for the registry or the ~~administrator~~commissioner to obtain:

(j) For the purposes of this section and in order to reduce the points of contact which the federal bureau of investigation may have to maintain for purposes of paragraph (h)(i) of this section and subparagraph (h)(ii)(B) of this section, the ~~administrator~~commissioner may use the registry as a channeling agent for requesting information from and distributing information to the department of justice or any governmental agency.

(k) For the purposes of this section and in order to reduce the points of contact which the ~~administrator~~commissioner may have to maintain for purposes of paragraph (h)(ii) of this section, the ~~administrator~~commissioner may use the registry as a channeling agent for requesting and distributing information to and from any source as directed by the ~~administrator~~commissioner.

40-22-111. Renewal of license and annual report.

(a) Each license issued under this act shall expire on December 31. The license shall be renewed annually not later than December 1. Each licensee shall pay an annual renewal fee ~~not to exceed two thousand dollars (\$2,000.00); plus not more than one hundred dollars (\$100.00) for each authorized delegate and subdelegate not to exceed seven thousand dollars (\$7,000.00);~~ as set by rule of the commissioner.

40-22-115. Examinations.

(b) Each licensee or person subject to examination or investigation under this act shall pay to the commissioner an amount assessed by the commissioner to cover the direct ~~and indirect~~ cost of examinations or investigations conducted pursuant to this section.

Section 2. W.S. 40-22-102(a)(vii) and (xviii) is repealed.

Section 3. This act shall apply to all applications and renewal applications filed for the 2022 licensing year and to all examinations conducted on or after January 1, 2022.

Section 4. This act is effective July 1, 2021.

Approved April 1, 2021.

Chapter 62

REPEALING SUNSET DATE FOR THE OFFICE OF CONSUMER ADVOCATE

Original Senate File No. 62

AN ACT relating to the office of the consumer advocate; repealing the existing sunset date; and providing for an effective date.

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

Section 1. W.S. 37-2-404(b) is repealed.

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

Approved April 1, 2021.

Chapter 63

DIGITAL IDENTITY

Original Senate File No. 39

AN ACT relating to trade and commerce; defining personal and organizational digital identity; establishing requirements for the attribution of acts taken through a digital identity; and providing for an effective date.

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

Section 1. W.S. 40-30-101 and 40-30-102 are created to read:

CHAPTER 30

DIGITAL IDENTITY ACT

40-30-101. Definitions.

(a) As used in this chapter:

- (i) “Personal digital identity” means as defined in W.S. 8-1-102(a)(xviii);
- (ii) “Organizational digital identity” means as defined in W.S. 8-1-102(a)(xix).

40-30-102. Acts through digital identity.

(a) Consistent with the provisions of W.S. 40-21-109:

(i) Acts taken through a personal digital identity are attributable to a natural person if they were the act of the natural person. The act of the natural person may be established in any manner, including a showing of the efficacy of any security procedure applied to determine the natural person to which an electronic record or electronic signature or other act was attributable;

(ii) Acts taken through an organizational digital identity are attributable to the organization if they were the act of the organization. The act of the organization may be established in any manner, including a showing of the efficacy of any security procedure applied to determine the organization to which an electronic record or electronic signature or other act was attributable;

(iii) The effect of an electronic record or electronic signature or other act attributed to a natural person or organization under paragraphs (i) and (ii) of this subsection shall be determined from the context and surrounding circumstances at the time of its creation, execution or adoption, including the parties' agreement, if any, and as otherwise provided by law.

Section 2. W.S. 8-1-102(a) by creating new paragraphs (xviii) and (xix) is 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:

(xviii) "Personal digital identity" means the intangible digital representation of, by and for a natural person, over which he has principal authority and through which he intentionally communicates or acts;

(xix) "Organizational digital identity" means the intangible digital representation of, by and for a corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation or any other legal or commercial entity that is not a natural person, over which it has principal authority and through which it intentionally communicates or acts.

Section 3. This act is effective July 1, 2021.

Approved April 1, 2021.

Chapter 64

TRANSPORTATION STATUTORY AMENDMENTS-1

Original Senate File No. 106

AN ACT relating to highways and transportation; inserting additional license plates in the replacement duplicate plates process; clarifying dealer permit fees; repealing obsolete and unnecessary definitions and fees; and providing for an effective date.

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

Section 1. W.S. 31-2-212 and 31-16-127(b)(i)(C) and (D) are amended to read:

31-2-212. Loss, mutilation or destruction of registration, plates or validation stickers.

Upon loss, mutilation or destruction of a certificate of registration, license plate, or validation sticker the owner of a vehicle may obtain a duplicate certificate of registration, new license plates or validation stickers from any county treasurer or the department if the vehicle was registered or plates or stickers were issued by the department upon application showing the loss, mutilation or destruction, return of mutilated plates or stickers and payment of the duplicate registration, plate or sticker fee. For those vehicles registered under the provisions of W.S. 31-2-213(h), ~~or 31-2-215 through 31-2-223, 31-2-226, 31-2-227 or 31-2-229 through 31-2-231~~ replacement duplicate license plates may be obtained upon application with the county treasurer from which the original plates were purchased or the department if applicable, accompanied by fees as provided by W.S. 31-3-102(a)(vi)(C). Duplicate license plates obtained under this section to replace lost or stolen plates shall not be displayed on the vehicle until the validation stickers on the lost or stolen plates have expired. Upon loss, mutilation or destruction of a dealer plate or validation sticker the dealer may obtain a replacement dealer plate or validation sticker from the county treasurer from which he purchased the original plate in the same manner as the owner of a vehicle and upon payment of the appropriate fee under W.S. 31-3-102(a)(vi). Obtaining a replacement plate is not the purchase of an additional plate under W.S. 31-16-125(b)(i). Upon application for new license plates or stickers the county treasurer shall notify the department and the county sheriff as soon as possible of the loss, mutilation or destruction. The department shall notify the appropriate law enforcement agencies of any loss, mutilation or destruction of license plates or stickers.

31-16-127. Temporary recreational vehicle display and sales permit.

(b) The department shall issue a temporary recreational vehicle display and sales permit to an out of state recreational vehicle dealer not currently licensed in Wyoming, subject to the following conditions:

(i) The applicant shall submit an application accompanied by an application fee of five hundred dollars (\$500.00) to the department at least ninety (90) days prior to the recreational vehicle display and sales event. The application shall be on a form approved by the department and shall include:

(C) ~~An additional fee of fifty dollars (\$50.00) for~~ indication whether the applicant wishes to purchase one (1) or two (2) temporary recreational vehicle demo plates for an additional fee as set forth in W.S. 31-3-102(a)(v);

(D) ~~An additional fee of five dollars (\$5.00) for ten (10) indication~~

whether the applicant wishes to purchase a minimum order as set forth in department rules for an additional fee established in accordance with W.S. 31-3-102(a)(x) of temporary permits for issuance to purchasers of recreational vehicles at the event;

Section 2. W.S. 31-16-101(a)(xxi) and (b), 31-16-103(b)(ix) and 31-16-125(b)(i)(E) are repealed.

Section 3. This act is effective July 1, 2021.

Approved April 1, 2021.

Chapter 65

TRANSPORTATION STATUTORY AMENDMENTS-2

Original Senate File No. 107

AN ACT relating to highways and transportation; including alternative fuels in a fuel tax exemption; and providing for an effective date.

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

Section 1. W.S. 31-18-201(s) and (t) is amended to read:

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

(s) Except as otherwise provided in this section, owners of commercial vehicles meeting the registration requirements of another jurisdiction and subject to registration in Wyoming and not entitled to exemption from registration or licensing under this section may, as an alternative to registration or proportional registration secure a temporary permit from the department to make a single trip into, within or out of Wyoming for a period of not to exceed ninety-six (96) hours for a fee of twenty dollars (\$20.00) for each single unit operated as a single unit or forty dollars (\$40.00) for each legal combination of units including only one (1) power unit. In lieu of the fee required by W.S. 39-17-106(g), ~~or 39-17-206(d) or 39-17-306(f)~~ for license and taxation of gasoline, ~~or diesel~~ or alternative fuels, the operator may secure a temporary permit from the department to operate in Wyoming for a period of not to exceed ninety-six (96) hours for a fee of seven dollars and fifty cents (\$7.50) for each single unit operated as a single unit or fifteen dollars (\$15.00) for each legal combination of units including only one (1) power unit.

(t) An owner of a commercial vehicle engaged in the motion picture industry whose vehicle is properly registered in another state and not entitled to the registration or licensing exemption under W.S. 31-2-224 or this section may, as an alternative to registration or proportional registration and in lieu of the fee required by W.S. 39-17-106(g), ~~and 39-17-206(d) or 39-17-306(f)~~, apply to the department for a temporary permit to operate the vehicle in Wyoming for

ninety (90) days upon payment of the appropriate fees prescribed in subsection (s) of this section. As used in this subsection, “motion picture industry” includes all filming in this state for commercial purposes including advertising. Any person operating a vehicle in Wyoming beyond the period authorized in the temporary permit is subject to a civil penalty requiring full registration of the vehicle in Wyoming for the registration year in which the violation occurred and payment of all fees required for registration.

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

Approved April 1, 2021.

Chapter 66

CAREER AND TECHNICAL EDUCATION TERMINOLOGY

Original Senate File No. 108

AN ACT relating to education; changing terminology from vocational education to career and technical education for purposes of K-12 education; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 9-1-513(b)(ix), 21-2-202(a)(xxvi), (xxvii)(intro), (A) and (xxix), 21-2-203(c)(viii), 21-2-304(a)(ii), 21-2-307, 21-3-110(a)(ii)(A) and (xxviii), 21-9-101(b)(i)(J), 21-12-101(a), 21-12-105(a)(intro), 21-13-309(m)(v)(D), 21-16-1307(b)(vii)(B), (d)(vi)(C) and (f)(ii) and 21-20-102 are amended to read:

9-1-513. School finance audits and management studies.

(b) The school finance section within the department established under subsection (a) of this section shall:

(ix) As a part of the requirements under paragraph (i) of this subsection, conduct periodic audits of ~~career-vocational~~ career and technical education information and computations submitted by districts as necessary for implementation of W.S. 21-13-309(m)(v)(D) and include audit findings in the report to the department of education required under paragraph (iv) of this subsection and the report to the legislature required under paragraph (viii) of this subsection.

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

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

(xxvi) Establish criteria and guidelines for the identification of ~~career-vocational~~ career and technical education courses by districts, for the computation of full-time equivalent (FTE) students participating in ~~career-vocational~~ career and technical education courses and for the determination of full-time equivalent (FTE) ~~career-vocational~~ career and technical education

teachers, and provide for the annual collection of information necessary to implement and administer W.S. 21-13-309(m)(v)(D);

(xxvii) Develop a process and procedures necessary for consideration of district waivers from specified instructional and ~~career-vocational~~ career and technical education program requirements specified under W.S. 21-13-309(m)(v)(D), including incentives encouraging teacher certification and program course sequencing compliance, subject to district submission of the following:

(A) Verification of the alignment of the proposed course or program with the state content and performance standards for ~~career-vocational~~ career and technical education programs;

(xxix) By rule and regulation, provide for the reporting of district ~~career-vocational~~ career and technical education expenditures;

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

(c) The duties of the department are, in accordance with rules promulgated by the state superintendent, to:

(viii) Assist the state superintendent in implementing W.S. 21-13-309(m)(v)(D) and assist districts with computations necessary for reporting student ~~career-vocational~~ career and technical education participation and ~~career-vocational~~ career and technical education instruction information;

21-2-304. Duties of the state board of education.

(a) The state board of education shall:

(ii) Through the evaluation and accreditation of school districts, implement and enforce the uniform standards for educational programs prescribed under W.S. 21-9-101 and 21-9-102 in the public schools of this state, including any educational institution receiving any state funds except for the University of Wyoming and Wyoming community colleges, and implement and enforce the statewide education accountability system pursuant to W.S. 21-2-204. The board shall ensure that educational programs offered by public schools in accordance with these standards provide students an opportunity to acquire sufficient knowledge and skills, at a minimum, to enter the University of Wyoming and Wyoming community colleges, to prepare students for the job market or postsecondary ~~vocational~~ career and technical training and to achieve the general purposes of education that equips students for their role as a citizen and participant in the political system and to have the opportunity to compete both intellectually and economically in society. In addition, the board shall require school district adherence to the statewide education accountability system;

21-2-307. State board of career and technical education; duties.

(a) The state board of education acts as the state board of ~~vocational-career~~ and technical education and may promulgate rules necessary to implement this section. The executive director of the community college commission is designated an ex officio member of the state board of ~~vocational-career and technical~~ education.

(b) In addition to other duties assigned under W.S. 21-2-304, the state board shall review ~~career=vocational-career and technical~~ education programs offered by school districts to ensure the programs satisfactorily serve the needs of students within the state and are aligned with state content and performance standards prescribed in accordance with W.S. 21-2-304(a)(iii).

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

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

(ii) Keep minutes of all meetings at which official action is taken and a record of all official acts including a record of all warrants issued against the monies belonging to the school district. The minutes and records shall be public records. A list of each warrant over five hundred dollars (\$500.00) shall be published one (1) time in a legal newspaper of general circulation within the respective county within thirty (30) days of the date of the meeting. Individual yearly gross salary payments need be published only once in March of each year:

(A) Each individual annual gross salary shall be identified by category and each individual salary shall be published as a gross dollar amount without identification other than by category. Categories shall include superintendent, assistant superintendent, high school principal, assistant high school principal, junior high principal, junior high assistant principals, elementary principals, elementary assistant principals, first grade teachers, second grade teachers, third grade teachers, fourth grade teachers, fifth grade teachers, sixth grade teachers, kindergarten teachers, high school departmental teachers (business, language arts, foreign languages, science, social studies, mathematics, or other), vocal music, instrumental music, elementary music, secondary art, elementary art, secondary physical education, elementary physical education, ~~vocational-career and technical~~ education, secondary guidance counselors, secondary librarians, elementary librarians, driver education, special education teachers, remedial teachers, nurses, teacher's aides, head coaches, assistant coaches, dramatics, secondary secretarial, junior high secretarial, elementary secretarial, business managers, janitorial, bus drivers, and other categories which may be selected so that every individual salary may be categorized. Each category shall show a cumulative subtotal and there shall be a grand total of all categories. At the end of the salary publication there shall be printed the district salary schedule;

(xxviii) Annually report to the state superintendent on district

expenditures for ~~career-vocational~~ career and technical education programs, broken down by school, and submitted in a manner and form required by rule and regulation of the state superintendent;

21-9-101. Educational programs for schools; standards; core of knowledge and skills; special needs programs; class size requirements; cocurricular activities.

(b) Each school district within the state shall provide educational programs sufficient to meet uniform student content and performance standards at the level established by the state board of education in the following areas of knowledge and skills:

(i) Common core of knowledge:

(J) ~~Career/vocational~~ Career and technical education;

CHAPTER 12

CAREER AND TECHNICAL EDUCATION

21-12-101. “State board” defined; boards of trustees authorized to establish and maintain adult education program.

(a) As used in this chapter “state board” means the state board of education acting as the state board of ~~vocational~~ career and technical education.

21-12-105. Career and technical education demonstration project grants; application; criteria; limitations.

(a) A school district may apply to the state department of education for state assistance to fund expenses associated with the planning, development and implementation of a ~~career-technical~~ career and technical education demonstration project as a new or an expansion to any existing high school ~~career-vocational~~ career and technical education program in the district. As used in this section, “~~career-vocational~~ career and technical education program” shall be as specified in W.S. 21-13-309(m)(v)(D)(II). Amounts awarded under this section shall be used to fund curricular development and project design costs, employ certified teachers to provide course instruction during the two (2) years of project implementation and to fund initial purchases of equipment and supplies, all incurred for demonstration projects which:

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:

(D) ~~Career-vocational~~ Career and technical education computations within the education resource block grant model shall be based upon:

(I) The number of students enrolled in grades nine (9) through twelve (12) participating in ~~career-vocational~~ career and technical education programs on a full-time equivalency (FTE) basis, as computed in accordance with guidelines established by the department of education;

(II) ~~Career-vocational~~ Career and technical education programs offered in grades nine (9) through twelve (12) consisting of a sequence of three (3) or more ~~vocational~~ career and technical courses in an occupational area or career cluster that provides students with the technical knowledge, skills or proficiencies necessary to obtain employment in current or emerging occupations or to pursue advanced skill training. To qualify under this subdivision, a ~~vocational~~ career and technical course shall be offered pursuant to W.S. 21-9-101(b)(i)(J) and aligned with state content and performance standards prescribed by the state board of education under W.S. 21-2-304(a)(iii), and except as provided under W.S. 21-2-202(a)(xxvii), shall be provided by a teacher certified by the Wyoming professional teaching standards board for the ~~vocational~~ career and technical subject area associated with the course;

(III) The number of full-time equivalent (FTE) vocational education teachers within the school, as computed in accordance with guidelines prescribed by the department, providing ~~career-vocational~~ career and technical education instruction in grades nine (9) through twelve (12) and except as provided under W.S. 21-2-202(a)(xxvii), certified by the Wyoming professional teaching standards board to provide instruction at the high school level for ~~vocational~~ career and technical education courses comprising ~~career-vocational~~ career and technical education programs. Nothing in this subdivision shall require a district to employ teachers certified for high school ~~vocational~~ career and technical education instruction on a full-time basis or to require teachers to teach only high school ~~vocational~~ career and technical education courses on a full-time basis.

21-16-1307. Success curriculum; test standards.

(b) Except as otherwise provided for by law, the success curriculum required to qualify for honor or performance scholarship eligibility under this article for students graduating from high school in the 2019-2020 school year and each school year thereafter shall be as follows:

(vii) Elective pathway – four (4) years, including at least two (2) years of

related courses taken in sequence, of any of the following:

(B) ~~Career-vocational~~ Career and technical education – instruction in ~~career-vocational~~ career and technical education, which shall be taken in grades nine (9) through twelve (12); or

(d) The success curriculum required to qualify for opportunity scholarship eligibility under this article for students graduating from high school in the 2010-2011 school year and each school year thereafter shall be as follows:

(vi) Effective school year 2015-2016 and each school year thereafter, and in lieu of paragraph (v) of this subsection, one (1) of the following:

(C) ~~Career-vocational~~ Career and technical education – two (2) years of instruction in ~~career-vocational~~ career and technical education, all of which shall be taken in grades nine (9) through twelve (12).

(f) The courses set forth as success curricula requirements under this article shall be aligned with the student content and performance standards established pursuant to W.S. 21-2-304(a)(iii). The department shall by rule and regulation:

(ii) Establish exceptions as necessary due to good cause to specific coursework within the success curriculum specified under this article for students attending or graduating from an eligible high school or a home-based educational program. In addition, the department shall waive any requirement for success curriculum coursework for fine and performing arts or ~~career-vocational~~ career and technical education for honor or performance scholarship eligibility, upon written certification by the superintendent of a district that these courses are not available in the district to the student. The department shall report any waiver granted under this section for the immediately preceding school year in its annual report, as required by W.S. 21-16-1308(d); and

21-20-102. Purpose.

The purpose of this act is to provide a method whereby school districts and community college districts or any combination may work together and cooperate to provide educational services, including but not limited to postsecondary education, ~~vocational-technical~~ career and technical education, adult education and services for children with disabilities, when the services can be more effectively provided through a cooperative effort. Educational services provided under this act by or in cooperation with public schools shall be subject to the standards for educational programs imposed under W.S. 21-9-101 and 21-9-102, and by rule and regulation of the state board.

Section 2. The statutory revisions in section 1 of this act to revise terminology related to career and technical education are not intended to effectuate any substantive change to law. Noncodified provisions of law with terminology that is different from the terminology specified in section 1 of this act shall be

considered to be consistent with the provisions of this act. No agency shall be required to adopt rules solely to implement the terminology change effectuated by section 1 of this act.

Section 3. This act is effective July 1, 2021.

Approved April 1, 2021.

Chapter 67

SMALL CLAIMS PROCEDURES

Original Senate File No. 110

AN ACT relating to small claims procedures; amending procedures governing service of summons; authorizing actions to be brought in the county where the cause of action or some part thereof arose; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 1-5-104 by creating a new subsection (b), 1-21-203 and 1-21-204 are amended to read:

1-5-104. Actions to be brought where cause of action arose.

(b) Actions for small claims proceedings under W.S. 1-21-201 through 1-21-205 may be brought in the county where the cause of action or some part thereof arose.

1-21-203. Affidavit of claim; service of summons; venue jurisdiction.

(a) The claimant shall prepare the affidavit as set forth. When the affidavit is executed by the claimant the court shall file the same and have summons served on the defendant ~~at any location in the county~~ in the manner provided by law or, if the defendant resides in the ~~county~~ state, service may be made by the court by certified mail addressed to the defendant at his address within the ~~county~~ state with return receipt requested. Upon receipt by the circuit judge of the return receipt signed by the defendant or his agent, service is complete.

(b) Venue provisions in W.S. 1-5-104(b) and 1-5-105 through 1-5-109 apply to actions commenced under this article.

1-21-204. Time for appearance.

The date of appearance of the defendant as provided in the summons shall be not more than ~~twelve (12)~~ twenty (20) days nor less than ~~three (3)~~ twelve (12) days from the date of service of the summons. When the circuit judge has fixed the date for the appearance of the defendant he shall inform the plaintiff of the date and at the same time order the plaintiff to appear with such books, papers and witnesses as necessary to prove his claim.

Section 2. This act shall only apply to small claims actions initially brought on or after the effective date of this act.

Section 3. This act is effective July 1, 2021.

Approved April 1, 2021.

Chapter 68

WYOMING BUSINESS COUNCIL DIRECTORS-REDUCTION

Original Senate File No. 116

AN ACT relating to administration of the government; reducing the number of voting directors of the Wyoming business council as specified; and providing for effective dates.

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

Section 1. W.S. 9-12-103(a) is amended to read:

9-12-103. Wyoming business council; creation; composition; compensation; termination; meetings; surety bonds; fiscal control.

(a) There is created the Wyoming business council. The council is a body corporate operating as a state instrumentality operated solely for the public benefit. As such it shall have, and is hereby vested with, the powers and duties conferred in this chapter. Beginning March 1, 2022, it shall be governed by a board of directors consisting of fifteen (15) thirteen (13) voting directors, appointed by the governor with the advice and consent of the senate. The governor shall be a member and cochairman of the board, but shall not vote. The appointed directors shall have demonstrated leadership and business expertise. An equal number of directors shall be appointed to initial terms of one (1), two (2) and three (3) years. Thereafter, directors shall serve for terms of three (3) years. No appointed director shall serve more than two (2) successive three (3) year terms. If a vacancy occurs, the governor shall appoint a successor in accordance with W.S. 28-12-101. The governor may remove any board member he appoints for cause and shall remove any director who fails to attend three (3) consecutive regular meetings of the council. No appointed council member shall send a designee to attend a council meeting nor vote by proxy. The board shall select one (1) of its members to act as cochairman of the board. The board shall retain a chief executive officer. The chief executive officer serves at the pleasure of the board. All of the appointed directors shall be appointed at large and at least twelve (12) of the appointed directors shall be residents of Wyoming.

Section 2. Of the five (5) vacancies of appointed director positions for the Wyoming business council board of directors occurring on March 1, 2022, the governor shall appoint successors for three (3) director positions in accordance with W.S. 9-12-103(a) and 28-12-101, as amended by section 1 of this act. The

remaining two (2) vacant director positions shall cease on March 1, 2022.

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2022.

(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 April 1, 2021.

Chapter 69

GENERAL GOVERNMENT APPROPRIATIONS-2

Original House Bill No. 1

AN ACT relating to supplemental appropriations and reduction of existing appropriations for the operation of state government for the fiscal biennium commencing July 1, 2020 and ending June 30, 2022; providing definitions; providing for additional appropriations and transfers of funds for the period of the budget; increasing or decreasing certain amounts; adjusting the number of positions; modifying prior appropriations; providing for duties, terms and conditions and other requirements relating to appropriations for the period of the budget as specified; providing for position and other budgetary limitations; requiring agreements between agencies; amending existing law by redirecting revenues and making transfers for the period of the budget; creating a cryptocurrency staking program and advisory council; providing for matching funds related to carbon capture, utilization and storage projects; repealing prior appropriations and budget conditions; and providing for an effective date.

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

Section 1. As used in this act:

(a) “Agency” means any governmental unit or branch of government receiving an appropriation under this act;

(b) “Appropriation” means the authorizations granted by the legislature under this act to make expenditures from and to incur obligations against the general and other funds as specified;

(c) “Approved budget” means 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;

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
(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;				
(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. Sections 001, 002, 003, 004, 006, 007, 008, 009, 010, 011, 015, 020, 021, 024, 027, 032, 037, 039, 041, 042, 044, 048, 049, 051, 053, 057, 060, 063, 066, 067, 069, 070, 077, 080, 081, 085, by creating a new section 090, by creating a new section 096, by creating a new section 098, 101, 103, 120, 121, 122, 123, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 142, 143, 151, 157, 160, 205, 206, 211 and 220 of 2020 Wyoming Session Laws, Chapter 80 are amended to read:

Section 001. OFFICE OF THE GOVERNOR

PROGRAM

Administration ¹	7,276,342	7,276,342
	<u>6,778,695</u>	<u>6,778,695</u>
Tribal Liaison	430,074	430,074
Commission on Uniform Laws	94,903	94,903

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Special Contingency	1,000,000			1,000,000
	<u>737,500</u>			<u>737,500</u>
Clean Coal Technology			1,250,000	S13 1,250,000
Homeland Security	2,385,361	20,570,800	861,029	SR 23,817,190
	<u>2,086,354</u>	<u>20,526,057</u>		<u>23,473,440</u>
Natural Resource Policy ²	1,000,000		250,000	S13
	<u>100,000</u>			
			<u>550,000</u>	SR 1,250,000
				<u>900,000</u>
Endangered Species Admin.	750,000			750,000
	<u>712,500</u>			<u>712,500</u>
Baseline Scientific Assess.	307,150			307,150
TOTALS	<u>13,243,830</u>	<u>20,570,800</u>	<u>1,111,029</u>	<u>34,925,659</u>
	<u>11,247,176</u>	<u>20,526,057</u>	<u>2,911,029</u>	<u>34,684,262</u>

AUTHORIZED EMPLOYEES

Full Time	42	<u>39</u>
Part Time		<u>2</u>
TOTAL	<u>42</u>	<u>41</u>

1. Of this general fund appropriation, ~~two hundred fifty thousand dollars (\$250,000.00)~~ one hundred twenty-five thousand dollars (\$125,000.00) 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).

Section 002. SECRETARY OF STATE

PROGRAM

Administration ¹	8,678,041	199,251		8,877,292
	<u>7,885,809</u>			<u>8,085,060</u>
Securities Enforcement			682,668	SR 682,668
			<u>628,828</u>	SR <u>628,828</u>
Bucking Horse & Rider			20,000	SR 20,000
TOTALS	<u>8,678,041</u>	<u>199,251</u>	<u>702,668</u>	<u>9,579,960</u>
	<u>7,885,809</u>		<u>648,828</u>	<u>8,733,888</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
AUTHORIZED EMPLOYEES				
Full Time	31			
Part Time	<u>0</u>			
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.

Section 003. STATE AUDITOR

PROGRAM

Administration	16,936,749			16,936,749
	<u>15,244,322</u>			<u>15,244,322</u>
GF License Revenue Recoup.	1,638,128			1,638,128
TOTALS	<u>18,574,877</u>	0	0	<u>18,574,877</u>
	<u>15,244,322</u>			<u>15,244,322</u>

AUTHORIZED EMPLOYEES

Full Time	26	<u>24</u>
Part Time	<u>0</u>	
TOTAL	26	<u>24</u>

Section 004. STATE TREASURER

PROGRAM

Treasurer's Operations ^{1, 5, 6}

	4,197,412	45,001	SR	4,242,413
	<u>3,306,796</u>			<u>3,351,797</u>
Veterans' Tax Exemption ²	11,059,696			11,059,696
	<u>9,400,741</u>			<u>9,400,741</u>
Invest. & Fin. Acct.	218,168	53,261,191	SR	53,479,359

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Unclaimed Property			1,772,252	SR 1,772,252
Internal Investments ^{3, 4, &}			8,000,000	SR 8,000,000
			8,339,056	SR 8,339,056
Native American Exemption ²	692,821			692,821
	<u>623,539</u>			<u>623,539</u>
TOTALS	<u>16,168,097</u>	0	<u>63,078,444</u>	<u>79,246,541</u>
	<u>13,549,244</u>		<u>63,417,500</u>	<u>76,966,744</u>

AUTHORIZED EMPLOYEES

Full Time	38	<u>41</u>
Part Time	0	
TOTAL	<u>38</u>	<u>41</u>

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.

(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

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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investment staff listed in W.S. 9-1-409(e)(ii) without further legislative action. This footnote is effective immediately. This footnote shall not apply to the reclassification of one (1) analyst position to one (1) senior analyst position.

5. It is the intent of the legislature that of this general fund appropriation, two thousand five hundred dollars (\$2,500.00) for in-state travel and five thousand dollars (\$5,000.00) for out-of-state travel not be included in the state treasurer's standard budget for the immediately succeeding fiscal biennium.

6. It is the intent of the legislature that of this general fund appropriation, not more than nine hundred fifty-one thousand six hundred twenty-two dollars (\$951,622.00) for contract services be included in the state treasurer's standard budget for the immediately succeeding fiscal biennium.

7. It is the intent of the legislature that this general fund appropriation be sustained as the state treasurer's standard budget for the immediately succeeding fiscal biennium.

8. It is the intent of the legislature that of this other funds appropriation, nine thousand dollars (\$9,000.00)SR for support services not be included in the state treasurer's standard budget for the immediately succeeding fiscal biennium.

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 ^{1, 2, 4}	55,788,966		27,354,672	IS	
	<u>43,330,631</u>		<u>32,781,527</u>	IS	
			223,623	SR	
			<u>580,343</u>	<u>S13</u>	<u>83,367,261</u>
					<u>76,916,124</u>
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
TOTALS	<u>71,584,729</u>	<u>1,171,034</u>	<u>802,832,086</u>		<u>875,587,849</u>
	<u>56,660,783</u>		<u>808,839,284</u>		<u>866,671,101</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time ¹	213	201		
Part Time	1			
TOTAL	214	202		

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.

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)** ~~seventeen million nine hundred forty thousand seven hundred fifty-one dollars (\$17,940,751.00)~~] shall be expended on real property leasing for state agencies. [BRACKETED BOLDED LANGUAGE REINSERTED AND SHOWN AS STRICKEN AS A RESULT OF THE GOVERNOR'S APRIL 1, 2021 VETO.]

Section 007. WYOMING MILITARY DEPARTMENT

PROGRAM

Military Dept. Operation	10,563,162				10,563,162
	9,666,561				9,666,561
Air National Guard ¹	977,458	12,778,581			13,756,039
Camp Guernsey			999,027	SR	999,027
Army National Guard ^{2,3}	41,241	43,430,767	2,970,058	S5	46,442,066
		43,086,614	2,673,053	S5	45,800,908
Veterans' Services ⁴	3,572,393	230,878	7,500	SR	3,810,771
	3,338,968				3,577,346
Oregon Trail Cemetery	595,427		20,000	SR	615,427
Military Support	68,447				68,447
Civil Air Patrol	235,717				235,717
	86,273				86,273
TOTALS	16,053,845	56,440,226	3,996,585		76,490,656
	14,774,375	56,096,073	3,699,580		74,570,028

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time ^{1,2}	249	<u>247</u>		
Part Time	<u>29</u>			
TOTAL	278	276		

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 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).

3. It is the intent of the legislature that of this other funds appropriation, two hundred ninety-seven thousand six dollars (\$297,006.00) shall not be included in the Wyoming military department's standard budget for the immediately succeeding fiscal biennium.

4. Of this general fund appropriation, one hundred fifty thousand dollars (\$150,000.00) is appropriated for the operation and administration of the veterans museum for the period beginning July 1, 2021 and ending June 30, 2022. [No funds from this appropriation shall be expended unless the Wyoming military department enters into a memorandum of understanding with the department of state parks and cultural resources to operate the veterans museum in Casper, Wyoming.] This appropriation shall not be transferred or expended for any other purpose. [It is the intent

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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of the legislature that this appropriation not be included in the military department's standard budget for the immediately succeeding fiscal biennium and that the military department submit an exception request for the operation and administration of the Wyoming veterans' memorial museum for the immediately succeeding fiscal biennium. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 1, 2021.]

Section 008. OFFICE OF THE PUBLIC DEFENDER

PROGRAM

Administration ¹	23,682,419		4,141,762	SR	27,824,181
	<u>21,190,502</u>		<u>3,702,012</u>	SR	<u>24,892,514</u>
Guardian-Ad-Litem	4,358,051		1,159,570	SR	5,517,621
Capital Case ²	1,236,750		218,250	SR	1,455,000
TOTALS	<u>29,277,220</u>	0	<u>5,519,582</u>		<u>34,796,802</u>
	<u>22,427,252</u>		<u>3,920,262</u>		<u>26,347,514</u>

AUTHORIZED EMPLOYEES

Full Time ¹	89	78
Part Time	16	14
TOTAL	105	92

1. Of this general fund appropriation, ~~two million five hundred fifty thousand dollars (\$2,550,000.00)~~ one million one hundred eighty thousand one hundred thirty-nine dollars (\$1,180,139.00) and of this other funds appropriation, ~~four hundred fifty thousand dollars (\$450,000.00)~~SR two hundred eight thousand two hundred sixty dollars (\$208,260.00)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 ¹	1,150,000				1,150,000
TOTALS	<u>1,150,000</u>	0	0		<u>1,150,000</u>

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
	<u>2,234,889</u>			<u>2,239,889</u>
Ag. Education and Info.	20,000		20,000 SR	40,000
	<u>17,000</u>			<u>37,000</u>
Consumer Prot. Div. ¹⁻²⁻⁶	12,764,090	1,307,430	1,438,725 SR	15,510,245
	<u>11,431,381</u>	<u>1,215,898</u>	<u>1,566,659 SR</u>	<u>14,213,938</u>
Natural Resources Div. ³	4,694,321	7,914	656,008 S1	5,358,243
	<u>4,003,921</u>			<u>4,667,843</u>
Pesticide Registration	773,671			773,671
State Fair ⁴	3,191,837		1,175,148 SR	4,366,985
	<u>2,713,061</u>		<u>1,250,484 SR</u>	<u>3,963,545</u>
Weed & Pest Control			856,477 SR	856,477
Predator Management ⁵	6,557,973			6,557,973
	<u>5,895,851</u>			<u>5,895,851</u>
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
	<u>27,069,774</u>	<u>1,223,812</u>	<u>7,116,053</u>	<u>35,409,639</u>

AUTHORIZED EMPLOYEES

Full Time	78	<u>74</u>
Part Time	7	
TOTAL	85	<u>81</u>

~~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~~

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

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 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. This appropriation shall not be transferred or expended for any other purpose.

5. Of this general fund appropriation, ~~one hundred forty-five thousand dollars (\$145,000.00)~~ one hundred forty thousand five hundred dollars (\$140,500.00) 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.

6. It is the intent of the legislature that of this general fund appropriation, three hundred eighty-six thousand three hundred thirty-two dollars (\$386,332.00) for supportive services in the consumer health services unit, five hundred seven thousand nine hundred eighty-nine dollars (\$507,989.00) for supportive services and four hundred ninety thousand five hundred ninety-one dollars (\$490,591.00) for grants and aid payments in the technical services unit be included in the department of agriculture's standard budget for the immediately succeeding fiscal biennium.

Section 011. DEPARTMENT OF REVENUE

PROGRAM

Administration	3,141,865			3,141,865
	<u>2,984,759</u>			<u>2,984,759</u>
Revenue Division	8,888,198		839,893 SR	9,728,091
	<u>8,666,809</u>		<u>791,985 SR</u>	<u>9,458,794</u>
Valuation Division ¹	6,795,121			6,795,121
	<u>5,308,010</u>			<u>5,308,010</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Liquor Division			8,878,655	EF 8,878,655
			<u>8,580,605</u>	<u>EF 8,580,605</u>
Liquor Sales & Purchases			175,000,000	EF 175,000,000
General Fund Transfers			27,000,000	EF 27,000,000
TOTALS	<u>18,825,184</u>	<u>0</u>	<u>211,718,548</u>	<u>230,543,732</u>
	<u>16,959,578</u>		<u>211,372,590</u>	<u>228,332,168</u>

AUTHORIZED EMPLOYEES

Full Time	114	<u>111</u>
Part Time	<u>0</u>	
TOTAL	114	<u>111</u>

1. Of this general fund appropriation, ~~two million dollars (\$2,000,000.00)~~ seven hundred fifty-two thousand three hundred twenty-one dollars (\$752,321.00) 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 015. ATTORNEY GENERAL

PROGRAM

Law Office	19,830,820	812,420	1,744,131	S5	
	<u>18,420,563</u>	<u>743,900</u>	<u>1,489,823</u>	<u>S5</u>	
			4,043,082	SR	
			595,203	TT	27,025,656
					<u>25,292,571</u>
Criminal Investigations	28,145,523	4,404,939	1,020,072	SR	33,570,534
	<u>25,585,329</u>				<u>31,010,340</u>
Law Enforcement Academy	5,540,362		1,227,051	EF	6,767,413
	<u>5,390,786</u>				<u>6,617,837</u>
Peace Off. Stds. & Trng.	369,074	50,000	38,400	SR	457,474
	<u>230,374</u>		<u>177,100</u>	<u>SR</u>	
Medical Review Panel	307,945				307,945
	<u>172,514</u>				<u>172,514</u>
Victim Services Division	7,178,597	17,372,367	5,108,478	SR	29,659,442
	<u>6,978,347</u>		<u>5,191,511</u>	<u>SR</u>	<u>29,542,225</u>
Governor's Council on DD	435,757	956,205	16,000	SR	1,407,962
	<u>392,184</u>	<u>825,486</u>			<u>1,233,670</u>
TOTALS	<u>61,808,078</u>	<u>23,595,931</u>	<u>13,792,417</u>		<u>99,196,426</u>
	<u>57,170,097</u>	<u>23,396,692</u>	<u>13,759,842</u>		<u>94,326,631</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
AUTHORIZED EMPLOYEES				
Full Time	240	<u>229</u>		
Part Time	<u>2</u>	<u>1</u>		
TOTAL	242	<u>230</u>		

Section 020. DEPARTMENT OF ENVIRONMENTAL QUALITY

PROGRAM

Administration	7,564,411				7,564,411
	<u>5,915,427</u>				<u>5,915,427</u>
Air Quality ¹	6,991,445	1,531,570	13,349,966	SR	21,872,981
	<u>6,796,620</u>				<u>21,678,156</u>
Water Quality ³	12,892,133	9,620,006	400,000	SR	22,912,139
	<u>12,085,816</u>	<u>9,781,512</u>			<u>22,267,328</u>
Land Quality	4,796,103	4,592,474			9,388,577
	<u>4,628,742</u>				<u>9,221,216</u>
Industrial Siting	689,302				689,302
	<u>560,036</u>				<u>560,036</u>
Solid Waste Management	4,868,446	3,484,253	3,630,105	SR	11,982,804
	<u>3,600,852</u>		<u>3,945,105</u>	SR	<u>11,030,210</u>
Uranium NRC Agreement			2,081,113	SR	2,081,113
Abandoned Mine Reclam.		103,067,541			103,067,541
		<u>103,120,487</u>			<u>103,120,487</u>
Subsidence Loss Ins.			213,943	SR	213,943
TOTALS	<u>37,801,840</u>	<u>122,295,844</u>	<u>19,675,127</u>		<u>179,772,811</u>
	<u>33,587,493</u>	<u>122,510,296</u>	<u>19,990,127</u>		<u>176,087,916</u>

AUTHORIZED EMPLOYEES

Full Time ¹	264	<u>256</u>
Part Time	<u>0</u>	
TOTAL	264	<u>256</u>

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.

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.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

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
	<u>528,188</u>				<u>1,105,895</u>
Banking			6,321,286	SR	6,321,286
Public Fund	5,768,361				5,768,361
	<u>5,395,674</u>				<u>5,395,674</u>
Mineral	3,081,721	5,174,455	206,300	SR	8,462,476
	<u>2,734,716</u>	<u>5,178,772</u>			<u>8,119,788</u>
Excise	4,141,570		91,000	S7	4,232,570
	<u>3,727,318</u>				<u>3,818,318</u>
TOTALS	<u>13,558,343</u>	<u>5,466,064</u>	6,904,684		<u>25,929,091</u>
	<u>12,385,896</u>	<u>5,470,381</u>			<u>24,760,961</u>

AUTHORIZED EMPLOYEES

Full Time	109	<u>105</u>
Part Time	<u>0</u>	
TOTAL	109	<u>105</u>

Section 024. STATE PARKS & CULTURAL RESOURCES

PROGRAM

Administration & Support	3,229,045				3,229,045
	<u>2,570,099</u>				<u>2,570,099</u>
Cultural Resources ^{1, 2, 3,}					
^{4, 5, (6), 7,}	10,803,968	3,359,181	200,000	EF	
	<u>9,353,300</u>	<u>3,245,693</u>			
			4,583,431	SR	
			<u>4,740,371</u>	SR	<u>18,946,580</u>
					<u>17,539,364</u>
St. Parks & Hist. Sites ^{5, 6,}	18,775,472	3,901,326	80,000	EF	
	<u>17,076,229</u>				
			14,362,777	SR	
			<u>15,477,570</u>	SR	<u>37,119,575</u>
					<u>36,535,125</u>
TOTALS	<u>32,808,485</u>	<u>7,260,507</u>	19,226,208		<u>59,295,200</u>
	<u>28,999,628</u>	<u>7,147,019</u>	<u>20,497,941</u>		<u>56,644,588</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time ²	161	<u>150</u>		
Part Time	<u>88</u>	<u>71</u>		
TOTAL	<u>249</u>	<u>221</u>		

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 1, 2021.]

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)~~ eighty thousand dollars (\$80,000.00) 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)~~ eight hundred thousand dollars (\$800,000.00) 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.
7. (a) The department of state parks and cultural resources shall maintain the total amount granted to subrecipients from funds received from the national endowment for the arts as compared to fiscal year 2019 unless:
 - (i) There is a reduction of federal funds awarded to the department, in which case grant awards to subrecipients may be reduced by a like percentage;
or
 - (ii) A reduction is required by the federal award agreement in place at the time this footnote is enacted.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

~~**[8. The department of state parks and cultural resources shall engage in a memorandum of understanding with the Wyoming military department for the operation of the veterans museum in Casper, Wyoming. In addition to any payments received from the Wyoming military department under the memorandum of understanding, any funds from this appropriation may be used for the costs of operating the veterans museum.]**~~ [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 1, 2021.]

9. It is the intent of the legislature that of this general fund appropriation, ninety thousand fifty-two dollars (\$90,052.00) shall only be expended to support one (1) full-time, authorized position in the cultural resources division.

Section 027. STATE CONSTRUCTION DEPARTMENT

PROGRAM

Operations ^(a)	1,794,713		4,352,268	\$6	6,146,981
	<u>1,582,706</u>		<u>4,347,268</u>	<u>\$6</u>	<u>5,929,974</u>
School Facilities Div. ¹			157,070,206	\$6	157,070,206
			<u>156,232,959</u>	<u>\$6</u>	<u>156,232,959</u>
Construction Management	1,434,992				1,434,992
	<u>1,367,626</u>				<u>1,367,626</u>
TOTALS	<u>3,229,705</u>	<u>0</u>	<u>161,422,474</u>		<u>164,652,179</u>
	<u>2,950,332</u>		<u>160,580,227</u>		<u>163,530,559</u>

AUTHORIZED EMPLOYEES

Full Time	29
Part Time	<u>0</u>
TOTAL	29

~~**[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 1, 2021.]**~~

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.

~~**[2. It is the intent of the legislature that within the state construction department's budget request for the immediately succeeding fiscal biennium, the department shall include a justification and performance assessment of position 0027, including the position's contribution to state**~~

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
construction projects. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 1, 2021.]				
Section 032. WYOMING INFRASTRUCTURE AUTHORITY				
PROGRAM				
Administration *	1,150,000			1,150,000
TOTALS	1,150,000	0	0	1,150,000
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 infrastructure authority.~~

Section 037. STATE ENGINEER

PROGRAM				
Administration	2,132,672			2,132,672
	<u>1,708,825</u>			<u>1,708,825</u>
Ground Water Div.	3,187,774			3,187,774
	<u>2,934,212</u>			<u>2,934,212</u>
Surface Water Div.	2,339,282			2,339,282
	<u>2,046,994</u>			<u>2,046,994</u>
Board of Control Div.			14,278,062 S1	14,278,062
Support Services Div.	2,158,744			2,158,744
	<u>1,632,968</u>			<u>1,632,968</u>
Board of Registration PE			976,556 SR	976,556
Interstate Streams Div.	1,303,372		102,953 S1	1,406,325
	<u>1,265,488</u>			<u>1,368,441</u>
Special Projects			17,820 SR	17,820
North Platte Settlement	1,462,188			1,462,188
	<u>1,422,524</u>			<u>1,422,524</u>
Well Drillers' Licensing			266,946 SR	266,946
TOTALS	12,584,032	0	15,642,337	28,226,369
	<u>11,011,011</u>			<u>26,653,348</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
AUTHORIZED EMPLOYEES				
Full Time	113	106		
Part Time	8	9		
TOTAL	121	115		

Section 039. WILDLIFE/NATURAL RESOURCE TRUST

PROGRAM

Administration ^{1, 2, 3}	7,000,000		3,000,000	S13	
	<u>5,400,000</u>				
			8,037,298	SR	18,037,298
					<u>16,437,298</u>
Trust Corpus ⁵	3,000,000				3,000,000
TOTALS	<u>10,000,000</u>	<u>0</u>	<u>11,037,298</u>		<u>21,037,298</u>
	<u>8,400,000</u>				<u>19,437,298</u>

AUTHORIZED EMPLOYEES

Full Time	2
Part Time	0
TOTAL	2

1. This general fund appropriation shall be deposited into the Wyoming wildlife and natural resource trust income account created by W.S. 9-15-103(b).

~~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) 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.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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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
	<u>860,894</u>			<u>860,894</u>
Fire Prevention Admin.	1,947,256			1,947,256
Electrical Safety Admin.	1,539,477		869,270 SR	2,408,747
	<u>825,288</u>		<u>1,583,459 SR</u>	
Training	1,546,785			1,546,785
Fire Academy	476,641			476,641
TOTALS	<u>6,471,053</u>	0	869,270	<u>7,340,323</u>
	<u>5,656,864</u>		<u>1,583,459</u>	<u>7,240,323</u>

AUTHORIZED EMPLOYEES

Full Time	33
Part Time	<u>0</u>
TOTAL	33

Section 042. GEOLOGICAL SURVEY

PROGRAM

Geologic Program ^{1,2}	4,859,933			4,859,933
	<u>4,159,064</u>			<u>4,159,064</u>
TOTALS	<u>4,859,933</u>	0	0	<u>4,859,933</u>
	<u>4,159,064</u>			<u>4,159,064</u>

AUTHORIZED EMPLOYEES

Full Time	21	<u>18</u>
Part Time	<u>0</u>	
TOTAL	21	<u>18</u>

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, hydrogen and other minerals of similar economic value. The results of

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

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. Any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2023.

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. Any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2023.

Section 044. INSURANCE DEPARTMENT

PROGRAM

Administration			6,384,806	SR	6,384,806
Health Insurance Pool ^L	4,412,348		8,881,732	EF	13,294,080
	<u>3,600,495</u>				<u>12,482,227</u>
TOTALS	<u>4,412,348</u>	0	<u>15,266,538</u>		<u>19,678,886</u>
	<u>3,600,495</u>				<u>18,867,033</u>

AUTHORIZED EMPLOYEES

Full Time	26
Part Time	0
TOTAL	<u>26</u>

1. It is the intent of the legislature that of this general fund appropriation, three hundred seventy thousand six hundred seventeen dollars (\$370,617.00) not be included in the insurance department's standard budget for the immediately succeeding fiscal biennium.

Section 048. DEPARTMENT OF HEALTH

PROGRAM

Director's Office	11,110,939	1,979,109	275,334	SR	13,365,382
	<u>10,677,893</u>				<u>12,932,336</u>
Health Care Financing ^{1, 2, 8, 9, 12}	647,294,799	754,223,867	47,834,129	SR	
	<u>566,289,441</u>	<u>727,205,669</u>	<u>48,334,129</u>	SR	

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
			<u>1,450,000</u>	TT
			<u>12,004,546</u>	S10
				1,449,352,795
				<u>1,355,283,785</u>
Public Health ^{3, 4, 5}	42,313,511	61,675,928	83,075	A4
	<u>36,105,372</u>	<u>61,607,928</u>		
			18,329,508	SR
			9,768,625	FF
			<u>10,415,808</u>	TT
				132,170,647
				<u>126,541,691</u>
Behavioral Health ^{3, 6, 7}				
<u>10, 11</u>	256,128,703	9,471,141	52,246,986	SR
	<u>236,815,519</u>	<u>11,660,572</u>	<u>2,189,430</u>	S5
			666,024	T3
			657,727	T4
			14,511,175	TT
				333,681,756
				<u>318,747,433</u>
Aging ¹³	32,989,241	17,661,171	13,586,574	SR
	<u>28,149,837</u>	<u>17,652,056</u>	<u>1,374,947</u>	S10
				64,236,986
				<u>60,763,414</u>
TOTALS	<u>989,837,193</u>	<u>845,011,216</u>	<u>157,959,157</u>	<u>1,992,807,566</u>
	<u>878,038,062</u>	<u>820,105,334</u>	<u>176,125,263</u>	<u>1,874,268,659</u>
AUTHORIZED EMPLOYEES				
Full Time ³	1,349	<u>1,343</u>		
Part Time	<u>68</u>	<u>67</u>		
TOTAL	1,417	<u>1,410</u>		

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 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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

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 ousehold of another the lowest amount required under federal law in order to remain eligible for funding under Title XIX of the Social Security Act, as amended.~~

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, 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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

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.

8. It is the intent of the legislature that of this general fund appropriation, eight million seven hundred seventy-four thousand eight hundred thirty-three dollars (\$8,774,833.00) be included in the department of health's standard budget for the unit for out of home placements-children for the immediately succeeding fiscal biennium.

9. It is the intent of the legislature that of this general fund appropriation, one hundred ninety-five thousand four hundred fifty-six dollars (\$195,456.00) not be included in the department of health's standard budget for adult services, state supplemental income payments for the immediately succeeding fiscal biennium.

10. In addition to the developmental preschool funding calculated under W.S. 21-2-706, the department of health is authorized to provide additional payments from this appropriation to developmental preschool service providers for fiscal year 2022 in order to incorporate the child count as of December 1, 2019.

11. Of this other funds appropriation, two million one hundred eighty-nine thousand four hundred thirty dollars (\$2,189,430.00)S5 is appropriated for the period beginning July 1, 2021 and ending June 30, 2022. 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.

12. (a) For units with appropriations from federal funds and other funds (S10) in the health care financing division, for the amounts and units specified in this footnote, it is the intent of the legislature that the department of health submit exception requests to fund the programs in these units from federal funds and the general fund for the immediately succeeding fiscal biennium:

(i) One million four hundred seventy-six thousand seven hundred three dollars (\$1,476,703.00)FF and one million four hundred seventy-six thousand seven hundred three dollars (\$1,476,703.00)S10 for the out of home placements-children unit;

(ii) Three hundred seventy-five thousand dollars (\$375,000.00)FF and three hundred seventy-five thousand dollars (\$375,000.00)S10 for the optional

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

services-adult unit:

(iii) Six million seventy-six thousand four hundred sixty-nine dollars (\$6,076,469.00)FF and six million seventy-six thousand four hundred sixty-nine dollars (\$6,076,469.00)S10 for the comprehensive waiver unit;

(iv) Four million seventy-six thousand three hundred seventy-four dollars (\$4,076,374.00)FF and four million seventy-six thousand three hundred seventy-four dollars (\$4,076,374.00)S10 for the adult services unit.

13. Of this other funds appropriation, one million three hundred seventy-four thousand nine hundred forty-seven dollars (\$1,374,947.00)S10 shall be expended for the Wyoming home services program. This appropriation shall not be transferred or expended for any other purpose.

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
	<u>26,849,053</u>				<u>27,428,726</u>
Assistance & Services ^{1, 2, 3,}					
^{5, 6}	118,500,441	110,773,632	4,718,317	SR	
	<u>106,015,262</u>	<u>109,260,374</u>	4,831,047	SR	
			5,026,293	FF	
			4,937,296	TT	
			<u>384,558</u>	S10	239,018,683
					<u>225,428,537</u>
TOTALS	<u>148,229,805</u>	<u>133,853,081</u>	<u>9,984,610</u>		292,067,496
	<u>132,864,315</u>	<u>132,339,823</u>	<u>10,392,901</u>		<u>275,597,039</u>

AUTHORIZED EMPLOYEES

Full Time	689	<u>639</u>
Part Time	19	
TOTAL	708	<u>658</u>

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.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

3. Of this general fund appropriation, ~~two hundred thousand dollars (\$200,000.00)~~ one hundred eighty thousand dollars (\$180,000.00) 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.

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.

6. It is the intent of the legislature that the department of family services submit exception requests to fund programs in the local services unit specified in this footnote for the immediately succeeding fiscal biennium in the amount of one hundred forty-five thousand one hundred twenty-eight dollars (\$145,128.00) FF and three hundred eighty-four thousand five hundred fifty-eight dollars (\$384,558.00)S10. These appropriations are intended to reflect one-half (1/2) of the provider payment reductions for family foster care subsidies, adoption and guardianship subsidies, group home rate reductions and residential treatment center rate reductions.

Section 051. LIVESTOCK BOARD

PROGRAM

Administration	1,598,989	21,186	329,185	SR	1,949,360
	<u>1,579,526</u>				<u>1,929,897</u>
Animal Health ¹	1,228,849		245,866	SR	1,474,715
	<u>1,109,819</u>				<u>1,355,685</u>
Brucellosis ²	983,052	416,216			1,399,268
	<u>982,252</u>				<u>1,398,468</u>
Estrays	43,050				43,050
	<u>38,750</u>				<u>38,750</u>
Brand Inspection	1,851,039		10,362,037	SR	12,213,076
	<u>1,337,130</u>		<u>10,875,946</u>	SR	
Predator Control Fees			2,105,212	SR	2,105,212
TOTALS	<u>5,704,979</u>	<u>437,402</u>	<u>13,042,300</u>		<u>19,184,681</u>
	<u>5,047,477</u>		<u>13,556,209</u>		<u>19,041,088</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
AUTHORIZED EMPLOYEES				
Full Time	17			
Part Time	<u>0</u>			
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.

Section 053. DEPARTMENT OF WORKFORCE SERVICES

PROGRAM

Administration & Support ²	13,211,224	29,662,618	2,769,841	EF	
	<u>10,893,309</u>	<u>30,583,043</u>	<u>3,066,559</u>	EF	
			6,564,328	SR	
			<u>6,585,949</u>	SR	52,208,011
					<u>51,128,860</u>
Vocational Rehab.	4,751,807	25,976,158	2,890,284	SR	
	<u>4,739,848</u>	<u>25,931,854</u>	<u>56,263</u>	EF	
					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
	<u>2,340,964</u>	<u>228,056</u>	<u>224,235</u>	EF	2,793,255
Workers' Comp. & OSHA ¹	4,535	4,444,658	65,402,293	EF	69,851,486
			<u>65,406,828</u>	EF	
Disability Determination	192,058	7,614,807			7,806,865
		<u>7,806,865</u>			
TOTALS	<u>21,192,579</u>	<u>100,809,772</u>	<u>83,912,878</u>		205,915,229
	<u>17,974,121</u>	<u>102,106,007</u>	<u>84,516,250</u>		<u>204,596,378</u>

AUTHORIZED EMPLOYEES

Full Time	553
Part Time	<u>0</u>
TOTAL	553

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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

(\$8,804,278.00)EF not be included in the department of workforce services' standard budget for the immediately succeeding fiscal biennium.

2. The [~~department of workforce services shall engage in a memorandum of understanding with the Wyoming business council for the operation and administration of the Wyoming council for women's issues. In addition to any payments received from the Wyoming business council under the memorandum of understanding, any~~] funds from this appropriation may be used for the costs of operating and administering the Wyoming council for women's issues. [~~It is the intent of the legislature that the payments received from the Wyoming business council in accordance with the memorandum of understanding required under this footnote, combined with any funds used from this appropriation for the purposes specified in this footnote, be included within the department of workforce services' standard budget for the immediately succeeding fiscal biennium.~~] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 1, 2021.]

Section 057. COMMUNITY COLLEGE COMMISSION

PROGRAM

Administration ¹	6,795,653		216,575	\$5	7,012,228
	<u>6,824,099</u>		<u>108,287</u>	<u>\$5</u>	<u>6,932,386</u>
State Aid ²	235,166,422				235,166,422
	<u>215,378,761</u>				<u>215,378,761</u>
Contingency Reserve			3,200,000	SR	3,200,000
Adult Education	2,144,364	1,873,758			4,018,122
	<u>2,082,609</u>				<u>3,956,367</u>
WYIN Loan & Grant Prog.	6,055,747				6,055,747
	<u>5,727,959</u>				<u>5,727,959</u>
Veterans' Tuition Waiver	1,231,250				1,231,250
	<u>856,250</u>				<u>856,250</u>
WY Teacher Shortage Prog.			95,000	\$5	95,000
Public Television	3,521,765		110,000	SR	3,631,765
	<u>3,081,543</u>				<u>3,191,543</u>
TOTALS	<u>254,915,201</u>	<u>1,873,758</u>	<u>3,621,575</u>		<u>260,410,534</u>
	<u>233,951,221</u>		<u>3,418,287</u>		<u>239,243,266</u>

AUTHORIZED EMPLOYEES

Full Time	13	<u>12</u>
Part Time	<u>0</u>	
TOTAL	13	<u>12</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

1. It is the intent of the legislature that of this other funds appropriation, one hundred eight thousand two hundred eighty-seven dollars (\$108,287.00) be replaced in the community college commission's standard budget with general funds for the immediately succeeding fiscal biennium.

2. It is the intent of the legislature that of this general fund appropriation, eight million dollars (\$8,000,000.00) not be included in the community college commission's standard budget for the immediately succeeding fiscal biennium

Section 060. STATE LANDS AND INVESTMENTS

PROGRAM

Operations ^{1, 2, 5, 6}	12,938,048	23,705,736	1,000,000	S0	
	<u>11,657,757</u>				
			1,152,779	S1	
			<u>1,152,779</u>	S4	
			392,800	S5	
			<u>333,880</u>	S5	
			3,817,504	SR	43,006,867
					<u>42,820,435</u>
Forestry	7,850,909	771,489	225,622	SR	8,848,020
	<u>7,601,905</u>	<u>972,473</u>			<u>8,800,000</u>
County Emergency Suppr. ³			10,000,000	SR	10,000,000
Fire	4,190,925				4,190,925
	<u>3,297,845</u>	<u>255,844</u>			<u>3,553,689</u>
Mineral Royalty Grants ⁴			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	<u>24,979,882</u>	<u>30,812,225</u>	<u>50,050,112</u>		<u>105,842,219</u>
	<u>22,557,507</u>	<u>31,269,053</u>	<u>51,143,971</u>		<u>104,970,531</u>

AUTHORIZED EMPLOYEES

Full Time	95	<u>94</u>
Part Time	4	
TOTAL	<u>99</u>	<u>98</u>

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.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

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 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.

5. It is the intent of the legislature that of this other funds appropriation, nineteen thousand six hundred forty dollars (\$19,640.00)S5 not be included in the office of state lands and investments' standard budget for the immediately succeeding fiscal biennium.

6. Of this general fund appropriation, two hundred fifty thousand dollars (\$250,000.00) is appropriated to address administrative and compliance issues relating to land exchanges or sales. This appropriation may be expended on land appraisals, environmental analyses or other necessary actions to complete land exchanges or sales on or adjacent to the Medicine Bow-Routt National Forests. No expenditure shall be made from this appropriation until approved by the board of land commissioners. 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 state lands and investments' standard budget for the immediately succeeding fiscal biennium.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 063. GOVERNOR'S RESIDENCE				
PROGRAM				
Residence Operation	583,255			583,255
	<u>497,729</u>			<u>497,729</u>
Governor's Residence	4,925			4,925
	<u>2,462</u>			<u>2,462</u>
TOTALS	588,180	0	0	588,180
	<u>500,191</u>			<u>500,191</u>

AUTHORIZED EMPLOYEES

Full Time	2
Part Time	<u>0</u>
TOTAL	2

Section 066. WYOMING TOURISM BOARD

PROGRAM				
Wyoming Tourism Board ¹ .	26,512,363		23,600 SR	26,535,963
	<u>23,107,381</u>			<u>23,130,981</u>
TOTALS	26,512,363	0	23,600	26,535,963
	<u>23,107,381</u>			<u>23,130,981</u>

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

1. Of this general fund appropriation, two hundred thousand dollars (\$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 ^{1,2}

PROGRAM				
State Aid ^{3, 4, 10, 11} .	350,840,070			350,840,070
	<u>320,252,641</u>		<u>15,500,000</u> SO	<u>335,752,641</u>
Family Medical Residency	17,452,926			17,452,926
	<u>15,253,529</u>			<u>15,253,529</u>
WWAMI Medical Education ² .	17,339,793			17,339,793
	<u>15,154,654</u>			<u>15,154,654</u>
School of Energy Res. ⁵ .	27,185,027			27,185,027
	<u>25,166,524</u>			<u>25,166,524</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Tier 1 Engineering	9,538,053			9,538,053
	<u>8,584,248</u>			<u>8,584,248</u>
NCAR MOU	1,802,339			1,802,339
	<u>1,575,210</u>			<u>1,575,210</u>
Endowments & Matching ^{6, 7, *}	21,250,000			21,250,000
	<u>15,000,000</u>			<u>15,000,000</u>
TOTALS	<u>445,408,208</u>	0	0	<u>445,408,208</u>
	<u>400,986,806</u>		<u>15,500,000</u>	<u>416,486,806</u>
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	<u>0</u>			
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 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.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

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;

(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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

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 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~~

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

~~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.~~

9. It is the intent of the legislature that current and alternative affiliations or scholarship mechanisms for the delivery of Wyoming graduate medical education, including the costs and benefits to the state, shall be presented in the University of Wyoming's standard and exception budget requests for the immediately succeeding fiscal biennium.

10. Of this other funds appropriation, fifteen million five hundred thousand dollars (\$15,500,000.00) is appropriated from the University of Wyoming revenue bonds that may be issued pursuant to this footnote. The University of Wyoming shall be authorized to issue revenue bonds under W.S. 21-17-402 through 21-17-450 for the purchase of the student housing project known as the "Bison Run Village Apartments" for a purchase price not to exceed fifteen million five hundred thousand dollars (\$15,500,000.00). 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 within the University of Wyoming's standard budget for the immediately succeeding fiscal biennium.

11. It is the intent of the legislature that of this general fund appropriation, eight million dollars (\$8,000,000.00) not be included in the University of Wyoming's standard budget for the immediately succeeding fiscal biennium.

Section 069. WICHE

PROGRAM

Administration & Grants

5,105,619

5,105,619

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
	<u>4,531,237</u>			<u>4,531,237</u>
TOTALS	<u>5,105,619</u>	0	0	<u>5,105,619</u>
	<u>4,531,237</u>			<u>4,531,237</u>
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	<u>0</u>			
TOTAL	0			
Section 070. ENHANCED OIL RECOVERY COMM				
PROGRAM				
Commission & Support	542,008			542,008
	<u>486,780</u>			<u>486,780</u>
Tech. Outreach & Research	4,643,411			4,643,411
	<u>3,946,853</u>			<u>3,946,853</u>
TOTALS	<u>5,185,419</u>	0	0	<u>5,185,419</u>
	<u>4,433,633</u>			<u>4,433,633</u>
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	<u>0</u>			
TOTAL	0			
Section 077. ENTERPRISE TECHNOLOGY SERVICES				
PROGRAM				
Enterprise Operations ¹	59,051,183			59,051,183
	<u>55,918,067</u>			<u>55,918,067</u>
IT Enhanced Services			45,338,234 IS	45,338,234
			<u>44,615,327 IS</u>	<u>44,615,327</u>
Depreciation Reserve			912,004 IS	912,004
WUN Infrastructure			19,897,786 S5	19,897,786
			<u>16,897,786 S5</u>	<u>16,897,786</u>
TOTALS	<u>59,051,183</u>	0	66,148,024	125,199,207
	<u>55,918,067</u>		<u>62,425,117</u>	<u>118,343,184</u>
AUTHORIZED EMPLOYEES				
Full Time	240	<u>230</u>		
Part Time	<u>1</u>			
TOTAL	241	<u>231</u>		

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
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
			4,979,788	EF 4,979,788
WDOC Assistance Fund			939,783	SR 939,783
			<u>1,361,693</u>	<u>SR 1,361,693</u>
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 ¹ :	24,787,738	301,599	1,567,944	SR
	<u>21,471,196</u>			
			1,222,539	TT 27,879,820
				<u>24,563,278</u>
Field Services ² :	40,876,392		3,863,417	TT
	<u>32,005,197</u>		<u>3,170,000</u>	SR
				44,739,809
				<u>39,038,614</u>
Honor Conservation Camp	17,250,049			17,250,049
	<u>15,241,070</u>			<u>15,241,070</u>
Women's Center	15,983,449		45,000	SR 16,028,449
	<u>13,066,589</u>			<u>13,111,589</u>
Honor Farm	14,963,838		863,783	IS 15,827,621
	<u>12,988,895</u>		<u>1,474,906</u>	<u>IS 14,463,801</u>
State Penitentiary	61,323,240			61,323,240
	<u>55,320,678</u>			<u>55,320,678</u>
WY Medium Corr. Inst.	55,838,339			55,838,339
	<u>53,323,343</u>			<u>53,323,343</u>
TOTALS	<u>271,609,728</u>	401,599	<u>16,095,989</u>	<u>288,107,316</u>
	<u>244,003,651</u>		<u>20,726,298</u>	<u>265,131,548</u>
AUTHORIZED EMPLOYEES				
Full Time	1,226	<u>1,065</u>		
Part Time	3			
TOTAL	<u>1,229</u>	<u>1,068</u>		

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

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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) <u>one million five hundred sixty thousand dollars (\$1,560,000.00)</u> 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
	<u>1,497,137</u>			<u>1,497,137</u>
TOTALS	1,737,745	0	0	1,737,745
	<u>1,497,137</u>			<u>1,497,137</u>

AUTHORIZED EMPLOYEES

Full Time	7	6
Part Time	<u>0</u>	
TOTAL	7	6

Section 085. WYOMING BUSINESS COUNCIL

PROGRAM					
Wyoming Business Council ¹	12,325,850	6,252,924	474,150	SR	19,052,924
	<u>11,220,283</u>				<u>17,947,357</u>
Economic Divers.	7,014,419		1,278,091	SR	8,292,510
	<u>6,534,419</u>				<u>7,812,510</u>
Investment Ready Comm. ²	21,300,000		8,000,000	S4	29,300,000
	<u>17,571,543</u>				<u>25,571,543</u>
TOTALS	40,640,269	6,252,924	9,752,241		56,645,434
	<u>35,326,245</u>				<u>51,331,410</u>

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

1. Of this general fund appropriation, fifty-five thousand nine hundred ten dollars (\$55,910.00) is appropriated for administrative and operational expenses associated with the Wyoming council for women's issues created under W.S. 9-12-501 et seq. during the current biennium. [No funds from this appropriation shall be expended unless the Wyoming business council enters into a memorandum of understanding with the department of

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

~~workforce services to administer and operate the Wyoming council for women's issues.~~ If the Wyoming business council enters into a memorandum of understanding with the department of workforce services ~~[in accordance with this footnote]~~, any funds remaining from this appropriation shall be transferred to the department of workforce services administration and support division to be used for administrative and operational expenses associated with the Wyoming council for women's issues. ~~[It is the intent of the legislature that the Wyoming business council include a recommendation on the placement and administration of the Wyoming council for women's issues and any necessary revisions to statute with the standard budget request for the immediately succeeding fiscal biennium.]~~ This appropriation shall not be transferred or expended for any other purpose. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 1, 2021.]

2. It is the intent of the legislature that of this general fund appropriation, one million two hundred fifty thousand dollars (\$1,250,000.00) not be included in the Wyoming business council's standard budget for the immediately succeeding fiscal biennium.

Section 090. WYOMING ENERGY AUTHORITY ¹.

PROGRAM

Wyoming Pipeline Auth.	1,071,250			1,071,250
Wyoming Infrastructure Auth.	1,071,250			1,071,250

TOTALS	2,142,500			2,142,500
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AUTHORIZED EMPLOYEES

Full Time	0
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Part Time	0
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TOTAL	0
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1. The general fund appropriations to this agency shall come from amounts previously appropriated in 2020 Wyoming Session Laws, Chapter 80, Section 2, Sections 009 and 032 and in accordance with 2019 Wyoming Session Laws, Chapter 34, Section 1.

Section 096. STATE BUDGET DEPARTMENT

PROGRAM

Administration	2,401,783			2,401,783
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TOTALS	2,401,783	0	0	2,401,783
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APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<u>AUTHORIZED EMPLOYEES</u>				
Full Time	8			
Part Time	<u>0</u>			
TOTAL	8			

Section 098. OFFICE OF GUARDIAN AD LITEM

<u>PROGRAM</u>				
Guardian Ad Litem	3,974,980		1,063,802	SR 5,038,782
TOTALS	<u>3,974,980</u>	0	<u>1,063,802</u>	<u>5,038,782</u>

AUTHORIZED EMPLOYEES

Full Time	<u>10</u>
Part Time	<u>0</u>
TOTAL	<u>10</u>

Section 101. SUPREME COURT

<u>PROGRAM</u>				
Administration	10,251,399	1,727,606	3,002,432	SR 14,981,437
	<u>9,780,813</u>			<u>14,510,851</u>
Judicial Nominating Comm.	17,942			17,942
Chancery Court	1,135,365			1,135,365
	<u>567,682</u>			<u>567,682</u>
Law Library ¹ .	1,500,916			1,500,916
	<u>1,410,916</u>			<u>1,410,916</u>
Circuit Courts	32,198,936			32,198,936
	<u>31,595,849</u>			<u>31,595,849</u>
Court Automation ^{2, 3, 4, 5} .	9,677,925		17,074,398	SR 26,752,323
	<u>7,596,942</u>			<u>24,671,340</u>
Judicial Retirement	2,127,093			2,127,093
	<u>1,870,212</u>			<u>1,870,212</u>
Board of Judicial Policy	655,424			655,424
	<u>616,849</u>			<u>616,849</u>
TOTALS	57,565,000	1,727,606	20,076,830	79,369,436
	<u>53,457,205</u>			<u>75,261,641</u>

AUTHORIZED EMPLOYEES

Full Time	212	<u>207</u>
Part Time	<u>26</u>	<u>23</u>
TOTAL	238	<u>230</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

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)~~ two million dollars (\$2,000,000.00) 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.

Section 103. COMM ON JUDICIAL CONDUCT & ETHICS

PROGRAM

Administration	370,594			370,594
	<u>333,535</u>			<u>333,535</u>
TOTALS	<u>370,594</u>	<u>0</u>	<u>0</u>	<u>370,594</u>
	<u>333,535</u>			<u>333,535</u>

AUTHORIZED EMPLOYEES

Full Time	1
Part Time	<u>0</u>
TOTAL	1

Section 120. JUDICIAL DISTRICT 1A

PROGRAM

Administration	1,122,148			1,122,148
	<u>1,117,981</u>			<u>1,117,981</u>
TOTALS	<u>1,122,148</u>	<u>0</u>	<u>0</u>	<u>1,122,148</u>
	<u>1,117,981</u>			<u>1,117,981</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			
Section 121. JUDICIAL DISTRICT 1B				
PROGRAM				
Administration	1,179,896			1,179,896
	<u>1,175,729</u>			<u>1,175,729</u>
TOTALS	<u>1,179,896</u>	<u>0</u>	<u>0</u>	<u>1,179,896</u>
	<u>1,175,729</u>			<u>1,175,729</u>
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			
Section 122. JUDICIAL DISTRICT 2A				
PROGRAM				
Administration	1,148,944			1,148,944
	<u>1,144,777</u>			<u>1,144,777</u>
TOTALS	<u>1,148,944</u>	<u>0</u>	<u>0</u>	<u>1,148,944</u>
	<u>1,144,777</u>			<u>1,144,777</u>
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			
Section 123. JUDICIAL DISTRICT 2B				
PROGRAM				
Administration	1,128,864			1,128,864
	<u>1,124,697</u>			<u>1,124,697</u>
TOTALS	<u>1,128,864</u>	<u>0</u>	<u>0</u>	<u>1,128,864</u>
	<u>1,124,697</u>			<u>1,124,697</u>
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 126. JUDICIAL DISTRICT 4				
PROGRAM				
Administration	1,198,432			1,198,432
	<u>1,194,265</u>			<u>1,194,265</u>
TOTALS	<u>1,198,432</u>	0	0	<u>1,198,432</u>
	<u>1,194,265</u>			<u>1,194,265</u>
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			
Section 127. JUDICIAL DISTRICT 5A				
PROGRAM				
Administration	1,189,493			1,189,493
	<u>1,185,326</u>			<u>1,185,326</u>
TOTALS	<u>1,189,493</u>	0	0	<u>1,189,493</u>
	<u>1,185,326</u>			<u>1,185,326</u>
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			
Section 128. JUDICIAL DISTRICT 5B				
PROGRAM				
Administration	1,146,540			1,146,540
	<u>1,142,373</u>			<u>1,142,373</u>
TOTALS	<u>1,146,540</u>	0	0	<u>1,146,540</u>
	<u>1,142,373</u>			<u>1,142,373</u>
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			
Section 129. JUDICIAL DISTRICT 6A				
PROGRAM				
Administration	1,142,661			1,142,661
	<u>1,138,494</u>			<u>1,138,494</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
TOTALS	<u>1,142,661</u>	0	0	<u>1,142,661</u>
	<u>1,138,494</u>			<u>1,138,494</u>
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	<u>4</u>			
Section 130. JUDICIAL DISTRICT 7A				
PROGRAM				
Administration	1,245,722			1,245,722
	<u>1,241,555</u>			<u>1,241,555</u>
TOTALS	<u>1,245,722</u>	0	0	<u>1,245,722</u>
	<u>1,241,555</u>			<u>1,241,555</u>
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	1			
TOTAL	<u>5</u>			
Section 131. JUDICIAL DISTRICT 7B				
PROGRAM				
Administration	1,207,361			1,207,361
	<u>1,203,194</u>			<u>1,203,194</u>
TOTALS	<u>1,207,361</u>	0	0	<u>1,207,361</u>
	<u>1,203,194</u>			<u>1,203,194</u>
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	1			
TOTAL	<u>5</u>			
Section 132. JUDICIAL DISTRICT 9A				
PROGRAM				
Administration ¹	1,333,212			1,333,212
	<u>1,322,802</u>			<u>1,322,802</u>
TOTALS	<u>1,333,212</u>	0	0	<u>1,333,212</u>
	<u>1,322,802</u>			<u>1,322,802</u>
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	1			
TOTAL	<u>5</u>			

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

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			1,130,239
	<u>1,126,072</u>			<u>1,126,072</u>
TOTALS	<u>1,130,239</u>	0	0	<u>1,130,239</u>
	<u>1,126,072</u>			<u>1,126,072</u>

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>0</u>
TOTAL	4

Section 134. JUDICIAL DISTRICT 9B

PROGRAM

Administration ¹	1,320,624			1,320,624
	<u>1,316,457</u>			<u>1,316,457</u>
TOTALS	<u>1,320,624</u>	0	0	<u>1,320,624</u>
	<u>1,316,457</u>			<u>1,316,457</u>

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>0</u>
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 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
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APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
	<u>1,194,515</u>			<u>1,194,515</u>
TOTALS	<u>1,198,682</u>	0	0	<u>1,198,682</u>
	<u>1,194,515</u>			<u>1,194,515</u>
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			
Section 136. JUDICIAL DISTRICT 8B				
PROGRAM				
Administration	1,119,516			1,119,516
	<u>1,115,349</u>			<u>1,115,349</u>
TOTALS	<u>1,119,516</u>	0	0	<u>1,119,516</u>
	<u>1,115,349</u>			<u>1,115,349</u>
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			
Section 137. LARAMIE CO DISTRICT 1C				
PROGRAM				
Administration	1,299,130			1,299,130
	<u>1,294,963</u>			<u>1,294,963</u>
TOTALS	<u>1,299,130</u>	0	0	<u>1,299,130</u>
	<u>1,294,963</u>			<u>1,294,963</u>
AUTHORIZED EMPLOYEES				
Full Time	5			
Part Time	<u>0</u>			
TOTAL	5			
Section 138. SWEETWATER CO DISTRICT 3C				
PROGRAM				
Administration	1,124,534			1,124,534
	<u>1,120,367</u>			<u>1,120,367</u>
TOTALS	<u>1,124,534</u>	0	0	<u>1,124,534</u>
	<u>1,120,367</u>			<u>1,120,367</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

Section 139. NATRONA CO DISTRICT 7C

PROGRAM

Administration	1,174,425			1,174,425
	<u>1,170,258</u>			<u>1,170,258</u>
TOTALS	<u>1,174,425</u>	0	0	<u>1,174,425</u>
	<u>1,170,258</u>			<u>1,170,258</u>

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>0</u>
TOTAL	4

Section 140. JUDICIAL DISTRICT 6C

PROGRAM

Administration	1,161,278			1,161,278
	<u>1,157,111</u>			<u>1,157,111</u>
TOTALS	<u>1,161,278</u>	0	0	<u>1,161,278</u>
	<u>1,157,111</u>			<u>1,157,111</u>

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>0</u>
TOTAL	4

Section 142. JUDICIAL DISTRICT 4B

PROGRAM

Administration	1,160,317			1,160,317
	<u>1,156,150</u>			<u>1,156,150</u>
TOTALS	<u>1,160,317</u>	0	0	<u>1,160,317</u>
	<u>1,156,150</u>			<u>1,156,150</u>

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>0</u>
TOTAL	4

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Section 143. Judicial District 1D				
PROGRAM				
Administration	1,201,715			1,201,715
	<u>1,191,298</u>			<u>1,191,298</u>
TOTALS	<u>1,201,715</u>	<u>0</u>	<u>0</u>	<u>1,201,715</u>
	<u>1,191,298</u>			<u>1,191,298</u>
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			
Section 151. DISTRICT ATTORNEY/JUD DIST #1				
PROGRAM				
Administration	4,399,501	678,427		5,077,928
	<u>4,130,405</u>			<u>4,808,832</u>
TOTALS	<u>4,399,501</u>	<u>678,427</u>	<u>0</u>	<u>5,077,928</u>
	<u>4,130,405</u>			<u>4,808,832</u>
AUTHORIZED EMPLOYEES				
Full Time	23	<u>22</u>		
Part Time	<u>0</u>			
TOTAL	23	<u>22</u>		
Section 157. DISTRICT ATTORNEY/JUD DIST #7				
PROGRAM				
Administration	4,289,330			4,289,330
	<u>4,019,582</u>			<u>4,019,582</u>
TOTALS	<u>4,289,330</u>	<u>0</u>	<u>0</u>	<u>4,289,330</u>
	<u>4,019,582</u>			<u>4,019,582</u>
AUTHORIZED EMPLOYEES				
Full Time	20	<u>18</u>		
Part Time	<u>0</u>			
TOTAL	20	<u>18</u>		
Section 160. COUNTY & PROS ATTORNEYS				
PROGRAM				
Administration ¹	6,431,039			6,431,039
	<u>5,797,405</u>			<u>5,797,405</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
TOTALS	<u>6,431,039</u>	0	0	<u>6,431,039</u>
	<u>5,797,405</u>			<u>5,797,405</u>

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
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 ¹		1,799,996,000	S5	1,799,996,000
Court Ordered Placements		17,183,639	S5	17,183,639
Foundation-Specials ²		<u>4,380,000</u>	S5	<u>4,380,000</u>
		<u>3,723,000</u>	S5	<u>3,723,000</u>
Education Reform ²		7,749,308	S5	7,749,308
		<u>6,586,912</u>	S5	<u>6,586,912</u>
Student Performance Data ²		6,380,430	S5	6,380,430
		<u>5,423,365</u>	S5	<u>5,423,365</u>
TOTALS	<u>0</u>	<u>0</u>		<u>1,835,689,377</u>
				<u>1,832,912,916</u>

AUTHORIZED EMPLOYEES

Full Time	3
Part Time	<u>0</u>
TOTAL	3

1. (a) This other funds appropriation includes funding for an external cost adjustment to the education resource block grant model computed as follows:

(i) Effective for school year 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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

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 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%).

2. It is the intent of the legislature that the education-school finance standard budget for the aggregate other funds appropriations for the immediately succeeding fiscal biennium for the foundation-specials, education reform and

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<u>student performance data divisions equal the aggregate appropriations for the three (3) specified divisions plus any revisions to the personnel series consistent with the development of the standard budget under W.S. 9-2-1002(a)(ix) as determined by the state budget department.</u>				
Section 206. DEPARTMENT OF EDUCATION ¹.				
PROGRAM				
State Board Of Education ^{(a)(1),3}	241,310		443,050	\$5 684,360
	<u>211,146</u>		<u>398,745</u>	<u>\$5 609,891</u>
Leadership, Finance & IT ⁴	9,039,667	16,013	200,000	SR 9,255,680
	<u>8,520,111</u>			<u>8,736,124</u>
Accountability & Commun. ³	5,169,251	20,638,010	4,950,689	\$5
	<u>4,628,120</u>		<u>4,304,372</u>	<u>\$5</u>
			218,000	SR
			1,000	T0 30,976,950
				<u>29,789,502</u>
School Support ^{3a,5}	3,636,095	276,341,252	815,077	\$5
	<u>2,950,154</u>	<u>276,686,485</u>	<u>689,684</u>	<u>\$5</u>
			3,109,129	SR
			468,495	T0
				284,370,048
				<u>283,903,947</u>
TOTALS	<u>18,086,323</u>	<u>296,995,275</u>	<u>10,205,440</u>	<u>325,287,038</u>
	<u>16,309,531</u>	<u>297,340,508</u>	<u>9,389,425</u>	<u>323,039,464</u>

AUTHORIZED EMPLOYEES

Full Time	107	103
Part Time	<u>2</u>	
TOTAL	109	105

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 1, 2021.]

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
	\$	\$	\$	\$

~~[2. Of this total appropriation, one hundred thirty-six thousand eight hundred ninety dollars (\$136,890.00) is appropriated for one (1) at-will employee contract position filled by the state board of education for the period beginning July 1, 2021 and ending June 30, 2022. This appropriation shall not be transferred or expended for any other purpose.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 1, 2021.]~~

3. It is the intent of the legislature that the department of education's standard budget for the immediately succeeding fiscal biennium be equal to this other funds appropriation (\$5) plus any revisions to the personnel series consistent with the development of the standard budget under W.S. 9-2-1002(a)(ix) as determined by the state budget department.

4. It is the intent of the legislature that of this general fund appropriation, one hundred twenty-four thousand nine hundred fifteen dollars (\$124,915.00) for supportive services in the operations unit and twenty-five thousand dollars (\$25,000.00) for contractual services in the state superintendent and leadership unit not be included in the department of education's standard budget for the immediately succeeding fiscal biennium.

5. Of this general fund appropriation, seventy thousand dollars (\$70,000.00) is appropriated for the talking books program within the vision outreach services unit. This appropriation shall not be transferred or expended for any other purpose.

Section 211. BOARD OF EQUALIZATION

PROGRAM

Equalization/Tax Appeals		1,820,017		1,820,017
		<u>1,525,704</u>		<u>1,525,704</u>
TOTALS		<u>1,820,017</u>	<u>0</u>	<u>1,820,017</u>
		<u>1,525,704</u>		<u>1,525,704</u>

AUTHORIZED EMPLOYEES

Full Time	6	<u>5</u>
Part Time	<u>0</u>	
TOTAL	6	<u>5</u>

Section 220. ENVIRONMENTAL QUALITY COUNCIL

PROGRAM

Administration		720,918		720,918
		<u>611,918</u>		<u>611,918</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
TOTALS	<u>720,918</u>	<u>0</u>	<u>0</u>	<u>720,918</u>
	611,918			611,918
AUTHORIZED EMPLOYEES				
Full Time	2			
Part Time	<u>0</u>			
TOTAL	2			

Section 3. 2020 Wyoming Session Laws, Chapter 80, Sections 300(e) and by creating new subsections (h) through (p), 303 by creating a new subsection (o) and by renumbering (o) as (p), 308(a)(intro) and (i) and by creating a new subsection (e), 311(a), 313(g)(x) and by creating a new subsection (j), 314(b) (ii) and (c)(ii), 320(d) and (e) and by creating new sections 339 and 340 are amended to read:

[BUDGET BALANCERS - TRANSFERS]

Section 300.

(e) The state auditor shall transfer ~~thirty-eight million two hundred thirty-three thousand seven hundred fifty-nine dollars (\$38,233,759.00)~~ forty-nine million six hundred sixty-eight thousand five hundred twenty-one dollars (\$49,668,521.00) from the strategic investments and projects account to the school capital construction account.

(h) Not later than June 15, 2021, the state auditor shall transfer ten million five hundred ninety-two thousand eighty-nine dollars (\$10,592,089.00) from the excellence in higher education endowment reserve account to the excellence in higher education endowment fund.

(j) Notwithstanding the limitation on transfers in 2020 Wyoming Session Laws, Chapter 152, Section 3, the state auditor shall transfer one hundred fifty thousand dollars (\$150,000.00) from the appropriation in 2020 Wyoming Session Laws, Chapter 152, Section 3 to the general fund.

(k) Notwithstanding the limitations in 2020 Wyoming Session Laws, Chapter 51, Section 2, the state auditor shall transfer fifty thousand dollars (\$50,000.00) from the coal marketing program account to the general fund.

(m) Notwithstanding the limitations in 2020 Wyoming Session Laws, Chapter 94, Section 3 and W.S. 11-19-118(a), the state auditor shall transfer fifty thousand dollars (\$50,000.00) from the animal reimbursement program account to the general fund.

(n) Notwithstanding the limitations in 2020 Wyoming Session Laws, Chapter 158, Section 2, the state auditor shall transfer seventy-five thousand

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

dollars (\$75,000.00) from the appropriation in 2020 Wyoming Session Laws, Chapter 158, Section 2 to the general fund.

(o) If the unappropriated fund balance of the budget reserve account on June 30, 2022 is less than one hundred thirteen million one hundred eighty-five thousand dollars (\$113,185,000.00), the state auditor shall transfer up to five million dollars (\$5,000,000.00) or as much thereof as is necessary from the legislative stabilization reserve account to the budget reserve account to bring the unappropriated fund balance of the budget reserve account to one hundred thirteen million one hundred eighty-five thousand dollars (\$113,185,000.00).

~~**(p) Not later than May 1, 2021 and again on October 15, 2021, the state auditor shall transfer the balance of the Wyoming state penitentiary capital construction account as follows:**~~

~~**(i) Fifty percent (50%) to the permanent Wyoming mineral trust fund;**~~

~~**(ii) Fifty percent (50%) to the common school account within the permanent land fund.**~~ [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 1, 2021.]

[CARRYOVER APPROPRIATIONS]

Section 303.

[BUDGET DIVISION INTERNET BUDGET AND REPORTING SYSTEM
(IBARS)]

(o) 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 administration and information, budget division under 2018 Wyoming Session Laws, Chapter 134, Section 2, Section 006 as amended by 2019 Wyoming Session Laws, Chapter 80, Section 2, Section 006 for external maintenance contracts and professional fees, up to forty-one thousand nine hundred forty dollars (\$41,940.00) shall not revert and are hereby reappropriated to the state budget department to upgrade the state's internet budget and reporting system.

~~(p)~~ This section is effective immediately.

[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~~ strategic investments and projects account 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)~~ strategic investments and projects account ninety-six million six hundred thirty-eight thousand six hundred ninety dollars (\$96,638,690.00);

(e) The state auditor shall identify the total expenditures from the general fund under subsection (a) of this section as of the effective date of this act and shall transfer to the general fund from the amount appropriated from the strategic investments and projects account in subsection (a) of this section an amount equal to the amount identified by the state auditor. The state auditor shall deduct from each recipient's distribution from the strategic investments and projects account as calculated in paragraph (a)(ii) of this section an amount equal to the recipient's expenditure of general funds as identified by the state auditor.

[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 and 2021-2022 supplemental budget recommendations and for one-time funding or budget reductions, sustained funding or budget reductions, or funding or budget reductions intended to be doubled in the 2023-2024 biennium. It is the intent of the legislature that the associated appropriations; be included consistent with the governor's recommendations, ~~not be included~~ in the respective agencies' standard budgets for the immediately succeeding fiscal biennium.

[SCHOOL CAPITAL CONSTRUCTION]

Section 313.

(g) The following amounts are appropriated from the school capital construction account to the school facilities commission for the following purposes:

(x) For other school building and facility priorities, ~~twelve million four hundred ninety-five thousand seventy dollars (\$12,495,070.00)~~ four million two hundred ninety-five thousand seventy dollars (\$4,295,070.00), subject to the following prescribed maximum amounts:

School District	Project	Maximum 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	\$8,200,000
Total		\$12,495,070
		\$4,295,070

(j) There is appropriated eight million two hundred thousand dollars (\$8,200,000.00) from qualifying capital construction grant funds allocated to the state under section 604, coronavirus capital projects fund, of the American Rescue Plan Act, P.L. 117-2, to the state construction department for Fremont County School District #25 for construction of a high school auditorium. The state construction department, on behalf of Fremont County School District #25, shall submit a grant application to secure those funds as may be available.

[MINERAL SEVERANCE TAX DIVERSION]

Section 314.

(b) On April 1, 2021, the state auditor shall transfer the unexpended, unobligated balance of the one percent severance tax account as follows:

(ii) Fifty percent (50%) to the legislative stabilization reserve account. On April 16, 2021, the state auditor shall transfer the amount deposited to the legislative stabilization reserve account under this paragraph to the common school account within the permanent land fund.

(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:

(ii) Fifty percent (50%) to the ~~legislative stabilization reserve account common school account within the permanent land fund.~~

[ECONOMIC DEVELOPMENT FUNDS - TRANSFERS AND APPROPRIATIONS]

Section 320.

~~(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).~~

[CARBON CAPTURE, UTILIZATION AND STORAGE]

Section 339.

(a) There is appropriated ten million dollars (\$10,000,000.00) from the legislative stabilization reserve account to the governor's office to fund

research grants and contracts related to carbon capture, utilization and storage, including coal power plant retrofit and other carbon capture, utilization and storage applications. The funds shall be expended only in accordance with the requirements of this section. Any expenditure shall be conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated funds to not less than one dollar (\$1.00) of matching funds from the applicant. The Wyoming energy authority shall seek applications for funding under this section, evaluate each application received and submit any recommendation for funding to the University of Wyoming's energy resources council. Upon receipt of the council's positive recommendation the authority shall submit its recommendation and a proposed agreement, approved as to form and content by the attorney general, to the governor's office. Upon receipt of a recommendation by the Wyoming energy authority, the governor's office may enter into an agreement with the applicant and expend funds under this section if the governor determines the proposal has a reasonable likelihood of:

(i) Increasing the knowledge base within the state of Wyoming on the capture, sequestration and management of carbon emissions from coal fired power plants or other carbon based power generating sources with the potential benefit of improving the future marketability of Wyoming carbon based energy sources;

(ii) Increasing the national and international exposure of the state of Wyoming and its institutions, instrumentalities and political subdivisions as participants and locations for innovation in the use of carbon based energy and carbon capture, utilization and storage applications;

(iii) Adding ancillary or supplemental value to Wyoming products or by-products; or

(iv) Inducing the development of methods or products which may advance the future use of Wyoming carbon based natural resources.

(b) The attorney general and the university's energy resources council shall consult with the Wyoming energy authority regarding applications and contents of any agreement to be executed under this section at such times and in a manner as the entities determine to be most efficient to accomplish the purposes of this section.

(c) Notwithstanding W.S. 9-2-1008, 9-2-1012(e), 9-4-207 or any other provision of law, funds appropriated under this section:

(i) Shall not be transferred or expended for any other purpose;

(ii) Shall not lapse or revert until directed by the legislature.

[UNIVERSITY OF WYOMING CRYPTOCURRENCY STAKING PROGRAM]

Section 340.

(a) There is appropriated four million dollars (\$4,000,000.00) from the strategic investments and projects account to the University of Wyoming to operate and maintain nodes and staking pools for not less than three (3) publicly tradeable cryptocurrencies. The university shall only expend funds appropriated under this section in accordance with a final, approved plan required by subsection (c) of this section. The university shall provide public access to the staking pools and nodes and facilitate operation of the blockchains. Fees and revenues generated from the operation of the nodes and staking pools shall first be expended to cover any costs of operation and administration. All fees and revenues generated in excess of the costs of operation and administration shall be deposited in the strategic investments and projects account up to four million dollars (\$4,000,000.00) and thereafter shall be expended to support blockchain programs and activities at the university and community colleges throughout the state. Expenditure of the funds appropriated from the strategic investments and projects account by this section is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated funds to not less than two dollars (\$2.00) of matching funds from the university's unobligated reserve accounts or from any private entity donating funds or cryptocurrency for this purpose. The state treasurer shall make transfers to the university under this section not later than the end of the calendar quarter following the quarter during which the matching funds are received by the university. For the purpose of calculating the matching amount only, the state treasurer shall use the value of any donated cryptocurrency based on its fair market value at the time the donation is received by the university. The university is authorized to expend not more than four million dollars (\$4,000,000.00) from its unobligated reserve accounts for matching funds. The appropriation from the strategic investments and projects account shall not be transferred or expended for any other purpose.

(b) The cryptocurrency advisory council is hereby created and shall be comprised of:

(i) The co-chairmen of the select committee on blockchain, financial technology and digital innovation technology who shall co-chair the cryptocurrency advisory council;

(ii) The Wyoming chief investment officer or his designee;

(iii) Three (3) members appointed by the governor with relevant knowledge and expertise in cryptocurrencies and blockchain technology who are not serving as liaisons to the select committee on blockchain, financial technology and digital innovation technology;

(iv) One (1) member appointed by the president of the University of Wyoming.

(c) The university shall develop a plan for operation of the program

established by subsection (a) of this section. The plan shall be submitted to the cryptocurrency advisory council for review and, after review, shall be submitted to the governor for approval. All decisions relating to program operation shall be overseen by the advisory council.

(d) Meeting facilities, secretarial or clerical assistance, supplies and other assistance as the advisory council may require in the performance of its duties shall be provided by the University of Wyoming.

(e) The University of Wyoming and the cryptocurrency advisory council shall report to the joint appropriations committee and select committee on blockchain, financial technology and digital innovation technology on the status and development of the program created by this section not later than October 1, 2021.

[REPEALED SECTIONS]

Section 399. 2020 Wyoming Session Laws, Chapter 80, Sections 327, 329 and 330 are repealed.

[EFFECTIVE DATE]

Section 400. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved April 1, 2021.

Chapter 70

REMOVAL OF UNENFORCEABLE PROPERTY COVENANTS

Original House Bill No. 91

AN ACT relating to real property and conveyances; establishing procedures for removing unenforceable restrictive covenants for real property; specifying what restrictive covenants are unenforceable; providing immunity from civil liability as specified; authorizing a civil action for new instruments recorded to remove an enforceable restrictive covenant; and providing for an effective date.

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

Section 1. W.S. 34-1-154 through 34-1-156 are created to read:

34-1-154. Removal of restrictive covenants in violation of law.

(a) Any person who holds an ownership interest of record in real property in this state, or any attorney, title insurance company or title insurance agent authorized to do business in this state and acting on behalf of a person with an ownership interest in real property in this state, may record a new instrument to remove any restrictive covenant contained in any conveyance encumbering or otherwise affecting the transfer or sale of, or any interest in, real property that:

(i) Is held to be void and unenforceable by a final determination of the supreme court of Wyoming or the supreme court of the United States of America; or

(ii) Is in violation of the acts prohibited by W.S. 40-26-103 through 40-26-109.

(b) Except as provided in W.S. 34-1-156, any person who, in good faith, delivers or records any instrument pursuant to subsection (a) of this section shall be immune from civil liability. The immunity provided in this subsection shall not be available to any person who:

(i) Represents or attempts to represent that the restrictive covenants pertaining to paragraphs (a)(i) or (ii) of this section, which are void and unenforceable or prohibited by law, are valid and enforceable; or

(ii) Honors or exercises or attempts to honor or exercise restrictive covenants pertaining to paragraphs (a)(i) or (ii) of this section, which are void and unenforceable or prohibited by law.

34-1-155. Process for removing restrictive covenants in violation of law.

(a) In accordance with W.S. 34-1-154, a new instrument removing a restrictive covenant that is in violation of law may be recorded by filing the new instrument with the county clerk for the county in which the real property is located.

(b) A new instrument filed and recorded under this section shall contain all of the following:

(i) The title of the filed and recorded prior instrument to which the new instrument pertains;

(ii) The name and mailing address of the person filing and recording the new instrument;

(iii) The name and mailing address of any owner of record of the real property on whose behalf the new instrument is being filed;

(iv) The legal description of the real property subject to the provisions in violation of law as specified in W.S. 34-1-154(a);

(v) A clear reference to the provisions in the prior instrument that are in violation of law as specified in W.S. 34-1-154(a) and have been stricken from the new instrument.

(c) Upon receiving a new instrument that complies with the requirements of subsection (b) of this section, the county clerk for the county in which the real property is located shall file and record the new instrument.

34-1-156. Civil action for removing enforceable covenants.

(a) Any person whose real property is subject to, or is benefitted by, a

restrictive covenant that was removed under W.S. 34-1-155 and who believes the restrictive covenant is valid, may petition the court having jurisdiction over the property. The petition shall state the grounds upon which relief is requested, and shall be supported by the affidavit of the petitioner or his attorney setting forth a concise statement of the facts upon which the petition is based. The clerk of court shall assign a case number to the petition and obtain from the petitioner a filing fee of thirty-five dollars (\$35.00). Upon the filing of the petition the following shall apply:

(i) The court may enter its order, which may be granted ex parte, directing the person who filed and recorded the instrument to appear before the court at a time no earlier than six (6) nor later than fifteen (15) days following the date of service of the petition, and order the person to show cause, if any, why the relief provided in this subsection should not be granted. Service under this section shall be made in accordance with the rules of civil procedure;

(ii) If, following a hearing on the matter the court determines that the restrictive covenant under subsection (a) of this section is valid and enforceable, the court shall issue an order so stating and awarding damages of up to one thousand dollars (\$1,000.00) as determined by the court or actual damages, whichever is greater, costs and reasonable attorneys' fees to the petitioner to be paid by the person who filed and recorded the instrument;

(iii) If the court determines that the restrictive covenant is void and unenforceable, the court shall issue an order so stating and shall award costs and reasonable attorneys' fees to the person who filed and recorded the instrument to be paid by the petitioner.

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

Approved April 2, 2021.

Chapter 71

ADVANCE ENROLLMENT

Original House Bill No. 57

AN ACT relating to K-12 student enrollment; providing for the advance enrollment of children of transferred or transferring military personnel; and providing for an effective date.

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

Section 1. W.S. 21-4-302.1 is created to read:

21-4-302.1. Advance enrollment for children of transferred military personnel.

(a) For purposes of registration with a school district, a pupil shall be considered a resident of this state if the pupil's parent or guardian is transferred

to or is pending transfer to the state while on active military duty pursuant to an official military order.

(b) For pupils qualifying under subsection (a) of this section, school districts shall accept enrollment requests electronically. If a school district allows enrollment requests for a pupil to attend a specific school or program, the school district shall allow the enrollment request to be submitted electronically for a pupil qualifying under subsection (a) of this section.

(c) For pupils qualifying under subsection (a) of this section, a parent or guardian shall provide proof of residence to the pupil's school district within ten (10) days after the pupil first attends the school district.

(d) As used in this section, "active military duty" 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.

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

Approved April 2, 2021.

Chapter 72

RETIREMENT SYSTEM-EFFICIENT DISBURSEMENT METHOD

Original House Bill No. 107

AN ACT relating to the state retirement system; authorizing retirement system disbursement mechanisms approved by the state auditor; and providing for an effective date.

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

Section 1. W.S. 9-1-402 by creating a new subsection (d), 9-3-408(a), 9-3-710, 15-5-422(a) and 35-9-617(b) are amended to read:

9-1-402. State auditor; duties generally.

(d) The state auditor may approve an alternative to the use of warrants drawn by the state auditor for the disbursement of retirement system benefits, provided that the attorney general reviews the legality of the alternative.

9-3-408. Designated custodian of retirement account; disbursements; investment of account monies.

(a) The board may designate the state treasurer or a master custodial bank approved by the state treasurer as the custodian of the retirement account. Disbursements from the retirement account for purposes specified in W.S. 9-3-407(c) shall be made ~~only~~ upon warrants drawn by the state auditor upon certification by authorized system employees or using an appropriate alternative method approved by the state auditor. All retirement account disbursements shall be accounted for in accordance with the uniform state accounting system

or in a manner approved by the state auditor or the state treasurer as provided under W.S. 9-4-214. As used in this subsection, “authorized system employees” means the director and his designees who have authorized signatures on file with the state auditor.

9-3-710. Disposition of funds; custodian of monies.

Funds accruing to the account used to fund benefits for the program under this act shall be commingled with all money on deposit with the state treasurer in the Wyoming retirement account. The board may designate the state treasurer as the custodian of the retirement account. Disbursements from the account for purposes as specified in W.S. 9-3-407(c) shall be made ~~only~~ upon warrants drawn by the state auditor upon certification by authorized system employees or using an appropriate alternative method approved by the state auditor. All disbursements from the account shall be accounted for in accordance with the uniform state accounting system or in a manner approved by the state auditor or the state treasurer as provided under W.S. 9-4-214. As used in this section, “authorized system employees” means the director and his designees who have authorized signatures on file with the state auditor, “director” means the director of the Wyoming retirement system, and “system” means the Wyoming retirement system.

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

(a) Payments made under this article shall be made to the beneficiaries on or before the fifth day of each month, ~~and Payments~~ shall be made by voucher drawn against the firemen’s pension account and paid by the state auditor out of the account or using an appropriate alternative method approved by the state auditor. No payments made under this article are subject to judgment, attachment, execution, garnishment or other legal process and are not assignable nor shall the board recognize any assignment nor pay over any sum assigned.

35-9-617. Volunteer firefighter, EMT and search and rescue pension account; merger with other pension accounts; membership.

(b) The account established under subsection (a) of this section shall be controlled by the board and administered by the director of the Wyoming retirement system. All expenses of administration shall be paid from the account. Disbursements from the account shall be made ~~only~~ upon warrants drawn by the state auditor upon certification by authorized system employees or using an appropriate alternative method approved by the state auditor.

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

Approved April 2, 2021.

Chapter 73**HUNTING AND FISHING ACCESS-RELIABLE FUNDING****Original House Bill No. 122**

AN ACT relating to game and fish; increasing conservation stamp fees; establishing a new account within the game and fish fund; depositing fee increases as specified; authorizing expenditure of fee as specified; imposing game and fish commission reporting requirements on specified account expenditures; and providing for an effective date.

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

Section 1. W.S. 23-1-501 by creating a new subsection (h) and 23-2-306(a)(intro) and by creating a new subsection (e) are amended to read:

23-1-501. Game and fish fund.

(h) An account within the game and fish fund is created. The portion of the revenues collected as specified under W.S. 23-2-306(e) shall be deposited into the account. Revenues deposited in the account created under this subsection are continuously appropriated to the commission and all earnings on funds in the account shall remain in the account. The commission shall use revenues in the account only as specified in this subsection and subject to the following requirements:

(i) Of the revenues collected, not less than eighty-five percent (85%) shall be used by the commission to purchase access easements or other agreements to provide public access to private, federal and state lands that are difficult to access or inaccessible by the public for hunting and fishing purposes. The commission shall notify the appropriate boards of county commissioners in writing before purchasing any access easements or entering into any agreements under this paragraph and shall hold public hearings at the request of any board of county commissions;

(ii) Of the revenues collected, not greater than fifteen percent (15%) shall be used to provide for wildlife conservation efforts related to the transportation system, including signage, wildlife corridors, wildlife crossings, fish passages and game fences;

(iii) As part of the annual report required under subsection (e) of this section, the commission shall report to the legislature on all expenditures pursuant to this subsection during the preceding fiscal year.

23-2-306. Conservation stamp; exemptions.

(a) Subject to subsections (b), (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)~~ twenty-one dollars (\$21.00) 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. Except as provided in subsection (e) of this section, revenues collected from the sale of each stamp under this subsection shall be deposited as follows:

(e) Of the twenty-one dollars (\$21.00) collected under subsection (a) of this section, nine dollars (\$9.00) collected from the sale of each stamp shall be deposited into the account created under W.S. 23-1-501(h).

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

Approved April 2, 2021.

Chapter 74

WYOMING SCHOOL PROTEIN ENHANCEMENT PROJECT

Original House Bill No. 52

AN ACT relating to school nutrition; codifying a project that provides grants for school districts to increase the availability of Wyoming meat products in school nutrition programs; requiring matching funds; authorizing the department of education to accept donations and other outside funds as specified; requiring rulemaking; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 21-10-108 is created to read:

21-10-108. The school protein enhancement project.

(a) The school protein enhancement project is created. Under the project and for the 2021-2022 school year and thereafter, the department of education may provide financial assistance to school districts to increase the quantity of Wyoming poultry, lamb, pork, beef and bison used in school meals. Financial assistance shall be provided only to pay for processing costs for Wyoming poultry, lamb, pork, beef or bison donated to a school district. The project shall meet program requirements and criteria established by rule and regulation of the department. The department shall, contingent upon available funding, provide a match of at least one dollar (\$1.00) for every one dollar (\$1.00) contributed by school districts to pay for Wyoming poultry, lamb, pork, beef or bison processing costs. The department may accept any gifts, contributions, donations, grants or federal funds specifically given to the department to support the school protein enhancement project. The department shall, to the extent possible, maintain the structure and requirements of the school protein enhancement pilot project for public school children as created by 2017

Wyoming Session Laws, Chapter 137. The department shall also endeavor to provide funding to as many school districts as possible.

(b) Each school district may apply to the department of education for financial assistance under this section. Application shall be on a form and in a manner prescribed by the department. At a minimum, the application shall include a description of the district's goals for increasing the quantity of Wyoming poultry, lamb, pork, beef or bison used in school lunches.

Section 2. Up to twenty-five thousand dollars (\$25,000.00) from any appropriation to the department of education in 2020 Wyoming Session Laws, Chapter 80, Section 2, Section 206 as amended is authorized to be expended as necessary to implement this section. It is the intent of the legislature that funding to the department of education sufficient to continue the school protein enhancement project created in section 1 of this act be included in the department of education's standard budget for the immediately succeeding fiscal biennium.

Section 3. This act is effective July 1, 2021.

Approved April 2, 2021.

Chapter 75

OWNERSHIP OF FOSSILS AND ARTIFACTS

Original Senate File No. 88

AN ACT relating to property and conveyances; specifying ownership of fossils, artifacts and non-fossilized animal remains discovered in split estates; and providing for an effective date.

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

Section 1. W.S. 34-1-154 is created to read:

34-1-154. Ownership of fossils and artifacts.

(a) The ownership of any fossil, artifact or non-fossilized animal remains discovered in the strata below the surface lands and waters of the state is vested in the owner of the surface estate, unless otherwise governed by W.S. 7-4-106.

(b) When used in any instrument, the term "minerals" does not include fossils, artifacts or non-fossilized animal remains.

(c) As used in this section:

(i) "Fossil" means any fossilized remains, traces or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, but does not include coal, oil, gas or other hydrocarbons;

(ii) "Artifact" means any material remains of past human life or human

activities that are of archaeological interest.

Section 2. This act shall apply to any existing or future transfer of ownership of the strata below the surface lands and waters of the state.

Section 3. This act is effective July 1, 2021.

Approved April 2, 2021.

Chapter 76

ATHLETIC TRAINER REVISIONS

Original Senate File No. 74

AN ACT relating to athletic trainers; broadening definitions under the Wyoming Athletic Trainers Licensing Act to expand athletic trainers' scope of practice; authorizing the provision of telehealth services; authorizing the provision of additional services during a declared state of emergency; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 33-45-102(a)(i) and (ii)(A) and 33-45-106(a)(ii) by creating new subparagraphs (E) and (F) are amended to read:

33-45-102. Definitions.

(a) As used in this chapter:

(i) "Athlete" means ~~individuals~~ an individual associated with an educational institution, ~~or a professional, amateur or recreational sports club, or an athletic organization or a physically active occupation~~ participating in exercises, sports, ~~or games or employment-related physical activity~~ that require physical strength, agility, flexibility, range of motion, speed or stamina;

(ii) "Athletic injury" means:

(A) An injury or athletic-related illness or both that affects the athlete's participation or performance in sports, games, ~~and exercise related to participation with an educational institution or professional, amateur or recreational sports club or organization or employment-related physical activity~~; and

33-45-106. Board of athletic training; powers and duties; fees; deposit in separate account to fund administration; separate account for enhancing practice of athletic training.

(a) The board shall:

(ii) Promulgate rules and regulations as necessary to carry out this chapter including:

(E) Provision of telehealth services;

(F) Provision of additional services during a declared state of emergency.

Section 2. On or before July 1, 2021, the state board of athletic training shall promulgate rules and regulations necessary to administer 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, 2021.

Approved April 2, 2021.

Chapter 77

DEFENDING WYOMING BUSINESS-TRADE AND COMMERCE AMENDMENTS

Original Senate File No. 124

AN ACT relating to trade and commerce; amending prohibitions against unfair trade or commerce discrimination; authorizing investigatory powers for the attorney general for antitrust claims; providing for civil penalties and additional civil remedies relating to antitrust violations as specified; amending criminal penalties for antitrust violations as specified; clarifying the applicability of manufacturing requirements to discrimination provisions; amending and repealing provisions related to the authority and duties of enforcing authorities; and providing for an effective date.

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

Section 1. W.S. 40-4-114.1 and 40-4-114.2 are created to read:

40-4-114.1. Civil investigations by the attorney general.

(a) Whenever the attorney general has probable cause to believe that any person, firm, corporation or other entity, whether foreign or domestic, has engaged in or is engaging in a violation of any provision of this act or of any provision of federal antitrust law that may be enforced by the attorney general, the attorney general may initiate an investigation. As part of any investigation under this section, the attorney general may administer oaths and affirmations, subpoena witnesses, documents or other matters, propound interrogatories to be answered in writing under oath and collect evidence. Any interrogatory or subpoena served under this subsection shall inform the party served of the right to file a petition as provided by subsection (b) of this section.

(b) Not later than five (5) business days after the service of any interrogatory or subpoena or at any time before the return date specified in the interrogatory or subpoena, the party served under this section may file in the district court in the county in which the party resides, the district court in the county where the party transacts business or the district court in Laramie county a petition for an order modifying or setting aside the interrogatory or subpoena. Any

petition filed under this subsection shall be served upon the attorney general. The petitioner may raise any objection or privilege that would be available under this act or upon service of a subpoena in a civil action.

(c) If any matter that the attorney general seeks to obtain by subpoena is not located within Wyoming and is not reducible to electronic reproduction and transmission, the party subpoenaed may make the matter available to the attorney general to examine the matter at the place where it is located. The attorney general may designate representatives, including officials of the state in which the matter is located, to inspect the matter on the attorney general's behalf. The attorney general may respond to similar requests from officials of other states and may inspect a matter on their behalf.

(d) The attorney general may apply to the district court for an order compelling compliance of any party who fails to obey a subpoena or answer an interrogatory issued under this section without lawful excuse and upon reasonable notice to all persons affected by the subpoena or interrogatory.

(e) The attorney general may request that an individual who refuses to comply with a subpoena or answer an interrogatory on the grounds that the testimony or matter may incriminate the individual be ordered by the court to provide the testimony or matter. Except for a prosecution for perjury, an individual who complies with a court order to provide testimony or matter after asserting a privilege against self-incrimination to which the individual is entitled by law shall not have the testimony or matter provided, or evidence derived therefrom, or received against the individual used in any criminal investigation or proceeding.

(f) Any person, firm, corporation or other entity, whether foreign or domestic, upon whom an interrogatory or subpoena is served pursuant to this section shall comply with the terms of the interrogatory or subpoena unless otherwise provided by this section or by order of the district court.

(g) Any person who fails to appear with the intent to avoid, evade or prevent compliance, in whole or in part, with any investigation under this act or who removes from any place, conceals, withholds, mutilates, alters, destroys or by any other means falsifies any matter or documentary material in the possession, custody or control of any person subject to the request or subpoena, or who knowingly conceals any relevant information with the intent to avoid, evade or prevent compliance shall be liable for a civil penalty as provided in this subsection. The attorney general may, upon petition to the court, recover a civil penalty not to exceed twenty-five thousand dollars (\$25,000.00). If civil penalties are assessed in or as the result of any litigation, the attorney general is entitled to reasonable attorney fees and costs.

(h) Whenever criminal or civil intelligence, records of investigations, investigative information or any other information held by any state or federal

agency is available to the attorney general on a confidential or restricted basis, the attorney general may obtain and use the information unless otherwise prohibited by law. Any records of investigations or intelligence or investigative information that are exempt from disclosure under the Public Records Act shall remain confidential and exempt from disclosure under that act.

(j) Any written response, testimony or document obtained by the attorney general under this section or any information derived directly or indirectly from any written response, testimony or document obtained by the attorney general shall be deemed records of investigations and shall be exempt from disclosure under the Public Records Act.

40-4-114.2. Civil enforcement by the attorney general.

(a) Whenever the attorney general has reasonable cause to believe that any person, firm, corporation or other entity, foreign or domestic, has engaged in, is engaging in or is about to engage in any action or practice that is unlawful under this act, the attorney general may bring an action in the name of the state of Wyoming against that person, firm, corporation or entity to:

(i) Obtain a declaratory judgment that the action or practice violates the provisions of this act;

(ii) Enjoin any action or practice that violates the provisions of this act by issuing a temporary restraining order, an ex parte temporary restraining order or a preliminary or permanent injunction, without bond;

(iii) Recover a civil penalty not to exceed fifty thousand dollars (\$50,000.00) for each violation of this act or of any injunction, judgment or consent agreement issued or entered into under this act;

(iv) Obtain an order requiring divestiture of any assets:

(A) Acquired in violation of W.S. 40-4-101 and after the court determines that divestiture is necessary to avoid the creation or continuation of a monopoly or to avoid any likely substantial lessening of competition that results from a transaction found to be in violation of W.S. 40-4-101; or

(B) To restore competition to any line of Wyoming commerce that has been eliminated by a violation of W.S. 40-4-101.

(v) Recover actual damages or restitution on behalf of the state and its agencies that are injured either directly or indirectly by reason of any violation of this act.

(b) The attorney general may bring a civil action in the name of the state of Wyoming as *parens patriae* on behalf of any person residing within Wyoming to secure damages or restitution for losses incurred directly or indirectly because of any violation of this act. For any action to be initiated under this subsection, the attorney general shall give notice to all persons on whose behalf the action would be initiated by publication or other means specified by the

court. Any person on whose behalf a civil action would be brought may elect to have their claims excluded from the civil action by filing a notice of election with the court within the time specified in the notice by the attorney general. Any person who is represented by the attorney general in a civil action under this subsection who fails to submit a timely notice of election and for which a final judgment has been issued shall be precluded from asserting any claim or initiating any civil action that could have been brought based on the facts alleged or proven in the attorney general's action under this subsection.

(c) The attorney general shall recover the costs of any investigation, expert costs and reasonable attorney fees and costs if successful in any civil action initiated under this section.

(d) In lieu of initiating or continuing an investigation or civil action, the attorney general may accept and enter into a consent agreement with respect to any action or practice alleged to violate this act. Any consent agreement may include a stipulation for the payment of civil penalties as authorized in this act, reimbursement of the attorney general's reasonable expenses, costs and attorney fees, the payment of restitution and actual damages for Wyoming residents with an interest in the consent agreement or an agreement to abide by any injunctive provisions or prohibitions.

(e) Any civil action brought under this section may be brought in the district court of the county in which any party resides or has a principal place of business or in the district court of Laramie county.

(f) In addition to any action authorized by state law, the attorney general may proceed under any provision of federal antitrust law to enforce the provisions of this act.

(g) This section shall apply only to actions initiated by the attorney general.

Section 2. W.S. 40-4-101(a)(intro), (i), by creating a new paragraph (iv) and (d), 40-4-104, 40-4-122 and 40-4-123 are amended to read:

40-4-101. What constitutes unfair discrimination; penalty; exceptions; definitions.

(a) Any person, firm, corporation, foreign or domestic, or other entity doing business in the state of Wyoming ~~and engaged in the production, manufacture, sale or distribution of any commodity in general use,~~ shall not:

(i) Make, enter into, form or become a party to any plan, contract, agreement, conspiracy, asset acquisition, consolidation, merger or combination of any kind whatsoever to prevent or substantially lessen competition, create a monopoly or to control or influence production or prices thereof; or

(iv) Monopolize, attempt to monopolize or combine or conspire to monopolize any part of trade or commerce.

(d) As used in this chapter, "this act" means W.S. 40-4-101 through ~~40-4-105,~~

~~40-4-107, 40-4-109, 40-4-110 and 40-4-114~~ 40-4-123.

40-4-104. Criminal enforcement and penalties.

(a) Any person, firm, or corporation or other entity violating any of the provisions of this chapter-act shall be fined in any sum not more than five thousand dollars (\$5,000.00) fifty thousand dollars (\$50,000.00) per violation of this act, or by imprisonment in the county jail not exceeding one (1) year, or both, such fine and imprisonment.

(b) The district attorney may enforce criminal violations of this act against any person, firm, corporation or entity.

40-4-122. Requiring construction of particular building to maintain agency or dealership.

Any manufacturer, or any jobber or distributor for any manufactured product, or any salesman, agent or representative of any such manufacturer, jobber or distributor who requires, or attempts to require, of any dealer or agent residing in the state of Wyoming, who sells or services the products of such manufacturer, jobber or distributor, that such Wyoming agent or dealer construct or build any particular type or standard of building in order to maintain his agency or dealership to sell such manufactured product, shall be guilty of a misdemeanor; and upon conviction thereof shall be fined not more than one thousand dollars (\$1,000.00), or sentenced to imprisonment in the county jail for not more than six (6) months, or shall be subject to both such fine and imprisonment punishable as provided by this act.

40-4-123. Requiring purchase of accessories to maintain agency or dealership.

Any manufacturer, or any jobber or distributing agent for any manufactured product, or any salesman, agent or representative of any such manufacturer, jobber or distributor, who requires, or attempts to require, of any Wyoming agent or dealer selling or servicing the products of such manufacturer, jobber or distributor, that such Wyoming dealer or agent purchase accessories or products of such manufacturer, jobber or distributor in order to obtain other products of such manufacturer, jobber or distributor shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one thousand dollars (\$1,000.00), or sentenced to imprisonment in the county jail for not more than six (6) months, or shall be subject to both such fine and imprisonment punishable as provided by this act.

Section 3. W.S. 40-4-102 and 40-4-103 are repealed.

Section 4. This act is effective July 1, 2021.

Approved April 2, 2021.

Chapter 78**OPTOMETRIST PRACTICE ACT AMENDMENTS****Original House Bill No. 39**

AN ACT relating to optometry; amending optometrists' scope of practice; prohibiting an optometrist from performing specified procedures; amending optometrists' drug prescribing authority; directing the application of optometry related fees and assessments; directing the board of examiners in optometry to determine continuing education requirements; amending membership on the board of examiners in optometry; repealing provisions that define unlawful conduct; repealing obsolete provisions related to volunteer licensing; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 33-23-101(a)(ix), (b), by creating a new subsection (c) and by renumbering (c) through (f) as (d) through (g), 33-23-102, 33-23-104, 33-23-106(a), 33-23-109(a) and (c), 33-23-113, 33-23-114, 33-23-115(a) and (b) and 35-17-106(a)(iii) are amended to read:

33-23-101. Definitions; authorized scope of practice; prohibited procedures; exceptions.

(a) As used in this act:

(ix) "This act" means W.S. 33-23-101 through ~~33-23-117~~ 33-23-116.

(b) ~~The practice of optometry is the employment of any means other than the use of therapeutic lasers or surgery for diagnosing and treating ocular pathology and for the measurement of the powers or range of human vision or the determination of the accommodative and refractive status of the human eye or the scope of its functions in general or the adaptation of lenses or frames for the aid thereof occurs when a person employs primary human eye care procedures, including:~~

(i) The examination, diagnosis and treatment of abnormal conditions and diseases of the eye, its adnexa and visual system;

(ii) Measuring the powers and range of vision of the eye to determine the accommodative and refractive state and general function of the eye;

(iii) The adaptation, sale, prescribing and dispensing of frames and ophthalmic lenses in all their forms;

(iv) Ordering and performance of diagnostic laboratory or imaging tests;

(v) The prescribing and administration of pharmaceutical agents, as provided in W.S. 33-23-102;

(vi) Preoperative and postoperative care for those procedures excluded from the practice of optometry under subsection (c) of this section;

(vii) Any laser procedure as set forth by the board's rules and not excluded under subsection (c) of this section.

(c) The following ophthalmic procedures shall be excluded from the authorized practice of optometry:

- (i) The following general procedures:
 - (A) Administration of general anesthesia;
 - (B) Surgery performed with general anesthesia.
- (ii) The following laser procedures:
 - (A) Corneal procedures;
 - (B) Procedures of the vitreous chamber of the eye for the purpose of treating any retinal or macular disease;
 - (C) Retinal procedures.
- (iii) The following nonlaser procedures:
 - (A) Surgery related to removal of an eye from a living person;
 - (B) Surgery of the bony orbit, including orbital implants;
 - (C) Incisional or excisional surgery of the extraocular muscles;
 - (D) Surgery of the eyelid for suspected malignancies or for incisional cosmetic or mechanical repair of blepharochalasis, ptosis or tarsorrhaphy;
 - (E) Incisional or excisional surgery of the lacrimal system other than probing or related procedures;
 - (F) Surgery requiring full thickness conjunctivoplasty with graft or flap;
 - (G) Pterygium surgery;
 - (H) Surgery requiring full thickness incision or excision of the cornea or sclera, other than paracentesis, in an emergency requiring immediate reduction of pressure inside the eye;
 - (J) Corneal transplants;
 - (K) Surgery requiring incision of the iris or ciliary body, including diathermy or cryotherapy;
 - (M) Surgical extraction of the crystalline lens;
 - (N) Surgical intraocular implants;
 - (O) Surgery requiring removal of the vitreous;
 - (P) Procedures of the vitreous chamber of the eye for the purpose of treating any retinal or macular disease, including intra-vitreous injection;
 - (Q) Surgery requiring manipulation of the retina;
 - (R) Intravenous injections.

~~(c)~~(d) The provisions of this chapter do not prevent a physician from treating or fitting glasses to the human eye, or a physician or optometrist from filling

prescriptions or orders. Nor do the provisions of this chapter prevent the replacing, duplicating or repairing of ophthalmic lenses or the frames or fittings thereof by persons qualified to write or fill prescriptions or orders under the provisions of this act, nor prevent the doing of the merely mechanical work upon such lenses or upon the frames or fittings thereof.

~~(d)~~(e) It is unlawful for any person to dispense, replace or duplicate ophthalmic lenses or any contact lenses without a prescription or order from a physician or optometrist. A contact lens prescription shall specifically state that it is intended for contact lenses and include the type and specification of the contact lenses being prescribed. An optometrist shall provide, at no additional cost to the patient, a written copy of his contact lens prescription. The prescription shall only be released after the contact lenses have been adequately fitted and no more follow-up visits are necessary to assure the contact lenses fit the patient. The essential information necessary to duplicate the prescription shall be defined by rules adopted by the board. All contact lens prescriptions shall have an expiration date after which it shall be unlawful to fill such prescription. The prescribing optometrist shall not be liable for any injury or condition to a patient resulting from negligence in packaging, manufacturing or dispensing lenses by anyone other than the prescribing optometrist. Any person may file a complaint with the board seeking disciplinary action concerning any violation of this subsection. The board shall investigate or cause to be investigated and shall resolve a complaint on its own motion or upon receipt of a written complaint as provided by W.S. 33-23-110. No person shall improperly fill a contact lens prescription or fill an expired prescription.

~~(e)~~(f) The provisions of this chapter do not prohibit the sale of goggles, sunglasses, colored glasses or occupational eye-protective devices if they do not have refractive values, nor do the provisions of this act prohibit the sale of complete ready-to-wear eyeglasses as merchandise by any person not holding himself out as competent to examine, test or prescribe for the human eye or its refractive errors.

~~(f)~~(g) Nothing in this act shall prevent an optometrist from using assistants in his practice under his general supervision as defined in board rule.

33-23-102. Optometrist's use of certain drugs; limitation.

An optometrist shall be allowed to administer and prescribe pharmaceutical agents related to the practice of optometry for the treatment of ocular disease, excluding the following categories of oral medications: immunosuppressives, steroids, anti-fungals, sedative-hypnotics, and schedule I and II narcotics. No medication shall be given by injection. Oral anti-glaucoma medications may be administered for a period not to exceed forty-eight (48) hours. An optometrist who administers or prescribes pharmaceutical agents for examination or for treatment shall provide the same standard of care to patients as that provided by a physician utilizing the same pharmaceutical agents for examination or

treatment but allowing for the prescribing of hydrocodone or hydrocodone containing pharmaceutical agents regardless of schedule.

33-23-104. Board of examiners in optometry; created; composition; designation; duties generally; appointment; qualifications and terms of members; vacancies; oath.

The Wyoming state board of examiners in optometry is created to carry out the purposes and enforce the provisions of this act. The board shall consist of ~~three (3) five (5)~~ members appointed by the governor. ~~In 2005, one (1) board member shall be appointed for a term of three (3) years, one (1) board member shall be appointed for a term of two (2) years and one (1) board member shall be appointed for a term of one (1) year. Thereafter, and shall include three (3)~~ licensed optometrists, one (1) member of the public and one (1) licensed health care professional other than a licensed optometrist. The terms of the office of the members appointed shall be three (3) years or until their successors have qualified. Each member of the board shall be a resident of the state of Wyoming and each optometrist member of the board shall have been engaged in the actual practice of optometry in the state for at least one (1) year prior to appointment. The governor shall make all appointments to fill vacancies caused by death, resignation or removal. The governor may remove any member as provided in W.S. 9-1-202. The members of the board, before entering upon their duties, shall take and subscribe to the oath required to be taken by state officers and shall file the oath in the office of the secretary of state.

33-23-106. Board of examiners in optometry; compensation of members; disposition of funds.

(a) Each member of the board may receive as compensation the sum paid each day to members of the state legislature for each day spent in board meetings and per diem and mileage as provided in W.S. 33-1-302(a)(vii). Expenses shall be paid from the fees, ~~fin~~es and assessments received under the provisions of this act. All fees, ~~fin~~es, assessments and other monies, except fines and penalties, received under the provisions of this act, may be used for meeting the expenses of the board and in carrying out the provisions of this act. In no event shall any expenses be charged against the state.

33-23-109. Examinations; licensure; qualifications; reciprocity.

(a) Any applicant for licensure under this act is required to pass the examination series administered by the National Board of Examiners in Optometry, or its successor agency, ~~and or~~ any other examination specified by the board in rule. The applicant shall be a graduate of an optometric school or college accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation or the United States Department of Education (USDE) or the Council on Higher Education Accreditation (CHEA), or their successor agencies. Examinations

shall cover subjects designated by the board. ~~Any currently licensed person intending to employ diagnostic or therapeutic pharmaceutical agents in his practice is required to complete and pass a board approved course pertaining to the use of those agents.~~

(c) In addition to ~~subsections (a) and (b) satisfying the requirements under subsection (a)~~ of this section, an applicant for licensure under this act shall provide the board fingerprints and other information necessary for a criminal history record background check as provided under W.S. 7-19-201.

33-23-113. Advertising and display of license requirements.

(a) An advertisement for the practice of optometry shall identify the license held pursuant to this act. The advertisement shall be free from deceptive or misleading information.

(b) To communicate to the patient the license held pursuant to this act, a licensee shall:

(i) Wear a photo identification name tag during patient encounters. The photo identification name tag shall include a photograph of the licensee, the licensee's name, and the license held pursuant to this act. The name tag shall be of a sufficient size for a patient to read the contents of the tag and shall be worn in a manner so as to be visible and apparent to the patient;

(ii) Every person holding a license to practice optometry in the state of Wyoming shall Display the license certificate issued by the board, in its entirety, in a conspicuous place in his office, wherein the practice of optometry is conducted;:-

(iii) Comply with these requirements in each practice setting.

(c) A licensee who enters into a collaborative practice agreement with a medical doctor or doctor of osteopathy shall conspicuously post in each office the regularly scheduled hours the medical doctor or doctor of osteopathy intends to be physically present in the office.

33-23-114. Continuing education courses required.

All optometrists shall take courses of study in subjects relating to the practice of the profession of optometry for the utilization and application of new techniques, scientific and clinical advances, and achievements of research which will assure expansive and comprehensive care to the public. The board shall ~~prescribe the length of study. Attendance shall be at a course or courses approved by the board. Attendance at any course or courses of study is to be certified to the board upon a form provided by the board and submitted by each optometrist to determine the requirements for continuing education pursuant to rules promulgated by the board.~~ The board may use up to one-half (1/2) of its annual renewal fees for the purposes of contracting with institutions of higher learning, professional organizations, or qualified individuals to

provide educational programs that meet this requirement. The board may also treat funds set aside for the purpose of continuing education as state funds for the purpose of accepting any funds made available under federal law on a matching basis for the programs of continuing education. ~~In no instance may the board require a greater number of hours of study than are available at approved courses held within this state. The board shall require three (3) hours of continuing education related to the responsible prescribing of controlled substances every two (2) years. The board may waive the requirements of this section in cases of certified illness or undue hardship.~~

33-23-115. Penalty; injunction; civil penalty; jury trial.

(a) Any person who violates any provision of ~~W.S. 33-23-101 through 33-23-117~~ this act is guilty of a misdemeanor and upon conviction shall be fined not more than seven hundred fifty dollars (\$750.00) or imprisoned not more than six (6) months in the county jail, or both.

(b) Any person aggrieved by a violation of ~~W.S. 33-23-101 through 33-23-117~~ this act, the Wyoming state board of examiners of optometry, the attorney general or the district or county attorney may institute suit in the county in which a violation of ~~W.S. 33-23-101 through 33-23-117~~ this act occurred to require enforcement by injunctive procedures and to recover a civil penalty not to exceed ten thousand dollars (\$10,000.00) per violation, plus costs.

35-17-106. Election to be covered by federal immunity.

(a) The state of Wyoming elects to be immediately covered by the immunity granted by the Health Care Quality Improvement Act of 1986, P.L. 99-660, Title IV adopted by Congress in 1986, to the extent authorized, as of the effective date of this section for all health care professional review bodies as defined in the act, for the applicable division of the department of health in its duties under W.S. 33-36-101 through 33-36-115 related to emergency medical services and for:

(iii) The state board of examiners in optometry, W.S. 33-23-101 through ~~33-23-117~~ 33-23-116;

Section 2. W.S. 33-23-109(b), 33-23-111(b) and 33-23-117 are repealed.

Section 3. The Wyoming state board of examiners in optometry shall promulgate any rules necessary to implement this act.

Section 4.

(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) Sections 1 and 2 of this act are effective July 1, 2021.

Approved April 2, 2021.

Chapter 79**COMMUNITY BEHAVIORAL HEALTH-PRIORITY POPULATIONS****Original House Bill No. 38**

AN ACT relating to public health and safety; amending provisions related to community health services; specifying and prioritizing the categories of persons to receive state funded mental illness and substance use disorder services; providing definitions; making conforming amendments; repealing obsolete provisions; requiring reports; and providing for effective dates.

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

Section 1. W.S. 25-10-101(a)(vii) and (ix), 25-10-112(g) and (j), 35-1-612, 35-1-613(a)(i), (iv), (v), (viii), by creating new paragraphs (xiv) through (xxiii) and by renumbering (xiv) as (xxiv), 35-1-614, 35-1-618(a)(intro), 35-1-620(a)(i), (ii), (b)(ii), (iii), (vi), by creating new paragraphs (ix) through (xi) and by creating a new subsection (c), 35-1-621, 35-1-622(a)(i), 35-1-623(a)(i), (ii) and (b), 35-1-625(a)(intro) and (b)(intro) and 35-7-1033(b)(iv) are amended to read:

25-10-101. Definitions.

(a) As used in this act:

(vii) “Mental health center” means a ~~community human services program for the prevention, treatment and amelioration of mental illness~~ behavioral health center as defined by W.S. 35-1-613(a)(xvi), other provider under W.S. 35-1-611 through 35-1-627 or an equivalently staffed and equipped student health service;

(ix) “Mental illness” and “mentally ill” mean a physical, emotional, mental or behavioral disorder which causes a person to be dangerous to himself or others and which requires treatment, but do not include addiction to drugs or alcohol, drug or alcohol intoxication or developmental disabilities; ~~except when one (1) or more of those conditions co-occurs as a secondary diagnosis with a mental illness;~~

25-10-112. Liability for costs of detention, involuntary hospitalization and proceedings therefor.

(g) The department in consultation with each board of county commissioners may establish a single point of responsibility or gatekeeper. The department and each board of county commissioners shall give preference to a behavioral health center as defined by W.S. 35-1-613(a)(xvi) as the single point of responsibility. Gatekeeper duties shall include, but are not limited to, providing guidance on issues of detention and involuntary treatment and monitoring and coordinating timely, efficient and effective patient treatment prior to, during and after any emergency detention or involuntary treatment under this act. No behavioral health center designated under this subsection shall charge fees for gatekeeping services provided under this article. No gatekeeper designated

under this subsection shall provide inpatient psychiatric treatment to patients under this act, unless the gatekeeper has been approved by the department of health to provide these services.

(j) The department, boards of county commissioners, designated hospitals, gatekeepers and other treatment providers may, upon contract or agreement, coordinate and monitor the services and payments required for the treatment of persons with mental illness as provided under this section. Pursuant to contract or agreement, the department may assume any part of the expenses associated with a gatekeeper which expenses would otherwise be the responsibility of a county under this act, including expenses for the transportation of patients to appropriate care settings. The department may only assume any part of the expenses associated with a gatekeeper when the gatekeeper has been contracted through a behavioral health center as defined by W.S. 35-1-613(a)(xvi).

35-1-612. Purpose.

The purpose and intent of this act is to establish, maintain and promote the development of a comprehensive range of services in communities of the state to ~~provide prevention of, and treatment for individuals~~ serve priority populations and other persons affected by; mental illness, substance ~~abuse-use disorders~~, or developmental disabilities, and to provide shelter and crisis services for victims of family violence and sexual assault.

35-1-613. Definitions.

(a) As used in this act:

(i) “Community board” means a community mental health board, a substance ~~abuse-use disorder~~ board, a developmental disabilities board, or a family violence and sexual assault board, or a board offering a combination of human services programs, created under this act. For the purposes of this act every community board is also a public agency;

(iv) “Human services program” means community facilities, services and programs which exclusively or in part, are used or operated to prevent or treat mental illness, substance ~~abuse-use disorders~~ or developmental disabilities, to provide shelter and crisis services for victims of family violence or sexual assault or to provide other community based services which serve a public purpose;

(v) “Mental illness” means a condition which is manifested by a disorder or disturbance in behavior, feeling, thinking or judgment to such an extent that care and treatment are required, but does not include addiction to drugs or alcohol, drug or alcohol intoxication or developmental disabilities;

(viii) “Substance ~~abuse-use disorder~~” means the use, without compelling medical reason, of any substance which results in psychological or physiological dependency as a function of continued use in such a manner as to induce mental, emotional or physical impairment or to cause socially dysfunctional behavior;

(xiv) “Adults with acute mental illness” means persons who are subject to an emergency detention under W.S. 25-10-109, an involuntary hospitalization order under W.S. 25-10-110 or a directed outpatient commitment order under W.S. 25-10-110.1, or who were released from an emergency detention or were discharged from an involuntary hospitalization or directed outpatient commitment order within the last six (6) months;

(xv) “Adults with severe mental illness” means persons who, based on diagnosis and history, have a substantial probability of being unable to meet their needs for food, shelter and medical care if they do not receive regular mental health treatment or case management;

(xvi) “Behavioral health center” means:

(A) A nationally accredited organization that is licensed to conduct business in the state of Wyoming and provides a comprehensive range of services for the treatment and management of mental illness and substance use disorders for priority populations; or

(B) For the purpose of federal reimbursement, a tribal federally qualified health center or a behavioral health service provider certified by the Indian health service of the United States department of health and human services.

(xvii) “Families at high risk” means:

(A) Children who have been discharged from an acute psychiatric facility or a psychiatric residential treatment facility within the previous six (6) months, and their immediate family members as defined by rule of the department of family services;

(B) A child or the parent, legal guardian or other immediate family member of a child, as defined by rule of the department of family services, who has been referred to a behavioral health center by the department of family services for treatment for a mental illness or a substance use disorder and the treatment is necessary to prevent the removal of the child from the child’s home or to reunify the child with the child’s family;

(C) A child who has been referred to a behavioral health center for treatment for mental illness or a substance use disorder that impacts the child’s life and the treatment is necessary to prevent child’s involvement in the judicial system.

(xviii) “General access clients” means persons who do not meet the definition of a priority population under paragraph (xxii) of this subsection;

(xix) “Indigent general access clients” means persons who do not have private or public health insurance that provides coverage for mental illness or substance use disorder treatment and whose total household income is not more than one hundred fifty percent (150%) of the federal poverty level;

(xx) “Indigent clients with high needs” means persons who meet the

definition of indigent general access clients under paragraph (xix) of this subsection and who have a mental illness or substance use disorder that substantially impairs their ability to function in society;

(xxi) “Nonstate level justice involved” means:

(A) Persons who within the previous six (6) months have been placed on probation and made subject to an intensive supervision program under W.S. 7-13-1102 that includes treatment for a mental illness or a substance use disorder;

(B) Persons who within the previous six (6) months have been convicted of or pled nolo contendere to a criminal offense and ordered to enroll in an intensive outpatient treatment program for a mental illness or substance use disorder as part of their sentence;

(C) Persons on probation, parole or who have been conditionally released, who within the previous six (6) months have been sanctioned under W.S. 7-13-1802(b)(iv) through (vi) and ordered to receive treatment for a mental illness or a substance use disorder;

(D) Qualified offenders under W.S. 7-13-1301 through 7-13-1304 who within the previous six (6) months have been ordered to receive treatment for a substance use disorder.

(xxii) “Priority population” means any person, as determined by the department, who falls into any of the following categories:

(A) State level justice involved;

(B) Nonstate level justice involved;

(C) Families at high risk;

(D) Adults with acute mental illness;

(E) Adults with severe mental illness;

(F) Indigent clients with high needs;

(G) Indigent general access clients.

(xxiii) “State level justice involved” means persons that within the previous six (6) months have been released or paroled from an institution as defined by W.S. 7-13-401(a)(vi), released or discharged from a facility as defined under W.S. 7-11-301(a)(ii) and who require continuing treatment for a mental illness or substance use disorder;

(xiv)(xxiv) “This act” means W.S. 35-1-611 through 35-1-627.

35-1-614. Counties, school districts and cities may contract for human services programs; counties may establish community boards.

(a) A county may contract with behavioral health centers or private or public agencies to provide human services programs for the county. The county may

appropriate funds for the programs.

(b) A municipality may contract with behavioral health centers or private agencies or a community board to provide human services programs for the municipality. The municipality may appropriate funds for the programs.

(c) A school district may contract with behavioral health centers or private or public agencies to provide human services programs for school age children.

(d) A county may establish, or two (2) or more counties may agree to establish a community board, or community boards in accordance with this act. A community board shall provide human services to the entire county or counties in which it is established. A community board may offer one (1) or more services for ~~the mentally ill, substance abuser, developmentally disabled or the victim~~ persons affected by mental illness, substance use disorders, developmental disabilities or victims of family violence or sexual assault.

35-1-618. Community boards; powers.

(a) For each human services program authorized by the county commissioners the community boards may contract with a behavioral health center or a local public or private nonprofit provider or:

35-1-620. Powers and duties of the department and its divisions.

(a) The department through its divisions may:

(i) Enter into cooperative contracts with behavioral health centers, private agencies, public agencies and community boards by negotiation without competitive bids or by competitive bidding. The department shall not contract with any entity which is not in substantial compliance with the standards and guidelines under subsection (b) of this section. The department shall not contract with any entity to purchase shelter and crisis services for victims of domestic abuse or sexual assault;

(ii) Consult with and advise community boards, political subdivisions, nonprofit corporations, state agencies, health and medical groups within the state and the United States public health service about standards for the promotion of services to residents of Wyoming for the prevention, diagnosis and treatment of mental illness, ~~abuse~~ substance use disorders and developmental disabilities and for the provision of other community based services which serve a public purpose.

(b) The department shall:

(ii) Prescribe standards for the quality of human services programs which provide state ~~purchased~~ funded services under this act;

(iii) Establish ~~a uniform schedule of fees which will act as a guideline~~ payment policies for state ~~purchased~~ funded services provided to ~~clients by~~ human services programs under this act. ~~The schedule shall accurately reflect~~

priority populations that take into account a client's ability to pay and utilize general funds authorized for expenditure as the payment of last resort;

(vi) For—Prioritize behavioral health centers as the providers of state purchased—funded services. If a behavioral health center cannot provide sufficient services, the department shall select the most appropriate service providers within each region provider in order to achieve the most an effective and efficient delivery of mental illness and substance use disorder services and human services system programming;

(ix) Prioritize the delivery of state funded services to priority populations and allocate those services between priority populations in the following order of priority, with tier 1 being the highest priority and tier 3 being the lowest priority among priority populations:

(A) Tier 1: priority populations specified under W.S. 35-1-613(a)(xxii)(A) through (E);

(B) Tier 2: priority populations specified under W.S. 35-1-613(a)(xxii)(F), who do not otherwise qualify under Tier 1;

(C) Tier 3: priority populations specified under W.S. 35-1-613(a)(xxii)(G), who do not otherwise qualify under Tiers 1 or 2.

(x) Subject to subsection (c) of this section, the priority populations tier requirements under paragraph (ix) of this subsection and in addition to other contractual payments to behavioral health centers and other service providers under this act, the department shall provide essential subsidy payments to eligible behavioral health centers, or to other eligible service providers under paragraph (vi) of this subsection, to help defer continuing operating costs needed to provide services to priority populations. A behavioral health center or other service provider under paragraph (vi) of this subsection shall be eligible to receive essential subsidy payments only upon demonstrating a need for operational cost assistance as determined by rule of the department. The amount of any essential subsidy payment shall be subject to available funding and based on the total population of the geographic area served by the behavioral health center or other provider and the number of other behavioral health care providers within a thirty-five (35) mile radius;

(xi) Prioritize behavioral health centers for the delivery of gatekeeping services as provided by W.S. 25-10-112(g) and only assume the expenses associated with a gatekeeper under W.S. 25-10-112(j) when the gatekeeper has been contracted through a behavioral health center.

(c) Behavioral health centers may provide mental health or substance use disorder services to general access clients provided that the service is funded through any combination of sources other than state funding for priority populations under this section. Behavioral health centers may use the facilities, supplies and personnel funded under paragraph (x) of this subsection to provide

services to general access clients provided services to priority populations are not materially diminished. When the means of the state allow, the department is authorized to seek funding through the budget process to deliver mental health or substance use disorder services to general access clients.

35-1-621. All state funds for human services contracted to department; federal and private funding not affected.

A state agency which provides state or federal funds to a community based mental health, substance ~~abuse-use disorder~~, developmental disabilities or other human services program shall contract the funds to the department. The department shall expend the funds in accordance with W.S. 9-2-102 and this act. This section does not impair the ability of community based programs to apply for or receive funds directly from federal or private sources, subject to W.S. 35-1-620(b)(i).

35-1-622. Department; budget requests; purchase of service contracts.

(a) The department's budget request shall recommend:

(i) The types of services that the division shall purchase, in accordance with the priority populations tier requirements provided by W.S. 35-1-620(b)(ix), which shall not include shelter and crisis services for victims of domestic abuse or sexual assault;

35-1-623. Contracts; reports; regular payments; termination.

(a) Every contract awarded pursuant to this act shall require:

(i) The ~~program~~ provider to submit annual financial and expenditure reports to the department;

(ii) The division to make regular payments to the ~~program~~ provider based on the services provided;

(b) The division shall terminate a contract with a ~~program behavioral health center or other~~ provider made under this act when the division finds, after a hearing in accordance with W.S. 16-3-107 through 16-3-112 if requested by the provider, that the ~~program~~ provider is not using contract funds for contract purposes, or that a contract ~~program~~ is not being administered in accordance with this act.

35-1-625. Protection of clients' rights.

(a) Every contract awarded under this act shall require the ~~program~~ provider to guarantee the clients' rights to:

(b) Every contract awarded under this act shall require the ~~program~~ provider to:

35-7-1033. Unlawful acts; distribution; registration; possession; records; counterfeiting; punishment.

(b) Except for a violation of subparagraph (a)(iii)(B) of this section and except as otherwise provided:

(iv) In the event a substance abuse assessment ordered pursuant to this section is provided by an entity with whom the department of health contracts for treatment services, the costs of the assessment shall be paid by the offender subject to the ~~sliding fee scale payment policies~~ adopted pursuant to W.S. 35-1-620; ~~and 35-1-624~~; provided however, if the assessment is ordered as a result of a felony conviction under this section, the assessment shall be conducted and costs assessed pursuant to W.S. 7-13-1301, et seq.;

Section 2. W.S. 35-1-620(b)(iv), (v), (vii) and (viii), 35-1-622(b) and 35-1-624 are repealed.

Section 3.

(a) The department of health shall consult with affected mental illness and substance use disorder treatment providers and other stakeholder organizations as determined by the department regarding the reform and redesign of the state funded mental illness and substance use disorder treatment programs required under this act and other related topics, to include the following subjects:

(i) Eligibility requirements for receipt of state funding consistent with the priority populations as defined by W.S. 35-1-613(a)(xxii) as created under section 1 of this act;

(ii) Eligibility requirements for receipt of essential subsidy payments under W.S. 35-1-620(b)(x), as created under section 1 of this act, in order to target geographic areas with inadequate access for general access clients to mental illness and substance use disorder treatment providers. A methodology for establishing the manner in which, and amount in which, essential subsidy payments could be provided to eligible behavioral health centers and other eligible service providers shall also be considered under this paragraph;

(iii) A pay for performance program methodology and standards for priority populations as defined by W.S. 35-1-613(a)(xxii) and priority population tiers under W.S. 35-1-620(b)(ix) as created under section 1 of this act that rewards providers for administering the case management process as provided by paragraph (iv) of this subsection and for achieving outcomes that support independence and self reliance, including but not limited to:

(A) Prevention of psychiatric hospitalization;

(B) Prevention of reincarceration in an institution as defined by W.S. 7-13-401(a)(vi) or other penal institution;

(C) Competitive employment in an integrated setting, as provided under W.S. 9-2-1002(a)(xiii) and (xv);

(D) Independent housing.

(iv) Implementation of a case management process and applicable standards for continuing assessment, planning, treatment facilitation, care coordination and evaluation of priority populations to promote patient safety, quality of care and cost effective outcomes;

(v) Delivery of housing and crisis shelter assistance to priority populations to be provided by behavioral health centers.

(b) On or before September 1, 2021, the department shall report to the joint labor, health and social services interim committee on the discussions, findings and recommendations generated by the consultations required under subsection (a) of this section. As part of the report, the department shall present recommendations on funds that could be repurposed to best implement the policy changes required under section 1 of this act and the recommendations contained in the report, which shall include identifying potential budget units from which funds could be repurposed, including but not limited to:

(i) Unit 2506 (MH Outpatient);

(ii) Unit 2507 (SA Outpatient);

(iii) Unit 2508 (MH Residential);

(iv) Unit 2509 (SA Residential).

(c) On or before September 1, 2025, the department of health shall report to the joint labor, health and social services interim committee and provide an update on the status of the department's administration of the reform and redesign of the state funded mental illness and substance use disorder treatment programs required under this act. The report shall include any recommendations for modifying the priority populations specified in W.S. 35-1-613(a)(xxii) or the priority populations tiers specified in W.S. 35-1-620(b)(ix) as created under section 1 of this act.

(d) The department of health and department of family services shall promulgate rules and regulations necessary to implement section 1 of this act by July 1, 2022.

Section 4.

(a) Except as otherwise provided by subsection (b) of this section, this act is effective July 1, 2022.

(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 April 5, 2021.

Chapter 80**OPTIONAL MUNICIPAL TAX-ELECTION****Original House Bill No. 179**

AN ACT relating to taxation and revenue; removing the requirement that a proposition for a municipal sales and use tax be voted on only at a general election; 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)(vi)(D) and 39-16-203(a)(v)(D) are amended to read:

39-15-203. Imposition.

(a) Taxable event. The following shall apply:

(vi) The following provisions apply to imposition of the municipal tax under W.S. 39-15-204(a)(vii):

(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 at an election on a day authorized for bond elections under W.S. 22-21-103.~~ 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;

39-16-203. Imposition.

(a) Taxable event. The following shall apply:

(v) The following provisions apply to imposition of the municipal tax under W.S. 39-16-204(a)(vi):

(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 at an election on a day authorized for bond elections under W.S. 22-21-103.~~ 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;

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

Approved April 5, 2021.

Chapter 81**PHYSICIAN ASSISTANTS AMENDMENTS**

Original Senate File No. 33

AN ACT relating to physician assistants; amending and repealing provisions governing physician assistants; expanding the authorized scope of practice for physician assistants; and providing for an effective date.

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

Section 1. W.S. 33-26-513 is created to read:

33-26-513. Advertising and display of license requirement.

(a) Any advertisement for health care services that names a person practicing medicine as a physician assistant shall identify the license held under this article. The advertisement shall be free from deceptive or misleading information.

(b) A person practicing medicine as a physician assistant shall conspicuously post and affirmatively communicate to the patient the license held under this article. Posting and communication shall include:

(i) Wearing a photo identification name tag during all patient encounters. The name tag shall:

(A) Include a recent photograph of the licensed physician assistant;

(B) Include the license holder's name;

(C) Include the license held under this article;

(D) Be of a sufficient size for a patient to read the contents of the name tag; and

(E) Be worn in a conspicuous manner so as to be visible and apparent to the patient.

(ii) Displaying in a conspicuous place in the office wherein the practice of medicine is conducted a license certificate or other writing issued by the board that clearly identifies the license held under this article. The certificate or other writing shall be of sufficient size so as to be visible and apparent to all current and prospective patients;

(iii) Compliance with these posting and communication requirements in each practice setting.

(c) A person practicing medicine as a physician assistant and working in a setting that does not involve direct patient care interaction is not subject to the posting and communication requirements in subsection (b) of this section.

Section 2. W.S. 33-26-102(a)(xi)(C), 33-26-501(a)(ii), 33-26-502(a), (b) and (e), 33-26-503(b)(ii) and (v)(intro), 33-26-504(a) and (c), 33-26-508(a) and 33-26-510(c) are amended to read:

33-26-102. Definitions.

(a) As used in this chapter:

(xi) "Practicing medicine" means any person who in any manner:

(C) Attaches the title of M.D., D.O., P.A., physician, surgeon, osteopathic physician or osteopathic surgeon, doctor, physician assistant or any other words, letters or abbreviations or any combination thereof when used in the conduct of any occupation or profession pertaining to the prevention, diagnosis or treatment of human disease or condition unless the designation additionally contains the description of another branch of the healing arts for which one holds a valid license in this state; or

ARTICLE 5

PHYSICIAN ASSISTANTS

33-26-501. Definitions.

(a) As used in this article:

(ii) "License" means a license to practice medicine as a physician assistant in this state;

33-26-502. Scope of W.S. 33-26-501 through 33-26-511; signature authority.

(a) This article does not apply to persons enrolled in a physician assistant education program, approved by the board.

(b) ~~A physician assistant assists in the practice of is an individual who practices medicine, under the supervision of a licensed physician. Within the physician/physician assistant relationship, physician assistants exercise autonomy in medical decision making and A physician assistant is qualified by the individual's education, training and experience to provide a broad range of diagnostic, therapeutic and health promotion and disease prevention services. The A physician assistant may perform those duties and responsibilities delegated to him by the supervising physician when the duties and responsibilities are provided under the supervision of a licensed physician approved by the board, within the scope of the physician's practice and expertise and within the skills of the physician assistant. collaborate with or refer to the appropriate member of a healthcare team as indicated by the condition of the patient and the education, experience and competence of the physician assistant and current standard of care. The degree of collaboration shall be determined at the practice level, which may include decisions made by the employer, group, hospital service or the credentialing and privileging systems.~~

(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.

33-26-503. Board powers and duties.

(b) The board shall:

(ii) Investigate allegations that a physician assistant ~~or his supervising physician~~ has engaged in conduct constituting a ground for revocation in W.S. 33-26-402 or 33-26-508;

(v) Appoint members to serve on an advisory committee to the board of medicine. ~~At least two (2) A majority of the members of the advisory committee shall be physician assistants, and two (2) members shall be physicians.~~ The committee members are responsible to and shall serve at the board's pleasure. The advisory committee shall review and make recommendations to the board regarding all matters relating to physician assistants that come before the board, including but not be limited to:

33-26-504. License required; application; qualifications; consideration of applications.

(a) No person shall practice as a physician assistant or represent ~~that he is oneself as~~ a physician assistant without a license granted by the board.

(c) The board may issue a temporary license to any person who successfully completes a CAAHEP or other board approved program for the education and training of a physician assistant but has not passed a certification examination. To allow the opportunity to take the next available certification examination, any temporary license issued pursuant to this subsection shall be issued for a period not to exceed one (1) year and under conditions as the board determines pursuant to W.S. 33-26-505. The board may adopt rules to ensure that persons receiving a temporary license under this subsection are supervised by a physician assistant with not less than five (5) years of licensed experience who is approved by the board or by a physician who is approved by the board.

33-26-508. Suspension, restriction, revocation or nonrenewal of license.

(a) The board may refuse to renew, and may revoke, suspend or restrict a license or take other disciplinary action, including the imposition of conditions or restrictions upon a license on one (1) or more of the grounds enumerated under W.S. 33-26-402(a)(i) through (x), (xii) and (xiv) through (xxxiv) provided that each reference in W.S. 33-26-402(a) to the "practice of medicine," "practice medicine," or like phrase shall be deemed the "practice as a physician assistant" for purposes of this section.

33-26-510. Prescription of drugs.

(c) ~~A physician assistant may prescribe medications only as an agent of the supervising physician.~~ A physician assistant ~~may~~ shall not prescribe schedule

I drugs as defined by W.S. 35-7-1013 through 35-7-1014. ~~The supervising physician may delegate authority to the~~ A physician assistant to ~~may prescribe schedule II, III, IV or V drugs as defined by W.S. 35-7-1015 through 35-7-1022.~~ A physician assistant may dispense prepackaged medications in rural clinics when pharmacy services are not physically available. The board shall, after consultation with the state board of pharmacy, promulgate rules and regulations governing the prescription of medications by a physician assistant.

Section 3. W.S. 33-26-501(a)(i), (iii)(C) and (v) through (vii), 33-26-503(b)(vii) and 33-26-504(e) through (g) are repealed.

Section 4. This act is effective January 1, 2022.

Approved April 5, 2021.

Chapter 82

EDUCATION-PUPIL TEACHER CONTACT TIME

Original Senate File No. 115

AN ACT relating to education; requiring the state board of education to establish minimum amounts of pupil-teacher contact time; and providing for an effective date.

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

Section 1. W.S. 21-2-304(b)(viii) is amended to read:

21-2-304. Duties of the state board of education.

(b) In addition to subsection (a) of this section and any other duties assigned to it by law, the state board shall:

(viii) Approve or disapprove alternative scheduling for school districts requesting to operate for fewer than one hundred seventy-five (175) days in school year, but no schedule shall be approved which reduces the minimum pupil-teacher contact time defined by the state board. The state board shall establish by rule for grades kindergarten through twelve (12) minimum pupil-teacher contact time requirements, which may include instruction outside of the physical classroom through virtual education or other equivalent methods the state board deems appropriate;

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

Approved April 5, 2021.

Chapter 83**INSURANCE-MENTAL HEALTH AND SUBSTANCE USE PARITY**

Original Senate File No. 52

AN ACT relating to insurance; mandating equivalent benefits and reimbursement related to mental health and substance use services delivered remotely; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 26-20-701 is amended to read:

26-20-701. Required parity for mental health and substance use disorder insurance.

(a) All individual or group health insurance policies providing coverage on an expense incurred basis, individual and group service or indemnity type health insurance contracts issued by any insurer, including any nonprofit corporation and individual and group service contracts issued by a health maintenance organization, shall meet the requirements of, and the commissioner may enforce subject to the provisions of this section, the Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C. § 300gg-26, as amended, and the regulations promulgated pursuant thereto as of January 1, 2018. Persons exempt from complying with the Mental Health Parity and Addiction Equity Act shall not be exempted from complying with the requirements of this section if this section otherwise applies to the person. The commissioner may promulgate reasonable rules which establish exemptions from the application of this section.

(b) No policy or contract providing mental health or substance use coverage to which subsection (a) of this section applies shall:

(i) Deny coverage for mental health or substance use services delivered using remote audio or audio-visual delivery systems to a person not physically present with the delivering health care provider if coverage would be provided for the same services when delivered in person;

(ii) Charge a copayment, deductible or coinsurance amount to a person receiving mental health or substance use services through remote audio or audio-visual delivery systems that is higher than the copayment, deductible or coinsurance amount charged for the same services when delivered in person;

(iii) Reduce any payment or reimbursement provided to a health care provider using remote audio or audio-visual delivery systems for the provision of mental health or substance use services to an amount that is less than the payment or reimbursement that would be made to a health care provider rendering those services in person.

Section 2. This act shall apply to all policies, plans and contracts delivered, issued, renewed, modified, amended or extended on or after December 1, 2021.

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 April 5, 2021.

Chapter 84

PUBLIC UTILITY SAFETY LIGHTS

Original Senate File No. 89

AN ACT relating to motor vehicles; providing for the use of safety lights by public utility vehicles as specified; and providing for an effective date.

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

Section 1. W.S. 31-5-224(b)(intro) and 31-5-928 by creating a new subsection (h) are amended to read:

31-5-224. Operation of vehicles upon approach of authorized emergency vehicles and other parked or slow-moving vehicles.

(b) When an authorized municipal, public utility or highway construction or maintenance vehicle is stopped or is moving at less than twenty (20) miles per hour on or within three (3) feet of a roadway and is making use of any visual signals provided for in W.S. 31-5-928(d), (f)(ii), (h) or 31-5-930, the driver of every other vehicle, as soon as it is safe:

31-5-928. General lighting restrictions; authorized emergency vehicles.

(h) In addition to those lights otherwise authorized by law, a public utility vehicle may display one (1) or more flashing red lights visible from five hundred (500) feet of the vehicle when providing emergency services. For purposes of this subsection, "public utility" means as defined in W.S. 37-1-101(a)(vi).

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

Approved April 5, 2021.

Chapter 85

UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE

Original House Bill No. 85

AN ACT relating to crimes and offenses; creating an offense for the nonconsensual dissemination of an intimate image; specifying elements and penalties of the offense; providing definitions; providing exemptions; and providing for an effective date.

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

Section 1. W.S. 6-4-306 is created to read:

6-4-306. Unlawful dissemination of intimate images; definitions; penalties; exemptions from liability.

(a) As used in this section:

(i) “Displaying sexual acts” means displaying an image of sexual acts regardless of whether a person’s intimate parts are visible in the image;

(ii) “Disseminate” means to sell, distribute, deliver, provide, exhibit, post on social media or otherwise make available to a third party, but shall not include displaying an intimate image in private to the person depicted in the image;

(iii) “Image” means a photograph, film, videotape, recording, digital file or any other recording, including a computer generated image that purports to represent an identifiable person;

(iv) “Intimate image” means an image of a person’s intimate parts or of a person engaging in sexual acts when the person depicted is identifiable from the image itself or from information displayed with or otherwise connected to the image;

(v) “Intimate parts” means the external genitalia, perineum, anus or pubic area of any person or the breast of a female person;

(vi) “Sexual acts” means sexual intercourse, cunnilingus, fellatio, analingus, anal intercourse or any intrusion, however slight, by any object or any part of a person’s body into the genital or anal opening of another person’s body if the intrusion can reasonably be construed as being for the purpose of sexual arousal, gratification or abuse;

(vii) “Social media” means any electronic medium, including an interactive computer service, telephone network or data network, that allows users to create, share, post or view user generated content, including but not limited to images, videos, still photographs, blogs, video blogs, podcasts, instant messages, electronic mail or internet website profiles.

(b) A person eighteen (18) years of age or older is guilty of the offense of disseminating an intimate image if the person:

(i) Disseminated an intimate image of another person;

(ii) Knew or should have known that the depicted person had a reasonable expectation that the image would remain private and the depicted person did not expressly give consent for the image’s dissemination; and

(iii) Intended:

(A) To humiliate, harm, harass, threaten or coerce another; or

(B) For sexual gratification or arousal of others or of the person disseminating the intimate image.

(c) Dissemination of an intimate image is a misdemeanor punishable by not more than one (1) year imprisonment, a fine of not more than five thousand dollars (\$5,000.00), or both.

(d) Nothing in the section shall be construed to impose criminal liability on the provider of an interactive computer service as defined in 47 U.S.C. § 230, an information service as defined in 47 U.S.C. § 153 or a telecommunications service as defined in 47 U.S.C. § 153, for content provided by another person.

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

Approved April 5, 2021.

Chapter 86

COVID-19 LARGE BUSINESS RELIEF PROGRAM

Original House Bill No. 10

AN ACT relating to the emergency expenses of government related to business relief; authorizing an emergency governmental program related to economic development and business relief as specified; providing for an appropriation; providing a sunset date for the created program; providing rulemaking authority; 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) “Council” means the Wyoming business council;

(ii) “Eligible business” means a business that:

(A) Was established on or before the date of enactment of any order issued by the state or any local government of Wyoming that required closures of businesses in response to the COVID-19 pandemic;

(B) Is a publicly or privately owned business and not a government-owned business or a government entity;

(C) Paid not less than:

(1) One million dollars (\$1,000,000.00) in 2019 for taxes assessed on real property owned by the eligible business in the state of Wyoming; or

(2) Ten million dollars (\$10,000,000.00) in gross payroll in 2019 to the business’s employees employed in Wyoming.

(D) Has its principal operations located in Wyoming; and

(E) On March 31, 2020, employed in Wyoming not less than one hundred (100) full-time employees whose work was principally performed in Wyoming.

(iii) “Required closure” means the closure of a business that was ordered by the state or any local government of Wyoming in an order issued or in effect beginning March 15, 2020 in response to the COVID-19 pandemic. “Required closure” shall also include the interruption or curtailment of a business’s normal business as a result of any closures or public health orders or as a result of the public health crisis with respect to COVID-19;

(iv) “Covered period” means the period beginning on the effective date of this act and ending December 31, 2021 except that if the period for which allowable costs may be incurred under section 601 of the federal Social Security Act, as created by section 5001 of the CARES Act and as amended by section 1001 of Division M of the Consolidated Appropriations Act, also known as the Coronavirus Response and Relief Supplemental Appropriations Act, is further amended or superseded, “covered period” shall mean the period beginning on the effective date of this act and ending on the last date of the period specified by federal law for which allowable costs may be incurred.

(b) The coronavirus large business relief stipend program is hereby created. The Wyoming business council shall establish and administer this temporary program for the purpose of providing stipends to eligible businesses adversely impacted by the COVID-19 pandemic or by required closures. Stipends shall be awarded under this section in accordance with the following:

(i) Any eligible business may apply to the council for a stipend under this section not later than a deadline established by the council. The application shall require the applicant to certify that it is an eligible business as defined by this section. The application shall also provide that knowingly making a false statement to the council on the application is prohibited and may result in the applicant being required to repay all funds awarded under this section;

(ii) The council may contract with financial institutions and other businesses to carry out the program created by this section and distribute stipends awarded under this section;

(iii) No stipend shall be awarded under this section without the applicant first submitting an expenditure plan for the stipend on a simple form provided by the council. The council may request that the applicant provide any additional information necessary to determine the adequacy of the applicant’s submitted plan;

(iv) Before making a stipend under this section, the applicant shall demonstrate to the council’s satisfaction that the eligible business incurred actual losses of sales, revenues or production in April 2020, May 2020 and June 2020 of not less than twenty-five percent (25%), as compared to the corresponding

sales, revenues or production for the same months in 2019, which resulted from the COVID-19 pandemic or as a result of business interruptions due to a required closure or a public health order;

(v) The stipend for each eligible business shall be determined by calculating the actual losses of sales, revenues or production and any COVID-19 related expense and subtracting from that amount any costs or expenses the eligible business did not incur that it otherwise would have normally incurred but for the COVID-19 public health emergency and further subtracting any federal or state funding that the eligible business has received or is scheduled to receive to compensate the eligible business for the actual losses of sales, revenues or production. For purposes of this subsection, any funds received or funds received and to be forgiven under the federal paycheck protection program shall be included in the calculation of federal or state funding received;

(vi) Stipends awarded under this section shall not exceed one million five hundred thousand dollars (\$1,500,000.00) for each eligible business;

(vii) Stipends shall be made only with funds provided to the state government of Wyoming under the federal CARES Act. No other funds of any kind and from any source shall be expended on the stipends awarded under this section;

(viii) Subject to federal law, stipends awarded under this section shall be conditioned upon the eligible business agreeing to:

(A) Continue to maintain principal operations in the state of Wyoming for not less than three (3) years after receiving a stipend under this section;

(B) Provide a report to the council not later than the last day of the covered period that describes how the funds were expended as authorized by paragraph (iv) of this subsection in response to the COVID-19 public health crisis;

(C) Repay all funds provided under this section plus interest at the rate of two percent (2%) per annum if the eligible business uses stipend funds for expenses not authorized by this section or if the eligible business fails to comply with the requirements of this paragraph.

(ix) In awarding stipends under this section, the council shall not award stipends to eligible businesses that, as of July 1, 2020, had received funding from the federal paycheck protection program or any other funding available through the CARES Act and federal programs in response to the COVID-19 pandemic;

(x) Stipends shall not be reduced based on any amounts that an eligible business has received from any of the programs established in 2020 Wyoming Special Session Laws, Chapter 3. No eligible business shall receive a stipend under this section for any losses or expenses reimbursed or awarded under

another program;

(xi) The council shall only accept applications for stipends under this section for a period of twenty-one (21) calendar days;

(xii) The council shall rank all applications received during the period specified in paragraph (xi) of this subsection. The council shall rank, prioritize and first provide stipends to those eligible businesses with the largest percentage of decrease between actual losses of sales, revenues or production plus any COVID-19 related expense incurred in the months of April 2020, May 2020 and June 2020 with the amount of corresponding sales, revenues or production in the same months in 2019, minus any costs or expenses the eligible business did not incur that it otherwise would have normally incurred but for the COVID-19 public health emergency and minus any federal or state funding that the eligible business has received or is scheduled to receive to compensate the eligible business for the actual losses of sales, revenues or production in the months April 2020, May 2020 and June 2020.

(c) The council shall promulgate any emergency and regular rules necessary to administer the program authorized by this section.

(d) The attorney general shall review in writing the legality of the program and any rules established for the program authorized by this section.

(e) No expenditure of funds shall be made under this section except in accordance with state and federal laws, regulations and orders.

(f) The council may conduct and contract for random audits of eligible businesses receiving stipends awarded under this section to ensure funds are expended in compliance with state and federal law.

(g) The program created by this section shall terminate on the last day of the covered period.

Section 2. There is reappropriated to the Wyoming business council an amount determined by the legislature from any unexpended, unobligated funds appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b) and as authorized and made available for expenditure in Section 2(c)(ii). If a COVID-19 relief account or other similarly named account is created for the deposit of COVID-19 related emergency response funds, any reappropriation shall be made from that account and be limited to unobligated, unexpended funds appropriated in the 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b) and as authorized and made available for expenditure in section 2(c)(ii). If CARES Act funds are not available for any portion of this reappropriation, the joint appropriations committee or any other committee tasked with developing legislation shall consider appropriating additional COVID-19 relief funds from any subsequent federal COVID-19 relief package. Except as provided in this section, any funds reappropriated under this section shall be used only for the establishment and operation of the program

authorized in section 1 of this act and consistent with the terms of the federal gift, grant or appropriation from which the funds originate. Any appropriation made for the purposes of this act shall not be transferred or expended for any other purpose. Any unobligated, unexpended funds reappropriated by the legislature for the purposes of this act remaining on the last day of the covered period shall revert as provided by law.

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 April 5, 2021.

Chapter 87

BIRTH CERTIFICATES-GESTATIONAL AGREEMENTS

Original House Bill No. 73

AN ACT relating to vital records; specifying how parents are listed on a birth certificate upon delivery by a surrogate; providing definitions; 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. 14-2-901, 35-1-401(a)(v) and by creating new paragraphs (xiv) through (xvi) and 35-1-410(d) and by creating a new subsection (e) are amended to read:

14-2-901. Scope of article.

This article does not apply to the birth of a child conceived by means of sexual intercourse or to the birth of a child under a gestational agreement as defined by W.S. 35-1-401(a)(xiv).

35-1-401. Definitions.

(a) As used in this act:

(v) "Live birth" means the complete expulsion or extraction from its mother or its gestational carrier of a fetus, which after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached;

(xiv) "Gestational agreement" means a written, notarized agreement between two (2) intended parents and a gestational carrier where:

(A) The gestational carrier agrees to pregnancy by means of assisted reproduction;

(B) The gestational carrier, and her spouse if she is married, agree to relinquish all rights and duties as the parent of any child that is delivered from the gestational carrier;

(C) The agreement specifies that the intended parents shall become the parents of the child;

(D) All parties to the agreement are twenty-one (21) years of age or older;

(E) The intended parents have been residents of the state of Wyoming for not less than one (1) year immediately preceding the date of the gestational agreement;

(F) The agreement is filed with the state registrar of vital records. Any agreement filed under this subparagraph shall be sealed and placed in a special file and may be opened only upon order of a court of competent jurisdiction or as otherwise provided by law;

(G) Compensation is limited to expenses related to prenatal care, delivery of the child and any other costs including the cost of lost opportunity that are directly connected to the pregnancy.

(xv) "Gestational carrier" means a woman twenty-one (21) years of age or older who gives birth to a child under a gestational agreement;

(xvi) "Intended parents" means two (2) persons who enter into a gestational agreement with a gestational carrier for the birth of a child for which the two (2) persons shall assume paternity or maternity.

35-1-410. Birth registration.

(d) For purposes of birth registration, unless a court of competent jurisdiction orders otherwise at any time or except as provided in subsection (e) of this section, the woman who gives birth to the child shall be deemed the mother.

(e) Upon the birth of a child under a gestational agreement, the intended parents of the child born under the gestational agreement shall be deemed to be the mother and father of the child, including for purposes of birth registration and the birth certificate, upon satisfying the following conditions:

(i) Submission of a complete application by the intended parents as the state office of vital records services prescribes; and

(ii) Verification by the state office of vital records services that the gestational agreement complies with the requirements of W.S. 35-1-401(a)(xiv).

Section 2.

(a) This act is not intended to alter the rights and legal status of any person or unborn child not specifically addressed by the provisions of this act.

(b) The provisions of this act shall apply to any gestational agreement entered into and in effect before the effective date of this act where the child is born to a gestational carrier on or after the effective date of this act.

Section 3. This act is effective July 1, 2021.

Approved April 5, 2021.

Chapter 88

GAME ROAD KILL

Original House Bill No. 95

AN ACT relating to game and fish; authorizing rules to provide for the collection of road killed animals; providing restrictions; and providing for an effective date.

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

Section 1. W.S. 23-3-310 is created to read:

23-3-310. Possession of road killed wildlife.

(a) The commission shall, in consultation with the state transportation commission, adopt rules to establish a program whereby any person desiring to possess wildlife killed as a result of unintentional motor vehicle collisions on any public road or highway in the state of Wyoming is permitted to do so, provided that he collects the entire road killed animal, both edible and inedible portions and possesses a donation certificate or Wyoming interstate game tag issued by the department, including a certificate or tag issued electronically. Unless otherwise provided by rule of the commission, a person desiring to possess a road killed animal shall contact the department before taking possession of an animal to obtain a donation certificate. The rules may provide that a person requesting the donation certificate may have to present the animal for inspection to verify its possession meets the criteria of the regulation. No person possessing a donation certificate shall donate a road killed animal to a nonprofit organization in accordance with W.S. 35-7-1302(b)(vii).

(b) None of the provisions of this section shall apply to bighorn sheep, gray wolves within any area of the state where gray wolves are classified as trophy game animals, grizzly bears, mountain goats, wildlife species covered under the federal Migratory Bird Treaty Act, federal threatened or endangered species or those species whose possession is prohibited by federal or state statute or regulation.

(c) Nothing in this section shall authorize the taking of wildlife or possession of any illegally taken wildlife.

(d) Upon request of the state transportation commission, the commission shall exempt segments of public road or highway from the program established

pursuant to this section.

(e) Once a carcass is retrieved by the department of transportation, it becomes the property of the department and shall be disposed of in accordance with department procedures.

Section 2. W.S. 23-3-106(a)(i), (ii) and by creating a new paragraph (iii) is amended to read:

23-3-106. Wyoming game and Wyoming interstate game tags; when required.

(a) Except as provided in subsection (f) of this section and W.S. 23-2-302(e), no person shall ship, transport, or receive for shipment or transportation within Wyoming, any game animal, game bird, or any part thereof, unless tagged with a Wyoming game tag or Wyoming interstate game tag, or unless:

(i) The transportation is by a person accompanying the carcass of a big or trophy game animal who is in possession of a proper coupon; ~~or~~

(ii) The transportation is by a properly licensed bird or small game hunter in possession of not more than his daily bag or possession limit; ~~or~~ or

(iii) The transportation is by a person possessing authorization pursuant to W.S. 23-3-310.

Section 3. This act is effective July 1, 2021.

Approved April 5, 2021.

Chapter 89

INTRASTATE CROWDFUNDING EXEMPTION-AMENDMENTS

Original House Bill No. 41

AN ACT relating to intrastate crowdfunding; increasing the dollar amount qualifying for an exemption from securities regulation; removing the dollar limit on funding received from nonaccredited investors; removing and amending reporting requirements; and providing for an effective date.

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

Section 1. W.S. 17-4-203(a)(iii)(A) and (B), (iv), (b)(intro), (i) through (iii), (iv)(intro) and (A) is amended to read:

17-4-203. Intrastate crowdfunding exemption.

(a) Except as otherwise provided in this act, an offer or sale of a security by an issuer is exempt from the requirements of W.S. 17-4-301 through 17-4-306 and 17-4-504 if the offer or sale meets all of the following requirements:

(iii) The sum of all cash and other consideration to be received for all sales of the security in reliance on this exemption does not exceed the following amounts:

(A) ~~Two million dollars (\$2,000,000.00)~~ Three million dollars (\$3,000,000.00), less the aggregate amount received for all sales of securities by the issuer within the twelve (12) months before the first offer or sale made in reliance on this exemption, if the issuer has not made available to each prospective purchaser and the secretary of state audited financial statements or reviewed financial statements for the issuer's most recently completed fiscal year, prepared by a certified public accountant, holding a certificate pursuant to W.S. 33-3-109, in accordance with the statements on auditing standards of the American Institute of Certified Public Accountants or the statements on standards for accounting and review services of the American Institute of Certified Public Accountants, as applicable;

(B) ~~Four million dollars (\$4,000,000.00)~~ Ten million dollars (\$10,000,000.00), less the aggregate amount received for all sales of securities by the issuer within the twelve (12) months before the first offer or sale made in reliance on this exemption, if the issuer has made available to each prospective purchaser and the secretary of state audited financial statements or reviewed financial statements for the issuer's most recently completed fiscal year, prepared by a certified public accountant, holding a certificate pursuant to W.S. 33-3-109, in accordance with the statements on auditing standards of the American Institute of Certified Public Accountants or the statements on standards for accounting and review services of the American Institute of Certified Public Accountants, as applicable.

(iv) The issuer has not accepted more than ~~ten thousand dollars (\$10,000.00)~~ twenty-five thousand dollars (\$25,000.00) from any single purchaser unless the purchaser is an accredited investor as defined by rule 501 of securities and exchange commission regulation D, (17 C.F.R. 230.501) who comes within any category listed in the definition of that rule or who the issuer reasonably believes comes within any category listed in the definition of that rule, at the time of the sale. The issuer may rely on confirmation that the purchaser is an accredited investor from information provided by the purchaser, a licensed broker-dealer or another third party in making a determination that the purchaser is an accredited investor;

(b) If the offer and sale of a security of an issuer is exempt under this section, the issuer shall provide a ~~quarterly report to the~~ information described in paragraph (iv) of this subsection upon request of the issuer's purchasers until none of the securities issued under this section are outstanding. All of the following apply: ~~to the quarterly report described in this subsection:~~

(i) The issuer shall provide the report information free of charge to the purchasers;

(ii) An issuer may satisfy the report information requirement under this subsection by making the information available on an internet website; ~~if the information is made available within forty-five (45) days after the end of each~~

fiscal quarter and remains available until the next quarterly report is issued;

(iii) ~~The issuer shall file each report with the secretary of state and must provide a written copy of the report~~ information to any purchaser ~~or the secretary of state~~ on request;

(iv) ~~The report~~ information provided must include all of the following:

(A) The compensation received by each director and executive officer of the issuer, including cash compensation earned ~~since the previous report and~~ on an annual basis and any bonuses, stock options, other rights to receive securities of the issuer or any affiliate of the issuer, or other compensation received;

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

Approved April 5, 2021.

Chapter 90

WYOMING PREFERENCE ACT OF 1971-AMENDMENTS

Original House Bill No. 102

AN ACT relating to the Wyoming Preference Act of 1971; amending requirements for Wyoming laborers on public works; revising certification requirements for use of nonresident laborers; 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. 16-6-202(a)(ii), by creating a new paragraph (v) and by renumbering (v) as (vi), 16-6-203 and 16-6-206(a) and (b) are amended to read:

16-6-202. Definitions.

(a) As used in this act:

(ii) “Resident” ~~or “Wyoming laborer”~~ includes any person who is a citizen of the United States, or a person who is authorized to work in the United States by an agency of the federal government, and has resided in the state of Wyoming ~~for at least one (1) year immediately preceding his~~ for at least ninety (90) days, or as otherwise authorized by department of workforce services rules, preceding the application for employment;

(v) “Public entity” means as defined in W.S. 16-6-101(a)(viii);

~~(v)~~(vi) “This act” means W.S. 16-6-201 through 16-6-206.

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

(a) ~~Except as otherwise provided in this act,~~ every person who is responsible for a public work shall employ only Wyoming laborers on the public work. Every contract for a public work let by any person shall contain a provision requiring

that Wyoming ~~labor laborers~~ be used except ~~other nonresident~~ 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 nonresident~~ laborers if:

(i) That person ~~informs—submits written notice to~~ the nearest state workforce center of his ~~employment needs at least eleven (11) days before work is commenced, and need for laborers. The notice may include the person's need for laborers on multiple public works that the person is responsible for during a nine (9) month period. The notice shall specify if the need for laborers constitutes an emergency that endangers the health, welfare or safety of the public as determined by the public entity associated with the public work. If the person's need for laborers substantially changes during the period, the person may amend the written notice submitted under this paragraph;~~

(ii) The state workforce center certifies that the person's need for laborers cannot be filled from those Wyoming laborers listed with the Wyoming department of workforce services or that an emergency exists that endangers the health, welfare or safety of the public as determined by the public entity associated with the public work for which Wyoming laborers are not readily available. The certification shall specify the number of nonresident laborers the person may employ on the public works the person is responsible for during the nine (9) month period following certification. Except as provided in this paragraph, the department state workforce center shall respond to a person's request for certification or certification amendment within ten (10) days of the date the information is filed written notice is received. The state workforce center shall respond to a person's emergency request for certification as soon as practicable but not to exceed three (3) days after the date the emergency request is received; and

(iii) Upon hiring, the person shall submit to the state workforce center the number of nonresident laborers employed by the person pursuant to the certification issued under paragraph (ii) of this subsection and the public work or works for which each nonresident laborer is employed during the period of certification. The number of nonresident laborers employed during the period of certification shall not exceed the number specified by the certification or certification amendment.

(b) Upon request by ~~the a state~~ workforce center, the general contractor shall provide the most recent construction schedule for ~~the project a public work.~~

16-6-206. Failure to employ state laborers; penalty.

(a) A person who willfully or intentionally fails to use Wyoming laborers as required in this act shall be subject to a civil penalty of not more than one

thousand dollars (\$1,000.00) per nonresident laborer employed per day, not to exceed a total penalty of ten percent (10%) of the amount of the person's contract. Each separate case of failure to employ Wyoming laborers on ~~public works projects~~ a public work constitutes a separate offense.

(b) In the event a second offense occurs within a twelve (12) month period from the date of the first offense, the person shall be barred from bidding on any contract subject to the provisions of this act or submitting any request for proposal on any ~~project~~ public work subject to the provisions of this act for one (1) year from the date the second violation is corrected.

Section 2. This act shall apply to the hiring of laborers on public works on and after the effective date of this act. Nothing in this act shall be construed to impair existing agreements entered into by a public entity and a laborer prior to the effective date of this act.

Section 3. This act is effective July 1, 2021.

Approved April 5, 2021.

Chapter 91

DIGITAL ASSETS-AMENDMENTS

Original House Bill No. 43

AN ACT relating to digital assets; amending the definition of digital asset; amending provisions relating to the nature of digital assets under commercial law; amending security interest provisions relating to digital assets; specifying the application of commercial law to specific types of digital assets; clarifying provisions relating to custody of digital assets by banks; establishing that certain digital asset provisions are consumer protection statutes for commercial law purposes; and providing for an effective date.

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

Section 1. W.S. 34-29-101(a)(i), 34-29-102(b) and by creating a new subsection (e), 34-29-103(a) through (d), (e)(i)(intro), (iv), (g)(intro), (i) and (ii) and 34-29-104(d)(intro), (ii) and (e) are amended to read:

34-29-101. Definitions.

(a) As used in this chapter:

(i) "Digital asset" means a representation of economic, proprietary or access rights that is stored in a computer readable format; and ~~includes digital consumer assets, digital securities and virtual currency~~ is either a digital consumer asset, digital security or virtual currency;

34-29-102. Classification of digital assets as property; applicability to Uniform Commercial Code; application of other law.

(b) Consistent with W.S. 34.1-8-102(a)(ix), a digital asset may be treated as a financial asset under that paragraph, pursuant to a ~~written~~ an agreement with

the owner of the digital asset. If treated as a financial asset, the digital asset shall remain intangible personal property.

(e) This chapter shall be considered a consumer protection statute for the purposes of W.S. 34.1-9-201(b).

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 virtual currency ~~or digital securities~~ may be achieved through possession ~~or control, as applicable to the asset, consistent with W.S. 34-29-102(a) and perfection of a security interest in digital securities may be achieved by control.~~ A security interest held by a secured party having possession or control, as applicable, of 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 virtual currency or digital securities.~~ Other provisions of law relating to perfection and priority of security interests, including W.S. 34.1-9-322(c) and priority of control over delivery, shall ~~remain applicable apply, except that W.S. 34.1-9-322(a)(i) and (b) shall not apply.~~ W.S. 34.1-9-207 shall apply to this section.

(b) Before a secured party may take possession or control under this section, the secured party shall enter into a security agreement with the debtor and, as necessary, other parties. The security agreement may set forth the terms under which a secured party may pledge its security interest 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.

(c) If a debtor is located in Wyoming, a secured party may file a financing statement with the secretary of state to perfect a security interest in digital consumer assets or digital securities, including to perfect a security interest in proceeds ~~from a digital asset pursuant to W.S. 34.1-9-315(d).~~

(d) Notwithstanding any other provision of law, including article 9 of the Uniform Commercial Code, title 34.1, Wyoming statutes, a transferee takes a digital asset free of any security interest two (2) years after the transferee takes the asset for value and does not have actual notice of an adverse claim at any time during the two (2) year period. This subsection only applies to a security interest perfected by filing.

(e) As used in this section:

(i) “Control,” when used in article 9, title 34.1, Wyoming statutes and this section, consistent with W.S. 34.1-9-314, includes the following:

(iv) “Possession,” when used in article 9, title 34.1, Wyoming statutes

and this section, consistent with 34.1-9-313, means the ability to exclude others from the use of property, and 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).

(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; ~~or 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 accompanying~~ a possessory security interest or other secured transaction 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

34-29-104. Digital asset custodial services.

(d) Digital assets held in custody under this section are not depository liabilities or assets of the bank. A bank, or a subsidiary, may register as an investment adviser, investment company or broker dealer as necessary. A bank shall maintain possession or control, as applicable, over a digital asset while in custody. A customer shall elect, pursuant to a written agreement with the bank, one (1) of the following relationships for each digital asset held in custody:

(ii) Custody ~~under a bailment~~ pursuant to subsection (e) of this section.

(e) If a customer makes an election under paragraph (d)(ii) of this section, the bank may, based only on customer instructions, undertake transactions with the digital asset. A bank ~~maintains~~ is deemed to maintain possession or 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 and other customary terms in securities or commodities transactions. 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.

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

Approved April 5, 2021.

Chapter 92**CONNECT WYOMING PROGRAM-FEDERAL FUNDING****Original House Bill No. 197**

AN ACT relating to the emergency expenses of government related to broadband internet access; authorizing the use of federal funds related to the Connect Wyoming program for broadband development in Wyoming; defining terms related to funding the program; providing for an appropriation; providing rulemaking authority; 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) “CARES Act” means the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136, including any amendments to that act;

(ii) “Connect Wyoming” means the program created by the council that used available CARES Act funds for broadband development projects in Wyoming necessary to respond to the COVID-19 public health emergency by bringing faster and more reliable broadband internet service in unserved and underserved areas;

(iii) “Council” means the Wyoming business council;

(iv) “Covered period” means the period beginning on the effective date of this act and ending December 31, 2021 except that if the period for which allowable costs may be incurred under section 601 of the federal Social Security Act, as created by section 5001 of the CARES Act and as amended by section 1001 of Division M of the Consolidated Appropriations Act, also known as the Coronavirus Response and Relief Supplemental Appropriations Act, is further amended or superseded, or if subsequent federal legislation is enacted that provides the state of Wyoming additional funds in response to the COVID-19 public health emergency, “covered period” shall mean the period beginning on the effective date of this act and ending on the last date of the period specified by federal law for which allowable costs may be incurred.

(b) There is appropriated to the council an amount determined by the legislature from any unexpended, unobligated funds appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b) and as authorized and made available for expenditure in Section 2(c)(ii). If CARES Act funds are not available for any portion of this appropriation, the joint appropriations committee or any other committee tasked with developing legislation shall consider appropriating additional COVID-19 relief funds from any subsequent federal COVID-19 relief package. Any funds appropriated under this subsection shall be used only for broadband internet development projects through the Connect Wyoming program and consistent with the terms of the federal gift, grant or appropriation from which the funds originate. This appropriation

shall not be transferred or expended for any other purpose. Any unobligated, unexpended funds remaining from this appropriation on the last day of the covered period shall revert as provided by law.

Section 2. The Wyoming business council shall promulgate all 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 April 5, 2021.

Chapter 93

UNIVERSITY WATER SYSTEM

Original House Bill No. 198

AN ACT relating to the University of Wyoming; clarifying the authority of the university over water; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 21-17-126 is created to read:

21-17-126. University water system.

(a) Subject to title 41 of the Wyoming statutes and notwithstanding any municipal or county ordinance, the University of Wyoming may:

(i) Develop, drill, construct, operate, maintain and use any water line, system, well or works on property owned by the university for the purposes of distributing, providing and using nonpotable water on property owned or leased by the university for miscellaneous use where water is to be used for landscape watering, lawns, athletic fields, trees, shrubs and flowers;

(ii) Connect a building, facility, landscape, lot, premises or structure owned by the university to any water line, system, well or works operated, maintained or used by the university.

(b) No city or county shall restrict or prohibit the university from developing, drilling, constructing, operating, maintaining or using any water system independent of the city's or county's water system.

Section 2. W.S. 15-7-701 by creating a new subsection (d) is amended to read:

15-7-701. Authority to construct; rights of operator; limitations; applicability.

(d) Nothing in this article shall be construed to restrict, prohibit or otherwise affect the rights of the University of Wyoming under W.S. 21-17-126.

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 April 5, 2021.

Chapter 94

BIG OR TROPHY GAME ANIMAL-MINIMUM HUNTING AGE

Original House Bill No. 115

AN ACT relating to game and fish; lowering the minimum age at which a person may take a big or trophy game animal as specified; and providing for an effective date.

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

Section 1. W.S. 23-2-102(a) is amended to read:

23-2-102. Age restrictions; game animals; game birds.

(a) The minimum age to take any big or trophy game animal is twelve (12) years, except that any person may take a big or trophy game animal at eleven (11) years of age if the person will attain twelve (12) years of age by the end of that calendar year. Any person authorized by this subsection under the age of fourteen (14) years shall at all times when hunting be accompanied by a person over the age of majority who possesses and can exhibit a certificate of competency and safety as specified in W.S. 23-2-106 or who currently holds, or has been issued a Wyoming big game hunting license within the last five (5) years. If the person accompanying the hunter under the age of fourteen (14) years is not the parent or guardian of the hunter, the hunter shall have in his possession a permission slip signed by his parent or guardian allowing him to hunt under supervision. Each accompanying adult shall supervise not more than one (1) hunter under the age of fourteen (14) years. Any person under the age of fourteen (14) years applying for a license to hunt big or trophy game animals under this subsection shall have the application for the license co-signed by his parent or legal guardian.

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

Approved April 5, 2021.

Chapter 95

PIONEER TRAPPER LICENSE

Original House Bill No. 112

AN ACT relating to game and fish; providing for the issuance of pioneer trapping licenses as specified; and providing for effective dates.

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

Section 1. W.S. 23-1-705(e) by creating a new paragraph (v) and 23-2-301(c) by creating a new paragraph (xiv) are amended to read:

23-1-705. Complimentary licenses; pioneer licenses; antelope hunt licenses; gunpowder and buckskin hunt licenses; gratuitous licenses; donated licenses.

(e) The department shall issue:

(v) A pioneer resident trapping license for furbearing animals in accordance with the fee specified in W.S. 23-2-301(c)(xiv), to any resident who is at least sixty-five (65) years of age prior to the issuance of the license and has resided in Wyoming for at least thirty (30) years.

23-2-301. Miscellaneous fees; verification of residency required.

(c) The following licenses and tags may be purchased for the fee indicated in addition to the applicable fee under W.S. 23-1-701 and subject to other requirements of this article:

(xiv) Pioneer resident trapping license-furbearing (residents aged sixty-five (65) years of age or older, who have resided in Wyoming for thirty (30) years) \$20.00

Section 2. The Wyoming Game and Fish Department shall promulgate rules to implement this act.

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2021.

(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 April 5, 2021.

Chapter 96

ELECTRIC VEHICLE FEE UPDATES

Original House Bill No. 144

AN ACT relating to multipurpose vehicles; amending a definition to exempt multipurpose vehicles and motorcycles from the plug-in electric vehicle annual decal and fee; and providing for an effective date.

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

Section 1. W.S. 39-17-301(a)(xxxviii) is amended to read:

39-17-301. Definitions.

(a) As used in this article:

(xxxviii) “Plug-in electric vehicle” means any motor vehicle ~~which~~ that can be recharged from any external source of electricity, including a wall socket, and the electricity stored in the rechargeable battery drives or contributes to drive the wheels of the vehicle. “Plug-in electric vehicle” does not include a hybrid electric vehicle, a motorcycle as defined in W.S. 31-1-101(a)(xv)(E) or a multipurpose vehicle as defined in W.S. 31-1-101(a)(xv)(M);

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

Approved April 5, 2021.

Chapter 97

ELK FEEDGROUND CLOSINGS-REQUIREMENTS

Original House Bill No. 101

AN ACT relating to elk feedgrounds; authorizing the permanent closure of an elk feedground authorized or administered by the Wyoming game and fish commission only upon an order of the governor; requiring the recommendation of the commission and comment by the Wyoming livestock board for the closure of an elk feedground; requiring a public meeting; authorizing the governor to temporarily close elk feedgrounds under emergency circumstances; authorizing the Wyoming game and fish commission to contract or lease private and state lands for relocating elk feedground sites; requiring the Wyoming game and fish department to develop plans for alternative elk feedground sites as specified; requiring a report; and providing for an effective date.

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

Section 1. W.S. 23-1-305 is created to read:

23-1-305. Closure of elk feedgrounds; alternative feeding sites; reporting requirement.

(a) Except as authorized by subsection (b) of this section, any elk feedground authorized or administered by the commission as of July 1, 2021 and in accordance with W.S. 23-1-302(a)(ix), shall only permanently cease operations or be subject to closure by the department or commission upon a recommendation for a feedground closure by the commission and subsequent order of the governor. Any closure order issued by the governor shall only be valid and lawful upon satisfaction of the following conditions:

(i) The commission shall provide its recommendation to the governor for the closure of the elk feedground and concurrently to the Wyoming livestock board. Upon receipt of the commission’s recommendation, the board shall provide its opinion to the governor on whether the board believes the closure of the elk feedground is appropriate;

(ii) The commission, in consultation with the Wyoming livestock board, shall conduct not less than one (1) public meeting in a location that is reasonably calculated to foster the most public participation by the people directly impacted by the proposed closure and by other vested stakeholders. The public meeting shall be held after the commission and the board have acted as

required under paragraph (i) of this subsection. The commission shall compile the comments received as a result of the public meeting and provide those comments to the governor for the governor's consideration on whether to issue an elk feedground closure order.

(b) Any elk feedground authorized or administered by the commission may be temporarily closed by order of the governor due to emergency circumstances for a period not to exceed six (6) months after which the feedground shall only remain closed in accordance with subsection (a) of this section.

(c) The commission is authorized to contract or lease private lands or lands owned by the state for the purpose of relocating an elk feedground authorized or administered under W.S. 23-1-302(a)(ix), which would otherwise be subject to closure under this section.

(d) For any elk feedground authorized or administered under W.S. 23-1-302(a)(ix), which utilizes federal public lands, the department shall report to the joint travel, recreation, wildlife and cultural resources interim committee upon the department receiving notice that the federal authorization permitting the use of the federal public lands will not be reissued or will be revoked. The report required by this subsection shall include draft contingency plans, including associated costs with implementing the plans, identifying any appropriate private lands, lands owned by the commission or lands otherwise owned or under the authority of the state of Wyoming for the purpose of supplementing or relocating the feedground operation that is affected by the expiration of any federal public land authorization. The office of state lands and investments shall cooperate with the commission in identifying any alternative feedground sites consistent with this section.

(e) Nothing in this section shall be construed to prohibit the department from continuing to administer authorized elk feedground operations, including:

(i) Commencing and ending annual elk feedground operations on dates determined by the department; and

(ii) Conducting emergency elk feeding operations when deemed necessary by the department.

Section 2. W.S. 11-18-103(a) by creating a new paragraph (xi) and 23-1-302(a)(ix) are amended to read:

11-18-103. Livestock board; powers generally.

(a) In addition to powers and duties hereinafter provided, the Wyoming livestock board shall:

(xi) Convene when necessary for the purpose of considering the recommended closure of any elk feedground as provided under W.S. 23-1-305(a).

23-1-302. Powers and duties.

(a) The commission is directed and empowered:

(ix) To make suitable provisions for the feeding of ~~the elk~~ subject to the requirements imposed under W.S. 23-1-305, and other game animals, birds, and fish of Wyoming in such localities as may be deemed necessary;

Section 3. This act is effective July 1, 2021.

Approved April 5, 2021.

Chapter 98

WYOMING STATUTORY FOUNDATION ACT-AMENDMENTS

Original House Bill No. 68

AN ACT relating to the Wyoming Statutory Foundation Act; amending definitions; amending provisions related to beneficiaries, liabilities, obligations, debts and distributions under the act; making conforming amendments; authorizing the issuance of units and shares of a statutory foundation; repealing definitions and provisions related to foundation purposes, beneficiaries and the liability of protectors; and providing for an effective date.

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

Section 1. W.S. 17-30-102(a)(ii)(intro), (A), (v), (viii), (x) and (xii), 17-30-103(b), 17-30-201(c)(intro) and (f), 17-30-202(a), 17-30-303 by creating a new subsection (e), 17-30-401(a)(i) and by creating a new subsection (d), 17-30-501(c) and (e)(i), 17-30-502, 17-30-503(c), 17-30-505(a)(intro), 17-30-602(c), (e), (f) and by creating new subsections (g) through (j), 17-30-701(b), 17-30-801 and 17-30-1002(b)(intro) are amended to read:

17-30-102. Definitions.

(a) As used in this act:

(ii) “Beneficiary” means a person who is or may be designated as a beneficiary in the operating agreement or in accordance with the operating agreement of a statutory foundation,~~which A “beneficiary” may be any one (1) or more of the following:~~

(A) A person who has a present or future, vested or contingent,~~beneficial~~ interest in the statutory foundation;

(v) “Charitable purpose” means the relief of poverty, the advancement of education or religion, the promotion of a health, governmental, ~~or municipal~~ or other purpose, ~~or the achievement of other purposes which are~~ is beneficial to the community;

(viii) “Financial institution” means ~~as defined in W.S. 13-1-101(a)(ix) a~~ bank, savings and loan association or state chartered credit union;

(x) “Founder” or “organizer” means one (1) or more persons that acts under W.S. 17-30-303 to form a statutory foundation. The organizer acts on

behalf of the founder in forming the statutory foundation and may but not need be one (1) of the founders;

(xii) “Operating agreement” means the written agreement, whether or not designated as an operating agreement, of a founder or board of directors of a statutory foundation concerning the matters described in W.S. 17-30-309, including any amendments thereto and restatements thereof;

17-30-103. Governing law.

(b) The transfer of property by a founder or a contributor to the statutory foundation, or any disposition made subject to the terms of the operating agreement of the statutory foundation, shall not ~~rendered ineffective~~ be void, voidable, set aside or defective in any manner for any reason, including the following:

(i) The law of a foreign jurisdiction prohibits or does not recognize the concept of a statutory foundation; or

(ii) The statutory foundation, a transfer of property by a founder or a contributor to a foundation or a disposition made subject to the terms of the operating agreement of the statutory foundation; avoids or defeats any forced heirship or legitimate right, claim or interest under the law of a foreign jurisdiction.

17-30-201. Nature, purpose and duration of statutory foundations.

(c) Except for those purposes provided in subsection (e) of this section, a statutory foundation may be created for any lawful purpose, ~~which may be included in the articles of formation of the foundation, regardless of whether the~~ statutory foundation is for profit or for charitable purposes, as defined in W.S. 17-30-102(a)(v), ~~provided that a statutory foundation shall:~~

(f) ~~The purposes for which purpose of~~ a statutory foundation ~~may be created under this act~~ shall not be amended or restated unless the articles of formation expressly provide that the purpose of the statutory foundation “may be amended;” “may be restated” or include words of similar import or unless an amendment or restatement is required pursuant to a court order.

17-30-202. Enforcement of charitable purposes.

(a) If the articles of formation or the operating agreement of a statutory foundation formed for a charitable purpose do not indicate or otherwise provide for selection of a particular charitable purpose or beneficiary, or if the designated charitable purpose cannot be completed or no longer exists, the court may select one (1) or more charitable purposes or beneficiaries. The selection shall be consistent with the intent of the founder; to the extent that intent can be ascertained.

17-30-303. Formation of statutory foundation; articles of formation.

(e) The articles of formation may be amended or restated only if the articles of formation include an express statement authorizing the amendment or restatement of the articles of formation.

17-30-401. Reservation to founder of power to amend, revoke, restate or terminate.

(a) Subject to subsections (b) and (c) of this section, a founder may reserve the following powers to himself, or a specific number of founders if applicable:

(i) Pursuant to W.S. 17-30-201, the power to amend or restate the articles of formation of a statutory foundation;

(d) A founder shall expressly reserve those powers specified in paragraphs (a)(iii) and (iv) of this section in the operating agreement of the statutory foundation.

17-30-501. Board of directors.

(c) A board of directors shall conduct the affairs of the statutory foundation in accordance with the articles of formation and operating agreement; ~~if any,~~ of the statutory foundation, as well as this act and any other applicable provision of law.

(e) An act of a director shall be retroactively valid despite any defect that may be found in:

(i) The appointment of the director; or

17-30-502. Liability of directors.

A director is not personally liable for the acts, omissions, obligations, ~~or debts~~ or other liabilities of ~~the a~~ statutory foundation, whether arising in contract, tort or otherwise.

17-30-503. Protector.

(c) Except as otherwise provided by law and by W.S. 17-30-501, a founder or other person may be appointed as the protector of a statutory foundation.

17-30-505. Liability of protector.

~~(a) Except as otherwise provided in subsection (b) of this section,~~ A protector shall not be personally liable for the acts, omissions, debts, obligations or other liabilities of a statutory foundation, whether arising in contract, tort or otherwise.;

17-30-602. Interests; units and shares.

(c) No creditor of ~~the beneficial owner~~ a beneficiary shall have any right to obtain possession of, or otherwise exercise legal or equitable remedies with respect to, the property of the statutory foundation.

(e) Except to the extent otherwise provided in the governing instrument operating agreement, the transferee of the beneficial interest of a beneficial

~~owner-beneficiary~~ in the statutory foundation shall ~~only be entitled to receive the share of profits and the return of contributions to which the beneficial owner otherwise would be entitled. In the absence of the unanimous written consent of the owners of all other beneficial interests and of all directors of the foundation, and except to the extent otherwise provided in the governing instrument, the transferee of the beneficial interest of a beneficial owner shall have no right to participate in or be kept apprised of the affairs of the foundation or to become a beneficial owner of a beneficial interest in the foundation~~ have all the rights and duties of a beneficiary of the statutory foundation, except those provided in subsection (f) of this section.

(f) ~~Except to the extent otherwise provided in the governing instrument, at the time a beneficial owner operating agreement, if a beneficiary of a statutory foundation becomes entitled to receive a distribution, the owner-beneficiary has the status of, and is entitled to all remedies available to, a creditor of the statutory foundation with respect to the distribution. A governing instrument~~ The operating agreement may provide for the establishment of record dates with respect to allocations and distributions by a statutory foundation.

(g) ~~The operating agreement may authorize the statutory foundation to issue units or shares having the same or separate rights, powers or duties with respect to specified property, payments or other interests of the statutory foundation. The operating agreement may provide the terms or conditions of units or shares issued by the statutory foundation.~~

(h) ~~A person may receive units or shares issued pursuant to subsection (g) of this section without:~~

~~(i) Being or becoming a beneficiary or contributor of the statutory foundation;~~

~~(ii) Acquiring any rights or duties of a beneficiary of the statutory foundation; or~~

~~(iii) Making or being obligated to make a contribution to the statutory foundation.~~

~~(j) No creditor of a holder of units or shares issued by a statutory foundation shall have any right to obtain possession of, or otherwise exercise legal or equitable remedies with respect to, the property of the statutory foundation.~~

17-30-701. Right to information.

(b) Upon written request by a protector, a statutory foundation shall provide all information requested by the protector within a reasonable time. After the death of the last founder of a statutory foundation ~~or~~ and if there is no protector, the foundation shall provide all information requested by a beneficiary within a reasonable time, upon written request by a beneficiary.

17-30-801. Creditor claim against founder.

The property of a statutory foundation contributed by a founder or a contributor, and all income, appreciation and proceeds thereof, shall not be subject to the claims of a founder's or a contributor's creditor, including any claims for forced heirship or legitimate right.

17-30-1002. Power of court to give directions.

(b) If there is no express power to amend the purpose of a statutory foundation in the articles of formation, ~~of the foundation,~~ then a founder or the protector may apply to a court for an order to amend the purpose stated in the articles of formation in accordance with the probable intent of the founder, ~~based on one (1) of and subject to the following grounds:~~

Section 2. W.S. 17-30-102(a)(ii)(C) and (xiv), 17-30-201(c)(i) and (ii), 17-30-505(a)(i), (ii), (b) and (c) and 17-30-602(a), (b) and (d) are repealed.

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

Approved April 5, 2021.

Chapter 99

WYOMING MEDICAL REVIEW PANEL-REPEAL

Original House Bill No. 195

AN ACT relating to the medical review panel; repealing the Wyoming Medical Review Panel Act of 2005; ceasing review of new malpractice claims by the medical review panel; and providing for effective dates.

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

Section 1. W.S. 1-38-102(d) is amended to read:

1-38-102. Action to be brought by wrongful death representative; recovery exempt from debts; measure and element of damages; limitation of action.

(d) An action for wrongful death shall be commenced within two (2) years after the death of the decedent. ~~If the decedent's death involved medical malpractice this limitation period shall be tolled as provided in W.S. 9-2-1518 upon receipt by the director of the medical review panel of a malpractice claim.~~

Section 2. W.S. 9-2-1513 through 9-2-1523 are repealed.

Section 3. On and after the effective date of this section, no malpractice claims against health care providers shall be filed with the medical review panel created by W.S. 9-2-1517(a). On and after the effective date of this section, all activities related to the implementation of the Wyoming Medical Review Panel Act of 2005 shall be ceased except as necessary to finalize decisions on malpractice claims against health care providers that are filed with the medical

review panel prior to the effective date of this section.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2022.

(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 April 5, 2021.

Chapter 100

ONLINE SPORTS WAGERING

Original House Bill No. 133

AN ACT relating to online sports wagering; authorizing online sports wagering; providing for regulation by the Wyoming gaming commission; imposing fees; requiring rulemaking; creating an account; providing for the collection and distribution of revenues from online sports wagering to the state; providing for a continuous appropriation; creating penalties; specifying that fantasy sports contests are not gambling; and providing for effective dates.

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

Section 1. W.S. 9-24-101 through 9-24-106 are created to read:

CHAPTER 24
GAMING COMMISSION REGULATED ACTIVITIES

ARTICLE 1
ONLINE SPORTS WAGERING

9-24-101. Definitions.

(a) As used in this chapter:

(i) "Cash equivalent" means an asset that is convertible to cash and approved for use in connection with online sports wagering. Approved cash equivalents include:

- (A) Travelers checks;
- (B) Foreign currency and coin;
- (C) Certified checks, cashier's checks and money orders;
- (D) Personal checks and drafts;
- (E) Digital, crypto and virtual currencies;
- (F) Online and mobile payment systems that support online money transfers;
- (G) Credit cards and debit cards;

(H) Prepaid access instruments;

(J) Any other form of asset that is convertible to cash approved by commission rules.

(ii) “Commission” means the Wyoming gaming commission;

(iii) “Director” means the executive director of the commission;

(iv) “Fantasy sports contest” means a simulated game or contest with an entry fee that meets all of the following conditions:

(A) No fantasy sports contest team is composed entirely of individual contestants who are members of the same real world sports team;

(B) Each prize and award or the value of all prizes and awards offered to winning fantasy sports contest players is made known to the fantasy sports contest players in advance of the fantasy sports contest;

(C) Each winning outcome reflects the relative knowledge and skill of the fantasy sports contest players and is determined by the aggregated statistical results of the performance of multiple individual contestants who each fantasy sports contest player has selected to form that player’s fantasy sports contest team. The individual performances of the individual contestants in the fantasy sports contest directly correspond with the actual performances of those contestants in a real world sporting event in which those individuals participated;

(D) A winning outcome is not based on the performance of a single real world sports team, any combination of real world sports teams or a single contestant in a real world sporting event, nor is it based on the score or point spread of one (1) or more real world sporting events;

(E) The fantasy sports contest does not constitute or involve a slot machine or a fixed, commercial electrical gaming device.

(v) “Fantasy sports contest player” means a person who engages in selecting individual contestants to comprise a team for a fantasy sports contest;

(vi) “Online sports wagering” means engaging in sports wagering conducted by a sports wagering operator through a sports wagering account over the internet by use of a computer, digital platform or mobile application on a mobile device, any of which uses communications technology to accept sports wagers or any system or method of electronic sports wagering approved by commission rules. “Online sports wagering” shall not include or be conducted from any physical location created by a sports wagering operator or vendor for a patron to physically visit to place a wager;

(vii) “Online sports wagering revenue” means the total of all wagers placed by patrons with an online sports wagering operator, excluding free wagers and promotional play, minus all payments to patrons and minus any applicable

federal excise taxes. Payments to patrons include all payments of cash, cash equivalents, merchandise and any other thing of value;

(viii) “Patron” means a person who places an online sports wagering wager;

(ix) “Prohibited sports wager” means:

(A) A wager involving any sporting event or other event where the majority of contestants or athletes in the sporting event are under the age of eighteen (18) years;

(B) Any wagering category not authorized by law or commission rules adopted in compliance with law.

(x) “Qualified gaming entity” means a gaming entity that offers online sports wagering through computers, digital platforms or mobile applications in not less than three (3) jurisdictions in the United States pursuant to a state regulatory structure;

(xi) “Sporting event” means any professional sports event or athletic event, any Olympic or international sports event or athletic event, any amateur sports event or athletic event, any collegiate sports event or athletic event, electronic sports, or any portion thereof, including the individual performance statistics of contestants or athletes in sports events, athletic events or a combination of sports and athletic events, or any other event approved by commission rules;

(xii) “Sports wagering” means the business of accepting wagers from patrons on sporting events through online sports wagering. “Sports wagering” wagers include single game bets, teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets, proposition bets and straight bets. “Sports wagering” shall not include any of the following:

(A) Activities other than online sports wagering that are exempted from criminal penalties under W.S. 6-7-101 through 6-7-104;

(B) Activities outside of this chapter authorized or regulated by the commission;

(C) Lotteries authorized by law;

(D) Fantasy sports contests;

(E) Prohibited sports wagers.

(xiii) “Sports wagering account” means a financial record established by a sports wagering operator for an individual patron into which the patron may deposit and from which the patron may withdraw funds for sports wagering and other purchases, and into which the sports wagering operator may credit winnings or other amounts due to that patron or authorized by that patron. In compliance with any other applicable law, a sports wagering account may be established electronically through an approved mobile application or digital

platform;

(xiv) “Sports wagering operator” means any qualified gaming entity authorized by the commission to accept online sports wagers;

(xv) “Sports wagering vendor” means a vendor that provides services to a sports wagering operator that the sports wagering operator uses to accept online sports wagers, including geolocation services, know your customer services, payment processors and data providers.

9-24-102. Online sports wagering regulation; rulemaking.

(a) The commission shall regulate online sports wagering and sports wagering operators and vendors.

(b) The commission shall promulgate rules to implement this chapter. The rules the commission promulgates shall establish standards and procedures for online sports wagering and associated sports wagering systems. The rules shall include:

(i) Governance of the conduct of online sports wagering and the system of wagering associated with online sports wagering, including all of the following:

(A) Terms and conditions for online sports wagering that are compliant with all applicable federal laws;

(B) Identification of the sporting events upon which online sports wagers may be accepted and methods of play;

(C) The manner in which online sports wagers are received and payoffs are remitted;

(D) Procedures for managing and resolving suspected cheating, sports wagering irregularities and complaints;

(E) A requirement that for a patron to make a lawful wager the patron must be physically present in the state when making the wager unless otherwise authorized by the commission;

(F) A requirement for each sports wagering operator to use a geolocation system to ensure that a patron making an online sports wager is physically present in the state when making the wager unless otherwise authorized by the commission;

(G) Internal controls for all aspects of online sports wagering, including procedures for system integrity, system security, operations and accounting;

(H) Operational controls for online gaming accounts;

(J) Procedures to ensure that sports wagering operators do not offer prohibited sports wagers.

(ii) Establishing the method for calculating online sports wagering revenue and standards for the counting and recording of cash and cash equivalents

received in the conduct of online sports wagering, to include methods for ensuring that internal controls are followed, financial records are maintained and audits are conducted;

- (iii) Reasonable minimum qualifications for sports wagering operators;
- (iv) Any other matters necessary for overseeing online sports wagering and sports wagering operators and vendors.

(c) In promulgating rules pursuant to this section, the commission shall examine the regulations implemented in other states where online sports wagering is conducted and shall, as far as practicable, adopt a similar regulatory framework to maximize revenue generated for the state.

9-24-103. Permits; fees; application.

(a) A sports wagering operator shall possess a permit issued by the commission to accept online sports wagers. No person shall accept online sports wagers without holding a valid permit issued by the commission.

(b) A qualified gaming entity applying for a sports wagering operator permit shall do so on a uniform application furnished by the commission. The fee for both an initial application and renewal application shall be two thousand five hundred dollars (\$2,500.00). The application shall require an applicant, at a minimum, to provide:

- (i) The full name, current address and contact information of the applicant;
- (ii) Disclosure of each person who has control of the applicant as described in subsection (g) of this section;
- (iii) The applicant's fingerprints and the fingerprints of individuals identified in subsection (g) of this section considered to have control of an applicant or permit holder;
- (iv) Consent to permit the commission to conduct a criminal history record check of the applicant and each individual disclosed under subsection (g) of this section in accordance with procedures established by the commission. This subsection shall not require an applicant or individual who has submitted to a criminal background check in this or any other state within the twelve (12) months before submitting the application to resubmit to another criminal background check provided that the applicant or individual submits the results of the previous criminal background check and affirms that there has been no material change in the criminal history since the time of the criminal background check. The cost of the criminal history record background check shall be paid using a portion of the applicant's application fee;
- (v) Other information and permissions as requested by the commission;
- (vi) For the applicant and each person disclosed under subsection (g) of this section, a record of previous issuances and denials of any gambling related

license or application under Wyoming statutes or in any other jurisdiction in the United States;

(vii) Any additional information required by commission rules.

(c) The commission shall charge a permit fee of one hundred thousand dollars (\$100,000.00) for an initial sports wagering operator permit. An initial permit and any renewal permit shall each be valid for five (5) years. The commission shall charge a fee of fifty thousand dollars (\$50,000.00) for a sports wagering operator permit renewal.

(d) A sports wagering vendor shall possess a permit issued by the commission to conduct business in the state. No person shall provide vendor services to a sports wagering operator without holding a valid permit issued by the commission.

(e) The commission shall charge a fee of ten thousand dollars (\$10,000.00) for an initial sports wagering vendor permit. An initial permit and any renewal permit shall each be valid for five (5) years. The commission shall charge a fee of five thousand dollars (\$5,000.00) for a sports wagering vendor permit renewal.

(f) Sports wagering operator and sports wagering vendor permit fees charged pursuant to subsections (c) and (e) of this section shall be deposited in the sports wagering account, which is hereby created. Subject to legislative appropriation, amounts within the account may be used by the commission for all expenses incurred in administering this chapter. On a quarterly basis, the commission shall transfer amounts within the account in excess of five hundred thousand dollars (\$500,000.00) to the state treasurer for credit to the general fund.

(g) The following persons are considered to have control of a sports wagering operator permit applicant or permit holder:

(i) Each holding company, parent company or subsidiary company of the applicant or permit holder;

(ii) Each person, except for a bank or other licensed lending institution that holds a mortgage or other lien acquired in the ordinary course of business, who owns fifteen percent (15%) or more of a corporate applicant or permit holder and has the ability to:

(A) Control the activities of the corporate applicant or permit holder; or

(B) Elect a majority of the board of directors of that corporate applicant or permit holder.

(iii) Each person associated with a noncorporate applicant or permit holder who directly or indirectly holds a beneficial or proprietary interest in the noncorporate applicant's or permit holder's business operations or who the commission otherwise determines has the ability to control the noncorporate

applicant or permit holder;

(iv) Key personnel of an applicant or permit holder, including any executive, employee or agent having the power to exercise ultimate decision making authority over the applicant's or permit holder's sports wagering operations in this state.

(h) The commission shall, not more than sixty (60) days after the date of receipt of an application for a permit or application for renewal of a permit under W.S. 9-24-103, either:

(i) Issue the permit; or

(ii) Deny the application based on the grounds that the applicant failed to qualify as provided by subsection (j) of this section.

(j) The commission shall deny an application under this article upon finding any of the following:

(i) The applicant or permit holder has been convicted of, forfeited bail on or pleaded guilty to:

(A) A crime involving theft, dishonesty or fraud;

(B) Bribery or unlawfully influencing a public official;

(C) A felony crime involving physical harm to a person; or

(D) Any other crime identified by rule of the commission that negatively impacts the applicant's credibility or the security, integrity or fairness of online sports wagering.

(ii) The applicant tampered with submitted documentation or concealed, failed to disclose or otherwise attempted to mislead the commission with respect to any material fact contained in the application or contained in any other information required of or submitted by an applicant to the commission;

(iii) The applicant or permit holder failed or refused to cooperate in the investigation of a crime related to gambling, corruption of a public official or any organized criminal activity;

(iv) The applicant or permit holder has intentionally not disclosed the existence or identity of other persons who have control of the applicant or permit holder as required by this section;

(v) The applicant or permit holder has had a permit revoked by any government authority responsible for the regulation of sports wagering;

(vi) The applicant or permit holder has not demonstrated financial responsibility sufficient to adequately meet the requirements of this chapter, as specified by rule of the commission; or

(vii) The applicant or permit holder has not met the requirements of this section, any other provision of this chapter, commission rules or any applicable

federal laws.

(k) Given a sufficient number of applicants, at any one (1) time the commission shall issue not less than five (5) sports wagering operator permits to applicants that satisfy the requirements under this chapter. If an insufficient number of applicants apply for a sports wagering operator permit, this provision shall not be interpreted to direct the commission to issue a permit to an unqualified applicant.

(m) The commission shall issue a permit to a sports wagering vendor that is currently operating in good standing in a similar role in at least three (3) jurisdictions in the United States under a state regulatory structure and that has paid all required fees under subsection (e) of this section.

(n) Permit holders under this article shall have an ongoing obligation to disclose in writing any material change in the information provided in the application to the commission, including:

- (i) Changes to names and contact information;
- (ii) Arrests, convictions, guilty pleas, disciplinary actions or license denials in Wyoming or any other jurisdiction;
- (iii) Any civil action brought against the permit holder; and
- (iv) Any other information specified by rule of the commission.

(o) If the commission denies an application or intends to revoke or suspend a permit issued under this article, it shall notify the applicant or permittee in writing, stating the grounds for denial, revocation or suspension and informing the person of a right to submit, within not more than thirty (30) days, any additional documentation relating to the grounds for denial, revocation or suspension. Upon receiving any additional documentation, the commission shall reconsider its decision and inform the applicant of its decision within not more than twenty (20) days of the submission of information for reconsideration. A denial of an application or a revocation or suspension of a permit under this article shall be subject to the contested case procedures of the Wyoming Administrative Procedure Act.

9-24-104. Distribution of revenue.

Not later than the fifteenth day of each month, in accordance with commission rules, a sports wagering operator shall remit ten percent (10%) of online sports wagering revenue from the prior month to the commission. Each fiscal year, the first three hundred thousand dollars (\$300,000.00) of revenue generated under this section is continuously appropriated to the department of health to be distributed to the counties for the purpose of funding county health programs to prevent and treat problematic gambling behavior and the remainder of monies remitted to the commission shall be deposited by the state treasurer into the general fund.

9-24-105. Age to engage in online sports wagering.

No person under the age of eighteen (18) years shall engage in online sports wagering.

9-24-106. Penalties; compliance.

(a) Any person who knowingly accepts online sports wagers or otherwise operates a business of sports wagering and does not possess a valid permit issued by the commission under this chapter shall be subject to the following, in addition to any penalty imposed under W.S. 6-7-102:

(i) For a first offense, a civil penalty of twenty-five thousand dollars (\$25,000.00);

(ii) For a second or subsequent offense, a civil penalty of fifty thousand dollars (\$50,000.00).

(b) When a series of similar events result in a violation under this chapter or commission rules, those events that occur within the same month shall be treated as one offense and not separate and distinct offenses.

(c) The commission shall develop a compliance program that includes establishing procedures to review online sports wagering and related activities occurring in the state to ensure compliance with and enforcement of this chapter. The program shall include review and evaluation of the conduct of:

(i) Sports wagering operators, sports wagering vendors, qualified gaming entities, patrons and any other person permitted or authorized to engage in activities under this chapter; and

(ii) Persons operating without a valid permit under this chapter, engaging in activities not authorized or regulated under this chapter or pursuing or engaging in activities otherwise in violation of this chapter.

Section 2. W.S. 6-7-101(a)(iii) by creating new subparagraphs (N) and (O) and 11-25-104(d) and (o) are amended to read:

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:

(N) Online sports wagering regulated under W.S. 9-24-101 through 9-24-106;

(O) Fantasy sports contests as defined in W.S. 9-24-101(a)(iv).

11-25-104. Gaming commission; officers; director; meetings; quorum; records; licenses generally; effect of financial interest in events.

(d) Any member of the commission who owns or has any interest, or whose spouse or member of his immediate family has any interest, in any activity regulated by the commission or in an animal participating in a pari-mutuel event shall disclose that interest and shall not participate in any commission decision involving a protest regarding that activity or occurring at that pari-mutuel event.

(o) In addition to all other duties, the commission, in the reasonable exercise of its discretion, shall:

(i) Enforce W.S. 6-7-101 through 6-7-104;

(ii) Regulate online sports wagering and sports wagering operators and vendors under W.S. 9-24-101 through 9-24-106.

Section 3. Not later than September 1, 2021, the commission shall promulgate rules required by this act.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective September 1, 2021.

(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 April 5, 2021.

Chapter 101

SPEECH AND HEARING SPECIALIST LICENSING AMENDMENTS

Original Senate File No. 117

AN ACT relating to professions and occupations; providing for the licensure of persons certified as a speech or hearing specialist as specified; and providing for an effective date.

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

Section 1. W.S. 33-33-105 by creating a new subsection (b) and renumbering (b) as (c) is amended to read:

33-33-105. Eligibility for licensing.

(b) A person who held a valid certificate as a speech or hearing specialist issued by the professional teaching standards board and was employed by any school district to deliver speech-language pathology or audiology services on or before July 1, 2020, shall be qualified and eligible for licensing by the board as a speech-language pathologist or audiologist, notwithstanding the requirements imposed under paragraphs (a)(i) through (iii) of this section. Any person licensed under this subsection shall only be authorized to practice

as a speech-language pathologist or audiologist in the public school system or in programs for the developmentally disabled funded by the department of health.

(b)(c) 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.

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

Approved April 5, 2021.

Chapter 102

REQUIREMENTS RELATING TO DEPOSITORS-AMENDMENTS

Original Senate File No. 148

AN ACT relating to special purpose depository institutions; allowing a depositor in a special purpose depository institution to be a legal entity incorporated in the United States or a foreign jurisdiction; and providing for an effective date.

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

Section 1. W.S. 13-12-104(a)(ii) is amended to read:

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:

(ii) Be in good standing with the jurisdiction ~~in the United States~~ in which it is incorporated or organized;

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

Approved April 5, 2021.

Chapter 103

SOLID WASTE CEASE AND TRANSFER PROGRAM FUNDING

Original Senate File No. 44

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; requiring reports; repealing a prior list of priority cease and transfer projects; and providing for an effective date.

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

Section 1.

(a) As used in this section:

(i) “Maximum amount” means the total amount to be expended on the listed project and reflects one hundred percent (100%) of the project cost, including any award by the state loan and investment board under W.S. 3511528;

(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), (c) and (d), as amended by 2019 Wyoming Session Laws, Chapter 80, Section 323, 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)	\$1,650,000
7	Thermopolis, Town of (T)	\$2,000,000
8	Rawlins, City of (C)	\$ 780,000
9	Thermopolis, Town of (C)	\$2,500,000
10	Baggs SWDD (C)	\$2,250,000
11	Lingle, Town of (C)	\$ 350,000
12	Big Horn County SWDD – North #2 (C)	\$2,800,000
13	Newcastle, City of (C)	\$1,100,000
14	Lincoln County – Cokeville (C)	\$1,000,000
15	Uinta County Solid Waste – Bridger Valley (C)	\$4,000,000
16	LaGrange, Town of (C)	\$1,400,000
17	Moorcroft, Town of (C)	\$ 500,000
18	Upton, Town of (C)	\$1,500,000
19	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, bury 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 in subsection (c) of this section to the joint minerals, business and economic development interim committee.

Section 2. 2020 Wyoming Session Laws, Chapter 42 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 April 5, 2021.

Chapter 104

CLINICAL LABORATORY REGULATION

Original Senate File No. 47

AN ACT relating to professions and occupations; modifying the authority of clinical laboratories as specified; providing exceptions for the collection and testing of human specimens by clinical laboratories; requiring rulemaking authority; and providing for effective dates.

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

Section 1. W.S. 33-34-107(a) and by creating a new subsection (e) is amended to read:

33-34-107. Acceptance, collection, identification and examination of specimens.

(a) A clinical laboratory ~~shall~~ may examine human specimens ~~only~~ at the request of a licensed physician, dentist or other person authorized by law to use the findings of laboratory examinations. A clinical laboratory may examine human specimens at the request of any person for the purpose of testing and analysis and a licensed physician or other authorized person shall not be required to collect the specimens as provided under subsection (d) of this section.

(e) Subsection (d) of this section shall not apply to a direct to consumer test. For the purpose of this subsection and as further defined by the department of health, a "direct to consumer test" means a diagnostic device that is marketed directly to consumers, where the consumer initiates the testing process and collects their own human specimen for the purpose of testing and analysis by a clinical laboratory.

Section 2. The department of health shall promulgate rules and regulations necessary to implement this act on or before July 1, 2021.

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2021.

(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 April 5, 2021.

Chapter 105**ABANDONED VEHICLES-TOWING SERVICE LIENS AND TITLES****Original Senate File No. 13**

AN ACT relating to motor vehicle liens; amending procedures for abandoned vehicle liens; amending procedures for junk vehicle titles; clarifying use of fair market value for abandoned vehicles; establishing limits on fees; conforming provisions; and providing for an effective date.

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

Section 1. W.S. 29-7-101(b), 29-7-102 by creating a new subsection (e), 31-2-111 by creating a new subsection (e), 31-13-104(c) and (g)(iii), 31-13-108(a) and (b) and 31-13-109(a), (b)(intro), (i), (d)(intro), (i) and (g) are amended to read:

29-7-101. Persons entitled to lien; exception.

(b) W.S. 29-7-101 through 29-7-106 shall not apply where a lien is

provided by W.S. 34.1-7-209 and 29-7-301. A person engaging in self-storage operations whereby members of the public rent space from the person to store goods and chattels and retain control over access to the goods and chattels is not a warehouseman under W.S. 34.1-7-102(a)(viii) and is entitled to a lien under this section. A towing and recovery service as defined in W.S. 31-13-101(a)(xiv) is not a warehouse under W.S. 34.1-7-102(a)(xiii) and is entitled to a lien under this section.

29-7-102. Right of possession by lien claimant; termination thereof; removal of property without lienholder's consent; penalty therefor; filing of lien statement in lieu of possession.

(e) For a vehicle subject to a lien under this title:

(i) Within thirty (30) days from the date payment is due, the lien claimant shall send by certified mail, return receipt requested, to their last known address a notice of the intent to file, enforce and foreclose a lien to all persons known to claim an interest in the vehicle. The notice shall include:

(A) The information required under W.S. 29-7-105(b);

(B) The information required under W.S. 29-1-312(b); and

(C) The make, year, model, license plate number and state indicator if available, and vehicle identification number.

(ii) The duration of collectable storage fees shall not exceed one hundred eighty (180) days from the date service was completed unless notice of intent to file a lien was sent pursuant to this subsection and action to enforce and foreclose the lien has commenced;

(iii) "Vehicle" means as defined in W.S. 31-13-101(a)(ix).

31-2-111. Towing and recovery carrier junk vehicle certificate of title.

(e) An owner or agent of an establishment for towing and recovery services may apply for a junk certificate of title in accordance with this section for a vehicle that is wrecked, damaged, disabled or apparently inoperable, has a fair market value of less than two thousand dollars (\$2,000.00) and is subject to a storage lien under W.S. 29-7-101 through W.S. 29-7-106, provided:

(i) The towing and recovery services owner or agent provides a copy of the written notice pursuant to W.S. 29-7-105(b), including evidence the notice was sent by certified mail, in lieu of a copy of the notice required in paragraph (a)(iv) of this section; and

(ii) Within thirty (30) days of the postmarked date on the notice issued pursuant to W.S. 29-7-105(b), the vehicle's owner, a lienholder or the owner's or lienholder's insurance provider fails to reclaim the junk vehicle subject to a storage lien from the establishment for towing and recovery services by paying the charges of towing, storage and notice.

31-13-104. Abandonment on highway or property; removal; transportable homes; title to vehicle; notice of intent to impound; notice of towing.

(c) Any police officer who has reasonable grounds to believe that a vehicle has been abandoned may remove the vehicle, or cause it to be removed, at the expense of the owner to a place of impoundment designated by the county commissioners of the county in which the vehicle is impounded. Removal of an abandoned vehicle from private property by a police officer shall be upon the written request, upon a form prescribed by the department, of the owner or person in lawful possession or control of the property. The police department having jurisdiction shall immediately send a written report of the removal by a police officer to the sheriff of the county in which the vehicle is impounded, which report shall include a description of the vehicle, the date, time and place of removal, the grounds for removal, and place of impoundment of the vehicle. The sheriff of the county in which the vehicle is impounded shall submit the report provided by the police department to the department with a determination of the ~~retail~~fair market value of the vehicle as required in this subsection. Upon receipt of a report as provided, the department shall provide written notification to the vehicle owner of record and to lienholders of record, stating the grounds for removal by a police officer and the name of the place of impoundment of the vehicle. Notice shall not be required if the ~~retail~~fair market value of an abandoned vehicle removed by a police officer is less than two thousand dollars (\$2,000.00) as determined by the sheriff of the county in which the vehicle is impounded. As to vehicles not registered in this state, the department shall make a reasonable effort to notify the owner or any lienholder of removal by a police officer and the place of impoundment of the vehicle. The department shall forward a copy of the notice to the owner or person in charge of the place of impoundment of a vehicle removed by a police officer. As used in this subsection, "abandoned vehicle" means as defined in W.S. 31-13-101(a)(x)(A) and (B).

(g) Any towing and recovery service that tows a vehicle which is not otherwise under the control of a city, town or county and is defined as abandoned under W.S. 31-13-101(a)(x) shall:

(iii) Send, by certified mail, return receipt requested, notice to the latest known address of the vehicle owner and all lienholders of record, if identified by the department under paragraph (ii) of this subsection or by other means, which shall notify the owner and all lienholders that the vehicle has been towed and may be disposed of pursuant to this act. The notice shall be sent within three (3) business days of identifying of the latest known address of the vehicle owner and all lienholders of record.

31-13-108. Disposition of abandoned vehicles impounded by a police officer; payment of expenses; extinguishment of liens.

(a) As to vehicles impounded by a police officer having a ~~retail~~fair market

value of two thousand dollars (\$2,000.00) or more after thirty (30) days have elapsed from the date notice was given as provided in W.S. 31-13-106, the sheriff shall sell the vehicle and its contents, if any, at public auction to the highest bidder or cause an action to be filed pursuant to W.S. 31-13-112(e). Notice of the sale shall be published once in a newspaper of general circulation in the county where the vehicle is impounded not less than ten (10) days preceding the date of the sale, giving a full description of the vehicle together with engine or serial numbers or marks, if any, and the amount of money claimed to be due thereon and the time and place of sale. All expenses incident to the removal, preservation, custody, sale and storage of the vehicle shall be paid and any proceeds shall be distributed pursuant to W.S. 31-13-111. After any vehicle has been sold under this section, the former owner, any lienholder or person entitled to possession of the vehicle has no further right, title, claim or interest in or to the vehicle or its contents, and all liens, encumbrances and security interests are extinguished.

(b) As to vehicles having a retail-fair market value of less than two thousand dollars (\$2,000.00) and impounded by a police officer, they shall be disposed of by contract to persons licensed under W.S. 31-13-114 or by public auction.

31-13-109. Disposition of vehicles left unattended or unclaimed on private property and sold by the property owner or through a court action.

(a) A vehicle defined as abandoned under W.S. 31-13-101(a)(x)(C) may be sold by the owner or person in lawful control of the property on which the vehicle is left unattended or unclaimed at public auction to the highest bidder or may be sold following an action filed pursuant to W.S. 31-13-112(e). The thirty (30) day period begins on the first day the owner or person in lawful control of the property has knowledge the vehicle is left unattended or unclaimed without consent or after consent has expired. ~~For purposes of a vehicle left unattended without express consent or after consent has expired at an establishment for the service, repair, towing and recovery or maintenance of the vehicle, the thirty (30) day period begins on the day following the period when pursuant to an agreement the vehicle was to remain at the establishment.~~

(b) After the time period provided in subsection (a) of this section has expired, or within the time requirements provided in W.S. 31-13-104(g) for a towing and recovery service, the owner or person in lawful control of the property shall give a written report to the department on a form prescribed by the department containing the following information:

(i) A description of the make, year, model, license plate number and state indicator if available, and vehicle identification number of the vehicle;

(d) The owner or person in lawful control of the property shall give a written notice of sale after the thirty (30) day time period provided in subsection (a) of this section expires but not less than ten (10) days preceding the date of

sale to the sheriff of the county in which the vehicle is sold and by certified mail, return receipt requested, to the owner and any lienholder of record, if they are identified through reasonable efforts. The owner or person in lawful control of the property shall publish notice of the sale once per week for two (2) consecutive weeks in a newspaper of general circulation in the county where the vehicle is abandoned. The notice shall contain the following:

(i) A complete description of the make, year, model, license plate number and state indicator if available, and vehicle identification number of the vehicle;

(g) At any time ~~prior to~~ before a sale under this section, the owner or lienholder of record may reclaim the vehicle upon payment of expenses incident to removal, preservation, custody, storage and sale, and if a vehicle was left unattended or unclaimed at an establishment for service, repair, towing and recovery or maintenance, the cost of the services. Storage expenses shall be computed at the rate of twenty dollars (\$20.00) per day and the total allowable expenses for removal, towing, storage and sale shall not exceed ~~seven hundred sixty dollars (\$760.00)~~ one thousand dollars (\$1,000.00).

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

Approved April 5, 2021.

Chapter 106

LIMITING FIREARM SEIZURE AND REGULATION DURING EMERGENCIES

Original Senate File No. 155

AN ACT relating to homeland security; specifying additional limitations on the exercise of powers related to homeland security and states of emergency concerning firearms; and providing for an effective date.

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

Section 1. W.S. 19-13-104(e)(intro), (ii)(intro), (A), (C) and by creating new paragraphs (iii) through (vi) is amended to read:

19-13-104. Powers of governor generally; director, office of homeland security.

(e) With the exception of regulating governmental entities who engage in the activities described in this section or who operate an indoor or outdoor shooting range, nothing in this chapter shall be construed to confer upon the governor, the director, the executive heads or governing bodies of the political subdivisions of the state, sheriffs, chiefs of police or any employee or agent of the state or any governmental unit within the state the power to:

(ii) Impose additional restrictions as to the lawful possession, permitting, transfer, sale, carrying, storage, display or use of:

(A) Firearms or other personal weapons;

(C) Components of firearms, personal weapons or ammunition.

(iii) Close or limit the operating hours of any person or entity engaged in the lawful selling or servicing of any firearm, ammunition or other personal weapon, or any component thereof, unless the closing or limitation of operating hours applies equally to all forms of commerce within the jurisdiction of the state, political subdivision or governmental entity;

(iv) Close or limit the operating hours of any indoor or outdoor shooting range;

(v) Place restrictions or quantity limitations on any entity regarding the lawful sale or servicing of any firearm, ammunition or personal weapon, or any component thereof;

(vi) Suspend or revoke a permit to carry a concealed weapon issued pursuant to W.S. 6-8-104, unless the suspension or revocation is authorized and completed pursuant to W.S. 6-8-104.

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

Approved April 5, 2021.

Chapter 107

BOARD OF DENTAL EXAMINERS-AMENDMENTS

Original Senate File No. 109

AN ACT relating to dentists and dental hygienists; amending examination, fee and license requirements for the practice of dentistry; amending renewal license requirements and procedures; amending requirements to be established by the board of dental examiners; amending qualification and licensure requirements for dental hygienists; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 33-15-108(a) through (c) and (f), 33-15-109(a) and 33-15-120(a) and (c) are amended to read:

33-15-108. Licensing; qualifications; examinations; fees.

(a) Any person who has a background that does not evidence conduct adverse to the practice of dentistry or to the ability to practice dentistry, who has graduated and attained the degree of doctor of dental surgery or doctor of dental medicine from a college or university in the United States or Canada accredited by the commission on dental accreditation of the American Dental Association, may apply to the board to have the applicant's qualifications considered for licensure to practice dentistry. The applicant shall pass a written, and practical clinical and state examination in a manner satisfactory to that follows national standards as determined by rule of the board. ~~The~~

~~written examination shall consist of part I and part II of the national board of dental examinations administered by the joint commission on national dental examinations of the American Dental Association and an examination on the Wyoming Dental Practice Act and the rules and regulations of the board of dental examiners. The clinical practical examination shall be based on satisfactory completion of a clinical examination acceptable to the board.~~

(b) ~~The board shall may set the examination fee and all reexamination fees shall be the same as the current fee for the initial examination fees for initial examinations and reexamination. Fees shall be paid to the board office before the examination or reexamination. The fee shall be paid by money order, cashier's check or certified check any method designated by the board, and in no case shall the fee be refunded.~~

(c) ~~The applicant shall be informed in writing by certified mail of the results of his examination within thirty (30) days after the examination.~~

(f) ~~The board shall keep a record book in which is recorded records of the names and addresses of all applicants and such other matters as affords a full record of the actions of the board. The records or transcripts of the records, duly certified by the president and secretary of the board with the seal of the board attached, is prima facie evidence before all courts of this state of the entries therein.~~

33-15-109. Renewal license certificate.

(a) ~~On or before December 31 each of every second year, each dentist licensed to practice dentistry in this state and wishing to continue in the practice of dentistry shall submit a license renewal application with the applicable renewal fee. Any license granted by the board shall be cancelled after ten (10) days notice by registered mail expire if the holder fails to secure the renewal certificate within three (3) months after December 31 each year the date that the license renewal application is required to be submitted.~~

33-15-120. Dental hygienists; qualifications; examination; fees and license.

(a) ~~Any person who has a background that does not evidence conduct adverse to the practice of dental hygiene or to the ability to practice dental hygiene who is a graduate of a dental hygiene program accredited by the commission on dental accreditation of the American Dental Association, who has passed in a manner satisfactory to the board the dental hygiene national board examination administered by the joint commission on national dental examinations of the American Dental Association and who passes any clinical board accepted a written, clinical and state examination as determined by rule of the board may apply to the board to have the person's qualifications considered for licensure to practice dental hygiene. Applicants shall be required to pass a written examination satisfactory to the board.~~

(c) If the applicant successfully completes the requirements for licensure, the applicant shall be licensed as a dental hygienist. If the expanded duties applicant has successfully met the requirements for expanded duties, the applicant shall be certified in those expanded duties. The certificate issued by the board shall list the expanded duties which the hygienist is qualified and permitted to perform. On or before December 31 ~~each of every second~~ year, each dental hygienist licensed to practice dental hygiene and wishing to continue in the practice of dental hygiene shall submit a license renewal application with the applicable renewal fee. The renewal certificate shall be made available to the supervising dentist. Any license granted by the board shall ~~be cancelled after ten (10) days notice by registered mail expire~~ if the holder fails to secure the renewal certificate within three (3) months after ~~December 31 each year the date that the license renewal application is required to be submitted~~. Any license ~~cancelled that has expired~~ may be restored by the board upon payment of a fee set by the board, if paid by December 31 of the year the license was ~~cancelled expired~~.

Section 2. The provisions of this act shall apply to the 2021-2022 application cycle for the board of dental examiners.

Section 3. This act is effective July 1, 2021.

Approved April 5, 2021.

Chapter 108

INVESTMENT OF STATE NON-PERMANENT FUNDS

Original Senate File No. 120

AN ACT relating to public funds; adopting a risk profile standard for the investment of funds of the state which may be invested in equities including stocks; repealing specified maximum amounts of state nonpermanent funds which may be invested in equities including stocks; modifying requirements for investments of various state funds; authorizing the investment of additional state nonpermanent funds in stocks and equities; conforming language for distribution of investment earnings and making other conforming amendments; and providing for an effective date.

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

Section 1. W.S. 9-2-2304(b), 9-4-607(b), 9-4-715(p)(intro), by creating new paragraphs (x) through (xv), (q)(intro), (iii) and (r), 9-4-716(d)(i)(C) and by creating new subsections (e) and (f), 9-4-1203(b), 9-15-103(a) and (b), 14-8-106(a), 19-7-207(a), 19-7-401(b), 21-22-101(b), 21-23-202(b)(iii), 23-1-501(f), 33-36-115(a) and 34-24-124(b) are amended to read:

9-2-2304. Wyoming cultural trust fund established; corpus inviolate; investment by state treasurer.

(b) The monies deposited into the Wyoming cultural resources trust fund

established pursuant to this section are inviolate and constitute a permanent or perpetual trust fund. The monies shall be transmitted to the state treasurer for credit to the trust fund and shall be invested by the state treasurer as authorized ~~under W.S. 9-4-715(a), (d) and (e)~~ by law and in a manner to obtain the highest net return possible consistent with the preservation of the corpus. Any ~~interest earned~~ earnings from investment of the corpus of the trust fund shall be credited by the state treasurer into a separate account and distributed in accordance with W.S. 9-2-2307.

9-4-607. Wyoming transportation enterprise program.

(b) In addition to the distributions under subsection (a) of this section, ninety percent (90%) of the investment ~~income earned~~ earnings on monies deposited into the transportation trust fund shall be deposited in the transportation enterprise fund to be expended by the state loan and investment board pursuant to W.S. 11-34-131, as appropriated by the legislature. Ten percent (10%) of the investment ~~income earned~~ earnings on monies deposited into the transportation trust fund shall be retained by the transportation trust fund. The state treasurer shall invest the funds in the transportation trust fund as authorized by law in a manner to obtain the highest net return possible consistent with the preservation of the trust fund corpus.

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 in accordance with subsections (a) and (c) through (e) of this section and W.S. 9-4-716.~~ 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:

- (x) The state fair endowment account created by W.S. 11-10-118;
- (xi) The Wyoming children's trust fund created by W.S. 14-8-106;
- (xii) The Wyoming national guard youth challenge program endowment account created by W.S. 19-7-207;
- (xiii) The Wyoming military assistance trust fund created by W.S.

19-7-401;

(xiv) The Wyoming education trust fund created by W.S. 21-22-101;

(xv) The emergency medical services sustainability trust account created by W.S. 33-36-115.

(q) The state treasurer, or his designee, which shall be registered under the Investment Advisor's Act of 1940 as amended if required to be registered by the terms of that act as amended shall invest the legislative stabilization reserve account created in W.S. 9-4-219 in a manner to obtain the highest net return possible subject to the following:

(iii) After consultation with the budget division of the department of administration and information, ~~up to fifty-five percent (55%) of the unobligated, unencumbered balance of the legislative stabilization reserve account in excess of the amount specified in paragraph (ii) of this subsection, as calculated by the state auditor on October 1 of each fiscal year, may be invested in equities, including stocks of corporations. Investments under this paragraph shall be made in compliance with subsections (a) and (c) and (d) through (e) of this section and W.S. 9-4-716;~~

(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 subsections (a) and (c) through (e) of this section and 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 net return consistent with an appropriate level of safety and liquidity.

9-4-716. State investment policy; investment consultant.

(d) The board:

(i) Shall procure the services of a qualified entity to evaluate:

(C) At least annually or when market conditions warrant a change or reallocation of investments, the risks of investing state funds using the metrics specified in the investment policy statements pursuant to paragraph (b)(ix) of this section and the risk profile under subsection (e) of this section.

(e) In investing monies of a fund or account which may be invested in

stock of a corporation or other equities, the overall risk profile of the investments, excluding any specific public purpose investment authorized or directed by the legislature, shall not materially exceed the risk profile of a reference portfolio that consists of seventy percent (70%) global equities and thirty percent (30%) domestic fixed income investments. The state treasurer after consultation with the investment funds committee shall submit to the board the committee's recommendations of specific benchmarks for the measurement of the portfolio risk characteristics. The specific benchmarks shall be determined by the board. Any provision of law which restricts the investment of a specific fund or account to a greater degree than the provisions of this subsection shall control over this subsection.

(f) Investments made in accordance with this section and W.S. 9-4-715 and policies adopted pursuant to this section shall be deemed to satisfy provisions of law which require funds to be invested in a manner to obtain the highest net return consistent with preservation of principal or the corpus of a fund.

9-4-1203. Tobacco settlement trust fund established; corpus inviolate; investment by state treasurer.

(b) Funds deposited into the Wyoming tobacco settlement trust fund established pursuant to subsection (a) of this section are intended to be inviolate and constitute a permanent or perpetual trust fund which shall be invested by the state treasurer as authorized by law and in a manner to obtain the highest net return possible consistent with preservation of the corpus. Any earnings from investment of the corpus of the trust fund and all funds received by the state of Wyoming on or after March 15, 2002 as financial recovery under the terms of the master settlement agreement specified in paragraph (a)(i) of this section shall be credited by the state treasurer into a separate income account.

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

(a) A trust account is created to be known as the Wyoming wildlife and natural resource trust account. The trust account shall consist of those funds designated to the account by law and all monies received from federal grants and other contributions, grants, gifts, transfers, bequests and donations to the trust account. The trust account is specifically empowered to accept grants, gifts, transfers, bequests and donations including those which are limited in their purposes by the grantor. Title to any interest in any real property conveyed to the trust account shall be held in the name of the state of Wyoming and shall be administered by the board of land commissioners. Funds deposited within the trust account are intended to be inviolate and constitute a perpetual trust account which shall be invested by the state treasurer as authorized under W.S. 9-4-715(a), (d) and (e) by law and in a manner to obtain the highest net return possible consistent with preservation

of the account corpus.

(b) The state treasurer shall credit ~~annually~~ to a Wyoming wildlife and natural resource trust income account the ~~interest earned~~ earnings from investment of the trust account corpus. The legislature may, from time to time, appropriate funds directly to the income account for distribution in accordance with the terms of this act. Such specially appropriated funds shall be credited directly by the state treasurer to the income account and are available to the board for award of grants as otherwise permitted by this act.

14-8-106. Wyoming children's trust fund and income account; creation; source of funds.

(a) There is created the Wyoming children's trust fund. The fund shall be administered by the board and shall consist of monies appropriated or designated to the fund by law and all monies collected by the board pursuant to W.S. 14-8-105(a)(v) for credit to the trust fund. Funds deposited within the trust fund are intended to be inviolate and constitute a perpetual trust account. The state treasurer shall invest the account as authorized ~~under W.S. 9-4-715(a), (d) and (e)~~ by law and in a manner to obtain the highest net return possible consistent with the preservation of the trust fund corpus.

19-7-207. Wyoming national guard youth challenge program endowment account; administration; distributions; purposes.

(a) The Wyoming national guard youth challenge program endowment account is created. The state treasurer is authorized to accept cash gifts for the account. Funds within the account including all funds deposited to the account from any source are intended to be inviolate and constitute a permanent or perpetual trust fund. The state treasurer shall invest funds within the endowment account in accordance with law and in a manner to obtain the highest net return possible consistent with the preservation of the trust fund corpus. Fifty percent (50%) of investment earnings from funds in the endowment account shall be credited to the endowment account. Fifty percent (50%) of investment earnings shall be distributed in accordance with subsection (b) of this section.

19-7-401. Wyoming military assistance trust fund; establishment of trust fund; corpus inviolate; investment by state treasurer.

(b) The monies deposited into the trust fund established pursuant to this section are inviolate and constitute a permanent or perpetual trust fund. The monies shall be transmitted to the state treasurer for credit to the trust fund and shall be invested by the state treasurer as authorized ~~under W.S. 9-4-715(a), (d) and (e)~~ by law and in a manner to obtain the highest net return possible consistent with the preservation of the corpus. The ~~interest earned~~ earnings from investment of the corpus of the trust fund shall be annually credited by the state treasurer not later than June 30 of each year into a separate account and distributed in accordance with W.S. 19-7-402.

21-22-101. Trust fund established; corpus inviolate; investment by state treasurer.

(b) Funds deposited into the Wyoming education trust fund established pursuant to subsection (a) of this section are intended to be inviolate and constitute a permanent or perpetual trust fund which shall be invested by the state treasurer as authorized ~~under W.S. 9-4-715(a), (d) and (e) by law~~ and in a manner to obtain the highest net return possible consistent with preservation of the corpus. Any ~~interest earned~~ earnings from investment of the corpus of the trust fund shall be credited by the state treasurer into a separate account and distributed in accordance with W.S. 21-22-102.

21-23-202. Wyoming public television matching program; state treasurer to administer program accounts; matching payments; conditions; reversion of appropriations.

(b) The state treasurer shall administer the Wyoming public television endowment account and Wyoming public television matching funds account established under this article. The following shall apply:

(iii) Funds in the matching funds account shall remain inviolate and shall be invested by the state treasurer as authorized by law. Only the investment earnings from investments of the monies in the matching funds account may be distributed. The state treasurer shall distribute ~~income~~ earnings from the matching funds account to the community college commission quarterly. The community college commission shall distribute these funds together with other appropriated funds to the central Wyoming community college district board for the operations and programming of Wyoming public television pursuant to W.S. 21-18-105(b).

23-1-501. Game and fish fund.

(f) A trust account separate and apart from the trust account established under subsection (d) of this section is created within the Wyoming game and fish fund. The account shall consist of those funds appropriated or designated to the account by law or by gift from whatever source. Funds deposited within the account are intended to be inviolate and constitute a permanent or perpetual trust account which shall be invested by the state treasurer as authorized ~~under W.S. 9-4-715(a), (d) and (e) by law~~ and in a manner to obtain the highest net return possible consistent with preservation of the account corpus. Any ~~interest earned~~ earnings from investment of the account corpus shall be credited by the state treasurer into the Wyoming game and fish fund to be expended by the commission for purposes specified under subsection (b) of this section.

33-36-115. Emergency medical services sustainability trust account; account established; planning grants; implementation grants.

(a) A trust account is created to be known as the emergency medical

services sustainability trust account. The trust account shall consist of those funds designated to the account by law and all monies received from federal grants and other contributions, grants, gifts, transfers, bequests and donations to the trust account. The trust account is specifically empowered to accept grants, gifts, transfers, bequests and donations including those which are limited in their purposes by the grantor. Funds deposited within the trust account are intended to be inviolate and constitute a perpetual trust account which shall be invested by the state treasurer as authorized ~~under W.S. 9-4-715(a), (d) and (e)~~ by law and in a manner to obtain the highest net return possible consistent with preservation of the account corpus.

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

(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 net return possible consistent with the purposes of this act. Investment earnings from the account shall be deposited into the unclaimed property investment earnings account. There is continuously appropriated to the administrator from the 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 investment earnings earned on the unclaimed property account which 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.

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

Approved April 5, 2021.

Chapter 109

WYOMING GAMING COMMISSION-MODIFICATIONS AND CORRECTIONS

Original Senate File No. 56

AN ACT relating to gaming; codifying provisions governing skill based amusement games; modifying skill based amusement game laboratory reporting requirements; amending rulemaking authority of the Wyoming gaming commission; providing and amending definitions; providing for criminal background checks as specified; providing for application of the Wyoming Administrative Procedure Act; requiring applicable fees to be paid on an annual basis; allowing applicable taxes to be prepaid; requiring a report; repealing the sunset date applicable to skill based amusement games; providing a process and criteria for application approval, denial, revocation and suspension; providing a grace period for persons to comply with provisions of this act; requiring the Wyoming gaming commission to review previously submitted skill based amusement game applications; classifying peace officers employed by the Wyoming gaming commission as law enforcement officers under the Wyoming Retirement Act; conforming the definition of skill based amusement game and making other conforming amendments; repealing noncodified law; and providing for an effective date.

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

Section 1. W.S. 11-25-301 through 11-25-306 are created to read:

ARTICLE 3

SKILL BASED AMUSEMENT GAMES

11-25-301. Skill based amusement games authorization; commission authority; applicability.

(a) Skill based amusement games operating in the state in accordance with the provisions of 2020 Wyoming Session Laws, Chapter 114 shall be allowed to continue operation in accordance with the requirements of this article and rules of the commission.

(b) A skill based amusement game that meets the requirements of this article shall be approved by the commission to operate in the state or it shall be removed from the state by the vendor.

(c) The commission shall promulgate any necessary rules to administer and enforce this article. The rules may include provisions for the control, supervision, direction, discipline, suspension or fining of any person for violation of this article or rules adopted in accordance with this article.

11-25-302. Laboratory report required.

(a) Each vendor shall provide for a nationally recognized, independent gaming laboratory approved by the commission to 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 article. Any skill based amusement game that does not meet the requirements of this article shall immediately be removed from the state by the vendor.

(b) Any alterations, modifications or updates to the software or hardware of any skill based amusement game shall require the vendor to submit to the commission a new laboratory report as required under subsection (a) of this section before the game may be used for play at an establishment.

11-25-303. Restrictions on operation of skill based amusement games.

(a) No skill based amusement game shall allow a game play of more than three dollars (\$3.00) per play.

(b) No skill based amusement game shall allow a payout of more than three thousand dollars (\$3,000.00) per play.

(c) No establishment shall have more than four (4) skill based amusement games operating for play at any one (1) time.

(d) An operator 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 operator shall conspicuously mark each area of the establishment

containing a skill based amusement game as an age restricted area. The operator shall not allow a person under the age of twenty-one (21) years to play a skill based amusement game.

11-25-304. Required permits and licenses; applicable fees; tax imposition; taxation rate; distribution.

(a) Any person seeking to obtain or renew any license, permit or decal as required under this section shall submit an application to the commission on a form prescribed by the commission. Upon approval of an application by the commission:

(i) An operator shall be issued a permit and required to pay an annual fee of two hundred fifty dollars (\$250.00) to have skill based amusement games operating for play in the operator's establishment;

(ii) A vendor shall be issued a license and required to pay an annual fee of two thousand five hundred dollars (\$2,500.00) to possess and distribute skill based amusement games.

(b) Skill based amusement games that meet the requirements of this article shall bear a commission issued decal that identifies the vendor of the game. Each decal shall be valid for one (1) year. No skill based amusement game shall be operational unless it bears a current commission issued decal. The commission shall charge the vendor a fee of fifty dollars (\$50.00) for a decal. Each decal shall include the bucking horse and rider emblem.

(c) The fees required under subsections (a) and (b) of this section shall be paid on or before July 1 of each year and shall be deposited in the commission gaming account created under 2020 Wyoming Session Laws, Chapter 114 and hereby continued under this subsection. Funds within the account are continuously appropriated to the commission to pay for reasonable expenses incurred to administer this article.

(d) 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, the vendor shall remit to the commission an amount equivalent to twenty percent (20%) of the net proceeds earned during the prior week on the vendor's skill based amusement games. The taxes imposed under this subsection may be prepaid as provided by rule of the commission. The commission shall remit these monies to the state treasurer for deposit in the commission gaming account and for distribution of the tax 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.

11-25-305. Operator permit, vendor license and skill based amusement game decal approval; criteria; review.

(a) The commission shall, not more than sixty (60) days after the date of receipt of an application or application for renewal for an operator permit, vendor license or skill based amusement game decal under W.S. 11-25-304 either:

(i) Issue the permit, license or decal; or

(ii) Deny the application based on the grounds that the applicant failed to qualify as provided by subsection (b) of this section.

(b) The commission shall deny any application under this article upon finding any of the following:

(i) The applicant has been convicted of, forfeited bail on or pleaded guilty within ten (10) years before the date of filing the application to:

(A) A crime involving theft, dishonesty or fraud;

(B) Bribery or unlawfully influencing a public official;

(C) A felony involving physical harm to an individual; or

(D) Any other crime identified by commission rules that negatively impacts the applicant's credibility or the security, integrity or fairness of play of skill based amusement games operated by the applicant.

(ii) The applicant tampered with submitted documentation or concealed, failed to disclose or otherwise attempted to mislead the commission with respect to any material fact contained in the application or contained in any other information required of or submitted by an applicant to the commission;

(iii) The applicant failed or refused to cooperate in the investigation of a crime relating to gambling, corruption of a public official or any organized criminal activity;

(iv) The applicant failed to otherwise meet the requirements imposed under this article.

(c) Operators shall have a continuing duty to disclose in writing any material change in the information provided in the application to the commission, including:

(i) Changes to names and contact information;

(ii) Arrests, convictions, guilty pleas, disciplinary actions or license denials in Wyoming and any other jurisdiction;

(iii) Any civil action brought against the operator or establishment; and

(iv) Any other information required by commission rules.

(d) If the commission denies an application or intends to revoke or suspend a license or permit issued under this article, it shall notify the applicant, licensee or permittee in writing, stating the grounds for denial, revocation or suspension and informing the person of a right to submit, before not more than thirty (30) days, any additional documentation relating to the grounds of denial, revocation or suspension. Upon receiving any additional documentation, the commission shall reconsider its decision and inform the applicant before not more than twenty (20) days of the result of the reconsideration. A denial of an application under this article shall be subject to the contested case procedures of the Wyoming Administrative Procedure Act.

11-25-306. Penalties.

Any person who violates any provision of this article 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.

Section 2. W.S. 6-7-101(a)(iii)(M), (xi) and (xiii), 7-19-106(a) by creating a new paragraph (xxxiv), 7-19-201(a)(vi), 9-3-402(a)(xviii), 11-25-102(a)(i), (v), (viii), (xiv) and by creating new paragraphs (xvi) through (xx), 11-25-104(b) and (k), 33-1-202(a)(i) and (ii)(intro), 33-1-301(a), 33-1-302(a)(intro) and (vii), 33-1-303(a)(intro) and 33-1-304(a)(intro) and (c)(intro) are amended to read:

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:

(M) Activities authorized by the Wyoming gaming commission pursuant to law under title 11, chapter 25 of the Wyoming statutes.

(xi) “Charitable or nonprofit organization” means an organization recognized as a charitable or nonprofit organization under Wyoming statutes and which possesses a valid exemption from federal income tax issued by the Internal Revenue Service under the provisions of 26 U.S.C. § 501(c) and political parties organized under the law of Wyoming and exempt from federal income tax issued by the Internal Revenue Service under the provisions of 26 U.S.C. § 527;

(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 means as defined by W.S. 11-25-102(a)(xix).

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:

(xxxiv) The Wyoming gaming commission.

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 or if required under W.S. 11-25-104(k);~~

9-3-402. Definitions.

(a) As used in this article:

(xviii) “Law enforcement officer” or “officer” means any member who is a county sheriff, deputy county sheriff, municipal police officer, duly authorized investigator of the Wyoming livestock board meeting the specifications of W.S. 7-2-101(a)(iv)(E), duly authorized personnel of the Wyoming gaming commission meeting the specifications of W.S. 7-2-101(a)(iv)(P), investigator employed by the Wyoming state board of outfitters and professional guides meeting the specifications of W.S. 7-2-101(a)(iv)(J), Wyoming correctional officer, probation and parole agent employed by the Wyoming department of corrections, Wyoming law enforcement academy instructor, University of Wyoming campus police officer, community college police officer, detention officer or dispatcher for law enforcement agencies;

11-25-102. Definitions.

(a) As used in this act:

(i) “Breeder award” means monies collected pursuant to W.S. ~~11-25-105(j)~~ 11-25-201(j) and distributed by the commission to promote the improved breeding and development of the horse industry in Wyoming. Breeder awards may include purse enhancement of Wyoming bred races;

(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~~ 11-25-203, 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;

(viii) “This act” means W.S. 11-25-101 through ~~11-25-113~~ 11-25-306;

(xiv) “Source market fee” means a license fee, assessed by the commission pursuant to W.S. ~~11-25-105(m)~~ 11-25-201(m), payable by out-of-state simulcast facilities that conduct pari-mutuel wagering on simulcast races and that accept wagers from Wyoming residents by telephone or other electronic means at those facilities.

(xvi) “Establishment” means a single physical place of business;

(xvii) “Operator” means a person who possesses and operates an establishment where skill based amusement games may be played for profit;

(xviii) “Skill” means a player’s knowledge, dexterity or any other ability or expertise relevant to game play;

(xix) “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. “Skill based amusement game” shall not include any game played for prizes of nominal value as provided by rule of the commission;

(xx) “Vendor” means a person who owns and distributes a skill based amusement game to an operator for profit.

11-25-104. Gaming commission; officers; director; meetings; quorum; records; licenses generally; effect of financial interest in events.

(b) The commission shall hold an annual fall meeting in Wyoming and shall hold special meetings at such times and places within Wyoming as the majority of the members determine. A majority of the commission constitutes a quorum and a majority vote of a quorum may act for the commission. The secretary of the commission shall keep a record of the proceedings of the commission which is open at all times for public inspection. Legislative liaisons shall be considered members of the governing body of the commission for purposes of attending executive sessions held pursuant to W.S. 16-4-405(a) only.

(k) The commission ~~is authorized to~~ shall access criminal history record information for all operators and vendors under chapter 3 of this article and all licensees, permittees and employees of the commission under W.S. 9-1-627(d) for the purposes of this act. Every applicant for a permit or license under this act shall provide the commission fingerprints and other information necessary for a criminal history record background check as provided under W.S.

7-19-201.

33-1-202. Disposition of fees and interest.

(a) Except as otherwise specifically provided by statute:

(i) All fees and monies received and collected by the boards or commissions under this title and under W.S. ~~11-25-105(d)~~ 11-25-201(d), 21-2-802(d) and 23-2-414(d) shall be deposited into the state treasury and credited to each board's or commission's respective account as created by statute;

(ii) The interest on all fees and monies collected by the boards or commissions under this title and under W.S. ~~11-25-105(d)~~ 11-25-201(d), 21-2-802(d) and 23-2-414(d) shall be credited as follows:

33-1-301. Purpose and scope.

(a) The purpose of this article is to establish procedures for the operation of boards authorized to establish examination, inspection, permit or license fees for any profession or occupation regulated under this title or under W.S. ~~11-25-105-11-25-201~~, 21-2-802 and 23-2-414.

33-1-302. Duties of licensure boards.

(a) Except as otherwise specifically provided by statute, a board authorized to establish examination, inspection, permit or license fees for any profession or occupation regulated under this title or under W.S. ~~11-25-105-11-25-201~~, 21-2-802 or 23-2-414 shall:

(vii) Compensate each member for per diem and mileage for attending and traveling to and from meetings, hearings and other activities necessary in the performance of the duties of the office in the same manner and amount as members of the Wyoming legislature. Members who are state employees that receive compensation from their employers for activities performed pursuant to this title or under W.S. ~~11-25-105-11-25-201~~, 21-2-802 or 23-2-414 shall not receive additional compensation but shall receive mileage and per diem as provided under this paragraph if they are not reimbursed by their employers;

33-1-303. Powers of licensure boards.

(a) Except as otherwise specifically provided by statute, a board authorized to establish examination, inspection, permit or license fees for any profession or occupation regulated under this title or under W.S. ~~11-25-105-11-25-201~~, 21-2-802 or 23-2-414 may:

33-1-304. Considering criminal convictions.

(a) Except as specifically required by its licensure, certification or registration statutes, every board, commission, commissioner or authority authorized to establish examination, inspection, permit, license, certification or registration requirements or fees for any profession or occupation regulated under this title or under W.S. 7-4-211, ~~11-25-105-11-25-201~~, 15-5-103, 17-4-406, 21-2-802,

23-2-414, 26-4-101 or 40-22-109 and who considers criminal convictions as part of its regulatory duties shall not consider prior convictions that do not affect the practice of the profession or occupation or the ability to practice the profession or occupation regulated by the board, commission, commissioner or authority. Specifically, the board, commission, commissioner or authority may cite as state policy the following:

(c) No board, commission, commissioner or authority authorized to regulate through licensure, certification or registration a profession or occupation under this title, or under W.S. 7-4-211, ~~11-25-105~~11-25-201, 15-5-103, 17-4-406, 21-2-802, 23-2-414, 26-4-101 or 40-22-109, shall consider evidence of any conviction more than twenty (20) years old, or for a lesser period of time if expressly provided by statute, when analyzing a person's criminal history pursuant to the board's, commission's, commissioner's or authority's regulatory duties, except when:

Section 3. Any person who by operation of this act is required to reapply to the Wyoming gaming commission to retain a permit, license or other type of authorization required to continue to sell, distribute or operate a skill based amusement game in Wyoming shall have a period of six (6) months after the effective date of this act to complete any act required by this act or rule of the Wyoming gaming commission. No permit, license or other type of required authorization shall be denied or revoked without the commission complying with W.S. 11-25-305(d) as created under section 1 of this act.

Section 4. Any application submitted to the Wyoming gaming commission on or before June 1, 2020, seeking to possess, distribute or operate a skill based amusement game in accordance with 2020 Wyoming Session Laws, Chapter 114, which application was denied by the commission, shall again be reviewed by the commission to determine whether the applicant may be authorized to operate or distribute skill based amusement games in accordance with the requirements of title 11, chapter 25, article 3, as created by section 1 of this act and rules of the commission. The review required under this section shall be conducted for any application submitted to the commission regardless of whether the commission determined the application was incomplete and failed to meet the deadline imposed under 2020 Wyoming Session Laws, Chapter 114 unless an applicant affirmatively notifies the commission that he does not wish for his application to be reconsidered. For any application being reviewed under this section, the commission is authorized to require the applicant to provide additional information to complete any previously submitted application. No applicant shall be charged any fee for the review required under this section, nor shall an additional laboratory report be required for any skill based amusement game that remains in the same physical and functional state for which a qualified laboratory report was already submitted to the commission. A denial of an application under this section shall be subject to the contested case procedures of the Wyoming Administrative Procedure Act.

Section 5. W.S. 11-25-105 through 11-25-113 are renumbered as W.S. 11-25-201 through 11-25-209.

Section 6. 2020 Wyoming Session Laws, Chapter 114 is repealed.

Section 7. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved April 5, 2021.

Chapter 110

COVID-19 BUSINESS RELIEF PROGRAMS AGRICULTURE

Original Senate File No. 50

AN ACT relating to emergency expenses of government related to business relief; providing funding for grants to agriculture businesses impacted by COVID-19; providing an appropriation of federal CARES Act or other similarly purposed funds; and providing for an effective date.

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

Section 1. As used in this section, “agriculture business” means a business that is engaged in farming or ranching and produces livestock, feed, produce or other food items normally grown or raised by ranchers or farmers.

Section 2. There is appropriated to the Wyoming business council an amount determined by the legislature from any federal CARES Act funds to be used for grants to agriculture businesses. To the extent allowed by federal law, these grants shall be distributed to producers based on the number of livestock owned or acres of crops produced by the producer. The amount granted shall take into account the relative value of the livestock or crops. Grants in this program shall require a testament or other substantiation from the producer that the producer incurred a loss due to COVID-19 and shall be subject to any audits necessary to ensure compliance with the terms of the grant. If a COVID-19 relief account or other similarly named account is created for the deposit of COVID-19 related emergency response funds, this appropriation shall be made from that account. Except as provided in this section, the funds appropriated under this section shall only be expended for making the grants authorized by this act and consistent with the terms of the federal gift, grant or appropriation from which the funds originate. Any unexpended, unobligated funds remaining from this appropriation on December 30, 2021 shall revert as provided by law.

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 April 5, 2021.

Chapter 111**LIVESTOCK IDENTIFICATION CHOICE ACT****Original House Bill No. 229**

AN ACT relating to agriculture, livestock and other animals; codifying federal animal identification methods for Wyoming livestock as specified; providing exclusion; providing rulemaking authority; and providing for an effective date.

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

Section 1. W.S. 11-18-117(a), (b), by creating new subsections (c) and (d) and by amending and renumbering (c) and (d) as (e) and (f) is amended to read:

11-18-117. Confidentiality of livestock premises and identification records; penalties.

(a) Except as provided by subsection (b) of this section, all records, data and information collected by the state, recorded or otherwise, for the purposes of a ~~national~~ livestock identification program shall be confidential and are not public records for purposes of W.S. 16-4-201 through 16-4-205. The records, data and information shall be released only upon order of the Wyoming livestock board to appropriate governmental agencies for the purposes of a ~~national~~ livestock identification program, disease outbreak or law enforcement investigation. The board shall not release any records, data or information to a federal agency until the agency confirms in writing that it will maintain the records, data and information as confidential and that they are not subject to the federal Freedom of Information Act, 5 U.S.C. § 552, as amended. Upon release by the board of any information to any other governmental entity, the board shall notify the person to whom the information refers or pertains that the release has been made, the name of the entity to whom the information was released and shall provide a copy or summary of the information contained in the release. The records, data and information shall not be subject to discovery or introduction into evidence in any civil action.

(b) The Wyoming livestock board may release information collected for the purposes of a ~~national~~ livestock identification program related to the ownership and location of individual animals to the extent the information is useful in controlling or preventing a disease outbreak or to show particular animals or herds are not involved in a disease outbreak. The information released may be a public release or may be limited to specific individuals with a need to know the information, as the livestock board deems the circumstances require.

(c) For the purposes of animal disease traceability, Wyoming livestock owners may choose to identify animals using any methods set forth in 9 C.F.R. part 86, as adopted on January 9, 2013, as well as any additional methods that are later approved by the Wyoming livestock board as "official identification".

(d) Nothing in this section shall be construed to limit or amend the brucellosis surveillance or testing program administered by the state.

~~(c)~~(e) A person who knowingly provides false information to the Wyoming livestock board for purposes of a ~~national~~ livestock identification program shall be guilty of a misdemeanor punishable by a fine of up to one thousand dollars (\$1,000.00), imprisonment for up to six (6) months, or both.

~~(d)~~(f) A person who refuses to provide to the livestock board information that is required under the authority of the livestock board for purposes of a mandatory ~~national~~ livestock identification program shall be guilty of a misdemeanor punishable by a fine of up to one thousand dollars (\$1,000.00), imprisonment for up to six (6) months, or both.

Section 2. The Wyoming livestock board and state veterinarian shall promulgate any 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 April 6, 2021.

Chapter 112

COAL FIRED GENERATION FACILITY CLOSURES-LITIGATION FUNDING

Original House Bill No. 207

AN ACT relating to the administration of government; providing legislative findings; providing an appropriation for the purpose of commencing and prosecuting lawsuits against states and other states' state entities as specified; creating an account as specified; requiring reports; and providing for an effective date.

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

Section 1.

(a) The legislature finds that:

- (i) Wyoming is the largest producer of coal in the United States;
- (ii) The production, sale and consumption of coal contributes greatly to Wyoming's economy, contributing millions of dollars in taxes and other revenues annually to the state of Wyoming;
- (iii) The state of Wyoming and the coal industry have worked together for years to develop Wyoming's coal in a safe, clean and responsible manner in order to provide clean and reliable coal that can be exported and utilized for the nation's energy needs;
- (iv) The export of coal is vital to interstate commerce, the global economy,

the economic and proprietary interests of the state of Wyoming and the economic interests of Wyoming citizens;

(v) Other states in the United States have enacted and enforced laws that have had the result of greatly curtailing the demand for and export of Wyoming coal. As a result, Wyoming's coal production has decreased, and Wyoming's coal-fired electric generation facilities are forced into early retirement, harming the state of Wyoming and its citizens;

(vi) The enactment and enforcement of laws by other states transitioning to the use of other forms of energy impede Wyoming's ability to export Wyoming coal to other states and countries and disproportionately impact Wyoming's coal-fired electric generation facilities. These laws may impermissibly burden interstate commerce and may be contrary to federal law regulating the wholesale sale and transmission of electric energy in interstate commerce;

(vii) The commencement and prosecution of lawsuits to challenge state laws restricting the import of Wyoming coal into their states or the use of coal in the production of electricity is necessary to minimize and eliminate further harm of serious magnitude to the economic and proprietary interests of Wyoming and its citizens and to remove barriers preventing Wyoming from engaging in interstate commerce;

(viii) The economic interests of Wyoming and its citizens will continue to be harmed if other states continue to enact and enforce laws that restrict Wyoming's ability to engage in interstate commerce and in compliance with federal law concerning the interstate sale and transmission of electricity.

Section 2. There is appropriated one million two hundred thousand dollars (\$1,200,000.00) from the general fund to the office of the governor for purposes of commencing and prosecuting lawsuits against other states and other states' agencies that enact and enforce laws, regulations or other actions that impermissibly impede Wyoming's ability to export coal or that cause the early retirement of coal-fired generation facilities located in Wyoming. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2030. 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, 2030. There is created an account within the office of the governor into which the funds appropriated under this section as created by this act shall be deposited. The funds in the account shall be continuously appropriated to the office of the governor for the purposes of funding any litigation expenses incurred in accordance with this act.

Section 3.

(a) On or before October 1, 2021 and each year thereafter until October 1, 2030, the governor and the attorney general shall report to the joint

appropriations committee and the joint minerals, business and economic development interim committee on:

(i) The expenditure of any funds appropriated in section 2 of this act for litigation to challenge laws or other actions that impede the export of Wyoming coal or the continued operation of Wyoming's coal-fired electric generation facilities, including early retirements of those facilities;

(ii) The status of any litigation initiated or concluded using the funds appropriated in section 2 of this act. The governor and attorney general may present the information required by this paragraph in executive session;

(iii) Any recommendations for further legislation necessary to effectuate the purposes of this act or for additional funding for litigation related to the purposes of this act.

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

Approved April 6, 2021.

Chapter 113

CONCEALED CARRY-RESIDENCY REQUIREMENT-2

Original House Bill No. 116

AN ACT relating to concealed weapons; removing the state residency requirement for a person carrying a concealed firearm without a permit who meets the other statutory criteria; and providing for an effective date.

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

Section 1. W.S. 6-8-104(a)(iv) is amended to read:

6-8-104. Wearing or carrying concealed weapons; penalties; exceptions; permits.

(a) A person who wears or carries a concealed deadly weapon is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment in the county jail for not more than six (6) months, or both for a first offense, or a felony punishable by a fine of not more than two thousand dollars (\$2,000.00), imprisonment for not more than two (2) years, or both, for a second or subsequent offense, unless:

(iv) The person does not possess a permit issued under this section, but is a resident of the United States and otherwise meets the requirements specified in paragraphs ~~(b)(i)~~ (b)(ii) through (vi), (viii) and (ix) of this section and possession of the firearm by the person is not otherwise unlawful.

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

Approved April 6, 2021.

Chapter 114

VOTER IDENTIFICATION

Original House Bill No. 75

AN ACT relating to elections; modifying the definition of acceptable identification; requiring that acceptable identification be presented before voting in person; providing that provisional ballots may be cast as specified; providing that in person voters may be challenged for failure to present acceptable identification; modifying requirements of the department of transportation related to identification cards 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. 22-1-102(a)(xxxix), 22-2-119, 22-3-118(a)(i) and (ii), 22-15-104(a) by creating a new paragraph (vi), 31-8-103(d) and 31-8-104 are amended to read:

22-1-102. Definitions.

(a) The definitions contained in this chapter apply to words and phrases used in this Election Code and govern the construction of those words and phrases unless they are specifically modified by the context in which they appear. As used in this Election Code:

(xxxix) "Acceptable identification" means:

(A) For purposes of voter registration, one (1) of the identification documents or other proof of identity as specified by rule of the secretary of state as adequate proof of the identity of a voter;

(B) For purposes of in person voter identification immediately before voting at a polling place or absentee polling place, any of the following:

(I) A Wyoming driver's license as defined by W.S. 31-7-102(a)(xxv);

(II) 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;

(III) A Wyoming identification card issued under W.S. 31-8-101;

(IV) A valid United States passport;

(V) A United States military card;

(VI) A driver's license or identification card issued by any state or outlying possession of the United States;

(VII) Photo identification issued by the University of Wyoming, a Wyoming community college or a Wyoming public school;

(VIII) A valid Medicare insurance card. This subdivision is repealed effective December 31, 2029;

(IX) A valid Medicaid insurance card. This subdivision is repealed effective December 31, 2029.

22-2-119. Qualified elector may vote; acceptable identification requirement; provisional ballots.

Except as specifically provided otherwise, a person may vote only if ~~he~~ the person is a qualified elector, ~~and~~ only in the precinct in which ~~he~~ the person resides and, if voting in person, only if the person presents acceptable identification immediately before voting at the polling place or absentee polling place. If a person is unable to present acceptable identification immediately before voting at the polling place or absentee polling place, the person may vote by provisional ballot pursuant to W.S. 22-15-105.

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:

(i) ~~Voting in person or by mail~~ absentee ballot after having registered in person; or

(ii) ~~Voting in person or by mail~~ absentee ballot after having registered by mail and having submitted a copy of the person's acceptable identification, as set forth in W.S. 22-1-102(a)(xxxix)(A), at the time of registration.

22-15-104. Grounds for challenge.

(a) A person offering to vote may be challenged for the following reasons:

(vi) For in person voting, failure to present acceptable identification immediately before voting at the polling place or absentee polling place.

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

(d) The division shall send 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. The notification shall conspicuously advise registrants of the requirement that in person voters present acceptable identification immediately before voting at the polling place or absentee polling place and that an identification card is a form of acceptable identification. 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. This fee shall be waived if the applicant requests an identification card that shall be used only for voter identification purposes. 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.

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

Approved April 6, 2021.

Chapter 115

VEHICLE TITLES FOR NONRESIDENT OWNERS

Original House Bill No. 190

AN ACT relating to vehicle certificates of title; authorizing nonresident business entities to title vehicles in the state as specified; and providing for an effective date.

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

Section 1. W.S. 31-2-101 by creating a new subsection (c) and 31-2-102(a)(iii) are amended to read:

31-2-101. Required application; resident and nonresident applications.

(c) Any nonresident person registered as a business entity under the laws of another state in the United States and who operates a vehicle in this state for business or commercial purposes for which no Wyoming certificate of title has been issued may apply for a certificate of title for that vehicle at the office of a county clerk, or if available, electronically.

31-2-102. Exemptions.

(a) No certificate of title shall be issued for:

(iii) Vehicles of nonresident owners titled in another state, except as authorized by W.S. 31-2-101(c);

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

Approved April 6, 2021.

Chapter 116

HOMICIDE AMENDMENTS

Original Senate File No. 96

AN ACT relating to crimes and offenses; creating new offenses for first and second degree murder; providing a definition; providing penalties; 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) by creating a new paragraph (xviii) and by renumbering (xviii) as (xix), 6-2-101 by creating a new subsection (d), 6-2-104 and 6-2-109 are amended to read:

6-1-104. Definitions.

(a) As used in this act, unless otherwise defined:

(xviii) “Unborn child” means a member of the species homo sapiens, at any state of development, who is carried in a womb;

(~~xviii~~)(xix) “This act” means title 6 of the Wyoming statutes.

6-2-101. Murder in the first degree; penalty.

(d) A person is guilty of murder in the first degree of an unborn child, punishable as provided for other convictions of murder in the first degree, if:

(i) The person purposely and with premeditated malice, or in the perpetration of, or attempt to perpetrate, any sexual assault, sexual abuse of a minor, arson, robbery, burglary, escape, resisting arrest, kidnapping or abuse of a child under the age of sixteen (16) years, kills or attempts to kill any human being;

(ii) The human being was pregnant with an unborn child; and

(iii) The unborn child dies as a result of the person’s actions.

6-2-104. Murder in the second degree; penalty.

(a) Except as provided in W.S. 6-2-109, whoever purposely and maliciously, but without premeditation, kills any human being is guilty of murder in the second degree, and shall be imprisoned in the penitentiary for any term not less than twenty (20) years, or during life.

(b) A person is guilty of murder in the second degree of an unborn child if:

(i) The person purposely and maliciously, but without premeditation, kills or attempts to kill any human being;

(ii) The human being was pregnant with an unborn child; and

(iii) The unborn child dies as a result of the person’s actions.

(c) A person guilty of murder in the second degree of an unborn child shall be imprisoned in the penitentiary for any term not less than twenty (20) years, or during life.

6-2-109. Sentencing enhancement for the homicide of a pregnant woman.

(a) Upon sentencing of a defendant who is convicted of an offense pursuant to W.S. ~~6-2-104~~6-2-104(a), 6-2-105 or 6-2-108, if the jury has found that the victim was pregnant at the time of the commission of the offense and that the defendant knew that the victim was pregnant at the time of the commission of the offense, the court shall impose a sentence as follows:

(i) For a conviction of W.S. ~~6-2-104~~ 6-2-104(a), imprisonment in the penitentiary for any term not less than forty (40) years, or during life; or

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

Approved April 6, 2021.

Chapter 117

SLAYER RULE-AMENDMENTS

Original Senate File No. 66

AN ACT relating to wills, decedents' estates and probate code; specifying that taking the life of another precludes rights of survivorship and payable on death benefits; specifying the order in which benefits accrue as between the deceased and the person who caused the death; and providing for an effective date.

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

Section 1. W.S. 2-14-101(a), (c) and by creating new subsections (d) and (e) is amended to read:

2-14-101. Taking of life precludes one from inheritance, insurance or survivorship benefits; how benefits distributed; notification of insurer necessary.

(a) No person who feloniously takes or causes or procures another to take the life of another shall:

(i) Inherit from or take by devise or legacy from the deceased person any portion of his estate;

(ii) Inherit, receive or otherwise take any property held with the deceased person in a joint tenancy with rights of survivorship, tenancy by the entirety or any other form of co-ownership with rights of survivorship;

(iii) Inherit, receive or otherwise take any property conveyed by the deceased person by beneficiary designation, transfer on death designation, payable on death designation or other conveyance that occurs because of the death of the deceased person;

(iv) Serve through nomination, appointment or otherwise in any fiduciary or representative capacity for the deceased person, including as a personal representative, executor, trustee or agent. Any provision in a governing instrument conferring any power of appointment on the killer shall be deemed to have been terminated at the time immediately preceding the killing of the deceased person.

(c) Except as provided in subsection (d) of this section in every instance mentioned in this section all benefits that would accrue to any such person the killer upon the death of the person whose life is taken shall become subject to distribution among the other beneficiaries or heirs of the deceased person according to the will, trust or other valid dispositive instrument of the deceased person as though the killer has predeceased the deceased person, or if no such valid instrument exists, according to the rules of descent and distribution.

However, an insurance company is discharged of all liability under a policy issued by it upon payment of the proceeds in accordance with the terms thereof unless before payment the company receives written notice by or in behalf of some claimant other than the beneficiary named in the policy that a claim to the proceeds of the policy will be made by heirs of the deceased under the provisions of this section.

(d) For purposes of paragraph (a)(ii) of this section, the interests of the deceased person and the killer in property held by them at the time of the killing as joint tenants with the right of survivorship, tenants by entirety or any other form of co-ownership with rights of survivorship shall be deemed to have been terminated at the time immediately preceding the killing of the deceased person and the interests of the deceased person and the killer shall be recognized as tenancies in common.

(e) As used in this section, “killer” means the person who feloniously takes or causes or procures another to take the life of another person as provided in subsection (a) 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 April 6, 2021.

Chapter 118

PUBLIC HEALTH EMERGENCIES-IMMUNITY AMENDMENTS

Original Senate File No. 19

AN ACT relating to public health and safety; specifying the assumption of risk for exposure to or contracting COVID-19; defining terms related to the assumption of risk for COVID-19; amending provisions related to immunity from civil liability for actions and omissions during the public health emergency declared for COVID-19; amending time period for which the worker's compensation program covers COVID-19 infections; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 1-1-141 is created to read:

1-1-141. COVID-19 exposure and illness; assumption of the risk.

(a) As used in this section:

(i) “Claimant” means any person or estate of a person seeking recovery of damages in a COVID-19 liability claim;

(ii) “COVID-19” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and any mutation or viral fragments thereof or any disease or condition caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) that was the subject of the public health emergency declared by the

governor under W.S. 35-4-115(a)(i) on March 13, 2020;

(iii) “COVID-19 liability claim” means a cause of action for:

(A) The transmission, infection, exposure or potential exposure of COVID-19 to a claimant:

(I) At any health care facility or on any person’s or entity’s premises that resulted in injury to or death of the claimant; or

(II) Caused by the actions of any health care provider or other person that resulted in injury to or death of the claimant.

(B) Acts or omissions by a health care facility or provider in arranging for or providing health care services or medical care to the claimant that resulted in injury to or death of the claimant, or where the response to COVID-19 reasonably interfered with the arranging for or the providing of health care services or medical care for the claimant; or

(C) Manufacturing, labeling, donating or distributing personal protective equipment or sanitizer that is directly related to the provision of personal protective equipment or sanitizer to the claimant by any person or entity during the public health emergency declared under COVID-19 that departs from the normal manufacturing, labeling, donating or distributing of personal protective equipment by an entity and that proximately causes injury to or the death of the claimant.

(iv) “Personal protective equipment” means equipment worn to minimize exposure to hazards that cause injury or illness, including gloves, masks, face shields, safety glasses, shoes, earplugs, muffs, respirators, coveralls, vests and full body suits;

(v) “Sanitizer” means any substance generally used to decrease infectious agents including viruses on the body, objects or other spaces that receive human contact.

(b) Subject to subsection (c) of this section, in any action involving a COVID-19 liability claim against a person or entity, there shall be a rebuttable presumption that the claimant accepted and assumed the risk of catching COVID-19 if the claimant entered the premises of another person or entity.

(c) The assumption of risk specified in subsection (b) of this section shall not apply to acts or omissions constituting gross negligence or willful or wanton misconduct.

(d) Nothing in this section shall be construed to limit or restrict the immunity available in W.S. 35-4-114(d) or any other immunity available under law.

Section 2. W.S. 27-14-102(a)(xi)(A), 35-4-114(a) and by creating new subsections (d) and (e) are 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:

(A) Any illness or communicable disease unless the risk of contracting the illness or disease is increased by the nature of the employment. For the period beginning January 1, 2020 through ~~December 30, 2020~~ March 31, 2022 unless otherwise extended by the legislature, if any employee in an employment sector for which coverage is provided by this act is infected with the COVID-19 Coronavirus, it shall be presumed that the risk of contracting the illness or disease was increased by the nature of the employment;

35-4-114. Immunity from liability.

(a) During a public health emergency as defined by W.S. 35-4-115(a)(i) and subject to subsection (d) of this section, any health care provider or other person, including a business entity, who in good faith follows the instructions of a state, city, town or county health officer or who acts in good faith in responding to the public health emergency is immune from any liability arising from complying with those instructions or acting in good faith. This immunity shall apply to health care providers who are retired, who have an inactive license or who are licensed in another state without a valid Wyoming license and while performing as a volunteer during a declared public health emergency as defined by W.S. 35-4-115(a)(i). This immunity shall not apply to acts or omissions constituting gross negligence or willful or wanton misconduct.

(d) Any health care provider, person or entity shall be immune from liability for damages in an action involving a COVID-19 liability claim unless the person seeking damages proves that the health care provider, person or entity took actions that constitutes gross negligence or willful or wanton misconduct. Nothing in this subsection shall be construed to limit any other immunity available under law, including the immunity provided in subsection (a) of this section. As used in this subsection, “COVID-19 liability claim” means as defined by W.S. 1-1-141(a)(iii).

(e) Any acts or omissions constituting the basis of a COVID-19 liability claim as defined by W.S. 1-1-141(a)(iii) shall be stated with particularity and shall be proven by clear and convincing evidence.

Section 3. Notwithstanding W.S. 35-4-114(d), as created by Section 2 of this act, this act shall apply to all actions and omissions that cause injury occurring on and after the effective date of this act.

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

Approved April 6, 2021.

Chapter 119

ANIMAL IMPOUND PROCEEDINGS - BOND AND DISPOSITION

Original Senate File No. 25

AN ACT relating to crimes and offenses; amending enforcement provisions; providing for the possession and care of impounded animals as a result of charges; amending provisions relating to the cost and disposition of impounded animals; providing alternative processes as specified; providing for an expedited court hearing; and providing for effective dates.

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

Section 1. W.S. 6-3-1001 is created to read:

6-3-1001. Impounding and forfeiture hearing.

(a) Any person with authority to enforce this article or W.S. 11-29-101 through 11-29-115 and who has probable cause to believe there has been a violation of this article may impound any animal treated cruelly. The following shall apply to impounding an animal under this subsection:

(i) If any animal is impounded under this subsection the following shall apply:

(A) Within the earlier of seventy-two (72) hours of impoundment or charges being filed, the circuit court shall hold a hearing to set a bond in an amount the circuit court determines is sufficient to provide for the animal's reasonable costs of impoundment for at least ninety (90) days including the day on which the animal was impounded. At the request of the owner of the animal, the court may make a determination on the disposition of the animal at a hearing pursuant to this subparagraph;

(B) The bond shall be posted by the owner of the animal with the circuit court in the county where the animal was impounded within ten (10) days after the hearing required by this subparagraph.

(ii) When the bond required by paragraph (i) of this subsection expires, if the owner of the animal desires to prevent disposition of the animal by the person with authority to enforce this article or W.S. 11-29-101 through 11-29-115, the owner shall post a new bond with the court as described in paragraph (i) of this subsection. The court may correct, alter or otherwise adjust the new bond before the expiration date of the previous bond;

(iii) If a bond is not posted under paragraphs (i) or (ii) of this subsection,

the person with authority to enforce this article or W.S. 11-29-101 through 11-29-115 shall dispose of the animal. As used in this section, “dispose” means to place for adoption, sell, destroy or return to the owner. The owner of the animal shall be liable for all costs associated with the final disposition of the animal under this subsection. Posting of a bond shall not prevent the person with authority to enforce this article or W.S. 11-29-101 through 11-29-115 from disposing of the impounded animal before the expiration of the period covered by the bond if during a disposition hearing pursuant to paragraph (vi) of this subsection the court orders the forfeiture of the animal to a person with authority to enforce this article or W.S. 11-29-101 through 11-29-115 or the owner voluntarily forfeits the animal. No animal shall be forfeited pursuant to paragraph (vi) of this subsection without a hearing pursuant to paragraphs (vi) through (viii) of this subsection, regardless of whether a bond is posted, if the animal is connected to the livelihood or ability to make a living of the owner;

(iv) If a bond has been posted in accordance with paragraph (i) or (ii) of this subsection, the person with authority to enforce this article or W.S. 11-29-101 through 11-29-115 may draw from the bond the actual costs of the activities described in paragraph (i) of this subsection, from the date of initial impoundment to the date of final disposition of the animal;

(v) Upon the final disposition of the animal, any bond amount remaining that has not been expended in the impoundment and disposition of the animal shall be remitted to the owner of the animal;

(vi) A person with authority to enforce this article or W.S. 11-29-101 through 11-29-115 or other participant in the criminal action may file a petition in the criminal action requesting the court issue an order providing for the final disposition of the animal if:

(A) The animal is in the possession of and being held by a person with authority to enforce this article or W.S. 11-29-101 through 11-29-115;

(B) The outcome of the criminal action charging a violation of this article is pending; and

(C) The final disposition of the animal has not occurred.

(vii) Upon receipt of a petition pursuant to paragraph (vi) of this subsection, the court shall set a hearing on the petition for disposition of the animal. The hearing shall be conducted within seven (7) days after the filing of the petition or as soon as practicable thereafter. The hearing shall be limited to the question of the disposition of the animal;

(viii) At a hearing conducted pursuant to paragraph (vii) of this subsection, the prosecutor shall have the burden of proving by a preponderance of the evidence that the animal was subjected to a violation of this article. After the hearing, if the court finds by a preponderance of the evidence that the animal was subjected to a violation of this article, the court may order immediate

forfeiture of the animal to the person with authority to enforce this article or W.S. 11-29-101 through 11-29-115. If, after the hearing, the court finds by a preponderance of the evidence that the animal was not subjected to a violation of this article, the animal shall be returned to the owner of the animal and the owner shall not be responsible for any costs of the impoundment incurred after a finding that the animal was not subjected to a violation of this article unless the person later pleads guilty to or is found guilty of a violation of this article.

Section 2. W.S. 11-29-101(a) by creating new paragraphs (vii) and (viii) and by renumbering (vii) as (ix), 11-29-114(a), (c) through (e) and by creating new subsections (f) through (j) are amended to read:

11-29-101. Definitions.

(a) As used in this act:

(vii) A “person with authority to enforce this chapter” means a peace officer, agent or officer of the board;

(viii) “Reasonable costs of impoundment” means all costs incurred by the impounding entity in providing necessary food and water, veterinary attention and treatment for any animal which is impounded under this act;

(vii)(ix) “This act” means W.S. 11-29-101 through 11-29-115.

11-29-114. Impoundment of livestock animals; cost of care for livestock animals; providing for bond, forfeiture hearing.

(a) Any ~~peace officer, agent or officer of the board~~ person with authority to enforce this chapter who has probable cause to believe there has been a violation of this chapter may, ~~take possession of in consultation with an agent or officer of the board,~~ impound any livestock animal treated cruelly as determined by a Wyoming licensed veterinarian or veterinarian employed by the board.

(c) When the bond required by subsection (b) of this section expires, if the owner of the livestock animal desires to prevent disposition of the livestock animal by the ~~board person with authority to enforce this chapter,~~ the owner shall post a new bond with the court as described in subsection (b) of this section. The court may correct, alter or otherwise adjust the new bond before the expiration date of the previous bond.

(d) If a bond is not posted under subsection (b) or (c) of this section, the ~~board person with authority to enforce this chapter~~ shall dispose of the livestock animal, ~~as defined in W.S. 11-24-101(a)(iv)~~ As used in this section, “dispose” means as defined in W.S. 11-24-101(a)(iv), and shall also mean to place for adoption or return to the owner. The owner of the livestock animal shall be liable for all costs associated with the final disposition of the livestock animal under this subsection. Posting of a bond shall not prevent the person with authority to enforce this chapter from disposing of the impounded livestock animal before the expiration of the period covered by the bond if during a

disposition hearing pursuant to subsection (g) of this section the court orders the forfeiture of the livestock animal to a person with authority to enforce this chapter or the owner voluntarily forfeits the livestock animal. No animal shall be forfeited without a hearing pursuant to subsections (g) through (j) of this section, regardless of whether a bond is posted, if the animal is connected to the livelihood or ability to make a living of the owner.

(e) If a bond has been posted in accordance with subsection (b) or (c) of this section, the agency employing the officer, or the board person with authority to enforce this chapter, may draw from the bond the actual costs as described in subsection (b) of this section, from the date of initial impoundment to the date of final disposition of the livestock animal.

(f) Upon the final disposition of the livestock animal, any bond amount remaining that has not been expended in the impoundment and disposition of the livestock animal shall be remitted to the owner of the livestock animal.

(g) A person with authority to enforce this chapter or other participant in the criminal action, may file a petition in the criminal action requesting that the court issue an order providing for the final disposition of the livestock animal if:

(i) The livestock animal is in the possession of and being held by a person with authority to enforce this chapter;

(ii) The outcome of the criminal action charging a violation of this chapter is pending; and

(iii) The final disposition of the livestock animal has not occurred.

(h) Upon receipt of a petition pursuant to subsection (g) of this section, the court shall set a hearing on the petition for disposition of the livestock animal. The hearing shall be conducted within seven (7) days after the filing of the petition or as soon as practicable thereafter. The hearing shall be limited to the question of the disposition of the livestock animal.

(j) At a hearing conducted pursuant to subsection (h) of this section, the prosecutor shall have the burden of proving by a preponderance of the evidence that the livestock animal was subjected to a violation of this chapter. After the hearing, if the court finds by a preponderance of the evidence that the livestock animal was subjected to a violation of this chapter, the court may order immediate forfeiture of the livestock animal to the person with authority to enforce this chapter. If, after the hearing, the court finds by a preponderance of the evidence that the livestock animal was not subjected to a violation of this chapter, the livestock animal shall be returned to the owner of the livestock animal and the owner shall not be responsible for any reasonable costs of the impoundment incurred after a finding that the livestock animal was not subjected to a violation of this chapter unless the person later pleads guilty to or is found guilty of a violation of this chapter.

Section 3. W.S. 6-3-1005(a)(i) and (b) as created by 2021 Wyoming Session Laws, Chapter 30 is amended to read:

6-3-1005. Felony cruelty to animals; penalty.

(a) A person commits felony cruelty to animals if the person:

(i) Commits ~~aggravated~~ cruelty to animals as defined in W.S. 6-3-1002(a)(v) through (ix), that results in the death or required euthanasia of the animal; or

(b) Felony cruelty to animals is a felony punishable by:

(i) Permanent forfeiture of the animal or livestock animal; and

(ii) Imprisonment for not more than two (2) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

Section 4. W.S. 11-29-108 and 11-29-109 as amended by 2021 Wyoming Session Laws, Chapter 30 are amended to read:

11-29-108. Livestock board; seized livestock animals and vehicles; lien on seized chattels; civil action for unpaid expenses.

When any person arrested under this act is in charge of any vehicle drawn by or containing any livestock animal cruelly treated in violation of W.S. 6-3-1002 or this chapter at the time of arrest, any peace officer, agent or officer of the board may take charge of the livestock animal and vehicle and its contents, and give notice thereof to the owner, if known, and shall provide for them until their owner takes possession of them. The board or local government shall have a lien on the livestock animals, the vehicle and its contents for the ~~expense of the care and provision~~ reasonable costs of impoundment. The expense or any part remaining unpaid may be recovered by the board or local government in a civil action.

11-29-109. Livestock board; care of abandoned livestock animals; civil action for expenses; lien.

Any peace officer, agent or officer of the board may take charge of any livestock animal found abandoned, neglected or treated with cruelty in violation of W.S. 6-3-1002 or this chapter. He shall give notice to the owner, if known, and may care and provide for the livestock animal until the livestock animal is ~~released or destroyed-disposed of~~. The expenses of care and provision is reasonable costs of impoundment are a charge against the owner of the livestock animal and collectible from the owner by the board or by the local government employing the peace officer taking charge of the livestock animal in a civil action. The board or local government may detain the livestock animals until the ~~expense for food, shelter and care is~~ reasonable costs of impoundment are paid and shall have a lien upon the livestock animals therefor. This lien shall be filed as provided pursuant to W.S. 29-7-101 through 29-7-106.

Section 5. W.S. 11-29-114(b) as amended by 2021 Wyoming Session Laws, Chapter 30 is repealed and recreated to read:

11-29-114. Impoundment of livestock animals; cost of care for livestock animals; providing for bond.

(b) If any livestock animal is impounded under subsection (a) of this section, the following shall apply:

(i) Within the earlier of seventy-two (72) hours of impoundment or charges being filed, the circuit court shall hold a hearing to set a bond in an amount the circuit court determines is sufficient to provide for the livestock animal's reasonable costs of impoundment for at least ninety (90) days including the day on which the livestock animal was impounded. At the request of the owner of the livestock animal, the court may make a determination on the disposition of the livestock animal at a hearing pursuant to this paragraph;

(ii) The bond shall be posted by the owner of the livestock animal with the circuit court in the county where the livestock animal was impounded within ten (10) days after the hearing required by this paragraph.

Section 6.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2021.

(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 April 6, 2021.

Chapter 120

GILLETTE COMMUNITY COLLEGE DISTRICT

Original Senate File No. 83

AN ACT relating to community college districts; approving the formation of the Gillette community college district; providing legislative findings; specifying requirements of the transition to the new district; and providing for an effective date.

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

Section 1.

(a) The legislature finds that:

(i) The Campbell county commissioners submitted an application to the Wyoming community college commission dated August 31, 2020 requesting the formation of a community college district in Campbell county to be known as the Gillette college community college district;

(ii) After receiving the application, the Wyoming community college commission caused a survey to be conducted on the proposed community college district that met the requirements of W.S. 21-18-312; and

(iii) On November 20, 2020, the Wyoming community college commission approved the application for the formation of a community college district in Campbell County and provided its survey findings and recommendations to the legislature.

(b) As authorized by W.S. 21-18-312 and subject to subsection (c) of this section, the legislature approves the formation of the Gillette community college district. In accordance with W.S. 21-18-312, the county clerk of Campbell county shall conduct an election on the question of formation of the Gillette community college district which shall carry upon a majority of all votes cast within the proposed community college district.

(c) Upon approval of the Gillette community college district by the electors, the following shall apply to the formation of the Gillette community college district and the transition from the Northern Wyoming community college district:

(i) Following the election of the board, the boards of the Gillette community college district and the Northern Wyoming community college district shall jointly adopt a plan on the transition of students, employees and any other services or functions from the Northern Wyoming community college district to the Gillette community college district pursuant to agreements with the Northern Wyoming community college district or other applicable entities. Agreements under this paragraph shall be based on the actual demonstrated expenses of the Northern Wyoming community college district or other applicable entities related to the transition;

(ii) The community college commission shall review the plan adopted under paragraph (i) of this subsection, any agreements necessary to implement the plan and the budgets of the community college districts to ensure that the transition process adequately protects the interests of students and is consistent with the statewide college system strategic plan;

(iii) During each year of any transition period under this subsection, the Northern Wyoming community college district shall continue to receive the allocation for both districts from the funding allocation model implemented by the community college commission, until such time that the Gillette community college district receives institutional accreditation.

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 April 6, 2021.

Chapter 121**RANGE MANAGEMENT AT MILITARY TRAINING AREAS****Original House Bill No. 17**

AN ACT relating to the military department; creating a fund for the deposit of monies from grazing fees at military training areas; authorizing the adjutant general to administer the fund and expend monies for range management and grazing operations; requiring annual reports; providing for a continuous appropriation; providing for an appropriation; and providing for an effective date.

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

Section 1. W.S. 19-7-209 is created to read:

19-7-209. Military department range management operations; account; administration; rulemaking.

(a) There is created the military department range management and grazing program. The military department shall administer range management and grazing operations at Camp Guernsey and any other Wyoming national guard training areas that are owned in fee by the military department and that are not state lands as defined in W.S. 36-1-101(a)(iv). The military department range management and grazing program shall:

(i) Oversee the day to day range management and grazing operations within the training area;

(ii) Arrange for personnel and materials for range improvements, including maintenance and repair of fencing, vegetation management, water development, wildfire rehabilitation and restoration and management of invasive species;

(iii) Determine animal unit grazing usage and needs and develop and monitor forage use plans;

(iv) Maintain lessee and neighbor relationships;

(v) Respond to required cultural and environmental assessments related to grazing management.

(b) The military department range management and grazing account is created. Monies received from the range management and grazing operations authorized in subsection (a) of this section shall be credited to the account, except as otherwise provided in this subsection. Funds in the military department range management and grazing account in an amount not to exceed two hundred thousand dollars (\$200,000.00) per biennium are continuously appropriated to the military department and shall only be used for purposes of this section. The state treasurer shall invest monies received under this paragraph in accordance with law and the investment earnings received therefrom shall be deposited into the military department range management operations account. From the monies received from the operations authorized

in subsection (a) of this section, any amount in excess of two hundred thousand dollars (\$200,000.00) in the account at the end of each fiscal biennium shall be deposited into the general fund.

(c) The military department shall promulgate rules to administer this section.

(d) The adjutant general shall report annually by October 15 to the joint transportation, highways and military affairs interim committee regarding all income to and expenditures from the military department range management operations account.

Section 2. There is appropriated fifty thousand dollars (\$50,000.00) from the general fund to the military department range management program created in section 1 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.

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 April 6, 2021.

Chapter 122

AGENCY FEE REVISIONS

Original House Bill No. 49

AN ACT relating to agency fees; modifying health care facility licensing fees; modifying department of environmental quality permitting fees; authorizing the department of family services to set the fee for central registry applications; modifying department of agriculture food licensing fees and distribution; and providing for an effective date.

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

Section 1. W.S. 14-3-214(f), 35-2-904(a)(ii) and by creating new subsections (g) and (h), 35-7-124(b) and (c)(intro), 35-11-211(b)(intro) and by creating a new subsection (j), 35-11-406(a)(xii), 35-11-410(b)(vi), 35-11-414(a), 35-11-1420(c), 35-11-1425(a) and 35-20-116(a) are amended to read:

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

(f) Upon appropriate application, the state agency shall provide to any employer or entity whose employees or volunteers may have unsupervised access to children in the course of their employment or volunteer service, for employee or volunteer screening purposes, a summary of central registry

records maintained under state agency rules since December 31, 1986, for purposes of screening employees or volunteers. The state agency shall provide the results of the records check to the applicant by certified mail if the records check confirms the existence of a report “under investigation” or a “substantiated” finding of abuse or neglect. Otherwise, the state agency shall provide the results of the records check to the applicant in accordance with agency rules and by United States mail. The written results shall confirm that there is a report “under investigation”, a “substantiated” finding of abuse or neglect on the central registry naming the individual or confirm that no record exists. When the individual is identified on the registry as a “substantiated” perpetrator of abuse or neglect, the report to the applicant shall contain information with respect to the date of the finding, specific type of abuse or neglect, a copy of the perpetrator’s voluntary statement and whether an appeal is pending. The applicant, or an agent on behalf of the applicant, shall submit a ~~fee of ten dollars (\$10.00)~~ in an amount determined by rule of the state agency and proof satisfactory to the state agency that the prospective or current employee or volunteer whose records are being checked consents to the release of the information to the applicant. The applicant shall use the information received only for purposes of screening prospective or current employees and volunteers who may, through their employment or volunteer services, have unsupervised access to minors. Applicants, their employees or other agents shall not otherwise divulge or make public any information received under this section. The state agency shall notify any applicant receiving information under this subsection of any subsequent reclassification of the information pursuant to W.S. 14-3-213(e). The state agency shall screen all prospective agency employees in conformity with the procedure provided under this subsection.

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

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

(ii) Upon payment of a license fee ~~as established by the department~~ for each health care facility as specified in subsection (g) of this section. The department ~~shall~~ may adopt rules which provide for reasonable fees for health care facilities not specified in subsection (g) of this section in amounts not to exceed five hundred dollars (\$500.00) designed to recover administrative and operational expenses of the department in conducting its licensure program under this article for those facilities.

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

- (i) Adult day care facility \$250.00;
- (ii) Adult foster care home \$250.00;
- (iii) Ambulatory surgical center \$500.00;
- (iv) Assisted living facility:

(A) For a facility with a bed capacity of at least one (1) but not more than twenty-five (25)	\$250.00;
(B) For a facility with a bed capacity of more than twenty-five (25) but not more than fifty (50)	\$500.00;
(C) For a facility with a bed capacity of more than fifty (50)	\$1,000.00;
(v) Birthing center	\$500.00;
(vi) Boarding home in an amount established by the department within this range	\$500.00-\$750.00;
(vii) Critical access hospital	\$500.00;
(viii) Renal dialysis center	\$500.00;
(ix) Freestanding diagnostic testing center	\$500.00;
(x) Freestanding emergency center	\$500.00;
(xi) Home health agency	\$150.00;
(xii) Hospice facility	\$250.00;
(xiii) Hospital	\$1,000.00;
(xiv) Intermediate care facility for people with intellectual disability	\$250.00;
(xv) Medical assistance facility	\$250.00;
(xvi) Nursing care facility:	
(A) For a facility with a bed capacity of at least one (1) but not more than twenty-five (25)	\$250.00;
(B) For a facility with a bed capacity of more than twenty-five (25) but not more than fifty (50)	\$500.00;
(C) For a facility with a bed capacity of more than fifty (50)	\$1,000.00.
(xvii) Psychiatric hospital	\$1,000.00;
(xviii) Rehabilitation facility	\$500.00;
(xix) Rehabilitation hospital	\$500.00.

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

35-7-124. License required; exemptions; electronic transmittals.

(b) Written application for a new license shall be made on a form approved by the department of agriculture and provided by the department of agriculture or the local health department and shall be signed by the applicant. License requirements and fees for temporary food events operated by nonprofit

organizations shall be waived. Licenses shall expire one (1) year after the date of issuance unless suspended or revoked. Licenses may be renewed each year upon application to the department or local health department. The director shall establish license categories and fees by rule and no fee shall exceed one hundred dollars (\$100.00); except that the following fees shall be as specified:

- (i) Food license \$200.00;
- (ii) Food license annual renewal \$100.00;
- (iii) Temporary food establishment license \$50.00.

(c) Fifty percent (50%) of the fees collected pursuant to paragraphs (b)(i) through (iii) of this section shall be credited to the general fund. The remainder of any fees collected under this section shall be distributed as follows:

35-11-211. Fees.

(b) Permit fees shall be assessed against operators of sources applying for any permit under this article and annually thereafter for the duration of the permit. The fee for operating sources shall be based on the emissions of each regulated pollutant, as defined in section 502(b)(3)(B)(ii) of the Clean Air Act. The department shall exclude any amount of regulated pollutant emitted by any source in excess of four thousand (4,000) tons per year in determining the amount of fee required for any operating source. A fee shall be assessed upon applicants for construction and modification permits based on costs to the department in reviewing and acting upon those permit applications. The department shall develop a fee structure subject to the minimum amounts specified in subsection (j) of this section which equitably assesses the fees based on emissions for operating sources and projected costs of reviewing and acting upon construction and modification permits sufficient to recover the amount reviewed by the joint appropriations committee and appropriated by the legislature for implementing the operating permit program. The fee structure and appropriation shall be based upon measurable goals and approved by the joint appropriations committee prior to implementation. The department shall prepare a biennium report 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. Permit fees shall cover all reasonable direct and indirect costs including the costs of:

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

- (i) Application \$500.00;
- (ii) In addition to paragraph (i) of this subsection, review and acting on an application \$75.00 per hour;
- (iii) Relocation of portable sources or facilities that are authorized to use self issuance permits \$150.00;

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

35-11-406. Application for permit; generally; denial; limitations.

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

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

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

(b) Any operator desiring to engage in a mining operation shall make a written application to the administrator on forms furnished by the administrator for a license to mine. A license is required for each mining operation for which a separate mining permit is issued. The application shall contain or be accompanied by:

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

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

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

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

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

fund.

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

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

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

(a) Upon appropriate application and for employee or volunteer screening purposes, the department shall provide to any employer or entity whose employees or volunteers may have unsupervised access to vulnerable adults in the course of their employment or volunteer service a record summary concerning abuse, neglect, exploitation or abandonment of a vulnerable adult involving a named individual or shall confirm that no record exists. The state agency shall provide the results of the records check to the applicant by certified mail if the records check confirms the existence of a report "under investigation" or a "substantiated" finding of abuse or neglect. Otherwise, the state agency shall provide the results of the records check to the applicant in accordance with agency rules and by United States mail. The written results shall confirm that there is a report "under investigation", a "substantiated" finding of abuse or neglect on the central registry naming the individual or confirm that no record exists. When the individual is identified on the registry as a "substantiated" perpetrator of abuse or neglect, the report to the applicant shall contain information with respect to the date of the finding, specific type of abuse or neglect, a copy of the perpetrator's voluntary statement and whether an appeal is pending. Any applicant receiving a report under this section identifying an individual as "under investigation" shall be notified by the department as to the final disposition of that investigation and whether an appeal is pending. The applicant, or an agent on behalf of the applicant, shall submit a fee of ~~not to exceed ten dollars (\$10.00) as established by~~ in an amount determined by rule of the department and proof satisfactory to the department that the prospective or current employee or volunteer whose records are being checked consents to the release of the information to the applicant. The applicant shall use the information received only for purposes of screening prospective or current employees and volunteers who may, through their employment or volunteer services, have unsupervised access to vulnerable adults. Applicants, their employees or other agents shall not otherwise divulge or make public any information received under this section. The department shall notify any applicant receiving information under this subsection of any subsequent reclassification of the information pursuant to W.S. 35-20-115(c). The department shall screen all prospective employees in conformity with the

procedure provided under this subsection.

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

Approved April 6, 2021.

Chapter 123

IRRIGATION AND WATER CONSERVANCY DISTRICT LOANS

Original House Bill No. 188

AN ACT relating to intergovernmental cooperation; authorizing the state loan and investment board to make loans to irrigation or water conservancy districts as specified; and providing for an effective date.

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

Section 1. W.S. 16-1-111 by creating a new subsection (d) and by renumbering (d) through (f) as (e) through (g) is amended to read:

16-1-111. Loans to political subdivisions; requirements; limitations; rulemaking.

(d) Loans may be made to irrigation or water conservancy districts for replacement or major maintenance projects of storage, diversion, transmission, and distribution systems. A loan under this subsection shall be at an interest rate of the greater of one percent (1%) plus seventy-five thousandths of one percent (0.075%) for each year of the loan term in excess of five (5) years or the current equivalent yield of a United States treasury security of the same duration of the loan, which may be adjusted every five (5) years. In the event of prepayment of a loan, the interest rate shall be calculated at the actual loan period, but no refund of interest payment shall be made to the borrowing entity. Any loan made under this subsection shall be for a term of not fewer than five (5) years and not greater than twenty-five (25) years for repayment. The board shall require an irrigation or a water conservancy district to apply for other grant or loan programs prior to authorizing a loan under this subsection. Adequate security for loans shall be required and may include:

(i) A pledge of the revenues from the project for which the loan was granted;

(ii) A pledge of other revenues available to the irrigation or water conservancy district receiving the loan;

(iii) A mortgage covering all or any part of the project or by a pledge of the lease of the project;

(iv) Any other security device or requirement deemed advantageous or necessary by the board.

~~(d)~~(e) No loan shall be made without the written opinion of the attorney

general certifying the legality of the transaction and all documents connected therewith. An election approving the project and borrowing for the project by the qualified electors of the borrowing entity shall be required only if the attorney general determines such an election is otherwise required by law.

~~(e)~~(f) There is created a loss reserve account for loans made under this section. A loan origination fee of one-half of one percent (0.5%) of the loan shall be paid by the loan applicant and deposited to the loss reserve account for any loan approved under this section. If, as a result of default in the payment of any loan made under this section, there occurs a nonrecoverable loss either to the corpus of, or interest due to the permanent Wyoming mineral trust fund, the board shall restore the loss to the permanent fund using any funds available in the loss reserve account. If the funds in the loss reserve account are insufficient to restore the full amount of the loss, the board shall submit a detailed report of the loss to the legislature and shall request an appropriation to restore the balance of the loss to the permanent fund. Beginning June 30, 2018, the state treasurer shall transfer funds quarterly from the permanent Wyoming mineral trust fund reserve account to the loss reserve account created in this subsection, in an amount necessary to ensure that as of the last day of each quarter there is an unobligated, unencumbered balance equal to five percent (5%) of the balance of outstanding loans under this section. Any funds transferred to the loss reserve account pursuant to this subsection which are not necessary to maintain the five percent (5%) balance shall be transferred back to the permanent Wyoming mineral trust fund reserve account on the last day of the quarter.

~~(f)~~(g) As used in this section:

(i) “Board” means the state loan and investment board to include the office of state lands and investments;

(ii) “Infrastructure project” means a capital construction project which may lawfully be undertaken within the powers of the political subdivision authorized to receive a loan under this section;

(iii) “Road or street project” means the construction, maintenance or improvement of a public street, road or alley within a city, town or county.

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

Approved April 6, 2021.

Chapter 124**STATE BUDGETING AND EXPENDITURE AUTHORITY****Original House Bill No. 150**

AN ACT relating to public funds and administration of government; amending authority, requirements and procedures for the executive department's acceptance and expenditure of federal funds; amending the authority of the executive department and requirements and procedures for the modifications of amounts authorized for expenditure of other funds under emergencies and other circumstances; specifying restrictions on budgeting authority conferred on the executive department; repealing existing emergency expenditure authority; providing a yearly appropriation; providing for legislative review and actions; creating and amending definitions; and providing for an effective date.

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

Section 1. W.S. 9-2-1014.3 is created to read:

9-2-1014.3. Appropriation for public welfare emergencies; notification to legislature; legislative action.

(a) Beginning July 1, 2021, as of the first day of each fiscal year, there is appropriated ten million dollars (\$10,000,000.00) from the legislative stabilization reserve account. The appropriation may be allocated by the governor and shall only be expended as authorized by the governor for public welfare emergencies as defined in W.S. 9-2-1002(a)(xxv). The governor's office shall provide the notice required under W.S. 9-2-1005(b)(ii)(A) and (B) for any expenditure under this section in excess of one hundred thousand dollars (\$100,000.00).

(b) Requests by a state department or agency for the allocation and expenditure of money appropriated pursuant to subsection (a) of this section shall be made by the administrative head of the department or agency in writing to the governor specifying the circumstances which are deemed necessary to require the requested allocation and expenditure by the governor.

(c) Expenditures pursuant to this section shall be through a program with an approved budget, but expenditures shall not be limited to the purposes of a program with an approved budget. No amount allocated to be expended pursuant to this section shall increase the standard budget of any program for a subsequent fiscal biennium.

(d) Expenditures pursuant to this section shall not be subject to the provisions of W.S. 9-2-1014.2.

Section 2. W.S. 9-2-1002(a)(ix)(B) and by creating new paragraphs (xxiii) through (xxv), 9-2-1005(a)(iii), (xi), (xiii), (b)(intro), (ii), (iii), by creating a new paragraph (vi), (c)(i), (ii), (g), (o)(ii), (p) and by creating new subsections (q) and (r), 9-2-1006(a), 9-2-1011(b)(vii), 9-2-1013(d)(iii)(C), (D) and (v)(C), 9-2-1014(d)(intro) and (ii) and 9-4-206(b) are amended to read:

9-2-1002. Definitions; powers generally; duties of governor; provisions construed; cooperation with legislature and judiciary; divisions enumerated.

(a) As used in this act:

(ix) “Standard budget” means a budget enabling an entity to continue to furnish the same level of services during the ensuing biennium and shall reflect the revenue or appropriation necessary to provide the services. The budget shall include all personnel approved in the preceding biennial budget, a supportive service category and the amount of revenue generated by the entity during the preceding biennium and estimated revenue for the ensuing biennium regardless of the fund to which the monies were deposited. The standard budget shall not include any personnel other than those specifically authorized in the preceding biennial budget. The standard budget shall not include requests for any equipment, any special projects and services nor any requests for special or nonrecurring funding. The limitations regarding authorized personnel and equipment requests in this paragraph shall not apply to the University of Wyoming. The standard budget shall:

(B) Be reduced by any amount transferred from contingent appropriations pursuant to W.S. 9-2-1014.2 or an appropriation under W.S. 9-2-1014.3 to any fund or account and expended from the fund or account to support services of the standard budget in the previous fiscal biennium.

(xxiii) “Approved budget” means:

(A) An agency’s request for an appropriation for a program and for which an appropriation is made in whole or in part;

(B) The governor’s recommended appropriation for an agency program developed pursuant to W.S. 9-2-1010 through 9-2-1013 and for which an appropriation is made in whole or in part;

(C) A budget for a program as developed by the state budget department and approved by the governor for appropriations for which no budgeted request was submitted.

(xxiv) “Program” means a line appropriation within a general appropriation act of the legislature as so designated;

(xxv) “Public welfare emergency” means a sudden financial calamity or other occurrence, either of which:

(A) Was not foreseeable or predictable at the time of preparation and adoption of the budget and the passage of appropriation measures during the general or budget session of the legislature immediately preceding the occurrence of the emergency;

(B) Demands immediate action to insure the proper functioning of state government or to protect the health, safety or welfare or economic well-being of the public or against the loss of essential public services; and

(C) For which other funds are not available for expenditure or insufficient to meet the needs of the emergency.

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:

(iii) If the amount sought to be expended would exceed the appropriation or other funds authorized for its use by law. Reductions imposed upon expenditures pursuant to W.S. 9-2-1014.2 and adjustments to appropriations authorized under W.S. 9-2-1014.2 or other law shall be applied in determining whether an expenditure exceeds an appropriation or other funds authorized;

(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 paragraph (b)(iii) and subsection (b)(g) of this section;

(xiii) If the expenditure or disbursement is in violation of subsection (q) of this section or otherwise in violation of law.

(b) Subject to ~~subsection~~subsections (c), (g) and (q) 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 identified in W.S. 9-4-204(t) as special revenue funds, capital project funds, debt service funds or proprietary fund types, and from federal funds as provided under paragraph (iii) of this subsection, subsections (g) and (q) of this section and W.S. 9-4-206, if in his opinion an emergency financial situation—a public welfare emergency exists, general fund appropriations can be conserved, agency program requirements have significantly changed or unanticipated non-general fund revenues from fund sources specified in this paragraph~~ 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; or

(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; and

(C) In all cases identify in the notice the amount, purpose and non-general specified fund source of the revision, change, redistribution or increase.

(iii) Subject to ~~subsection (g)~~subsections (g) and (q) 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);

(vi) Authorize the transfer and expenditure of funds to address a public

welfare emergency in accordance with W.S. 9-2-1014.3.

(c) The governor shall not:

(i) Authorize an increase in the amount appropriated to any agency ~~from the general fund~~ by any legislative appropriation act ~~excluding except as authorized by law from the following:~~

(A) Fund types specified in paragraph (b)(ii) of this section;

(B) Allocations from the governor's emergency a contingent appropriation under W.S. 9-2-1014.2 or an appropriation under W.S. 9-2-1014.3, if any;

(C) Federal revenues received as provided under paragraph (b)(iii) and subsections (g) and (q) of this section and W.S. 9-4-206.

(ii) Unless authorized by a legislative appropriation act, authorize funds appropriated from the general fund for one (1) program as represented by line appropriations within any legislative appropriation act to be used for another program.

(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. 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) If the funds are restricted by federal or state law for a specified purpose and will be expended as a supplemental addition for a program with an approved budget, shall notify the legislature at least ten (10) days in advance of approving the acceptance or expenditure of federal funds, except as provided in paragraph (iii) of this subsection and subject to paragraph (iv) of this subsection;

(ii) If the funds are not restricted by federal or state law for a specified purpose or are restricted by law but will not be expended as a supplemental addition for a program with an approved budget, shall notify the legislature as soon as practicable and proceed as provided in W.S. 9-4-206(b). Except as provided in paragraph (iii) of this subsection, the governor shall not accept federal funds subject to this paragraph until the requirements of W.S. 9-4-206(b) have been met;

~~(ii)(iii) Notify the legislature as soon as practicable after approving the acceptance or expenditure of federal funds~~ May accept federal funds and notify the legislature as soon as practicable, if the governor determines immediate action is necessary to preserve the public health, safety or welfare or to prevent

the potential loss of funds subject to paragraph (iv) of this subsection. If the funds meet the provisions of paragraph (ii) or subparagraphs (iv)(A) or (B) of this subsection they shall not be expended until the provisions of paragraph (ii) and W.S. 9-4-206(b) are met, unless the governor notifies the management council that immediate expenditure of the funds is necessary to preserve the public health, safety or welfare or to prevent the potential loss of funds. If such a determination is made, funds not required to be expended immediately shall be subject to the provisions of paragraph (ii) of this subsection and W.S. 9-4-206(b). If the determination under subparagraph (iv)(A) or (B) of this subsection has been made, the governor shall not expend any funds solely to prevent the potential loss of funds until the requirements of W.S. 9-4-206(b) have been met;

(iii)(iv) Shall in all cases identify in the notice the amount, intended use and source of the federal funds, whether the state is obligated or is anticipated to expend general or other state funds and whether the state's taxing or appropriation authority is in any manner limited as a result of the acceptance or expenditure of federal funds. The amount and source of the state funds to be expended or estimated to be expended and the effect on the state's taxing or appropriation authority as a result of the acceptance or expenditure of federal funds shall be identified by the governor's office for the fiscal biennium in which the federal funds are accepted and for the next two (2) immediately succeeding fiscal biennia. The governor's office shall notify the legislature as soon as practicable if the office determines that as a result of the acceptance or expenditure of the federal funds;

(A) The state is obligated or is anticipated to expend general or other state funds in excess of ten million dollars (\$10,000,000.00) in any fiscal biennium including, but not limited to, the expenditure of general or other state funds as a result of a state agency's or a political subdivision's obligation to meet any maintenance of effort, maintenance of equity or maintenance of financial support requirement reportable under subparagraph (q)(i)(A) of this section. If so, the governor's office shall proceed as provided in W.S. 9-4-206(b) and shall not accept the federal funds until the requirements of W.S. 9-4-206(b) have been met, except that the governor may accept the federal funds as necessary to preserve health, safety or welfare and in accordance with paragraph (iii) of this subsection; or

(B) The state's taxing or appropriation authority is in any manner limited. If so, the governor's office shall proceed as provided in W.S. 9-4-206(b) and shall not accept the federal funds until the requirements of W.S. 9-4-206(b) have been met, except that the governor may accept the federal funds as necessary to preserve health, safety or welfare and in accordance with paragraph (iii) of this subsection.

(o) The governor shall report monthly to the legislature on the use of the

flex authority authorized under this section or any legislative appropriation act during each biennium. The report shall specify:

(ii) Use of the flex authority or authority under paragraph (b)(v) or (vi) of this section to expend a contingent appropriation to avoid a reduction of expenditures pursuant to W.S. 9-2-1014.2 or to address a public welfare emergency pursuant to W.S. 9-2-1014.3.

(p) The governor shall make available monthly for public inspection information on the exercise of his authority under ~~paragraph~~ paragraphs (b) (i), (ii), (iii), (v) and (vi) and subsection (g) of this section and under W.S. 9-2-1014.2 and 9-2-1014.3 for the immediately preceding month. The information shall be made available on the Wyoming public finance and expenditure of funds website created by W.S. 9-2-1036(a).

(q) Prior to accepting any federal funds in excess of the amount authorized by a legislative appropriation act, whether pursuant to the authority under this section or any other provision of law, a state agency which receives an appropriation from the legislature shall:

(i) Report to the governor's office if, as a result of accepting or expending the funds:

(A) The state or any political subdivision of the state would be obligated to meet any maintenance of effort, maintenance of equity or maintenance of financial support requirement that is increased or did not exist at the time of enactment of the state legislative act authorizing acceptance of, or providing the initial appropriation of, the federal funds; or

(B) The state's taxing or appropriation authority is in any manner limited.

(ii) Include in the report required by paragraph (i) of this subsection, for the fiscal biennium in which the federal funds are accepted and for the next two (2) immediately succeeding fiscal biennia:

(A) Both the dollar amount of any anticipated expenditure of nonfederal funds and the percentage increase in any maintenance of effort, maintenance of equity or maintenance of financial support requirement over the requirement existing at the time of the enactment of the state legislative act;

(B) The specific limitation on the state's taxing or appropriation authority.

(iii) Not accept or expend the funds whether directly or by disbursement to other entities until approved by the governor in writing.

(r) The governor's approval under subsection (q) of this section shall be subject to and in accordance with the requirements of subsection (g) of this section. The reporting and approval requirements of subsection (q) of this section are in addition to other requirements imposed by law. The requirements of subsection (q) of this section shall not be applicable to federal funds authorized by a federal enactment which is specifically identified by a state legislative act

explicitly appropriating the federal funds or explicitly approving the acceptance or expenditure 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) and the applicable provisions of W.S. 9-2-1005 and 9-4-206 have been complied with. Any amount added to its appropriation or budget constitutes the entire appropriation for the full fiscal period.

9-2-1011. Duties of budget department; preparation of standard budget estimates; entities to prepare expanded and exception budgets; form; required information; base budgets.

(b) The information developed in budget documents shall include:

(vii) Identification of services reduced as a result of reductions to expenditures made pursuant to W.S. 9-2-1014.2 in the previous fiscal biennium, and services which would have been reduced without transfer and expenditure of a contingent appropriation pursuant to W.S. 9-2-1014.2 or an appropriation under W.S. 9-2-1014.3. Contingent appropriations transferred to each fund or account and expended from each fund or account shall be separately identified.

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

(d) In addition to the items contained in subsection (a) of this section and notwithstanding any other recommendations made by the governor, the state budget shall also include the governor's recommendations for appropriations for the ensuing two (2) years, or if a supplemental budget request, the remainder of the budget period, subject to the following:

(iii) The total recommended appropriations under this subsection shall not include any of the following:

(C) An appropriation from the legislative stabilization reserve account, to the extent the recommended appropriation together with any appropriation under W.S. 9-2-1014.3, other recommended contingent appropriation or other recommended appropriation from the legislative stabilization reserve account would exceed in any fiscal year five percent (5%) of the balance of that account as of the first day of the fiscal year in which the recommendation is made;

(D) The transfer of funds from any contingent appropriation shall not be included, unless those funds previously had been authorized to be expended within the fiscal period covering the budget period of the recommendation

by law other than W.S. 9-2-1014.2 and 9-2-1014.3 and remain unexpended, unencumbered and unobligated. Unencumbered, unobligated funds from a contingent appropriation authorized for one (1) fiscal year under W.S. 9-2-1014.2 or from an appropriation under W.S. 9-2-1014.3 shall lapse at the end of the fiscal year and shall not be included in the recommended appropriations for any subsequent fiscal year.

(v) For each submitted budget the governor shall:

(C) Include recommendations for the amount of contingent appropriations which should be made or supplemented for the existing fiscal biennium and each of the two (2) immediately succeeding fiscal biennia. The governor shall not recommend a contingent appropriation from the legislative reserve account which would result in the total of all contingent appropriations, including any appropriation under W.S. 9-2-1014.3, in any fiscal year exceeding five percent (5%) of the balance of that account as of the first day of the fiscal year in which the recommendation is made.

9-2-1014. Report required with budget request; format and contents of report; compilation of compendium of agency reports; distribution of copies.

(d) For each submitted budget the joint appropriations committee shall review any budget shortfall or structural budget deficit identified by the governor or by the committee for the periods specified in W.S. 9-2-1013(d)(v). The committee shall report to the legislature the governor's recommendations regarding any budget shortfall or structural budget deficit and the committee's recommendations to the legislature to address a shortfall or deficit. The recommendations shall include:

(ii) Immediate contingent appropriations. Any recommendation for a contingent appropriation from the legislative stabilization reserve account shall be limited so that the total of all such contingent appropriations, together with any appropriation under W.S. 9-2-1014.3, in any fiscal year does not exceed the lesser of one hundred eight million seven hundred thousand dollars (\$108,700,000.00) or five percent (5%) of the balance of the account as of the first day of the fiscal year in which the recommendation is made;

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) 9-2-1005(g) and, if applicable, the additional requirements of W.S. 9-2-1005(g) have been met, 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. If the provisions of W.S. 9-2-1005(g)(ii) or (iv)(A) or (B) are applicable, the joint appropriations committee shall meet as soon as feasible and in all events not less than ten (10) days after the legislature has received the request from the governor. The committee shall vote whether to recommend the legislature should meet in special session pursuant to Wyoming Constitution Article 3, Section 7 to consider the acceptance or expenditure of the federal funds. Upon receipt of the committee's recommendation, the presiding officers of each house shall initiate a poll of the members of the legislature in accordance with rules of the legislature for calling itself into special session. The governor may not accept or expend the funds until the earlier of:

(i) Certification by either the president of the senate or the speaker of the house to the governor's office that a majority of the elected members of the Senate or House have not elected to call their body into special session;

(ii) Forty (40) days after the governor submitted his request to the legislature under W.S. 9-2-1005(g).

Section 3. W.S. 9-2-1005(e) and 9-4-209 are repealed.

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

Approved April 6, 2021.

Chapter 125

AIR AMBULANCE MEMBERSHIP ORGANIZATIONS-REGULATION

Original House Bill No. 7

AN ACT relating to insurance; amending the definition of disability insurance; specifying that the regulation of air ambulance membership organizations and their memberships and plans is not insurance; establishing registration requirements and regulatory standards for air ambulance membership organizations; 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. 26-43-301 through 26-43-308 are created to read:

ARTICLE 3

AIR AMBULANCE MEMBERSHIP ORGANIZATIONS

26-43-301. Definitions; applicability.

(a) As used in this article, "air ambulance membership organization" means an entity that, in exchange for fees, dues, charges or other consideration, provides:

(i) Discounts to members for the cost of services the organization provides as an air ambulance service company; or

(ii) Access for members to providers of air ambulance services and the right to receive air ambulance services from those providers. For purposes of this paragraph, "air ambulance membership organization" means the entity that contracts with health care providers, individuals, employees, groups, provider networks or other air ambulance membership organizations to offer access to air ambulance services and that determines the fees, dues, or charges to air ambulance membership organization members.

(b) The registration requirements of this article shall not apply to:

(i) An air ambulance membership organization that is otherwise subject to the provisions of this title and is required to be licensed under this title;

(ii) A health care provider who provides discounts to patients without any cost or fee of any kind to the patient.

26-43-302. Air ambulance membership organizations; certificate of registration; application.

(a) An air ambulance membership organization shall obtain a certificate of registration from the commissioner before operating as an air ambulance membership organization in Wyoming.

(b) An air ambulance membership organization seeking a certificate of registration from the commissioner shall apply on a form created and prescribed by the commissioner. The application shall include:

(i) An application fee not to exceed five hundred dollars (\$500.00);

(ii) Information regarding whether a previous application for a certificate of registration under this article or for a substantially similar certificate under the laws of another state has been denied, revoked, suspended or terminated;

(iii) Information regarding whether the applicant is currently under investigation or the subject of any pending action and whether the applicant has been found in violation of any statute or regulation in any jurisdiction in the last five (5) years;

(iv) Information sufficient for the commissioner to determine whether the applicant has adequate expertise and experience to operate an air ambulance membership organization and is of good character;

(v) Certification that the applicant has established a dedicated toll-free telephone number for its customers and an internet website that makes available the names and addresses of all current air ambulance providers with which the applicant has contracted directly or through a provider network;

(vi) Proof that the applicant has posted a surety bond and has established a reserve fund as required by W.S. 26-43-305(f).

(c) Upon receipt of an application, the commissioner shall review the application and shall notify the applicant of any deficiencies in the application not later than twenty-one (21) days after receiving the application. Not more than ninety (90) days after receipt of an application containing all required information, the commissioner shall issue a certificate of registration to an applicant that has satisfied all requirements imposed by this article.

(d) A certificate of registration issued under this section shall be effective for one (1) year after the date of issuance unless renewed as provided by W.S. 26-43-303(a).

26-43-303. Certificate of registration; renewal; suspension; revocation.

(a) Not less than ninety (90) days before a certificate of registration expires, an air ambulance membership organization seeking to maintain its registration shall submit a renewal application on a form prescribed by the commissioner, the annual report required under W.S. 26-43-307(a) and a renewal fee not to exceed three hundred dollars (\$300.00). The commissioner shall renew the certificate of registration for any air ambulance membership organization that is in compliance with the provisions of this article and any rules promulgated pursuant to this article. An air ambulance membership organization may renew its registration for up to one (1) year after expiration of its certificate of registration by paying the renewal fee and a late fee equal to the renewal fee. An air ambulance membership organization shall not enroll new members until their registration is renewed in accordance with this section or a new certificate of registration is approved.

(b) The commissioner may suspend or revoke a certificate of registration after notice and an opportunity for a hearing held in accordance with this article and the Wyoming Administrative Procedure Act if the commissioner has reasonable cause to believe that the air ambulance membership organization:

- (i) Is not operating in compliance with the provisions of this article;
- (ii) Has advertised, merchandized or attempted to merchandise its services in a manner that misrepresents its services or capacity for service;
- (iii) Has engaged in deceptive, misleading or unfair practices prohibited by the Wyoming Consumer Protection Act;
- (iv) Is not fulfilling its obligations as an air ambulance membership organization; or
- (v) Would be hazardous to the members of the air ambulance membership organization if continued operation were permitted.

(c) If the commissioner has reasonable cause under subsection (b) of this section, the commissioner shall notify the air ambulance membership organization in writing specifically stating the grounds for suspending or revoking a certificate of registration. The certificate holder may demand a

hearing not later than thirty (30) days after receipt of the notice. Any hearing held under this subsection shall be conducted pursuant to the Wyoming Administrative Procedure Act.

(d) Upon reasonable cause shown, the commissioner may suspend the authority of the air ambulance membership organization to enroll new members for a specified period of time not to exceed ninety (90) days. Any suspension under this subsection shall specify in writing any conditions the air ambulance membership organization shall meet before reinstatement of its authority to enroll new members.

(e) The commissioner may rescind or modify any suspension ordered under this section. Any modification that results in a suspension being extended or additional conditions imposed on an air ambulance membership organization shall not take effect until after notice is given to the air ambulance membership organization with an opportunity for a hearing held in accordance with this article and the Wyoming Administrative Procedure Act.

(f) No certificate of registration of an air ambulance membership organization that has been suspended or revoked shall be reinstated unless requested by the air ambulance membership organization. The commissioner shall not grant the request for reinstatement if the commissioner finds by a preponderance of the evidence that the circumstances for which the suspension or revocation occurred still exist or are likely to recur.

(g) In lieu of a suspension or revocation of a certificate of registration, the commissioner may:

(i) Issue and serve upon an air ambulance membership organization a violation notice that includes the basis for the violation and an order requiring the air ambulance membership organization to cease and desist from engaging in the acts or practices that caused the issuance of the violation notice;

(ii) Impose a civil penalty of not more than one thousand dollars (\$1,000.00) for each violation.

(h) An air ambulance membership organization shall immediately notify the commissioner if a certificate of registration or other substantially similar authorization issued in another jurisdiction has been suspended, revoked or not renewed.

26-43-304. Air ambulance membership organizations; powers and duties of the commissioner; rulemaking; costs.

(a) The commissioner is authorized to:

(i) Examine or investigate the affairs of an air ambulance membership organization to ensure compliance with the provisions of this article;

(ii) Order any air ambulance membership organization or applicant to produce materials pertaining to air ambulance membership affairs, including

any records, books, files, advertising and solicitation materials and any other information necessary to ensure compliance with this article;

(iii) Take statements under oath to determine whether the air ambulance membership organization or an applicant is in violation of the provisions of this article.

(b) An air ambulance membership organization found to have violated any provision of this article after an examination or investigation under this section shall pay all costs and fees associated with the examination or investigation.

(c) The commissioner shall promulgate any rules necessary to carry out the provisions of this article.

26-43-305. Charges authorized; written agreements required; cancellation of memberships; duties.

(a) An air ambulance membership organization may assess a periodic charge and a reasonable one-time application processing fee to its members.

(b) All terms and conditions for memberships of an air ambulance membership organization shall be provided in writing to each member. An air ambulance membership organization meeting the definition specified in W.S. 26-43-301(a)(ii) shall have an agreement in writing with each air ambulance provider offering air ambulance services to its members. The written provider agreement may be entered into directly with the provider or with an entity that hires or represents the provider.

(c) A member of an air ambulance membership organization's plan shall have the right to cancel his membership in the plan at any time. If the member cancels his membership not later than thirty (30) days after purchasing a plan, the air ambulance membership organization shall refund to the member any one-time charges that exceed thirty dollars (\$30.00) and all periodic charges. For purposes of this subsection, cancellation occurs when notice of cancellation is mailed or otherwise delivered to the air ambulance membership organization.

(d) If an air ambulance membership organization cancels a membership for any reason other than nonpayment of charges by a member, the air ambulance membership organization shall issue a pro rata refund of all periodic charges to the member.

(e) An air ambulance membership organization or an agent, broker or marketer who sells memberships for an air ambulance membership organization shall disclose all charges for each air ambulance membership organization membership to all prospective members.

(f) An air ambulance membership organization shall:

(i) Post a surety bond with one (1) or more surety companies approved by the commissioner in the amount of five thousand dollars (\$5,000.00) for every one thousand (1,000) members of the organization who are residents of the

state of Wyoming or portion thereof;

(ii) Establish a reserve fund at any financial institution approved by the commissioner in the amount of three dollars (\$3.00) for each member currently part of a plan that the air ambulance membership organization offers. The reserve fund shall be for the benefit of the members and to guarantee that any plan the air ambulance membership organization offers continues until all memberships or plans are terminated. No amount shall be required to be deposited for any family members of the plan member's household unless the family members are separately participating or subscribed to the organization's plan. No further deposits shall be required under this paragraph after the total amount of the reserve fund and surety bond required under paragraph (i) of this subsection exceeds two hundred thousand dollars (\$200,000.00).

(g) An air ambulance membership organization shall pay any costs of collection upon a judgment in favor of a plan member and attorney fees in any successful action brought by a plan member.

26-43-306. Violations; unfair trade practices; penalties.

In addition to any penalties and other enforcement of this article, any person who willfully violates any provision of this article may be subject to a civil penalty not to exceed one thousand dollars (\$1,000.00) for each willful violation.

26-43-307. Reporting requirements; notice to commissioner; penalties.

(a) Not less than ninety (90) days before expiration of a certificate of registration, an air ambulance membership organization seeking renewal of its certificate of registration shall submit an annual report to the commissioner in a form prescribed by the commissioner. The report shall include:

(i) An updated list of the names and addresses of all air ambulance providers or air ambulance service providers responsible for the conduct of the air ambulance membership organization's affairs along with disclosure of the extent and nature of any contracts or arrangements with those persons, including any possible conflicts of interest;

(ii) The number of members in Wyoming who are enrolled in any membership offered by the air ambulance membership organization;

(iii) A list of any membership agreements currently active or entered into with a governmental entity in Wyoming that provides membership of the air ambulance membership organization to all residents of that governmental entity. As used in this paragraph, "governmental entity" means the governing body of a county or municipality in Wyoming;

(iv) Any other information related to the air ambulance membership organization as required by the commissioner to ensure compliance with the provisions of this article.

(b) An air ambulance membership organization seeking renewal that fails to

file an annual report in the form or before the deadline specified in subsection (a) of this section shall be ineligible for renewal until any deficiency is remedied.

(c) Upon notice by the commissioner, an air ambulance membership organization failing to comply with subsection (a) of this section shall lose its authority to enroll new members or to do business in Wyoming if the violation continues beyond a time specified by the commissioner.

(d) An air ambulance membership organization shall provide the commissioner notice of any change in the organization's name, address, telephone number, address for the principal place of business, mailing address or internet website address not less than thirty (30) days before making the change.

26-43-308. Advertisements; marketing; required disclosures.

(a) All advertisements, marketing materials, brochures, air ambulance membership cards, presentations and any other communications of an air ambulance membership organization shall be truthful and not misleading in fact or in implication.

(b) An air ambulance membership organization advertising or marketing its memberships to Wyoming residents shall:

(i) Submit all written advertisements and marketing materials to the commissioner for review for compliance with this article;

(ii) Not use language in its advertisements or marketing that could reasonably mislead a person into believing that the air ambulance membership plan is insurance;

(iii) Not use language in its advertisements, marketing materials, brochures or presentations with respect to being licensed or registered by a state insurance department or with respect to being provided by a governmental entity in a manner that could reasonably mislead an individual into believing that the air ambulance membership plan is insurance or has been endorsed by the state or any Wyoming governmental entity;

(iv) Not have restrictions on access to air ambulance membership organizations, including waiting periods and notification periods.

(c) An air ambulance membership organization shall make the following general disclosures in writing in bold and not less than twelve (12) point font on the first content page of any advertisement, marketing material or brochure made available to prospective members or the public:

(i) The plan is a membership plan and is not insurance coverage;

(ii) For air ambulance membership organizations as defined by W.S. 26-43-301(a)(ii), that the range of discounts for air ambulance services provided under the membership will vary depending on the provider and the services offered;

(iii) The toll-free number and internet website address for the air ambulance membership organization where prospective members can obtain additional information about the services offered by the air ambulance membership organization.

(d) An air ambulance membership organization shall provide the disclosures required by subsection (c) of this section orally to any person who makes initial contact with an air ambulance membership organization by telephone.

(e) Before a person purchases a membership from an air ambulance membership organization, the air ambulance membership organization shall mail, give or, with the consent of the person, email to the person a separate document printed in bold and not less than twelve (12) point font that contains the following disclosures:

(i) That the air ambulance membership is not insurance coverage;

(ii) That, if eligible and covered under Medicare, the prospective member may consult with a representative of the Medicare program to determine the extent of applicable Medicare coverage and what the member's payment obligations will be if transported by air ambulance;

(iii) That the prospective member may be covered by an air ambulance membership organization under a membership provided by a governmental entity;

(iv) A detailed list of all one-time and periodic fees that are and will be charged to the prospective member to join the air ambulance membership organization;

(v) The Wyoming counties served by the air ambulance membership organization;

(vi) That, in an emergency and if the prospective member is outside of the air ambulance membership organization's service area, air ambulance services may be provided by another air ambulance provider or air ambulance membership organization, and the benefits of the air ambulance membership organization that the prospective member is joining may not apply to the services provided by another air ambulance provider, and in such case the prospective member may be responsible for the entire bill;

(vii) That if the member cancels the membership not later than thirty (30) days after purchasing a plan, the air ambulance membership organization will refund to the member any one-time charges paid by the member that exceed thirty dollars (\$30.00) and all periodic charges paid by the member;

(viii) That the air ambulance membership organization may not be the company called in the event of an emergency and that the member may be responsible for the entire bill if a different air ambulance service company provides the service.

Section 2. W.S. 26-1-102(b)(ii), 26-1-104(a) by creating a new paragraph (vii) and 26-5-103(a)(ii) are amended to read:

26-1-102. Definitions.

(b) As used in W.S. 26-2-116 through 26-2-124:

(ii) “Person” means as defined in W.S. 26-1-102(a)(xx) and includes all affiliates of the entities referred to in that definition and air ambulance membership organizations as identified in chapter 43, article 3 of this code.

26-1-104. Applicability of provisions.

(a) This code does not apply to:

(vii) Air ambulance membership organizations as identified in chapter 43, article 3 of this code, except as otherwise specifically provided in this title.

26-5-103. “Disability insurance” defined.

(a) Disability insurance is insurance of any kind on human beings against:

(ii) Disablement or expense resulting from sickness, ~~including subscription or membership plans relating to air ambulance transport services.~~

Section 3. The department of insurance shall promulgate all rules necessary to implement the provisions of this act.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2021.

(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 April 6, 2021.

Chapter 126

ALCOHOLIC BEVERAGE PERMITS

Original House Bill No. 156

AN ACT relating to alcoholic beverages; establishing a twenty-four hour permit for winery permit holders to sell their manufactured wine off-premises; authorizing fees; providing that microbrewery and winery permit holders may hold a manufacturer’s license; and providing for an effective date.

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

Section 1. W.S. 12-4-414, as created by 2021 Wyoming Session Laws, Chapter 22, by creating new subsections (g) and (h) and 12-4-415, as created by 2021 Wyoming Session Laws, Chapter 22, by creating a new subsection (e) are amended to read:

12-4-414. Winery permits; authorized; conditions; satellite winery permits; direct shipment of wine; fees; off-premises permits.

(g) The local licensing authority may issue to a winery permit holder an off-premises wine permit for the purpose of selling its own manufactured wine at meetings, conventions, private parties, dinners and other similar gatherings to promote the holder's product. No permittee holding an off-premises wine permit shall sell or permit consumption of any of their manufactured product off the premises described in the permit. An off-premises wine permit shall be issued for one (1) twenty-four (24) hour period, subject to the schedule of operating hours set pursuant to W.S. 12-5-101. No holder of a wine permit shall receive more than twelve (12) off-premises wine permits in any one (1) calendar year. An off-premises wine permit may be issued on application to the appropriate licensing authority. The local licensing authority may require payment of an additional permit fee of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) per twenty-four (24) hour period.

(h) The holder of a winery permit under this section may also hold a manufacturer's license under W.S. 12-2-203(a).

12-4-415. Microbrewery permits; authorized; conditions; fees.

(e) The holder of a microbrewery permit under this section may also hold a manufacturer's license under W.S. 12-2-203(a).

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

Approved April 6, 2021.

Chapter 127

UNCLAIMED COOPERATIVE UTILITY DEPOSITS AND PAYMENTS

Original Senate File No. 102

AN ACT relating to cooperative utilities; specifying how unclaimed refunds due members of cooperative utilities shall be used if unclaimed; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 17-20-1301 by creating a new subsection (c) and 34-24-109 are amended to read:

17-20-1301. Patronage capital contributions, allocations and refunds; deposits and advance payments.

(c) Notwithstanding W.S. 34-24-109 and any other provision of law, any deposit or advance payment that has been refunded, including any interest thereon, that has not been claimed by the member appearing on the records of the cooperative for more than five (5) years and for which the cooperative has made good faith efforts to deliver to the member shall be determined to be

unclaimed. Notwithstanding any other provision of law, including provisions pertaining to unclaimed property, unclaimed refunds for deposits or advance payments shall be used by the cooperative utility for the benefit of the general membership of the cooperative. The right of an owner to unclaimed refunds for deposits or advance payments held by a cooperative utility is extinguished when the unclaimed refunds are used by the cooperative utility for the benefit of its general membership in accordance with this subsection. Nothing in this subsection precludes a cooperative utility from refunding subsequently claimed funds at the cooperative utility's discretion.

34-24-109. Deposits held by utilities.

(a) Subject to subsection (b) of this section, a deposit, including any interest thereon, made by a subscriber with a utility to secure payment or any sum paid in advance for utility services to be furnished, less any lawful deductions, that remains unclaimed by the owner for more than one (1) year after termination of the services for which the deposit or advance payment was made is deemed abandoned.

(b) The provisions of this act shall not apply to deposits or advance payments made to a cooperative utility subject to the provisions of the Wyoming Cooperative Utilities Act.

Section 2. For any deposit or advance payment collected by a cooperative utility as defined by W.S. 17-20-140(a)(i) that is due as a refund to a member of the cooperative utility and that has been held as abandoned or unclaimed property before the effective date of this act, the deposit or advance payment shall remain as unclaimed property and shall not be used in accordance with W.S. 17-20-1301(c), as created by section 1 of this act, for not less than two (2) years after the effective date of this act.

Section 3. This act is effective July 1, 2021.

Approved April 6, 2021.

Chapter 128

PUBLIC SERVICE COMMISSION CONSIDERATIONS

Original Senate File No. 136

AN ACT relating to public utilities; authorizing the public service commission to consider reliability and cost externalities; and providing for an effective date.

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

Section 1. W.S. 37-2-122(a) and by creating a new subsection (e) is amended to read:

37-2-122. Matters considered in fixing rates; order changing services or facilities; qualifying facilities contracts.

(a) In determining what are just and reasonable rates the commission may take into consideration availability ~~or~~ and reliability of service, depreciation of plant, technological obsolescence of equipment, expense of operation, physical and other values of the plant, system, business and properties of the public utility whose rates are under consideration. In determining just and reasonable rates for electricity the commission shall consider common sets of facts developed pursuant to W.S. 37-2-114(b)(i) and regional benefits provided by the utility.

(e) The commission may, in all matters relating to plans, proposals or applications for authority to construct or retire major facilities having any immediate or potential effect on rates charged to customers or to recover through rates any cost thereof, consider reliability and cost externalities incurred by the state of Wyoming, including but not limited to economic and employment impacts.

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

Approved April 6, 2021.

Chapter 129

REAL ESTATE APPRAISERS-CONTINUING EDUCATION

Original Senate File No. 78

AN ACT relating to real estate appraisers; amending continuing education hours requirements; and providing for an effective date.

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

Section 1. W.S. 33-39-122(b) is amended to read:

33-39-122. Continuing education.

(b) The basic continuing education requirement for renewal of a permit shall be the completion by the applicant, during the immediately preceding term of the permit, of ~~at least thirty (30) the number of~~ classroom or remote hours of instruction established by board rules consistent with federal requirements in courses or seminars ~~which that~~ have received the approval of the board, ~~which~~ The courses or seminars that the board approves for continuing education credit shall include one (1) board approved seven (7) hour national USPAP update course.

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

Approved April 6, 2021.

Chapter 130

REAL ESTATE SUBDIVISIONS-EASEMENT REQUIREMENTS

Original Senate File No. 126

AN ACT relating to planning and zoning; amending minimum requirements for easements for real estate subdivisions as specified; and providing for an effective date.

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

Section 1. W.S. 18-5-306(a)(v) is amended to read:

18-5-306. Minimum requirements for subdivision permits.

(a) The board shall require, and with respect to paragraph (xii) of this subsection may require, the following information to be submitted with each application for a subdivision permit, provided the board may by rule exempt from any of the following requirements of this subsection or subsection (c) of this section and may exempt from paragraph (xii) of this subsection the subdivision of one (1) or more units of land into not more than a total of five (5) units of land:

(v) If the subdivider proposes to utilize adjoining property for sewers, drainage, sewer lines, power lines or other utilities, the subdivider shall provide:

(A) Copies of binding easements of not less than twenty (20) feet in width for the proposed facilities from each property owner over whose land such services shall extend, and shall provide except that the board may accept copies of binding easements of a width less than twenty (20) feet if the subdivider demonstrates to the board's satisfaction that the easement is adequate to protect the safety and health of the public and provides adequate access for the maintenance of the facilities;

(B) A minimum access roadway right-of-way of sixty (60) feet to the subdivision for all public ways;

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

Approved April 6, 2021.

Chapter 131

SCHOOL FACILITIES-PROJECT PRIORITIZATION

Original Senate File No. 2

AN ACT relating to K-12 school facilities; amending provisions governing school facility adequacy standards; amending provisions governing school facility needs assessments; amending provisions governing the prioritization of remedies for school facilities by the school facilities commission; conforming provisions; and providing for an effective date.

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

Section 1. W.S. 9-4-1001(b)(i), 21-3-110(a)(x)(intro), 21-15-114(a)(ii), 21-15-115(a)(v) and (c), 21-15-117(a)(intro), (i), (iii), by creating a new paragraph (vi), (d) and (e)(intro), 21-15-119(a)(intro), (c) and by creating a new subsection (d) and 21-15-121(a)(i) and (iii) are amended to read:

9-4-1001. Guarantee program for school district bonds.

(b) A school district that seeks the guarantee of bonds under this program shall apply to the board on forms prescribed by the board. The board shall review the application, investigate the applicant district and determine whether to approve the application based upon:

(i) The purpose of the bond issue, the district's need for it, including information from ~~the~~any needs assessment under W.S. ~~21-15-115~~21-15-117, whether the district would likely remain within constitutional debt limits after the issue and whether a guarantee under this section would likely result in reduced costs;

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~~21-15-117 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:

21-15-114. School facilities commission powers and duties.

(a) The school facilities commission shall:

(ii) Adopt policies, guidelines and standards for ~~the comprehensive~~any

assessment of school buildings and facilities ~~required under W.S. 21-15-115~~
21-15-117;

21-15-115. Statewide standards for school building and facility adequacy.

(a) The commission shall by rule and regulation establish and maintain uniform statewide standards for the adequacy of school buildings and facilities necessary for providing educational programs prescribed by law for the public schools. If a building owned by a district meets the applicable standards under this subsection for use by the district to educate students and was previously used for the purpose of educating students, no municipal or county zoning requirements shall be construed or applied so as to prevent the district from using the building for the purpose of educating students, or to require the district to make any modification to the building as a condition of using the building for the purpose of educating students. The uniform standards shall at minimum include:

(v) ~~Guidelines-Standards for adequacy and functionality of educational space for to allow the delivery of the~~ required educational programs;

(c) The commission shall not less than once every four (4) years, review and evaluate the building and facility adequacy standards established under subsection (a) of this section. Review and evaluation of the standards shall include the identification of local enhancements to buildings and facilities during this review and evaluation period, and based upon criteria and procedures developed by the commission, a determination as to whether and how any local enhancements should be incorporated into the statewide standards. The review and evaluation under this subsection shall extend to components of the annual evaluation of school buildings, the facility remediation ~~schedule-schedules~~ and the needs prioritization process established by the commission under W.S. 21-15-117. Findings and recommendations pursuant to this subsection shall be reported to the select committee on school facilities before the next convening date of the legislative session immediately following completion of the review and evaluation, and shall specifically address any need to expand ~~the~~ any needs assessment under W.S. 21-15-117, to conduct a reassessment of building and facility adequacy or to modify the needs prioritization process.

21-15-117. Annual evaluation of school buildings and facilities; remediation schedules; needs prioritization; combining facilities; implementation of remedy.

~~(a) Through the identification of school building and facility conditions and needs provided by the assessment conducted and maintained under W.S. 21-15-115, and a comparison of the identified conditions and needs with the established statewide building adequacy standards and the district facility plans developed under W.S. 21-15-116, the commission shall, based upon reports provided by the department and in coordination and cooperation with the~~

~~districts, evaluate the adequacy of school buildings and facilities within local school districts. Based upon this evaluation, The commission shall annually evaluate the adequacy of school buildings and facilities and prioritize school building and facility needs in accordance with this subsection. The commission shall cause the department, as it deems necessary, to conduct periodic on-site visitations and inspections of school buildings and facilities and acquire other relevant needs assessment data acquired in coordination and cooperation with the districts for purposes of this evaluation and prioritization. The commission shall give due consideration to district facility plans developed under W.S. 21-15-116 in performing this evaluation and prioritization. To conduct the evaluation and prioritization, the commission shall establish a schedule two (2) schedules for building and facility remediation on a statewide basis using appropriate scoring systems, as described in paragraphs (i) and (iii) of this subsection. Under each of the two (2) schedules the commission shall prioritize educational building and facility needs that impede the delivery of the prescribed statewide educational program. Additionally, the commission shall establish one (1) consolidated remediation schedule as described in paragraph (vi) of this subsection. The commission shall by rule and regulation establish a process to prioritize all school building and facility needs from the most critical to the least critical with the most critical need prioritized first. Remediation undertaken under these schedules shall over time bring all buildings and facilities to conditions such that over time, only routine maintenance is required to maintain building adequacy. The schedule shall identify and prioritize building and facility remedies on a statewide basis, based upon a building condition score developed by the commission subject to the following the levels set by the statewide adequacy standards promulgated under W.S. 21-15-115(a). The commission shall annually develop:~~

~~(i) One (1) schedule to remedy building condition needs, which shall be based on appropriate criteria and measures for building condition, which incorporate educational suitability and technology readiness, specifically taking into consideration appropriate and up-to-date standards for air quality, illumination and appropriateness of the student environment, as established by commission rule and regulation, and compiled under the building systems condition reference guide, which over time bring statewide buildings and facilities to targeted adequate levels prescribed by the commission, reviewed annually, based upon assessment results and findings, broken down for building condition. The schedule shall be categorized by educational and noneducational building; category;~~

~~(iii) One (1) schedule to remedy building capacity needs. The commission shall base the schedule on an analysis of student enrollment changes, as based upon performed in accordance with a commission approved enrollment projection methodology, to determine the need for changes in building capacities for compliance with statewide adequacy standards over a five (5)~~

year projection period commencing on the date of anticipated completion of project construction. The commission may adjust projections computed under this paragraph as necessary to reflect more precise analysis and evaluation of historical, economic, social and other data impacting the community in which the building is or is to be located; ~~Analysis under this paragraph shall prioritize remediation for those buildings requiring additional space to comply with statewide adequacy standards;~~

(vi) One (1) consolidated remediation schedule of all needs identified under the two (2) schedules developed pursuant to paragraphs (i) and (iii) of this subsection.

(d) In determining building and facility remedies under subsection (b) of this section, in developing criteria and procedures for site analysis under W.S. 21-15-114(a)(xii) and in approving district facility plans under W.S. 21-15-116 and otherwise administering this act, the commission shall adopt the remedy that is in the best financial and educational interests of the state, taking into consideration the recommendations of the department and the most efficient and cost effective approach in order to deliver quality educational services and address building and facility need. Expenditures from the school capital construction account shall be for necessary and related costs to implement efficient and cost effective building and facility remedies required to deliver quality educational services. In making determinations under this ~~paragraph~~ subsection, the commission shall take into consideration the effects of the proposed activity on the local community. The commission shall implement this subsection in carrying out building and facility remedies and shall, giving proper consideration to the prevention of unnecessary delays in proceeding with a remedy, establish a process to work with other political subdivisions of the state in implementing this subsection.

(e) For any building subject to paragraph (a)(iii) of this section, and when prioritizing buildings and facilities ~~based upon condition~~ remedies pursuant to subsection (a) of this section, the commission shall consider criteria for building capacity established by commission rule and regulation which include:

21-15-119. Commission budget and funding recommendations.

(a) Notwithstanding W.S. 9-2-1012, the commission shall annually, not later than September 1, develop and submit a recommended budget for projects and school capital construction financing to the governor, through the budget division of the department of administration and information and to the select committee on school facilities. The department shall prepare and provide information as requested by the commission. The commission shall include with its recommended budget to the select committee the ~~comprehensive assessment specified in W.S. 21-15-115(b), the prioritized list schedules~~ of projects specified in W.S. 21-15-117 including the amounts allocated to each project and the annual building status report specified under W.S. 21-15-121.

The recommended budget submitted by the commission shall include:

(c) Budgets submitted by the commission under subsection (a) of this section and recommended by the select committee on school facilities under W.S. 28-11-301 shall be attached to specified projects for the applicable budget period, which projects shall be referred to as planning and design phase projects and construction phase projects. With the approval of the governor, the department may transfer up to fifteen percent (15%) of the total funds appropriated between project phases. Any modification of appropriation expenditures between project phases shall be reported to the select committee in accordance with W.S. 28-11-301(c)(iv). Additionally, the commission may for any budget period specify amounts within its budget which are recommended to cover inflation, unanticipated costs, off-site infrastructure costs and other such contingency or special project costs provided the additional costs are reported and approved in accordance with W.S. 28-11-301(c)(iv).

(d) Amounts appropriated by the legislature shall not be construed to be an entitlement or guaranteed amount and shall be expended by the department in accordance with facility design standards and guidelines to ensure adequate, efficient and cost effective school buildings and facilities as required by W.S. 21-15-114(a)(vii). The commission shall adopt facility design standards and guidelines that are sufficiently specific to ensure that all projects constructed using state funds, excluding major building and facility repair and replacement projects, are subject to value engineering and are reasonably uniform across the state. In establishing the facility design standards and guidelines, the commission shall incorporate reasonable input and participation for conforming an aesthetic design within the community.

21-15-121. Annual school building status report to select committee on school facilities.

(a) Not later than September 1 of each year, the commission shall submit a report to the select committee on school facilities on progress being made under the school capital facilities system established under this act. The report shall be incorporated into the proposed budget submitted to the select committee under W.S. 21-15-119 and shall include:

(i) Building and facility needs determined under W.S. ~~21-15-115~~ 21-15-117, identifying progress made in the year reported;

(iii) Use of major building and facility repair and replacement funds which have addressed buildings and facilities identified under W.S. ~~21-15-115~~ 21-15-117(a), including the impact of expenditures of these funds, as quantified pursuant to ~~the statewide any~~ needs assessment rating scores undertaken in accordance with W.S. ~~21-15-115~~ under W.S. 21-15-117(a), on building condition as reported under paragraph (i) of this subsection and on the capacity, educational suitability and technology readiness of these buildings

and facilities;

Section 2. W.S. 21-15-115(b) and 21-15-117(a)(iv) and (v) are repealed.

Section 3. This act is effective July 1, 2021.

Approved April 6, 2021.

Chapter 132

SCHOOL OF ENERGY RESOURCES BUDGET SUBMITTAL

Original Senate File No. 111

AN ACT relating to the University of Wyoming; requiring the school of energy resources of the University of Wyoming to submit its biennial budget independently of the University of Wyoming; 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. 21-17-117(a), (c) by creating a new paragraph (iv), (d) and (f) is amended to read:

21-17-117. School of energy resources; creation authorized; University of Wyoming energy resources council established; reports; budget submittal.

(a) Subject to legislative appropriation and subject to paragraph (c)(iv) of this section, the University of Wyoming shall operate the school of energy resources.

(c) The school of energy resources shall:

(iv) Notwithstanding any other provision of this chapter, develop and submit a budget for the school for approval by the energy resources council and then shall submit for review in accordance with W.S. 9-2-1010 through 9-2-1014. The school of energy resources shall submit its budget to the governor after approval by the energy resources council created in subsection (e) of this section. The school of energy resources shall submit a copy of its budget for informational purposes to the university's board of trustees.

(d) Except as provided in paragraph (c)(iv) of this section, the university's board of trustees shall establish the structure and policies for operation of the school of energy resources consistent with this section, and shall engage as many academic departments and colleges as possible in support of the school.

(f) The university shall report annually, not later than October 1, to the joint minerals, business and economic development interim committee, the joint appropriations ~~interim~~ committee and the joint education interim committee regarding all revenues to and expenditures by the school of energy resources during the preceding fiscal year, any budget prepared and submitted under paragraph (c)(iv) of this section, accomplishments of the school of energy resources and its benefits to Wyoming's energy economy.

Section 2. The provisions of this act shall apply to the budgets of the University of Wyoming and the school of energy resources beginning with the 2023-2024 biennial budget.

Section 3. This act is effective July 1, 2021.

Approved April 6, 2021.

Chapter 133

COMMUNITY BASED IN-HOME SERVICES PROGRAM

Original Senate File No. 139

AN ACT relating to community based in-home services; subjecting availability of the community based in-home services program to the availability of funds; and providing for an effective date.

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

Section 1. W.S. 9-2-1208(a) is amended to read:

9-2-1208. Community based in-home services.

(a) Subject to the availability of funds, the department of health shall administer a state program to provide community based in-home services for Wyoming senior citizens and disabled adults eighteen (18) years of age and older. Priority shall be given to persons at risk of placement in nursing homes, assisted living or other institutional care settings and the program may serve persons who are not senior citizens if the program's services are needed to avoid institutional placement.

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

Approved April 6, 2021.

Chapter 134

WYOMING INVESTMENT IN NURSING FUNDING

Original Senate File No. 58

AN ACT relating to administration of the government; providing funding for the Wyoming investment in nursing program from CARES Act funds; providing for appropriations; providing for a sunset date; and providing for an effective date.

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

Section 1.

(a) There is appropriated an amount determined by the legislature to the Wyoming community college commission for purposes of the Wyoming investment in nursing program as provided in W.S. 9-2-123. This appropriation

shall be for the period beginning with the effective date of this act and ending June 30, 2022 unless otherwise provided by law. This appropriation shall not be transferred or expended for any other purpose. The source of funds for this appropriation shall be as follows:

(i) Funds for this appropriation shall come from funds available and eligible for this purpose under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. No. 116-136, as may be amended. If funds are available and eligible under the CARES Act for this purpose, there is reappropriated to the commission an amount determined by the legislature from any federal funds provided to the state government of Wyoming under section 601 of the federal Social Security Act, as created by section 5001 of the CARES Act and appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b), as authorized and made available for expenditure in Section 2(c)(i) through (iii). Any unexpended, unobligated funds remaining from this reappropriation shall revert as provided by law;

(ii) To the extent that some or all of the appropriation is not eligible for funding provided through the CARES Act or if CARES Act funds reappropriated under paragraph (i) of this subsection are insufficient, the joint appropriations committee or any other committee tasked with developing legislation to appropriate additional COVID19 relief funds shall consider including the remainder of this appropriation in any draft legislation.

(b) If a COVID-19 relief account or other similarly named account is created for the deposit of COVID-19 related emergency response funds, the reappropriation under paragraph (a)(i) of this section shall be made from that account. Except as provided in this subsection, the funds reappropriated under paragraph (a)(i) of this section shall only be expended consistent with the terms of this act and the federal gift, grant or appropriation from which the funds originate. The reappropriation under paragraph (a)(i) of this section shall not be transferred or expended for any other purpose, except that on or before November 30, 2020 any funds reappropriated under paragraph (a) (i) of this section that are determined not to be eligible for the purposes of this section are hereby reappropriated to the office of the governor for the purposes specified in 2020 Wyoming Special Session Laws, Chapter 3. Funds reappropriated to the office of the governor shall be subject to any limitations imposed by 2020 Wyoming Special Session Laws, Chapter 3.

Section 2. This act is repealed effective July 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 April 6, 2021.

Chapter 135

BORN ALIVE INFANT-MEANS OF CARE

Original Senate File No. 34

AN ACT relating to public health and safety; requiring the commonly accepted means of care to be employed in the treatment of any infant born alive; imposing duties on physicians performing abortions; and providing for an effective date.

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

Section 1. W.S. 35-6-104 is amended to read:

35-6-104. Means of treatment for viable abortion.

The commonly accepted means of care that would be rendered to any other infant born alive shall be employed in the treatment of any viable infant aborted alive, with any chance of survival. Any physician performing an abortion shall take medically appropriate and reasonable steps to preserve the life and health of an infant born alive.

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

Approved April 6, 2021.

Chapter 136

TEMPORARY LICENSING AND PERMITTING AUTHORITY-2

Original Senate File No. 15

AN ACT relating to professions and occupations; authorizing licensing and permitting boards to waive or modify statutory requirements as specified; limiting the duration of waivers and modifications; creating reporting requirements; and providing for an effective date.

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

Section 1. W.S. 33-1-303 by creating new subsections (b) through (d) is amended to read:

33-1-303. Powers of licensure boards.

(b) A board authorized to establish examination, inspection, permit or license fees for any profession or occupation regulated under this title or under W.S. 21-2-802 or 23-2-414 may waive or modify statutory examination or continuing education requirements or other statutory requirements for licensure or permitting if:

- (i) The examination is not being given or is not practicably available;
- (ii) Continuing education opportunities are not practicably available; or
- (iii) The statutory requirement could not be met due to public health orders or weather conditions.

(c) The relevant licensing or certifying authority may impose reasonable or necessary restrictions or requirements on a license, certification or practice authority affected by a waiver or modification granted pursuant to subsection (b) of this section.

(d) If the duration of a waiver or modification granted pursuant to subsection (b) of this section exceeds two (2) years, the relevant licensing or certifying authority shall report the matter to the appropriate legislative committee and recommend any appropriate related statutory amendments. For health related occupations the relevant committee shall be the joint labor, health and social services interim committee and for all other matters the relevant committee shall be the joint corporations, elections and political subdivisions interim committee. No waiver or modification granted under subsection (b) of this section shall have a duration of more than four (4) years.

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 April 6, 2021.

Chapter 137

MOTOR VEHICLES-SECURITY INTEREST PERFECTION

Original Senate File No. 28

AN ACT relating to motor vehicles; modifying requirements for perfection of a security interest; and providing for an effective date.

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

Section 1. W.S. 31-2-801(a), by amending and renumbering (b) as (c), by renumbering (c) and (d) as (d) and (f) and by amending and renumbering (f) as (g) is amended to read:

31-2-801. Perfection of a security interest in a vehicle or motor vehicle.

(a) Two (2) steps are required for Perfection of a security interest in a vehicle or motor vehicle required to be licensed-titled as hereinafter defined shall occur upon delivery of the following to the office of the county clerk in which the vehicle is located:

(i) A financing statement or security agreement; must be filed in the office of the county clerk of the county in which the vehicle is located; and

(ii) A properly tendered, completed application for certificate of title along with the valid title of record issued pursuant to W.S. 31-2-103.

(ii)(b) A notation of the security interest must be endorsed on Upon receiving the information required under subsection (a) of this section, the county

~~clerk shall endorse the certificate of title to the vehicle or motor vehicle, the endorsement to be made concurrently with the filing of the financing statement or security agreement with the lien information, including the month, day and year it was delivered to the county clerk.~~

(b)(c) Each owner of a vehicle or motor vehicle concerning which an original or substitute certificate of title has been issued who encumbers the title thereto, shall deliver the certificate to the holder of the security interest who, within five (5) days thereafter, shall deliver the certificate to the clerk of the county in which the vehicle is located, and the clerk shall then endorse on the face of the certificate appropriate notation showing the date and amount of the security interest, and the name of the secured party. If ~~such the~~ clerk issued the certificate, he shall immediately endorse the same security interest data on the certificate copy on file in his office. If the certificate was issued in some other county or state, he shall promptly transmit to the state or county officer who issued the certificate the same security interest data and ~~such the~~ other officer shall promptly endorse same on the certificate copy on file in his office. Every financing statement or security agreement ~~when filed delivered~~ pursuant to the provisions of this subsection shall take effect and be in force from and after the time ~~of filing the secured party delivers a properly tendered, complete application for a certificate of title issued pursuant to W.S. 31-2-103 and the financing statement or security agreement to the office of the county clerk of the county in which the vehicle is located~~ and not before, as to all creditors, subsequent purchasers; and holders of a security interest in good faith for valuable consideration and without notice.

(c)(d) When a termination statement has been filed pursuant to W.S. 34.1-9-513, the owner of the motor vehicle shall present the certificate of title to the county clerk in whose office the financing statement has been filed, and the county clerk shall endorse a statement of the termination of the security interest on the face of the certificate. If the clerk issued the certificate of title, he shall endorse a like statement of termination of the security interest on the certificate copy on file in his office, but otherwise he shall promptly transmit to the state or county officer who issued the certificate of title the statement of termination for endorsement on the certificate copy on file in his office.

(d)(f) The term “vehicle or motor vehicle required to be licensed” and the words “vehicle” and “motor vehicle” as used in this section means and includes all vehicles, motor vehicles, house trailers, trailers, semitrailers, motor coaches, trailer coaches, trucks, motorcycles, multipurpose vehicles and mobile homes required by the motor vehicle laws of the state of Wyoming to have a certificate of title or required to be registered or licensed under the laws of this state and includes off-road recreational vehicles for which a certificate of title has been issued under the laws of this state.

(f)(g) When the certificate of title to the vehicle or motor vehicle is not available

for perfection under subsection (a) of this section, a “transitional ownership document”, on a form prescribed by the department of transportation, may be ~~filed~~ ~~delivered~~ with the financing statement or security agreement and the fee as specified in W.S. 18-3-402(a)(xvi)(T) to enable a security interest to be perfected in a timely manner. The transitional ownership document serves to perfect a lien upon ~~the date of filing receipt by the county clerk~~ as to all creditors, subsequent purchasers and holders of a security interest in good faith for valuable consideration and without notice. No endorsement on the transitional ownership document is required to perfect the security interest. Within ninety (90) days from the date of the financing statement or security agreement, the certificate of title shall be filed along with a five dollar (\$5.00) fee with the county clerk. If the certificate of title is not timely filed, the transitional ownership document is invalid, without force and effect.

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

Approved April 6, 2021.

Chapter 138

INSURANCE DISCOUNT FOR ACCIDENT PREVENTION TRAINING

Original Senate File No. 112

AN ACT relating to motor vehicle insurance; removing the requirement for an insurer to allow and for the motor vehicle division of the department of transportation to approve accident prevention training in order for the insured person to be eligible for an insurance discount after completing the training; and providing for an effective date.

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

Section 1. W.S. 26-14-105(c) is repealed.

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

Approved April 6, 2021.

Chapter 139

BROADBAND DEVELOPMENT PROGRAM-AMENDMENTS

Original Senate File No. 76

AN ACT relating to the broadband development program; creating requirements for providing funding for middle-mile broadband projects; defining terms; amending minimum speed requirements for projects funded under the program; specifying eligible applicants for funding; amending rulemaking authority and requirements for the program; amending application contents; providing for the confidentiality of certain application materials; amending procedures for the challenge process; specifying additional funding priorities; amending and repealing limitations on funding projects; repealing rulemaking requirements for broadband speeds; requiring rulemaking; specifying applicability; and providing for effective dates.

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

Section 1. W.S. 9-12-1510 is created to read:

9-12-1510. Middle-mile broadband projects.

(a) The council may fund middle-mile broadband projects upon receiving an application as provided under this article. The provisions of this article shall apply to middle-mile broadband projects except as otherwise provided by this section. The council shall not fund middle-mile broadband projects under this article unless:

(i) There is no middle-mile infrastructure or functional equivalent in the proposed geographic broadband service area to be served by the proposed middle-mile broadband project;

(ii) The middle-mile broadband project does not result in any overbuild of middle-mile broadband infrastructure or the functional equivalent;

(iii) The project enables broadband internet providers to provide or improve last-mile broadband internet service for end users or end user devices in unserved areas;

(iv) The broadband provider receiving funding under this article agrees to ensure that access to any infrastructure created or improved by the project is provided to other broadband providers at reasonable rates;

(v) The broadband provider agrees to:

(A) Allow the council to participate in arbitration of determining reasonable rates in the event of unsuccessful negotiations between the funding recipient and another broadband provider for access to the infrastructure; and

(B) Provide to the council upon the council's request any marketing information based on current leases to assist the council in determining reasonable rates for access to the infrastructure for the project funded under this article. Any information provided under this subparagraph shall be confidential and shall not be disclosed by the council.

(b) The council shall promulgate rules for the funding of middle-mile broadband projects as provided by this section.

Section 2. W.S. 9-12-1404(a)(ii), 9-12-1501(b), (c)(ii)(A), (B), by creating a new subparagraph (C), (d), (g) and by creating a new subsection (h), 9-12-1502(c)(ii), 9-12-1503(a)(i) and by creating new subsections (b) and (c), 9-12-1504(a)(intro), (i) and (c) and 9-12-1505(b)(vii) and by creating a new paragraph (ix) are amended to read:

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:

(ii) The broadband development subaccount. Funds within this subaccount may be expended as requested by the Wyoming business council and approved by the governor or his designee to provide funding for agreements entered into pursuant to W.S. 9-12-1501 through ~~9-12-1508~~ 9-12-1510;

9-12-1501. Broadband development program established; purposes; eligibility; definitions.

(b) Funds may be provided under this article for the acquisition, deployment and installation of infrastructure that supports broadband service at a minimum of at least twenty-five (25) megabits per second download and three (3) megabits per second upload in residential areas and ~~one (1) gigabits~~ nine hundred (900) megabits per second download speed and ~~one hundred (100) thirty-five (35)~~ megabits per second upload speed in business corridors.

(c) Except as provided in subsection (d) of this section, eligible applicants for funding awarded under this article are public private partnerships which include:

(ii) A government entity specified in the following:

(A) A city, town, improvement and service district or county or joint powers board; ~~or~~

(B) A tribal government of either the Northern Arapaho or Eastern Shoshone tribes of the Wind River Indian Reservation; ~~or~~

(C) A state agency as defined by W.S. 9-2-1002(a)(i).

(d) A governmental entity specified in subparagraph (c)(ii)(A) or (B) of this section shall develop a request for proposals, as prescribed by the council, on such a form as may be promulgated by the council, inviting business entities to participate in a project proposed for funding under this article. If no eligible business entity responds to the request for proposal with a proposal meeting the requirements specified, the governmental entity specified in subparagraph (c)(ii)(A) or (B) may apply individually, or jointly with any other governmental entity specified in ~~subsection (c)~~ subparagraph (c)(ii)(A) or (B) of this section.

(g) The Wyoming business council shall by rule establish a definition of "business corridor" for purposes of this article. An area shall not be considered a business corridor unless multiple businesses are, or have undertaken

permitting, construction or other substantial steps to be, located in proximity to each other, ~~such that the provision of broadband services at the speeds specified in subsections (e) and (f) of this section is technologically and economically feasible.~~

(h) As used in this article:

(i) “Last-mile” means a broadband project for fixed terrestrial infrastructure, including fixed wireless infrastructure, the primary purpose of which is to provide broadband internet service to end users or end-user devices;

(ii) “Middle-mile” means a broadband project for fiber-optic infrastructure the primary purpose of which is to connect last-mile broadband infrastructure and networks to network service providers.

9-12-1502. Application process.

(c) Funding under this article to a public private partnership shall not require of the partnering business entity:

(ii) Rates, terms and conditions that differ from those the provider offers in its other service areas, except as provided in W.S. 9-12-1510;

9-12-1503. Application contents; application modification.

(a) An applicant for funding under this article shall provide the following information on the application:

(i) The location of the project, including a shapefile depicting the location and boundaries of the proposed project area or, for a middle-mile project, a map depicting the location and endpoints;

(b) The council may require an applicant to submit additional information to enable the council to properly assess the application for funding. The council may request an applicant to modify an application based on current broadband access in the proposed geographic broadband service area before awarding funding under this article.

(c) The council shall, after providing opportunity for public comment, promulgate rules on or before September 1, 2021 that identify the nature and type of information provided by broadband providers to the council that shall be treated as confidential, trade secret or proprietary and that shall be protected from disclosure to the public. The following information shall not be considered confidential, trade secret or proprietary and shall be subject to disclosure to the public:

(i) Publicly available information;

(ii) The name of a broadband grant applicant and the amount of funding sought in their application;

(iii) Information which is to be publicly posted, provided to other

carriers or provided to a legislative committee pursuant to W.S. 9-12-1504(a), 9-12-1507 or any other provision in this article;

(iv) The recipient and the amount of any broadband grant award;

(v) Information supplied by a broadband provider with consent from the provider to treat the supplied information as public information; and

(vi) Information deemed public information by the council after a hearing on the issue.

9-12-1504. Challenge process.

(a) Within three (3) business days of the close of the funding application process, the council shall publish on its official website the proposed geographic broadband service area and the proposed broadband service speeds for each application submitted and shall notify each broadband provider who is listed with the council as providing broadband service in the proposed project area of the application and proposed project. The notification to each listed broadband provider shall include the shapefile or map submitted by the applicant under W.S. 9-12-1503(a)(i). An existing broadband service provider may, within ~~thirty (30)~~ fourteen (14) business days of publication of the information, submit in writing to the council a challenge to an application. A challenge shall contain information demonstrating that:

(i) The provider currently provides or has begun construction, ~~or undertaken permitting or other significant steps toward construction~~ has received, obtained approval for or won an option for other federal or state funding for a project in the proposed geographic broadband service area to provide broadband service comparable to that in the proposed project at speeds equal to or greater than the speeds proposed in the application and with other capabilities and project size comparable to the project proposed in the application; or

(c) If the council denies funding to an applicant as a result of a broadband service provider's challenge made under this section, and the broadband service provider does not fulfill the provider's commitment to provide broadband service in the project area, the challenging provider is prohibited from applying for funding for a project under this article for the following five (5) years and the council is prohibited from denying funding to an applicant as a result of a challenge by the same broadband service provider for the following two (2) fiscal ~~five (5)~~ years, unless the council determines that the broadband service provider's failure to fulfill the provider's commitment was the result of factors beyond the broadband service provider's control.

9-12-1505. Funding determinations.

(b) In evaluating applications and entering into agreements to provide funding, the council shall give priority to applications that meet one (1) or

more of the following criteria, with additional priority given for meeting multiple criteria:

(vii) Provide access to very high speed broadband service to business districts or other business areas and are likely to secure economic benefits for the surrounding locality;

(ix) Are for projects that are economically and technologically feasible for expanding broadband access in unserved areas of the state.

Section 3. W.S. 9-12-1503(a)(ix) and (x), 9-12-1506(a) and 9-12-1508 are repealed.

Section 4. The provisions of this act shall apply to all projects approved for funding under the broadband development program on or after the effective date of this section.

Section 5. The Wyoming business council shall promulgate all 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, 2021.

(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 April 6, 2021.

Chapter 140

STATE FUNDED CAPITAL CONSTRUCTION

Original House Bill No. 121

AN ACT relating to state funded capital construction; creating an account; providing definitions; providing appropriations for purposes related to state funded capital construction; making certain appropriations subject to specified terms and conditions; modifying prior appropriations; providing for the acceptance and purchase of real property; providing appropriations for and recreating an advisory task force related to state facilities; authorizing and specifying requirements for higher education projects; creating a subcommittee; providing for the acceptance of contributions; and providing for an effective date.

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

Section 1. W.S. 9-4-225 is created to read:

9-4-225. Capitol square preservation account.

The capitol square preservation account is created. The state treasurer may accept federal grants and other contributions, grants, gifts, transfers, bequests and donations of money from any source for deposit into the account. Funds within the account shall only be expended upon legislative appropriation.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be credited to the general fund.

Section 2.

(a) As used in this act:

(i) “Appropriation” means the authorizations granted by the legislature under this act to make expenditures from and to incur obligations against the general and other funds as specified;

(ii) “FF” means federal funds;

(iii) “SR” means an agency’s account within the special revenue fund;

(iv) “S10” means the legislative stabilization reserve account;

(v) “S13” means the strategic investments and projects account.

(b) Appropriations for projects in this act remain in effect until the project is completed, unless otherwise provided. The amounts appropriated for projects under this act shall be expended only on the projects specified and any unexpended, unobligated funds remaining upon completion of a project shall revert as provided by law. The amounts appropriated in this act are intended to provide a maximum amount for each project and shall not be construed to be an entitlement or guaranteed amount.

[CAPITAL CONSTRUCTION]

Section 3.

(a) The following sums of money are appropriated for the capital construction projects specified:

(i) Appropriations and authorization for projects administered through the state construction department:

Section 027. CAPITAL CONSTRUCTION PROJECTS

PROGRAM

SBC- Flex Fund	11,000,000	S13	11,000,000
Mil- Army NG Vehicle			
Maint. Shop - Sheridan	16,895,000		16,895,000
State Parks- Maint.			
Outdoor Rec. ¹	5,450,000	SR	5,450,000
State Parks- Water Fac.	300,000	SR	300,000
State Parks- Quebec 01 Fac.	25,000	SR	25,000
State Parks- Terr. Prison	210,000	SR	210,000
SCD- Enterprise			
Lvl I & Lvl II	899,800	S13	899,800

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
SCD- Comm. College				
Proj. ^{4,5}	12,000,000			12,000,000
WWCC- Mechanical Rep.			11,740,000	\$10 11,740,000
DOC- WWC HVAC Replace			2,612,045	\$13 2,612,045
State Facilities Const. ²			4,000,000	\$13 4,000,000
SCD- Chancery Court ³			775,000	\$13 775,000
TOTALS	12,000,000	16,895,000	37,011,845	65,906,845

1. Of this other funds appropriation, three million dollars (\$3,000,000.00)SR is appropriated for facility remedies of concessionaires within Hot Springs state park as determined by the department of state parks and cultural resources.

2. Funds from this appropriation shall be deposited in the state facilities construction account. These funds are hereby further appropriated and may be expended from the state facilities construction account in addition to prior appropriations from the state facilities construction account by the state construction department for abatement activities at the Wyoming life resource center.

3. This other funds appropriation is appropriated for capital outlay expenditures associated with the chancery court within the Casper state office building.

4. The state construction department, in consultation with the Wyoming community college commission, shall allocate this appropriation for projects prioritized based upon complete design, earliest established construction timeline, timeliness to proceed with contracting and construction, and available matching funds.

5. (a) This general fund appropriation shall be matched in a ratio of one dollar (\$1.00) from the general fund to one dollar (\$1.00) of matching funds from any source by the recipient community college. The funds shall only be allocated for the following projects:

- (i) CWC- Jackson Outreach Center;
- (ii) NWC- Student Center;
- (iii) LCCC- RAC Renovation; or
- (iv) NWCCD- Construction Technology Center.

(ii) Appropriations and authorization for University of Wyoming projects:

PROGRAM UW ¹	6,000,000			6,000,000
TOTALS	6,000,000			6,000,000

1. This general fund appropriation shall be matched in a ratio of one dollar (\$1.00) from the general fund to one dollar (\$1.00) of matching funds from the university from any other source. This appropriation shall be expended for the design and construction of University of Wyoming projects selected by the University of Wyoming board of trustees.

[NWCCD ACCEPTANCE OF GIFT]

Section 4. The northern Wyoming community college district is authorized to accept the transfer of ownership of two (2) facilities totaling approximately twenty-nine thousand seven hundred twenty (29,720) square feet to be used to house a construction technology program. These facilities shall be included within the computation of major maintenance in accordance with W.S. 21-18-225 until the facilities are no longer owned by the community college district.

[CWC AUTHORIZATION TO PURCHASE]

Section 5. Central Wyoming Community College is authorized to purchase not more than five (5) acres in Teton County, Wyoming to be used as the site for the Central Wyoming Community College Jackson Outreach Center. Any facilities constructed on the site through authorized state or community college funds, from any source, shall be included within the computation of major maintenance in accordance with W.S. 21-18-225 until the facilities are no longer owned by the community college district.

[REAPPROPRIATION OF MAGHEE BUILDING REMODEL FUNDS]

Section 6. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, up to one million eight hundred eighty thousand dollars (\$1,880,000.00) of unexpended, unobligated monies appropriated from the general fund to the department of family services under 2018 Wyoming Session Laws, Chapter 136, Section 4(a)(i), as amended by 2019 Wyoming Session Laws, Chapter 205, Section 2, for the Maghee building remodel are reappropriated to the department of family services, to be administered through the state construction department, for purposes of the remodel of the Emerson building on the campus of the Wyoming life resource center. This appropriation shall remain in effect until the project is completed. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining upon completion of the project shall revert as provided by law.

[CASPER STATE OFFICE BUILDING—APPROPRIATION AND
CONTINUATION OF ADVISORY TASK FORCE]

Section 7.

(a) The Casper state office building advisory task force created in 2018 Wyoming Session Laws, Chapter 136, Section 6 as amended by 2019 Wyoming Session Laws, Chapter 205, Section 4 is hereby recreated.

- (b) The task force shall be comprised of:
 - (i) Four (4) members of the legislature as follows:
 - (A) Two (2) members of the senate, appointed by the president of the senate;
 - (B) Two (2) members of the house of representatives, appointed by the speaker of the house.
 - (ii) Five (5) members appointed by the governor to include:
 - (A) One (1) member from the state construction department;
 - (B) One (1) member to represent the interests of the city of Casper;
 - (C) One (1) member to represent the interests of the Casper downtown development authority;
 - (D) Two (2) members appointed from the state agencies that are anticipated to occupy the Casper state office building.
- (c) The cochairmen of the task force shall be appointed by the president of the senate and the speaker of the house, respectively.
- (d) The task force shall serve in an advisory role and provide recommendations to the executive branch of government for the procurement of professional services and construction and completion of the Casper state office building project. While serving in an advisory role, the task force shall:
 - (i) Receive and, when necessary, request information from the state construction department to stay informed on all aspects of the Casper state office building project;
 - (ii) Closely monitor the procurement of professional services and progress on the Casper state office building project;
 - (iii) When necessary or prudent, make recommendations to the state construction department regarding important aspects of the Casper state office building project;
 - (iv) Closely monitor and make recommendations to the state construction department and any entity procured for professional services on all aspects of the meeting rooms and facilities located within the Casper state office building project that are designed to accommodate meetings of joint interim committees of the legislature in accordance with 2018 Wyoming Session Laws, Chapter 136, Section 6(k) as amended by 2019 Wyoming Session Laws, Chapter 205, Section 4;
 - (v) Provide interim reports on the activities of the task force to the joint appropriations committee not later than November 1 of each year the task force is in existence;
 - (vi) Include in each interim report the status of the meeting rooms

and facilities referenced in paragraph (iv) of this subsection and any recommendations for legislative action that should be considered during the legislative session immediately following the report as necessary to continue or complete the Casper state office building project.

(e) The task force shall be staffed by the state construction department with assistance provided by the legislative service office. In staffing the task force, the state construction department shall:

(i) Coordinate and schedule all meetings, assemble all required meeting agenda and meeting materials for the task force and include and communicate with the legislative service office to allow the legislative service office to provide sufficient assistance to the legislative members to fulfill their responsibilities as members of the task force;

(ii) Act as a liaison between the task force and the executive branch of government to communicate task force recommendations;

(iii) Provide regular updates and progress reports to the task force and the state building commission concerning the Casper state office building project;

(iv) Provide other information and assistance to the task force as requested.

(f) Members of the task force who are legislators shall be paid salary, per diem and mileage in the amount and manner provided for members of an interim committee under W.S. 28-5-101 and 28-5-102 when performing official duties as members of the task force. The cochairmen of the task force shall be eligible for salary as provided under W.S. 28-5-101(e)(i).

(g) Except as otherwise provided in this section, nonlegislative members of the task force shall serve without salary but shall be paid expenses in the amount and manner provided for state employees under W.S. 9-3-102 and 9-3-103 when performing official duties as members of the task force. Nonlegislative members of the task force who are state employees shall be considered on official business of the state when performing official duties as members of the task force, shall not be paid a separate salary and shall be paid expenses in the amount and manner provided by their agency.

(h) The task force shall terminate sixty (60) days after the substantial completion document for the project is signed by the project architect, contractor and owner and filed with the state construction department.

(j) There is appropriated ten thousand dollars (\$10,000.00) from the strategic investments and projects account to the legislative service office. This appropriation shall be for the period beginning with the effective date of this section and ending the month following termination of the task force. This appropriation shall only be expended for the purpose of funding salary, mileage and per diem of legislative members of the task force. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from

this appropriation after termination of the task force shall revert as provided by law.

(k) There is appropriated ten thousand dollars (\$10,000.00) from the strategic investments and projects account to the state construction department. This appropriation shall be for the period beginning with the effective date of this section and ending the month following termination of the task force. This appropriation shall only be expended for the purpose of funding mileage and per diem for the members of the task force appointed by the governor who are not state employees. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation after termination of the task force shall revert as provided by law.

[CAPITOL SQUARE PRESERVATION]

Section 8.

(a) There is created a subcommittee to jointly oversee development of the design plans~~[-**construction**]~~ of the interpretive exhibits and wayfinding in the capitol, the capitol extension and the Herschler building. The governor shall appoint three (3) members of the state building commission to the committee. The president of the senate shall appoint one (1) member to the committee, the speaker of the house of representatives shall appoint one (1) member to the committee and management council shall appoint one (1) member to the committee. The subcommittee shall: **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 6, 2021.]**

(i) In developing recommendations for design and construction documents to the interpretive exhibits, be guided by the schematic design documents developed as part of the capitol square project which are on file with the legislative service office;

(ii) ~~**[Recommend responsibilities and operations of capitol facilities consistent with and in furtherance of the memoranda of understanding and other agreements entered into under W.S. 9-5-106(f);]**~~ **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 6, 2021.]**

~~**[(iii)]**~~ Report its recommendations to the management council and the state building commission ~~**[for final approval]**~~. **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 6, 2021.]**

(b) The legislative service office and construction management division of the state construction department shall staff the subcommittee created by this

section. The legislative service office, the state construction department, the department of education, the office of tourism, the department of state parks and cultural resources and other state entities as determined appropriate by the subcommittee shall provide support for the design ~~[and construction]~~ of the exhibits and wayfinding systems. **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 6, 2021.]**

(c) There is appropriated two million dollars (\$2,000,000.00) from the general fund to the capitol square preservation account.

(d) There is appropriated two million dollars (\$2,000,000.00) from the capitol square preservation account to the state construction department. The state construction department shall be the fiscal and contracting agent for expenditure of this appropriation. After consultation with the subcommittee created under this section, the state construction department shall expend this appropriation for the purposes of:

(i) Development of design and construction documents and the construction of interpretative exhibits for the capitol and the capitol extension in accordance with the recommendations approved by ~~[the management council and]~~ the state building commission; **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 6, 2021.]**

(ii) Design, construction and installation of a wayfinding system and signage for the capitol, the capitol extension and the Herschler building in accordance with the recommendations approved by ~~[the management council and]~~ the state building commission. **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 6, 2021.]**

[HIGHER EDUCATION PROJECT AUTHORIZATION]

Section 9.

(a) The following projects are authorized to be administered through the state construction department and shall utilize private revenue and any general funds applied to the project under section 3 of this act for the purposes of design and construction up to the following total project amounts:

(i) CWC- Jackson Outreach Center: up to eighteen million six hundred seventy thousand five hundred forty-two dollars (\$18,670,542.00);

(ii) NWC- Student Center: up to twenty-five million one hundred thirty thousand seven hundred fifty-six dollars (\$25,130,756.00);

(iii) LCCC- RAC Renovation: up to twenty-two million two hundred forty-eight thousand four hundred forty-two dollars (\$22,248,442.00);

(iv) NWCCD- Construction Technology Center: up to nine million eight

hundred fifty-six thousand dollars (\$9,856,000.00).

(b) The University of Wyoming is authorized to utilize up to twenty-seven million five hundred thousand dollars (\$27,500,000.00) in private revenue for the design and construction of University of Wyoming projects selected by the University of Wyoming board of trustees.

(c) The community college projects and the University of Wyoming projects authorized to be constructed under this section up to the authorized amount for each project shall be eligible for major maintenance as appropriated by the legislature until the facilities are no longer owned by the community college district or the University of Wyoming.

(d) For purposes of subsections (a) and (b) of this section, private revenue may include federal funds from qualifying capital construction grant funds allocated to the state under section 604, coronavirus capital projects fund, of the American Rescue Plan Act, P.L. 117-2. The ~~governor, with the assistance of the state construction department, shall submit grant applications to secure those funds as may be available. In submitting the applications, the~~ governor shall require the university or community college, as applicable, to provide nonstate matching funds in an appropriate ratio to the total application for federal funds to apply toward the project. The ratio shall be established by taking into consideration other funds available to the institutions and other relevant facts and circumstances. In no event shall the ratio required of any institution be greater than five (5) times the ratio of any other institution. To the extent federal funds are granted for a project, those funds are appropriated and the authorization of non-federal private funds for the approved project shall be reduced by one dollar (\$1.00) for each one dollar (\$1.00) in federal funds received. **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR APRIL 6, 2021.]**

[EFFECTIVE DATE]

Section 10. 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 April 6, 2021.

Chapter 141**VOYEURISM AMENDMENTS**

Original Senate File No. 87

AN ACT relating to crimes and offenses; amending the elements and penalties of the crime of voyeurism; authorizing the imposition of specified probation conditions for those persons convicted of voyeurism; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 6-4-304(a)(intro), (iii), by creating new paragraphs (v) and (vi), (b)(intro), (ii) and by creating new subsections (c) through (g) and 7-13-304 by creating a new subsection (e) are amended to read:

6-4-304. Voyeurism; penalties.

(a) Except as otherwise provided in this section, a person is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if he, without the consent of the person being viewed, commits the crime of voyeurism by looking in a clandestine, surreptitious, prying or secretive nature into an enclosed-area where the person being viewed has a reasonable expectation of privacy, including, but not limited to:

(iii) Showers; ~~or~~

(v) Bedrooms; or

(vi) Under the clothing being worn by another person, regardless of whether the person is in a place where the person has a reasonable expectation of privacy.

(b) Except as otherwise provided in this section, a person is guilty of a felony punishable by imprisonment for not more than two (2) five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both, if he:

(ii) Uses a camera, video camera or any other image recording device;

(A) For the purpose of observing, viewing, photographing, filming, recording, livestreaming or videotaping the intimate areas of another person;

(B) Under the clothing being worn by the other person; and

(C) where that other person has not consented to the observing, viewing, photographing, filming or videotaping Without the consent of the other person.

(c) A minor convicted of violating subsection (b) of this section shall be guilty of a status offense as defined in W.S. 7-1-107(b)(iii) and may be fined not more than two hundred fifty dollars (\$250.00).

(d) A person who is eighteen (18) years of age or older who commits an offense as specified in this section for which the victim is less than eighteen

(18) years of age shall be guilty of a felony punishable by imprisonment of not more than ten (10) years, a fine of not greater than five thousand dollars (\$5,000.00), or both.

(e) If a person sentenced under subsection (a) of this section is placed on probation, the court may, notwithstanding any other provision of law, impose a term of probation exceeding the maximum imprisonment of six (6) months, provided the term of probation, including extensions, shall not exceed one (1) year.

(f) A person who is eighteen (18) years of age or older who commits an offense as specified in subsection (a) or (b) of this section who has previously been convicted as an adult of an offense under subsection (a) or (b) of this section or of a similar offense under the laws of another state shall be guilty of a felony punishable by imprisonment of not greater than five (5) years, a fine of not greater than five thousand dollars (\$5,000.00), or both.

(g) As used in this section, "intimate area" means any portion of a person's pubic area, buttocks, vulva, genitals, female breast or undergarments intended to cover those portions. "Intimate area" does not include intimate areas visible through a person's clothing or intimate areas knowingly exposed in public.

7-13-304. Imposition or modification of conditions; performance of work by defendant.

(e) As a condition of probation or suspension of sentence for a person convicted of an offense under W.S. 6-4-304, the court may require a defendant to complete successfully a sex offender treatment 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 April 7, 2021.

Chapter 142

FIREARMS TRANSACTIONS-FINANCIAL DISCRIMINATION

Original House Bill No. 236

AN ACT relating to banks, banking and finance; prohibiting financial institutions from discriminating against firearms businesses; specifying civil remedies; providing for attorneys fees and costs for a successful action; providing a statute of limitations on civil actions; providing for potential loss of state business to a financial institution found to have violated this act; and providing for an effective date.

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

Section 1. W.S. 13-10-301 through 13-10-303 is created to read:

ARTICLE 3

UNLAWFUL DISCRIMINATION

13-10-301. Definitions.

(a) As used in this article:

(i) "Ammunition" means one (1) or more loaded cartridges consisting of a primed case, propellant and with or without one (1) or more projectiles;

(ii) "Discriminate" means to:

- (A) Refuse to engage in the trade of any goods or services;
- (B) Refrain from continuing an existing business relationship;
- (C) Terminate an existing business relationship;
- (D) Otherwise unlawfully discriminate against a person.

(iii) "Financial institution" means a payment processor, a financial institution as defined in W.S. 13-1-101(a)(ix) or a national banking association as defined in 12 U.S.C. § 221;

(iv) "Firearm" means a weapon that expels a projectile by the action of an explosive;

(v) "Firearm accessory" means both:

(A) A device that is specifically designed or adapted to enable a person to wear or carry a firearm on the person or to store or mount a firearm in or on a conveyance;

(B) An attachment or device that is specifically designed or adapted to be inserted into or affixed onto a firearm to enable, alter or improve the functioning or capabilities of the firearm.

(vi) "Firearm entity" means all of the following:

(A) A firearm, firearm accessory or ammunition manufacturer, retailer and distributor;

(B) A shooting range;

(C) A trade association.

(vii) "Trade association" means any person, corporation, unincorporated association, federation, business league or professional or business organization that:

(A) Is not organized or operated for profit and for which no part of its net earning inures to the benefit of any private shareholder or individual;

(B) Is an organization described in section 501(c)(6) of the Internal Revenue Code and is exempt from tax pursuant to section 501(a) of the Internal Revenue Code;

(C) Has two (2) or more members who are firearm, firearm accessory or ammunition manufacturers or sellers.

13-10-302. Unlawful discrimination against a firearm entity; exception.

(a) A financial institution shall not discriminate against a firearm entity because the firearm entity supports or is engaged in the lawful commerce of firearms, firearm accessories or ammunition products.

(b) This section shall not apply to a financial institution that chooses not to provide services to a firearm entity for a business or financial reason or due to a directive by the state banking commissioner or a bank supervisory agency as defined by W.S. 13-2-802(a)(iii). This section shall also not apply to a financial institution that has a written policy prohibiting the institution from discriminating against firearm entities as defined in W.S. 13-10-301. For the purposes of this subsection, “business or financial reason” does not include a policy of refusing to provide financial services or otherwise discriminating when providing financial services to a firearm entity.

13-10-303. Remedies; attorney general notice; statute of limitation.

(a) A person who is injured by a violation of this article may bring a civil action against the financial institution. A court of competent jurisdiction shall award the successful party reasonable attorney fees and costs. The court may award the successful party any of the following:

- (i) Actual and compensatory damages;
- (ii) Treble damages;
- (iii) Punitive or exemplary damages;
- (iv) Injunctive relief;
- (v) Any other appropriate civil relief.

(b) The attorney general may file a civil action for a violation of this article. The attorney general may request the court to do any of the following:

(i) Issue a declaratory judgment for an act or practice that violates this article;

(ii) Enjoin any act or practice that violates this article by issuing a temporary restraining order or preliminary or permanent injunction, without a bond, after providing appropriate notice;

(iii) In the event of repeated discrimination or failure to adhere to the financial institution’s own antidiscrimination policy, impose a civil penalty that does not exceed twenty thousand dollars (\$20,000.00) per violation of this article.

(c) If the attorney general prevails on an action filed pursuant to subsection (b) of this section, a court’s order for relief, in addition to any other remedies, may include any relief sought under subsection (b) of this section and shall include an award to the attorney general for reasonable attorney fees and investigative and litigation costs.

(d) The attorney general shall submit the name of any financial institution that has violated this article to the governor and request that the state terminate any business relationship with the financial institution.

(e) Any civil action shall be commenced within not more than two (2) years after the date that the violation is discovered or should reasonably have been discovered.

(f) The remedies and actions available or required under this section shall not be applicable if a financial institution has a written policy prohibiting the institution from discriminating against firearm entities as defined in W.S. 13-10-301.

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

Approved April 7, 2021.

Chapter 143

BUSINESS ENTITIES-REPRESENTATION IN DETAINER CASES

Original Senate File No. 141

AN ACT relating to civil procedure; authorizing business entities to represent themselves in forcible entry and detainer actions; specifying requirements and exceptions; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 1-21-1017 is created to read:

1-21-1017. Corporate and business representation in proceedings.

(a) Notwithstanding any other provision of law and subject to subsection (c) of this section, a business entity may represent itself without an attorney in any proceedings under this article that the business entity commences or is required to respond to or participate in, provided that:

(i) The business entity is represented by an owner, shareholder, member or partner;

(ii) The business entity owns a majority interest in the lands or tenements subject to the alleged unlawful and forcible entry;

(iii) The person representing the business entity may litigate actions on behalf of the business entity without an attorney, provided that if an attorney appears on behalf of the business entity, the opposing party is entitled to a continuance for the purpose of obtaining an attorney of its own; and

(iv) The business entity provides notice in writing to the court and all parties to the proceedings that it is being represented by an owner, shareholder, member or partner. The notice shall be signed by every owner, shareholder, member or partner of the business entity.

(b) Notwithstanding any other provision of law or rule, any person who represents a business entity in an action or proceeding under this article in accordance with the provisions of this section shall not be deemed to have engaged in the unauthorized practice of law, provided that the person complies with the provisions of W.S. 33-5-117.

(c) The provisions of this section shall not apply to any business entity that is seeking a judgment exceeding the amount specified in W.S. 1-21-201 in any action under this article.

Section 2. The provisions of this act shall apply to all actions and proceedings commenced under W.S. 1-21-1001 through 1-21-1017 on or after the effective date of this act.

Section 3. This act is effective July 1, 2021.

Approved April 12, 2021.

Chapter 144

STATE FUNDS - INVESTMENTS AND DISTRIBUTIONS

Original Senate File No. 121

AN ACT relating to public funds; modifying spending policies and other investment and revenue distribution provisions; repealing the legislative deficit control account funded from the strategic investments and projects account; revising account distributions as specified; redistributing certain severance taxes; repealing obsolete and inconsistent provisions; providing for a study; and providing for effective dates.

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

Section 1. W.S. 9-4-108 is created to read:

9-4-108. Crediting of investment returns.

(a) Earnings on state funds invested by the state treasurer shall be credited to accounts or funds as provided by law and as follows:

(i) Interest, dividends and rents earned shall be credited not later than at the end of the second month following each fiscal quarter;

(ii) Subject to paragraph (iii) of this subsection, other realized earnings shall be credited as soon as practicable after the end of the fiscal year but no later than ninety (90) days after the end of the fiscal year in which the earnings were realized;

(iii) Any debit against the account or fund which exists as a result of realized investment losses from a prior years' investments of the fund or account shall be paid before distributions under paragraph (ii) of this subsection;

(iv) Subject to the requirements of paragraph (iii) of this subsection, the state treasurer may credit any earnings at such earlier times than provided in this section and in such amounts as may be advantageous for the state's

investment program and cash management.

(b) Any provision of law which specifies the crediting or distribution of a state fund investment earnings to a specific fund or account at a time different than the provisions of this section shall control over this section.

Section 2. W.S. 9-4-719(d)(intro), (v), (h)(intro), (v), (o)(intro), (i), (q)(i), 11-10-118(a), 19-7-401(b), 21-16-1201(c)(intro), 21-22-101(b), 21-23-202(b)(iii), 23-1-501(f) and 39-14-801(b)(intro) and by creating new paragraphs (v) and (vi) are amended to read:

9-4-719. Investment earnings spending policy permanent funds.

(d) The annual spending policy for the permanent Wyoming mineral trust fund is ~~as follows~~ for each fiscal year (FY):

~~(v) FY 2020 and each fiscal year through 2022 –~~ An amount equal to five percent (5%) of the previous five (5) year average market value of the trust fund, calculated from the first day of the fiscal year.;

(h) The annual spending policy for the common school account within the permanent land fund is ~~as follows~~ for each fiscal year (FY):

~~(v) FY 2020 and each fiscal year through 2024 –~~ An amount equal to five percent (5%) of the previous five (5) year average market value of the account, calculated from the first day of the fiscal year.;

(o) The annual spending policy amount for the excellence in higher education endowment is ~~as follows; for each fiscal year (FY):~~

~~(i) FY 2018 –~~ An amount equal to five percent (5%) of the previous five (5) year average market value of the excellence in higher education endowment fund, as calculated from the first day of the fiscal year.;

(q) The earnings from the permanent Wyoming mineral trust fund under W.S. 9-4-204(u)(iii) during each fiscal year beginning July 1, 2016, which are less than the spending policy established in subsection (d) of this section are appropriated from the general fund subject to subsection (s) of this section and the following:

~~(i) Except as provided in paragraph (iii) of this subsection, –~~ Any earnings in excess of two and one-half percent (2.5%) of the previous five (5) year average market value of the trust fund, calculated from the first day of the fiscal year and less than or equal to the spending policy amount specified in subsection (d) of this section shall be credited to the legislative stabilization reserve account created by W.S. 9-4-219 and the strategic investments and projects account created by W.S. 9-4-220 in equal amounts;

11-10-118. State fair endowment account; administration; distributions; purposes.

(a) The state fair endowment account is created. The state treasurer is

authorized to accept cash gifts for the account. Funds within the account including all funds deposited to the account from any source are intended to be inviolate and constitute a permanent or perpetual trust fund. The state treasurer shall invest funds within the endowment account in accordance with law. Seventy-five percent (75%) of investment earnings shall be credited to the endowment account. Twenty-five percent (25%) of investment earnings shall be distributed ~~in accordance with subsection (b) of this section to the Wyoming state fair account.~~

19-7-401. Wyoming military assistance trust fund; establishment of trust fund; corpus inviolate; investment by state treasurer.

(b) The monies deposited into the trust fund established pursuant to this section are inviolate and constitute a permanent or perpetual trust fund. The monies shall be transmitted to the state treasurer for credit to the trust fund and shall be invested by the state treasurer as authorized under W.S. 9-4-715(a), (d) and (e) in a manner to obtain the highest return possible consistent with the preservation of the corpus. The ~~interest earned-earnings~~ from investment of the corpus of the trust fund shall be ~~annually~~ credited by the state treasurer ~~not later than June 30 of each year in accordance with W.S. 9-4-108~~ into a separate account and distributed in accordance with W.S. 19-7-402.

21-16-1201. Excellence in higher education endowment fund; Hathaway student scholarship endowment fund; distributions by state treasurer; legislative restrictions.

(c) The state treasurer shall place earnings from the investment of monies in the excellence in higher education endowment fund in an income account for subsequent disbursement as provided in this subsection. Earnings for any fiscal year which are in excess of the spending policy amount established pursuant to W.S. 9-4-719(o) shall be distributed as provided by W.S. 9-4-719(m). The institutions receiving distributions of earnings within the spending policy amount pursuant to this subsection shall only expend ninety percent (90%) of the distribution in fiscal years in which the spending policy amount specified in W.S. 9-4-719(o) is reached or exceeded. In any fiscal year in which the spending policy amount specified in W.S. 9-4-719(o) is not reached, the shortfall in distributions an institution would have received if the spending policy amount had been reached shall be made up in equal parts by an authorization for the institution to expend funds saved under this subsection when the spending policy amount is reached or exceeded and an equal amount appropriated from the excellence in higher education endowment reserve account as provided in W.S. 9-4-719(n). Earnings within the spending policy amount shall be distributed ~~on a quarterly basis at the times provided in W.S. 9-4-108~~ as follows:

21-22-101. Trust fund established; corpus inviolate; investment by state treasurer.

(b) Funds deposited into the Wyoming education trust fund established

pursuant to subsection (a) of this section are intended to be inviolate and constitute a permanent or perpetual trust fund which shall be invested by the state treasurer as authorized under W.S. 9-4-715(a), (d) and (e) and in a manner to obtain the highest return possible consistent with preservation of the corpus. Any ~~interest earned~~ earnings from investment of the corpus of the trust fund shall be credited by the state treasurer into a separate account and distributed in accordance with W.S. 21-22-102.

21-23-202. Wyoming public television matching program; state treasurer to administer program accounts; matching payments; conditions; reversion of appropriations.

(b) The state treasurer shall administer the Wyoming public television endowment account and Wyoming public television matching funds account established under this article. The following shall apply:

(iii) Funds in the matching funds account shall remain inviolate and only the investment earnings from investments of the monies in the matching funds account may be distributed. The state treasurer shall distribute ~~income~~ earnings from the matching funds account to the community college commission ~~quarterly as provided in W.S. 9-4-108~~. The community college commission shall distribute these funds together with other appropriated funds to the central Wyoming community college district board for the operations and programming of Wyoming public television pursuant to W.S. 21-18-105(b).

23-1-501. Game and fish fund.

(f) A trust account separate and apart from the trust account established under subsection (d) of this section is created within the Wyoming game and fish fund. The account shall consist of those funds appropriated or designated to the account by law or by gift from whatever source. Funds deposited within the account are intended to be inviolate and constitute a permanent or perpetual trust account which shall be invested by the state treasurer as authorized under W.S. 9-4-715(a), (d) and (e) and in a manner to obtain the highest return possible consistent with preservation of the account corpus. ~~Any interest earned~~ Earnings from investment of the account corpus shall be credited by the state treasurer into the Wyoming game and fish fund to be expended by the commission for purposes specified under subsection (b) of this section.

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, 2022 these funds shall be deposited as follows:~~

(v) For fiscal year 2023 through fiscal year 2028 these funds shall be deposited equally to the permanent Wyoming mineral trust fund and to the common school account within the permanent land fund;

(vi) For fiscal year 2029 and thereafter these funds shall be deposited two-thirds (2/3) to the permanent Wyoming mineral trust fund and one-third (1/3) to the common school account within the permanent land fund.

Section 3.

(a) W.S. 9-4-719(d)(vi), (vii), (h)(vi), (vii), (o)(ii) and (q)(iii), 11-10-118(b) and 39-14-801(b)(i) through (iii) are repealed.

(b) W.S. 9-4-219(c) and 9-4-220(b)(ii) are repealed.

Section 4.

(a) The select committee on capital financing and investments shall study and introduce legislation in the 2022 budget session or the 2023 general session as the committee determines appropriate regarding the following:

(i) The appropriate allocation of investment earnings to principal and income from investments of each permanent fund and nonpermanent funds authorized to be invested in equities in light of:

(A) Wyoming constitutional provisions and federal law establishing or controlling the fund;

(B) Fiduciary or other duties to current and future beneficiaries of the fund under:

(I) Controlling Wyoming constitutional provisions and federal law;

(II) Uniform acts enacted into law in Wyoming governing investment standards and fiduciary duties for funds held in trust, including the Wyoming Uniform Principal and Income Act, Wyoming Unitrust Act, Uniform Trust Code and Uniform Prudent Management of Institutional Funds Act;

(III) Common law as adopted under W.S. 8-1-101.

(ii) Laws governing investments of state permanent and nonpermanent funds including limitations on investments in equities and standards for the investment of permanent and nonpermanent funds. The study shall review whether:

(A) Existing limitations and standards are consistent with trustee duties of the state for each fund held in trust under Wyoming constitutional and federal law provisions and under state statutes;

(B) Existing standards imposed by general law, such as the Uniform Prudent Investor Act, are consistent with specific standards imposed by law for state investments for all funds or for individual funds, including requirements or authorization to invest funds held in trust for public purpose investments.

(iii) Limitations on diminution to the principal of funds held in trust by the state by terms such as “inviolable,” and any obligation of the state to make whole any loss of principal in light of:

(A) Wyoming constitutional and federal law provisions establishing or controlling a fund;

(B) State statutes governing investment limitations, standards or allocations of earnings to principal and income, including those acts specified in paragraph (a)(i) of this section;

(C) Common law as adopted under W.S. 8-1-101.

(iv) The ability of the legislature to establish a fixed percentage of the fund’s value or fixed dollar amount to be distributed from each permanent fund in light of the study’s findings.

(b) The study shall be conducted in coordination with the state loan and investment board, the investment funds committee and the state treasurer’s office.

(c) Definitions in W.S. 9-1-714 shall apply to this section. “Federal law” includes, but is not limited to the Act of Admission of the state of Wyoming, 26 United States Statutes at Large, 222, chapter 664.

Section 5.

(a) Section 3(b), 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.

(b) Except as provided in subsection (a) of this section, this act is effective July 1, 2021.

Approved April 12, 2021.

Chapter 145

INCLUSIVE BALLOT LANGUAGE

Original House Bill No. 136

AN ACT relating to elections; amending the use of pronouns on the ballot; and providing for an effective date.

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

Section 1. W.S. 22-6-119(a)(iii) is amended to read:

22-6-119. Format of primary ballot.

(a) The primary ballot of each major political party shall be printed in substantial compliance with this format:

(iii) On the second line shall be printed the following instructions: “To vote for a person whose name is printed on the ballot, mark the square immediately adjacent to the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his-the person’s name in the blank space provided for that purpose and mark the square immediately adjacent to the name of the person.”;

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

Approved April 12, 2021.

Chapter 146

COLLEGE CREDIT RETENTION

Original House Bill No. 231

AN ACT relating to post-secondary education; creating provisions governing how previously completed coursework may be used to earn a post-secondary degree or certificate; authorizing a student petition process; and providing for an effective date.

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

Section 1. W.S. 21-16-1701 is created to read:

ARTICLE 17

COLLEGE CREDIT RETENTION

21-16-1701. Presumption relating to previously taken courses; hearing.

Any Wyoming institution of higher education receiving funding from the state of Wyoming shall accept as valid and transferrable any college level credit hour previously completed with an acceptable grade in any other Wyoming institution of higher education. An institution of higher education may decline to accept a credit hour only if there is a lack of demonstrable applicability to the current educational standards of the institution. The length of time since completion of the credit hour, without more, shall not demonstrate a lack of applicability. Each institution of higher education shall establish appropriate policies to implement this section, which shall include an appeals process available to persons who are denied acceptance of a college level credit hour.

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

Approved April 12, 2021.

Chapter 147**STATE INVESTMENT ADMINISTRATION****Original House Bill No. 244**

AN ACT relating to public funds; providing for a study and report regarding alternative measures for managing the investment of state funds; making legislative findings; outlining issues to be covered in the study and report; providing for recommendations for a plan to provide for alternative measures; providing for filing of the report; providing for staffing and requiring assistance by state executive and legislative entities; providing an appropriation; providing for subsequent legislation; and providing for an effective date.

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

Section 1.

(a) The legislature finds there is a consensus among the state treasurer's office, the governor's office, the investment funds committee and the legislature that the investment funds committee should undertake a study to assess options for improving the investment operations relating to state funds and to address the following goals and objectives:

(i) To bring Wyoming's management of its sovereign wealth funds and other permanent and nonpermanent funds into the top tier in each field thereby ensuring the state and its citizens are receiving the best possible value from these key public resources;

(ii) To identify legal and fiduciary requirements of the state in investing various fund types and clarify best practices regarding the state's oversight role as owner or trustee of invested funds;

(iii) Development of an investment management structure that will most likely achieve the best long-term returns for the state, taking into account:

(A) Legal and fiduciary requirements, risk tolerance, spending requirements and the volatile revenues characteristic of the state;

(B) Needs to ensure accuracy, transparency and timeliness in reporting in light of those requirements, while being as efficient as possible under those requirements.

(b) In conducting the study, the investment funds committee shall:

(i) Review alternatives for the investment management structure including, but not limited to, a public state corporation, a state owned investment management company or state created investment council or quasi-governmental entity;

(ii) Recommend an organization and management structure that it determines best meets the goals and objectives specified in subsection (a) of this section;

(iii) Include in its recommendation:

(A) An outline of the duties, makeup and responsibilities of all parties involved in the management of investments, including the state loan and investment board, and how each party would interrelate with the other parties;

(B) An outline of the appropriate revenue and expense model adequate to support the staffing and technology needed for the recommended organization and management structure;

(C) How to best implement the recommendation in a manner which enables investment professionals and their colleagues in operations, accounting and legal compliance to function independently and consistently with accepted industry standards;

(D) How the investment management operations would be conducted in light of the state's status as the organization's only client;

(E) Other recommendations the investment funds committee determines would assist the legislature or entities managing state investments in achieving the goals and objectives specified in subsection (a) of this section or would otherwise benefit the state in its management of investments.

(c) The investment funds committee shall submit the report to the select committee on capital financing and investments not later than November 1, 2021. The select committee on capital financing and investments shall work with the investment funds committee during the preparation and review of the report required under this section. The select committee may prepare legislation regarding the study and report under this act as it determines appropriate. The select committee shall collaborate with the investment funds committee during each interim, monitor its practices and recommendations and assist as necessary to facilitate improved investment practices by the state.

(d) There is appropriated ten thousand dollars (\$10,000.00) that would otherwise be deposited to the general fund, to the state treasurer's office for purposes of supporting the investment funds committee study and report under 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.

(e) The state treasurer's office shall provide the investment funds committee with support as specified in W.S. 9-4-720. The state treasurer's office and the office of state lands and investments shall provide assistance to the investment funds committee as requested in conducting the study and providing the report required by this act. The investment funds committee shall consider input provided by members of the state loan and investment board in conducting the study and preparing the report. The legislative service office shall provide assistance to the investment funds committee as requested by the committee

and as approved by the management council of the legislature.

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

Approved April 12, 2021.

Chapter 148

HIGHER EDUCATION-BAN ON FUNDING FOR ABORTIONS

Original House Bill No. 253

AN ACT relating to the University of Wyoming and community colleges; prohibiting the University of Wyoming and community colleges from expending funds on abortions or insurance coverage for abortions as specified; and providing for an effective date.

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

Section 1. W.S. 21-16-1701 is created to read:

ARTICLE 17

HIGHER EDUCATION EXPENDITURES ON ABORTIONS

21-16-1701. Prohibition on expending funds for abortion.

(a) As a condition of receiving or expending any monies or funds appropriated to the University of Wyoming, the University of Wyoming shall not expend any appropriated general funds for:

- (i) Elective abortions for students;
- (ii) Group health insurance that provides coverage of elective abortions for students.

(b) As a condition of receiving any monies or funds appropriated to the community college commission, a community college shall not expend any appropriated general funds for:

- (i) Elective abortions for students;
- (ii) Group health insurance that provides coverage of elective abortions for students.

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

Approved April 12, 2021.

Chapter 149

REVISOR’S BILL

Original House Bill No. 92

AN ACT relating to the revision of statutes and other legislative enactments; correcting statutory references and language resulting from inadvertent errors and omissions in previously adopted legislation; amending obsolete references; repealing provisions; specifying applicability; and providing for effective dates.

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

Section 1. W.S. 9-1-701(a)(xii), 9-2-3006(a)(intro), 9-23-107(b), 18-3-402(a)(xvi)(A) through (D), (F), (G) and (J) through (W), 21-2-802(c), 23-2-101(j)(ii) through (xxxv), (xxxvii) through (xlii), (xliii)(A), (B) and (xliv) through (xlvi), 23-2-201(d)(i) through (iv) and (vi) through (ix), 23-2-301(c)(i) through (xiii), 24-3-205(a), 25-10-102, 25-10-114(a), 26-11-109(a), 29-7-101(b), 30-5-106, 31-18-401(a)(ii)(A) and (iii), 33-34-107(b), 33-40-111(b), 34-14-210(a)(intro) and (ii), 35-2-1203(a) and 37-18-102(e) are amended to read:

9-1-701. Definitions.

(a) As used in this act:

(xii) “This act” means W.S. 9-1-701 through ~~9-1-709~~9-1-711;

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~~9-23-101 through ~~9-2-1033~~9-23-107 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:

9-23-107. Prohibited acts; civil penalty; initiation of action.

(b) Any person violating subsection (a) of this section or W.S. ~~9-2-1032(d)~~9-23-106 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.

18-3-402. Duties generally.

(a) The county clerk shall:

(xvi) Collect and remit to the county treasurer the following fees:

- (A) Recording charges for any instrument-first page\$12.00
- Each additional page\$3.00
- (B) Abstract of personal property (per year)\$1.00

(C) Acknowledgments	\$2.00
(D) Bond oath and notary public commission-first page	\$12.00
Each additional page	\$3.00
(F) Marriage license	\$30.00
(G) Marriage license certified copy	\$5.00
(J) Certification	\$5.00
(K) State tax liens	\$20.00
(M) Additional recording charge for any instrument with more than five (5) grantors or grantees of a different surname or more than five (5) claim names-each additional name	\$1.00
(N) Additional recording charge for each section (including quarter and quarter-quarter, if applicable), block, lot or tract-description in excess of ten (10)	\$1.00
(O) Plats filed (including cemeteries and amended plats)	\$75.00
(P) Liens filed pursuant to Title 29-first page	\$12.00
Each additional page	\$3.00
(Q) Filing charge for each corner record or certificate	\$5.00
(R) Recording charge for any instrument containing more than two (2) real estate descriptions by book and page only-each additional description	\$2.00
(S) Liens filed upon real property pursuant to W.S. 20-6-106(y)	\$12.00
Each additional page	\$3.00
Additional recording charge for each additional collateral descriptio.	\$1.00
(T) For filing and indexing an original financing and termination statement	\$20.00
For each additional certificate of title upon which the lien is note for perfection	\$1.00
(U) For statements of amendment, continuation or assignment.....	\$5.00
(W) For lien search and certification of filings of record and affixing the seal	\$20.00

21-2-802. Powers and duties; teacher certification; suspension and revocation; certification fees; disposition of collected fees; required data submissions to department of education.

(c) The board may revoke, suspend, deny or refuse to renew certification for incompetency, conviction of a felony committed after July 1, 1996, immorality

and other reprehensible conduct or gross neglect of duty or knowing misrepresentation of information on an application or resume, upon its own motion or upon the petition of any local board of trustees. Except as provided in subsection ~~(h)~~(k) of this section, no certificate shall be revoked or suspended without a hearing conducted in accordance with the Wyoming Administrative Procedure Act, unless the person holding the certification waives the right to a hearing.

23-2-101. Fees; restrictions; nonresident application fee; nonresident licenses; verification of residency required.

(j) Subject to W.S. 23-2-101(f), 23-1-705(e) and the applicable fee under W.S. 23-1-701, the following hunting licenses and tags may be purchased for the fee indicated and subject to the limitations provided:

- (ii) Nonresident black bear license; one (1) black bear.....\$371.00
- (iii) Resident mountain lion license; one (1) mountain lion.....\$30.00
- (iv) Nonresident mountain lion license; one (1) mountain lion.....\$371.00
- (v) Resident daily game bird/small game license; all game birds except wild turkey.....\$7.00
- (vi) Nonresident daily game bird/small game license; all game birds except wild turkey.....\$20.00
- (vii) Resident lifetime game bird and small game license; all game birds except wild turkey.....\$309.00
- (viii) Resident lifetime game bird/small game and fishing license; all game birds except wild turkey.\$494.00
- (ix) Resident game bird/small game license; all game birds except wild turkey.....\$25.00
- (x) Nonresident game bird/small game license; all game birds except wild turkey.....\$72.00
- (xi) Nonresident youth game bird/small game license; all game birds except wild turkey.....\$40.00
- (xii) Resident archery license.....\$14.00
- (xiii) Nonresident archery license.....\$70.00
- (xiv) Resident deer license; one (1) deer.....\$40.00
- (xv) Nonresident deer license; one (1) deer.....\$372.00
- (xvi) Resident youth deer license; one (1) deer.....\$15.00
- (xvii) Nonresident youth deer license; one (1) deer.....\$110.00
- (xviii) Resident elk license; one (1) elk.....\$55.00
- (xix) Nonresident elk license; one (1) elk, fishing privileges.....\$690.00

(xx) Resident youth elk license; one (1) elk.....	\$25.00
(xxi) Nonresident youth elk license; one (1) elk, fishing privileges...	\$275.00
(xxii) Resident bighorn sheep license; one (1) bighorn sheep.....	\$150.00
(xxiii) Nonresident bighorn sheep license; one (1) bighorn sheep.	\$2,318.00
(xxiv) Resident mountain goat license; one (1) mountain goat.....	\$150.00
(xxv) Nonresident mountain goat license; one (1) mountain goat.	\$2,160.00
(xxvi) Resident moose license; one (1) moose.....	\$150.00
(xxvii) Nonresident moose license; one (1) moose.....	\$1,980.00
(xxviii) Resident grizzly bear license; one (1) grizzly bear.....	\$600.00
(xxix) Nonresident grizzly bear license; one (1) grizzly bear.....	\$6,000.00
(xxx) Resident antelope license; one (1) antelope.....	\$35.00
(xxxi) Nonresident antelope license; one (1) antelope.....	\$324.00
(xxxii) Resident youth antelope license; one (1) antelope.....	\$15.00
(xxxiii) Nonresident youth antelope license; one (1) antelope.....	\$110.00
(xxxiv) Resident license to capture falcons for falconry purposes...	\$37.00
(xxxv) Nonresident license to capture falcons for falconry purposes.....	\$247.00
(xxxvii) License to hunt with falcon; game birds, small game animals.....	\$14.00
(xxxviii) Resident turkey license.....	\$14.00
(xxxix) Nonresident turkey license.....	\$72.00
(xl) Wyoming interstate game tag.....	\$6.00
(xli) Resident game bird license; all game birds except turkey.....	\$14.00
(xlii) Resident small game license.....	\$14.00
(xliii) From and after the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108:	
(A) Resident gray wolf license.....	\$19.00
(B) Nonresident gray wolf license.....	\$185.00
(xliv) Resident youth archery license.....	\$6.00
(xlv) Nonresident youth archery license.....	\$12.00

(xlvi) Resident lifetime archery license.....\$206.00

23-2-201. Fees; restrictions; verification of residency required.

(d) The following fishing licenses may be purchased for the fee indicated in addition to the applicable fee under W.S. 23-1-701 and subject to the limitations provided:

(i) Resident fishing license.....\$25.00
(ii) Nonresident fishing license.....\$100.00
(iii) Nonresident youth fishing license.....\$15.00
(iv) Resident youth fishing license (between their 14th and 18th birthdays).....\$3.00
(vi) Nonresident daily fishing license.....\$12.00
(vii) Resident daily fishing license.....\$4.00
(viii) Resident lifetime fishing license.....\$309.00
(ix) Nonresident five (5) consecutive day fishing license.....\$54.00

23-2-301. Miscellaneous fees; verification of residency required.

(c) The following licenses and tags may be purchased for the fee indicated in addition to the applicable fee under W.S. 23-1-701 and subject to other requirements of this article:

(i) Resident trapping license-furbearing.....\$43.00
(ii) License to capture furbearing animals for domestication.....\$19.00
(iii) Resident fur dealer's license.....\$52.00
(iv) Nonresident fur dealer's license.....\$283.00
(v) Taxidermist's license.....\$67.00
(vi) Nonresident taxidermist's license.....\$721.00
(vii) Game bird farm license.....\$134.00
(viii) Fishing preserve license.....\$134.00
(ix) Commercial fish hatchery license.....\$185.00
(x) License to seine or trap fish.....\$19.00
(xi) License to deal in live bait.....\$67.00
(xii) Nonresident trapping license-Furbearing.....\$247.00
(xiii) Resident youth trapping license (residents under the age of seventeen (17) years of age).....\$6.00

24-3-205. Objections and claims for damages; when filed; when barred; procedure for considering.

(a) If the board initiates identification of county roads under this act, the board shall establish a date not less than thirty (30) days after the ~~fourth~~second notice is published, by which all objections to and claims for damages by reason of the identification shall be filed with the county clerk.

25-10-102. Admittees subject to rules and regulations of department.

All persons admitted to the state hospital shall be subject to the rules and regulations of the ~~state hospital~~department.

25-10-114. Transfer of inmates of penal institutions to state hospital; notice.

(a) The department of corrections may transfer an inmate of a state penal institution who is mentally ill to the state hospital, subject to the rules of admission of the ~~state hospital~~department, if adequate treatment cannot be provided at a state penal institution.

26-11-109. Required information on surplus lines contracts; duty to notify insured.

(a) 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 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~~Insurance Guaranty Association."

29-7-101. Persons entitled to lien; exception.

(b) W.S. 29-7-101 through 29-7-106 shall not apply where a lien is provided by W.S. ~~34.1-7-209~~and 29-7-301 and 34.1-7-209. A person engaging in self-storage operations whereby members of the public rent space from the person to store goods and chattels and retain control over access to the goods and chattels is not a warehouseman under W.S. ~~34.1-7-102(a)(viii)~~34.1-7-102(a)(xiii) and is entitled to a lien under this section.

30-5-106. When hearings held before commission.

(a) Notwithstanding any provision of this act, or any rule of the commission adopted pursuant to the powers granted to it by this act, the hearing on any matter or proceeding shall be held before the commission if:

(i) ~~(a) if~~ The commission in its discretion desires to hear the matter;~~;~~or

(ii) ~~(b) if~~ The application or motion so requests;~~;~~or

~~(iii) (c) if~~ The matter is initiated on the motion of the commission for enforcement of any rule, regulation, order, or statutory provision; ~~or~~

~~(iv) (d) if~~ Any party who may be affected by the matter or proceeding files with the commission more than three (3) days prior to the date set for the hearing on the matter or proceeding a written objection to such matter or proceeding being heard before an examiner; ~~or~~

~~(v) (e) if~~ The matter or proceeding is for the purpose of amending, removing or adding a statewide rule or administrative fee.

31-18-401. Registration fees.

(a) Except as otherwise provided, the following fees shall accompany each application for the registration of a commercial vehicle:

(ii) A state registration fee computed as follows:

(A) Commercial vehicles except passenger cars, school buses, house trailers and motorcycles for which the fees shall be computed as provided by W.S. 31-3-101(a)(ii) based on gross vehicle weight pursuant to the following table:

GROSS VEHICLE OR GROSS COMBINATION VEHICLE WEIGHT IN POUNDS	FEE
26,000-or less	\$198.00
26,001-28,000	<u>\$214.50</u>
28,001-30,000	<u>\$231.00</u>
30,001-32,000	<u>\$247.50</u>
32,001-34,000	<u>\$275.00</u>
34,001-36,000	<u>\$302.50</u>
36,001-38,000	<u>\$330.00</u>
38,001-40,000	<u>\$357.50</u>
40,001-42,000	<u>\$385.00</u>
42,001-44,000	<u>\$412.50</u>
44,001-46,000	<u>\$440.00</u>
46,001-48,000	<u>\$467.50</u>
48,001-50,000	<u>\$495.00</u>
50,001-52,000	<u>\$522.50</u>
52,001-54,000	<u>\$550.00</u>
54,001-55,000	<u>\$563.75</u>
55,001-56,000	<u>\$577.50</u>

56,001-58,000	<u>\$605.00</u>
58,001-60,000	<u>\$632.50</u>
60,001-62,000	<u>\$660.00</u>
62,001-64,000	<u>\$687.50</u>
64,001-66,000	<u>\$715.00</u>
66,001-68,000	<u>\$742.50</u>
68,001-70,000	<u>\$770.00</u>
70,001-72,000	<u>\$797.50</u>
72,001-74,000	<u>\$825.00</u>
74,001-76,000	<u>\$852.50</u>
76,001-78,000	<u>\$880.00</u>
78,001-80,000	<u>\$907.50</u>

For weights over eighty thousand (80,000) pounds, the fee shall be nine hundred forty-eight dollars and seventy-five cents (\$948.75) plus twenty-five dollars (\$25.00) for each additional two thousand (2,000) pounds or fraction thereof.

(iii) Except as otherwise provided in W.S. 31-18-201(d)(iii), an equalized highway use tax collected by the department in lieu of the county registration fee imposed by paragraph (a)(i) of this section for commercial vehicles or fleets proportionally registered under W.S. 31-18-201(b)(i) and described in W.S. 31-18-201(d)(ii) pursuant to the following table:

VEHICLE OR COMBINATION GROSS VEHICLE WEIGHT IN POUNDS	EQUALIZED HIGHWAY USE TAX
26,000-or less	\$88.00
26,001-28,000	<u>\$110.00</u>
28,001-30,000	<u>\$165.00</u>
30,001-32,000	<u>\$220.00</u>
32,001-34,000	<u>\$275.00</u>
34,001-36,000	<u>\$330.00</u>
36,001-38,000	<u>\$385.00</u>
38,001-40,000	<u>\$440.00</u>
40,001-42,000	<u>\$495.00</u>
42,001-44,000	<u>\$550.00</u>

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	44,001-46,000	\$605.00
	46,001-48,000	\$660.00
	48,001-50,000	\$715.00
	50,001-52,000	\$770.00
	52,001-54,000	\$825.00
	54,001-56,000	\$880.00
	56,001-58,000	\$935.00
	58,001-60,000	\$990.00
	60,001-62,000	\$1,045.00
	62,001-64,000	\$1,100.00
	64,001-66,000	\$1,155.00
	66,001-68,000	\$1,210.00
	68,001-70,000	\$1,265.00
	70,001-72,000	\$1,320.00
	72,001-74,000	\$1,375.00
	74,001-76,000	\$1,430.00
	76,001-78,000	\$1,485.00
	78,001-80,000	\$1,540.00

For weights over eighty thousand (80,000) pounds, the tax under this paragraph shall be one thousand six hundred ten dollars (\$1,610.00) plus fifty dollars (\$50.00) for each additional two thousand (2,000) pounds or fraction thereof.

33-34-107. Acceptance, collection, identification and examination of specimens.

(b) The results of a test shall only be reported to or as directed by the person who requested it. The reports shall include the name of the laboratory director and the name and address of the clinical laboratory in which the test was actually performed.

33-40-111. Foreign trained applicants; applicants from other states and territories.

(b) The board shall, to the extent necessary, waive examination, education, and continuing education requirements and grant a license to any applicant who presents proof of current licensure or regulation as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or territory of the United States whose standards for licensure or regulation include passage of the examination required for licensure under this act and who ~~have~~has not been disciplined in the other jurisdiction for

unprofessional conduct or a similar offense. The board may grant licensure to an applicant who has been disciplined for unprofessional conduct if in the board's judgment the unprofessional conduct was sufficiently minor, has been rectified or is sufficiently in the past so as not to present a risk to the welfare or safety of Wyoming patients.

34-14-210. Extinguishment of claim for relief.

(a) A claim for relief with respect to a fraudulent transfer or obligation under this act is extinguished unless an action is brought:

(ii) Under W.S. ~~31-14-205(a)(ii)~~ 34-14-205(a)(ii) or 34-14-206(a), within four (4) years after the transfer was made or the obligation was incurred; or

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).

37-18-102. Energy generation portfolio standards; reporting requirements; rate recovery and limitations.

(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~~ are modified or discontinued, nothing shall impair the ability of a public utility that has incurred costs to comply with the electricity portfolio ~~standard~~ standards to recover its prudently incurred costs as authorized by the commission.

Section 2. 2009 Wyoming Session Laws, Chapter 161, Section 2 is amended to read:

Section 2. The department of employment, unemployment insurance division, shall maintain records regarding the number of individuals claiming and awarded benefits and the amount of benefits awarded to individuals under W.S. ~~27-3-306(a)(i)(D)~~ 27-3-311(a)(i)(D), created by section 1 of this act. Not later than December 31, 2010 and not later than each December 31 of each year thereafter that benefits are provided under W.S. ~~27-3-306(a)(i)(D)~~ 27-3-311(a)(i)(D), the department shall submit a report to the ~~joint labor, health and social services interim committee,~~ detailing the number of claimants and amounts awarded pursuant to W.S. ~~27-3-306(a)(i)(D)~~ 27-3-311(a)(i)(D).

Section 3. W.S. 26-43-207, 35-1-901 and 35-1-903 are repealed.

Section 4. Section 3 of 2021 House Joint Resolution 11, as enacted by the legislature during the 2021 General Session, is amended to read:

Section 3. That the current Executive Department Administration should respect the critical role that federal lands play in Wyoming's culture, recreation, wildlife, livestock production, mineral development and tourism, and the current Administration and Congress work with the state of Wyoming to develop federal ~~policies~~ land use policies in a manner which recognizes their impacts on Wyoming citizens and implements those policies in a manner consistent with the state's and tribes' cultures.

Section 5.

(a) Except as otherwise provided in subsection (b) of this section, any other act adopted by the Wyoming legislature during the same session in which this act is adopted shall be given precedence and shall prevail over the amendments in this act to the extent that such acts are in conflict with this act.

(b) Section 4 of this act shall be given precedence and shall prevail over Section 3 of 2021 House Joint Resolution 11 enacted by the Wyoming legislature during the 2021 general session.

Section 6.

(a) Except as otherwise provided in this section, this act is effective July 1, 2021.

(b) Sections 4, 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 April 12, 2021.

Chapter 150

LIQUOR MANUFACTURER REGULATIONS

Original House Bill No. 159

AN ACT relating to the regulation of alcoholic liquor; amending the number of satellite locations for liquor manufacturers; conforming provisions; and providing for an effective date.

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

Section 1. W.S. 12-2-203(g)(i), 12-2-303(d) and 12-5-401(a) are amended to read:

12-2-203. Manufacturing and rectifying; importing and industry

representatives; licensing; fees.

(g) The local licensing authority may issue to the holder of a manufacturer's license granted under subsection (a) of this section who is a federally licensed distiller or rectifier:

(i) A satellite manufacturer's permit which allows the permittee to sell product manufactured at the site identified on the manufacturer's license at not more than ~~one (1)~~ two (2) ~~satellite location~~ locations within Wyoming separate from its manufacturing site under the original permit. Products sold at a manufacturer's satellite location may be obtained through the division as provided by W.S. 12-2-303(a). If ~~the a~~ satellite location is situated within the property boundary of the manufacturing site, the product may be distributed directly from the permit holder's manufacturing site subject to W.S. 12-2-303(d). The satellite manufacturer's permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00) per satellite location. The satellite manufacturer's permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours set pursuant to W.S. 12-5-101 and the licensed building provisions pursuant to W.S. 12-5-201;

12-2-303. Purchase and sale of alcoholic liquors; shortages.

(d) The holder of a manufacturer's license under W.S. 12-2-203(a) that sells alcoholic liquor not obtained through the division as provided in W.S. 12-2-203(g) shall, before the transfer of the product to ~~the a~~ satellite location, remit to the division an assessment in an amount equal to the profit allowed under subsection (a) of this section and the associated excise tax assessed under W.S. 12-3-101 that would have been received by the division had the holder of a manufacturer's license first obtained the alcoholic liquor from the division as provided in subsection (a) of this section. The department shall by rule define the procedure under which a holder of a manufacturer's license shall report and remit the assessment under this subsection.

12-5-401. Interests in licenses or permits to sell.

(a) No industry representative shall hold any interest, stock or ownership directly or indirectly, in any license to sell products of the industry at retail under privileges of a license or permit to sell any beverage or liquor in Wyoming or in any premises so licensed. This section shall not apply to any person holding a microbrewery or winery permit pursuant to W.S. 12-4-412. This section shall also not apply to a person holding a manufacturer's license under W.S. 12-2-203(a) when the license is held under the complete ownership of a retail business and to the extent he may be permitted ~~one (1)~~ two (2) ~~satellite manufacturer's permit~~ permits pursuant to W.S. 12-2-203(g)(i) or an off-premises permit pursuant to W.S. 12-2-203(g)(ii).

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

Approved April 12, 2021.

Chapter 151

INVESTMENT FUNDS COMMITTEE-MEMBERSHIP

Original House Bill No. 219

AN ACT relating to the investment of state funds; amending the membership of the investment funds committee; amending the voting privileges of members of the investment funds committee; providing for the removal of members; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming

Section 1. W.S. 9-4-720(a), (b) and (f)(v) is amended to read:

9-4-720. Investment funds committee created; duties.

(a) There is created the investment funds committee. The committee consists of seven (7) voting members including the state treasurer, ~~the designated chief investment officer, the chief investment officer of the Wyoming retirement system~~ and ~~four (4)~~ six (6) 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 president of the senate and one (1) ex officio nonvoting member appointed by the speaker of the house of representatives.~~ The designated chief investment officer and the chief investment officer of the Wyoming retirement system shall also be ex officio nonvoting members.

(b) The ex officio nonvoting member appointed by the governor shall serve for the term of office of the governor but may be removed by the governor. The ex officio nonvoting ~~member members~~ appointed by the ~~management council president of the senate and speaker of the house of representatives~~ shall serve ~~a two (2) year term terms~~ but ~~is are~~ eligible for reappointment and may be removed by the ~~management council officer appointing the member.~~

(f) The committee shall:

(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~~ Ex officio nonvoting members of the committee shall not vote on any benchmark.

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 April 12, 2021.

Chapter 152

TRANSPORTATION COMPUTER SYSTEM

Original House Bill No. 254

AN ACT relating to the funding of government operations; providing funding for the replacement of a transportation computer system; creating an account; imposing an additional fee for driver's licenses, permits and for duplicates and renewals; specifying the distribution of fees; making conforming amendments; assigning duties to the department of transportation and department of enterprise technology services for replacement of the revenue information system; requiring reporting; and providing for an effective date.

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

Section 1. W.S. 31-1-204 is created to read:

31-1-204. Transportation information system account.

(a) There is created the transportation information system account into which shall be deposited funds as provided by law. Earnings from funds in the account shall be credited to the account. Funds in the account are continuously appropriated to the department of transportation and shall only be expended to replace the revenue information system that was in use on July 1, 2020. Notwithstanding W.S. 9-2-1008 or 9-4-207, unexpended funds in the account shall not revert without further action of the legislature.

(b) The department of transportation may accept, and shall deposit in the transportation information system account, any gifts, contributions, donations, grants or federal funds designated for computer system modernization.

Section 2. W.S. 31-5-1506(c)(ii), 31-7-104 and 31-7-113(a)(intro) and by creating a new subsection (g) are amended to read:

31-5-1506. Motorcycle safety education program account.

(c) In addition to any fees collected under W.S. 31-5-1505, the following revenue shall be credited to the account:

(ii) The fee for each motorcycle driver's endorsement as provided in W.S. 31-7-113(a)(x), less the amount distributed under W.S. 31-7-113(g).

31-7-104. Disposition of fees.

Except as provided in this section and W.S. 31-7-113(g), 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. Subject to the allocation in W.S. 31-7-113(g), 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).

31-7-113. Fees.

(a) The following fees are imposed, in addition to the fee in subsection (g) of this section:

(g) Notwithstanding subsection (b) of this section, in addition to each fee collected pursuant to subsections (a) and (d) of this section, an additional transportation information system fee of five dollars (\$5.00) shall be imposed and shall be deposited in the transportation information system account created by W.S. 31-1-204.

Section 3.

(a) Not later than July 1, 2027, the department of transportation shall replace the revenue information computer system in use by the department on July 1, 2020. Subject to subsection (d) of this section, the department shall use funds from any appropriate source to fund the replacement of the computer system under this section. The department of transportation shall apply for any federal funds available or that may become available.

(b) The department of transportation shall determine by rule and regulation fees for third party use of the replacement revenue information computer system. Any increases in fees implemented pursuant to this act for use of the computer system shall be deposited in the transportation information system account created by W.S. 31-1-204.

(c) The department shall develop and implement the replacement revenue information system in accordance with the provisions of section 4 of this act.

(d) The department shall not expend any funds from any source for the replacement of the revenue information computer system without legislative authorization for expending those funds.

Section 4.

(a) The department of transportation shall develop and purchase the transportation information system (TIS) to replace the revenue information system in consultation with the department of enterprise technology services (ETS). The ETS shall advise the department of transportation on all aspects of the TIS project, including review of any request for proposals.

(b) No later than July 1, 2021, the department of transportation and ETS shall provide to the joint transportation, highways and military affairs interim committee and to the joint appropriations committee a proposed timeline for each phase of the TIS project purchase, development, configuration, migration and full implementation. The department of transportation and the ETS

shall provide the joint transportation, highways and military affairs interim committee and the joint appropriations committee quarterly updates on the progress of the project.

Section 5.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2021.

(b) Sections 3, 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 April 12, 2021.

Chapter 153

CONNECTION OF UTILITY SERVICES

Original Senate File No. 152

AN ACT relating to cities, towns and counties; prohibiting cities, towns and counties from prohibiting the connection or reconnection of utilities services; and providing for an effective date.

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

Section 1. W.S. 15-1-132 and 18-2-116 are created to read:

15-1-132. City and town prohibitions on utility connections.

No city or town shall enact or implement any ordinance or policy that prohibits, or has the effect of prohibiting, the connection or reconnection of an electric, natural gas, propane or other energy utility service provided by a public utility, municipality or cooperative utility.

18-2-116. County prohibitions on utility connections.

No county shall enact or implement any resolution or policy that prohibits, or has the effect of prohibiting, the connection or reconnection of an electric, natural gas, propane or other energy utility service provided by a public utility, municipality or cooperative utility.

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

Approved April 14, 2021.

Chapter 154

UTILITIES-PRESUMPTION AGAINST FACILITY RETIREMENTS

Original House Bill No. 166

AN ACT relating to public utilities; creating a presumption against the retirement of electric generation facilities as specified; providing definitions related to the presumption; specifying how a public utility can rebut the presumption; limiting rate recovery for public utilities retiring electric generation facilities without rebutting the presumption as specified; requiring consideration of reliability before approving the retirement of an electric generation facility; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 37-2-134 and 37-3-118 are created to read:

37-2-134. Electric generation facility closures; presumption; commission review.

(a) As used in this section:

(i) “Dispatchable” means as defined in W.S. 37-18-101(a)(ii) and includes dispatchability;

(ii) “Retirement” or “retired” means the closure of or the complete and permanent cessation of operations at an electric generation facility. “Retirement” or “retired” shall not include any closure mandated by federal law or any closure resulting from federal environmental requirements to where it is no longer cost effective for the facility to continue operating;

(iii) “Electric generation facility” means a facility located in Wyoming that uses coal or natural gas to generate reliable and dispatchable electricity for provision to customers;

(iv) “Reliable” means as defined in W.S. 37-18-101(a)(iv).

(b) Before authorizing or approving the retirement of an electric generation facility as proposed in a rate case, integrated resource plan or other submission to the commission, the commission shall consider the effect on available reliable, dispatchable electricity to Wyoming customers and the impact that any shortage of available energy nationwide may have on Wyoming customers.

(c) There shall be a rebuttable presumption against the retirement of an electric generation facility. The commission shall not approve the retirement of an electric generation facility unless the presumption created by this subsection is rebutted by evidence deemed sufficient by the commission to establish that:

(i) Cost savings will result to customers as a result of the retirement of the electric generation facility;

(ii) The retirement will not result in an insufficient amount of reliable and dispatchable capacity to serve Wyoming customers; and

(iii) The retirement will not adversely impact the dispatchability or reliability of electric service to customers of the public utility.

(d) The rate recovery limitations of W.S. 37-3-118 shall apply to a public utility that completes a retirement of an electric generation facility without rebutting the presumption specified in this section.

(e) Nothing in this section shall be construed to relieve a public utility of the requirements to comply with W.S. 37-2-133 and 37-3-117 before the retirement of an electric generation facility.

37-3-118. Limitation for recovery of costs for replacing electric generation facilities.

(a) As used in this section, “retirement” or “retired” means as defined in W.S. 37-2-134(a)(ii).

(b) Notwithstanding any other provision of this chapter but in addition to W.S. 37-3-117, the rates charged by an electric public utility shall not include any recovery of or earnings on the capital costs associated with electric generation facilities built, in whole or in part, to replace the electricity generated from a retired coal or natural gas electric generation facility that was retired on or after July 1, 2021 and for which the presumption against retirement was not rebutted by the public utility as required by W.S. 37-2-134.

Section 2. The public service commission shall promulgate all 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, 2021.

Approved April 14, 2021.

Chapter 155

MEAT PROCESSING PROGRAMS

Original House Bill No. 51

AN ACT relating to the emergency expenses of government; authorizing a governmental program related to expanding and enhancing meat processing capabilities; providing for an appropriation; providing a sunset date for the program; providing rulemaking authority; 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) “Department” means the Wyoming department of agriculture;
- (ii) “Eligible business” means a business that:

(A) Is independently owned and operated;

(B) Is headquartered in Wyoming or has its principal operations located in Wyoming;

(C) Has the means, knowledge and capability to plan, construct and maintain a new meat processing facility, upgrade equipment within an existing meat processing facility or has the ability to gain the means, knowledge and capability to plan, construct and maintain a new meat processing facility;

(D) Is in good standing with the Wyoming secretary of state;

(E) Is a new or existing business.

(b) The Wyoming meat processing expansion grant program is hereby created. The Wyoming department of agriculture shall establish and administer this temporary program for eligible businesses by providing cost sharing for eligible businesses to address COVID-19 related problems by planning, constructing, expanding and maintaining meat processing facilities, upgrading technology in meat processing facilities, providing workforce training and converting custom inspected facilities to state or federally inspected facilities and state inspected facilities to federally inspected facilities. Cost sharing under this section shall:

(i) Not be awarded until an eligible business submits, and the department approves, an application. The application shall be developed by the department and shall require each applicant to provide a business plan and to certify that the business is an eligible business as defined by this section and that knowingly making a false statement to the department on the application is prohibited and may result in the applicant being required to repay all costs shared under this section;

(ii) Require each eligible business to provide appropriate information as requested by the Wyoming department of agriculture;

(iii) Not exceed one million dollars (\$1,000,000.00) per eligible business;

(iv) Be made only with funds provided to the state government of Wyoming under the federal CARES Act or subsequent federal act for a similar purpose. No other funds of any kind and from any source shall be expended on the payment of funds for cost sharing awarded under this section;

(v) Be made on a first-come first-served basis;

(vi) Require a contribution of fifty percent (50%) from the applicant;

(vii) Require that funds be spent only on facilities or improvements located in the state of Wyoming.

(c) The department shall promulgate any emergency and regular rules necessary to administer the program authorized by this section.

(d) The attorney general shall review in writing the legality of the program and any rules established for the program authorized by this section.

(e) No expenditure of funds shall be made under this section except in accordance with state and federal laws, regulations and orders.

(f) The department may utilize program funding to conduct and contract for random audits of eligible businesses receiving funds for cost sharing under this section to ensure awarded funds are expended in compliance with state and federal law.

(g) There is appropriated to the Wyoming department of agriculture an amount determined by the legislature from any federal CARES Act or other similarly purposed funds. If a COVID-19 relief account or other similarly named account is created for the deposit of COVID-19 related emergency response funds, this appropriation shall be made from that account. If CARES act funds are not available for any portion of this appropriation, the joint appropriations committee or any other committee tasked with developing legislation shall consider appropriating additional COVID-19 relief funds from any subsequent federal COVID-19 relief package. The funds appropriated under this section shall only be expended for cost sharing authorized by this act and consistent with the terms of the federal gift, stipend or appropriation from which the funds originate. 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.

(h) The program created by this section shall terminate on December 30, 2022.

Section 2. The department of agriculture is hereby authorized to request and the Wyoming livestock board is hereby authorized to provide the Wyoming livestock board's mailing list of agriculture businesses, producers and industry participants for use by the department of agriculture to advertise the availability of funding pursuant to the program created by section 2 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 April 14, 2021.

Chapter 156

MINE PRODUCT TAXES FOR NATURAL GAS CONSUMED ON-SITE

Original House Bill No. 189

AN ACT relating to mine product taxes; clarifying the imposition of severance taxes on natural gas that is consumed on-site; 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. 39-14-201(a)(xv) and by creating a new paragraph (xxxvii), 39-14-203(b)(v) and 39-14-205 by creating a new subsection (p) are amended to read:

39-14-201. Definitions.

(a) As used in this article:

(xv) “Natural gas” means all gases, both hydrocarbon and nonhydrocarbon, that occur naturally beneath the earth’s crust and are produced from an oil or gas well. For the purposes of taxation, the term natural gas includes:

(A) Products separated for sale or distribution during processing of the natural gas stream including, but not limited to plant condensate, natural gas liquids and sulfur;

(B) Natural gas that is consumed on the site where the natural gas is produced for any purpose except for those specified in W.S. 39-14-205(j) and (m).

(xxxvii) “Qualifying well” means a well in which:

(A) A well site is already connected to a pipeline, pipeline capacity is unavailable on the existing pipeline and the producer and the pipeline operator jointly have filed an application with the Wyoming oil and gas conservation commission attesting to the lack of existing pipeline takeaway capacity;

(B) A producer’s well is not connected to an existing pipeline but the producer’s lands, leases, wells or gas are contractually dedicated to a pipeline operator and the producer and the pipeline operator to which the lands, leases, well, or gas are dedicated jointly have filed an application with the Wyoming oil and gas conservation commission attesting that it is either technically or commercially unfeasible to connect a pipeline to the producer’s well; or

(C) A producer’s well is not already connected to an existing pipeline and the producer’s lands, leases, wells or gas are not contractually dedicated but the producer unilaterally has filed an application with the Wyoming oil and gas conservation commission attesting to these facts.

39-14-203. Imposition.

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

(v) If the crude oil, lease condensate or natural gas production as provided by paragraphs (iii) and (iv) of this subsection are consumed as defined by W.S. 39-14-201(a)(xv)(B), processed or transported, sold to a third party, or processed or transported by a third party, at or prior to the point of valuation provided in paragraphs (iii) and (iv) of this subsection, the fair market value shall be the value established by bona fide arms-length transaction;

39-14-205. Exemptions.

(p) Natural gas that is consumed on the site and would have otherwise been

vented or flared under the authority of the Wyoming oil and gas conservation commission has no value and is exempt from taxation as long as the natural gas is certified by the Wyoming oil and gas conservation commission as to have originated from a qualifying well.

Section 2. The department of revenue shall adopt rules under W.S. 39-11-102 as necessary to implement the changes to mine product taxes in section 1 of this act for tax years beginning in 2022.

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 January 1, 2022.

Approved April 14, 2021.

Chapter 157

MANAGEMENT COUNCIL MEMBERSHIP

Original House Bill No. 36

AN ACT relating to the legislature; amending provisions relating to the selection of management council members; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 28-8-102(a) is amended to read:

28-8-102. Management council; membership; vacancies; meetings; rules and regulations; quorum; officers.

(a) Activities of the office shall be directed by a management council composed of the president, vice president, majority and minority floor leaders or their respective designees of the senate, plus ~~two (2) senators~~ one (1) senator selected at large; ~~not more than one (1) of which shall be from the same political party as the president;~~ and the speaker, speaker pro tempore, majority and minority floor leaders or their respective designees of the house plus ~~two (2) representatives~~ selected at large, ~~not more than one (1) of which shall be from the same political party as the speaker. The two (2) senators~~ one (1) representative selected at large. The senator selected at large shall be selected by caucus of the two (2) major political parties in the senate, meeting separately, by a majority vote of all members of the senate and the ~~(2) representatives~~ representative selected at large shall be selected by caucus of the two (2) major political parties of the house, meeting separately. These twelve (12) members shall select one (1) additional member at large from the house of which the chairman of the management council is not a member. The member at large

shall not be from the same party as the chairman of the management council by a majority vote of all members of the house of representatives. Chairmanship of the management council shall be rotated between the house and senate after each two (2) year session at the conclusion of each calendar year so that the chairman shall not be from the same house as the chairman who served for the preceding legislative term calendar year. The presiding officer of the house of which the chairman of management council is not a member shall serve as the vice chairman of the management council. The members of the management council shall be the legislative representatives in directing the day-to-day functions of the office and the entire membership of the legislature shall have the ultimate control and supervision over policy of the office.

Section 2. The change in the membership of the management council, as required by this act, shall take place on the fifth working day of the legislature's budget session in 2022. From the effective date of this act until the fifth working day of the legislature's budget session in 2022, the membership of the management council shall continue as it existed prior to the changes made by this act. For calendar year 2022, the chairman of the management council shall be a member of the senate. Starting January 1, 2023, for calendar year 2023 the chairman of the management council shall be a member of the house of representatives.

Section 3. This act is effective January 1, 2022.

Approved April 14, 2021.

Chapter 158

PROPERTY TAX-REPORTING AND EXEMPTION

Original Senate File No. 85

AN ACT relating to property taxation; providing an exemption for de minimis business property subject to specified requirements; providing a civil fee for failing to report property to the county assessor and repealing the criminal penalty; and providing for an effective date.

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

Section 1. W.S. 18-3-205(b) and 39-11-105(a) by creating a new paragraph (xlii) are amended to read:

18-3-205. Interfering with assessor; failure to return property; penalties.

(b) Any person who fails to return any report taxable property owned by him or under his control is guilty of a misdemeanor and upon conviction shall be fined not exceeding five hundred dollars (\$500.00), imprisoned in the county jail not exceeding ninety (90) days, or both as provided in W.S. 39-13-107(a)(i) may be assessed a civil fee of five dollars (\$5.00) for every day the report is not filed, not to exceed two hundred fifty dollars (\$250.00). Civil fees under this

subsection shall be added to the assessment for that taxpayer.

39-11-105. Exemptions.

(a) The following property is exempt from property taxation:

(xlii) If a person owns two thousand four hundred dollars (\$2,400.00) or less in fair market value of business property in one (1) county, the business property shall be exempt as de minimis business property. As used in this paragraph, “business property” means taxable personal property excluding any property that is exempt under W.S. 39-11-105(a)(xi) as personal property held for personal or family use.

Section 2. This act is effective January 1, 2022.

Approved April 14, 2021.

Chapter 159

WYOMING MILITARY CODE

Original House Bill No. 22

AN ACT relating to defense forces and affairs; amending and updating the state military code; repealing provisions; and providing for an effective date.

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

Section 1. W.S. 19-12-101(a), (b), by creating a new subsection (c), by amending and renumbering (c) as (d), by renumbering (d) as (e) and by creating new subsections (f) and (g), 19-12-102, 19-12-103(a), 19-12-104(a)(intro),(i),(b)(intro),(i),(ii),(c)andbycreatinganewsubsection(d), 19-12-105(a) through (d), by creating a new subsection (e), by amending and renumbering (e) through (g) as (f) through (h), by renumbering (h) as (j) and by amending and renumbering (j) as (k), 19-12-106(a), by amending and renumbering (b) as (a)(ii), by amending and renumbering (c) and (d) as (b) and (c), by renumbering (e) as (d) and by amending and renumbering (f) as (e), 19-12-107, 19-12-108(a), (b), (c)(intro), (ii) and (iii), 19-12-109(b), (d) and (e) and 19-12-110(a)(i), by creating a new paragraph (xvii) and (d) are amended to read:

19-12-101. Military courts generally.

(a) The military courts of this state are general courts-martial, special courts-martial and summary courts-martial, and are constituted and have cognizance of the same subjects and possess like powers as similar courts provided by the laws and regulations governing the armed forces of the United States, as limited by federal law and regulations applying to the national guard not in federal service. The court shall, as far as practicable, follow the forms and modes of procedure prescribed for the similar courts except that the word “governor”

shall be substituted for the word “president” whenever appearing in those laws and regulations. The prosecution in a general, special or summary courts-martial of the militia of this state shall be in the name of the state. ~~The governor, upon advice of the adjutant general;~~ shall promulgate or publish rules and regulations covering military courts not inconsistent with the constitution and laws of this state.

(b) To the extent its provisions are not inconsistent with this chapter, the ~~provisions punitive articles of the Uniform Code of Military Justice, the Military Rules of Evidence, the Rules for Courts-Martial and the United States Manual for Courts-Martial in effect at the time of an offense~~ are adopted by the state of Wyoming and shall apply to any member when in a state active duty status, including a status under title 32, United States Code, or active state service status in the same manner as the Uniform Code of Military Justice applies when the member is in active federal service.

(c) Proceedings under this article shall follow procedures for state criminal courts except as modified by this article or by any rules promulgated under this article.

~~(c)~~(d) The maximum punishment that may be imposed by any ~~courts-martial court-martial~~ shall not exceed that the sentence authorized in title 32 of the United States Code although a greater punishment may be authorized by the Appendix Twelve of the United States Manual for Courts-Martial for that or a similar offense in the punitive articles of the Uniform Code of Military Justice unless otherwise specified in this article.

~~(d)~~(e) This article applies territorially and extraterritorially to all persons in the military forces of the state when not subject to the Uniform Code of Military Justice and while in a duty status or during a period of time when the member was under lawful order to be in a duty status. The processing charges and all proceedings, including trial, may be conducted without regard to the duty status of the accused.

(f) Military defense counsel shall be appointed for any accused pursuant to promulgated rules. Counsel shall be authorized to practice law in Wyoming and a member in good standing of the bar of the highest court of any state in the United States, admitted to practice in any federal court of the United States or hold a current position as military judge advocate.

(g) Sentencing in any court-martial shall for any case under this article be by the presiding judge or summary court officer.

19-12-102. Apprehension.

(a) “Apprehension” means the taking of a member into custody.

(b) Any person authorized by this code, Chapter 47 of title 10, United States Code, or by regulations issued under either code to apprehend persons

subject to this code, ~~any marshal of a courts-martial appointed pursuant to the provisions of this code~~ and any civil officer or peace officer of this state having authority to apprehend offenders under the laws of the United States or this state, may do so upon reasonable belief that an offense has been committed and that the person apprehended committed the offense.

19-12-103. Warrant of arrest; issuance; contents; service.

(a) A warrant of arrest for the purposes of securing the presence of accused at any ~~courts-martial~~court-martial proceeding or in execution of a sentence of confinement may be issued by a special or general ~~courts-martial~~court-martial convening authority.

19-12-104. Convening general, special or summary courts-martial; summary courts-martial limitations.

(a) ~~A general courts-martial~~court-martial may be convened by:

(i) The governor; or

(b) ~~A special courts-martial~~court-martial may be convened by:

(i) The adjutant general; or

(ii) ~~The commanding~~A general officer of a ~~camp or encampment; the Wyoming national guard in the same military branch as the accused.~~

(c) ~~A summary courts-martial~~court-martial may be convened by:

(i) Any person who may convene a general or special ~~courts-martial~~court-martial; or

(ii) ~~The commanding officer of a company, battery, squadron or~~Any other detachment of the national guard ~~person designated in rules promulgated under this article.~~

(d) A summary court-martial is an administrative process presided over by a current military judge advocate serving as the summary court officer. A conviction by summary court-martial shall not result in any sentence of confinement nor shall it be considered a criminal conviction.

19-12-105. Prosecutions; appeal.

(a) All prosecutions under ~~W.S. 19-12-101~~this article shall be by ~~courts-martial~~court-martial or appropriate civilian court proceeding, with the ~~judge advocate~~adjutant general having sole power to determine by which method to proceed.

(b) ~~Upon the filing of~~If a complaint is filed in a district court or circuit court of a county wherein the offense is alleged to have occurred, the judge thereof or a magistrate therein may issue warrants.

(c) ~~In all matters wherein the Uniform Code of Military Justice requires the action of a military judge,~~A qualified military judge ~~or in the absence of a~~

~~qualified military judge the county or district court judge under this article or rules promulgated thereunder shall so serve as judge in all general or special courts-martial and be empowered to so act on all matters pertaining to that court.~~

(d) ~~Unless~~ The state is shall be represented by a ~~staff~~ judge advocate. ~~If none is available,~~ the district or county attorney shall represent the state and prosecute all cases commenced in the courts.

(e) To conduct any pretrial hearing required for a general court-martial the adjutant general shall appoint a judge advocate who is not appointed to represent a party in the case.

~~(e)(f)~~ No sentence of dismissal from the service or dishonorable discharge imposed by a Wyoming national guard ~~courts-martial~~ court-martial shall be executed until approved by the governor. The governor may suspend or set aside part or all of any sentence ~~he~~ the governor deems appropriate.

~~(f)(g)~~ When prosecution has been by general ~~courts-martial~~ court-martial, after final judgment, sentencing and approval by the governor, the defendant may appeal to the supreme court of Wyoming in the same manner as appeals from ~~circuit courts to~~ district courts to the supreme court of Wyoming in criminal cases.

~~(g)(h)~~ When prosecution has been by summary or special ~~courts-martial~~ court-martial, after final judgment, sentencing and approval by the convening authority, the defendant may appeal to the district court of the county in which the ~~courts-martial~~ court-martial was held in the same manner as appeals from circuit courts to the district courts in criminal cases.

~~(h)(i)~~ When prosecution has been in the circuit courts, after final judgment and sentencing, the defendant may appeal to the district court in the same manner as in other criminal cases.

~~(j)(k)~~ If requested by the accused and authorized given the charges and type of court-martial, a jury may be appointed. Any jury appointed shall consist of current Wyoming national guard members of either service. In the event the pool of eligible court members for a Wyoming national guard court-martial under this article is insufficient to properly impanel the courts-martial court-martial, active and reserve members of the United States armed forces may be requested to so serve.

19-12-106. Disobedience of order to appear before court-martial; issuance of subpoena; warrant of attachment; service of warrants; neglecting or refusing to obey subpoena or order; confinement of prisoners.

(a) When a person served with a copy of ~~courts-martial~~ court-martial charges disobeys a written order from the convening authority to appear before the ~~courts-martial~~ court-martial at a time and place specified, the commander

in chief, ~~adjutant general, president of the courts-martial~~ convening authority, appointed judge or summary court officer may issue:

(i) A warrant for the arrest of the person to bring him before the court for trial. The convening authority may confine him in the county jail where the court is convened if confinement is deemed advisable to ~~insure~~ ensure the presence of the alleged offender for trial, or may release the accused on the furnishing of bail in an amount deemed sufficient to ~~insure~~ ensure his presence for trial.;

(b)(ii) ~~The commander in chief, adjutant general, president of the courts-martial or summary court officer may issue~~ Subpoenas, subpoena ~~subpoenas~~ duces tecum and other orders compelling the attendance of witnesses and the production of evidentiary matters.

(c)(b) When a person has been subpoenaed to appear as a witness before any ~~courts-martial~~ court-martial and has been paid or tendered the fees and mileage required by law, or a member has been ordered to appear as a witness, and either fails or refuses without justifiable excuse to appear, the ~~commander in chief, adjutant general, president of the courts-martial~~ convening authority, appointed judge or the summary court officer may issue a warrant of attachment to apprehend and bring the witness before the court to testify as required by the subpoena or order.

(d)(c) Service of warrants, subpoenas and other process issued by the ~~commander in chief, adjutant general, president of any courts-martial~~ convening authority, appointed judge or summary court officer on any person shall be made by the sheriff, undersheriff or deputy sheriff of the county wherein the court is convened or of the county wherein the person to be served may be found, or it may be served in any county by any officer of the Wyoming national guard when ordered to do so by the ~~commander in chief, adjutant general, president of the courts-martial~~ convening authority, appointed judge or summary court officer. The individual making service shall endorse the facts of service on the original process and return it to the officer who issued the process.

(e)(d) Any person who willfully and without justifiable excuse neglects or refuses to obey a subpoena or order is guilty of a misdemeanor and may be prosecuted in any court of this state as for other misdemeanors. Upon conviction the offender shall be fined not more than seven hundred fifty dollars (\$750.00), imprisoned in the county jail not to exceed six (6) months, or both.

(f)(e) The sheriff shall keep in confinement any prisoner turned over to him for safekeeping upon written orders of the ~~governor, adjutant general, president of a courts-martial~~ convening authority, appointed judge or summary court officer.

19-12-107. Jurors of court-martial deemed on duty; pay and allowances;

witnesses subject to subpoena; witness fees and allowances.

(a) ~~Members-Jurors~~ of a ~~courts-martial-court-martial~~ and members of the Wyoming national guard ordered to appear before a ~~courts-martial-court-martial~~ or other court, and members of the Wyoming national guard tried by ~~courts-martial-court-martial~~ or other courts and acquitted, shall be deemed on duty by order of the governor and shall receive the same pay and allowances as provided for members of the Wyoming national guard when in service by order of the governor.

(b) Witnesses other than members of the Wyoming national guard are subject to subpoena by a ~~courts-martial-court-martial~~ and shall receive the same fees and allowances as provided for witnesses before the district courts of this state.

19-12-108. Confinement in county jail; fines.

(a) Where punishment by a ~~courts-martial-court-martial~~ is imprisonment for one (1) year or less, confinement shall be in the county jail of the county wherein the court is convened. The sheriff shall accept the prisoner upon receipt of written order promulgating the sentence of the court.

(b) Where punishment by a ~~courts-martial-court-martial~~ is imprisonment for more than one (1) year, the prisoner shall be remanded to the custody of the department of corrections in the same manner as civilians convicted of criminal offenses classified as a felony.

(c) Fines imposed by a ~~courts-martial-court-martial~~, at the option of the president of the ~~courts-martial-court-martial~~ or the summary court officer, may be collected in the following manner:

(ii) By immediate payment of the fine in full, in cash, to the ~~president of the courts-martial or summary court officer who shall forthwith remit the same to the adjutant general deputy director of the Wyoming military department~~ to be paid into the state treasury; or

(iii) Upon failure of the convicted person to forthwith pay the fine in cash when so ordered, by the commitment of the person to the county jail of the county wherein the court is held ~~until the fine is paid or until one (1) day is served for each dollar of the fine imposed for five (5) days. If the fine remains unpaid sixty (60) days after release, the convicted person shall be again committed to the county jail of the county wherein the court is held for an additional five (5) days.~~

19-12-109. Immunity of national guard member; commission of felony or lesser crime by such member.

(b) When any ~~felony-crime~~ against the laws of Wyoming ~~or any political subdivision thereof~~ is alleged to have been committed by any member of the Wyoming national guard, ~~while in active state service~~, upon presentation of the proper warrant he shall be ~~arrested-apprehended~~ by the military authorities and

~~immediately~~ surrendered to the proper civil authorities of the county wherein the warrant was issued.

(d) Nothing herein grants immunity from service of warrants issued upon a charge or complaint alleging the violation of one (1) or more of the offenses set forth in W.S. 19-12-110 nor shall any such immunity prevent prosecution of a member of the Wyoming national guard by the proper authorities at any time after termination of the period of ~~active state service~~ any duty status for which the immunity was effective.

(e) No member of the Wyoming national guard shall be held to answer for a criminal offense in both civilian courts and the military courts of this state. The decision as to under which justice system a member is held to answer is left to the discretion of the ~~district prosecuting~~ attorney for the county in which the offense is alleged to have occurred and the state judge advocate, ~~general~~. An impasse in this decision shall be referred to the district court judge for resolution. The decision of the district court judge is final.

19-12-110. Trial and punishment for certain offenses by members of national guard in state courts.

(a) Members of the Wyoming national guard charged with the following offenses may be tried and punished as herein provided:

(i) Any ~~officer-member~~ of the Wyoming national guard who ~~uses~~ is tried and found guilty of the offense of using contemptuous words against the president, vice-president, a member of congress, the secretary of defense, a secretary of a department, a governor or a member of a legislature of any state, territory or other possession of the United States in which ~~he~~ the member is on duty or present shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment in the county jail for a term not to exceed six (6) months, or both. Upon a second or subsequent conviction under this paragraph the member shall be fined not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00) to which may be added imprisonment in the county jail for a term not to exceed six (6) months. The fine and sentence on a second or subsequent conviction shall not be suspended;

(xvii) Any member of the Wyoming national guard who resists or aids in resisting the execution of lawful process in any area declared to be in a state of actual or threatened insurrection, or who aids or attempts the rescue or escape of another from lawful custody or confinement, or who resists or aids in resisting any force ordered out by the governor to execute the laws, to suppress actual or prevent threatened insurrection or to repel invasion is guilty of a felony punishable by imprisonment in the state penitentiary for not less than one (1) year nor more than ten (10) years.

(d) Any commanding officer of the Wyoming national guard may impose

administrative, nonjudicial punishment as described and set forth in article 15 of the Uniform Code of Military Justice and in accordance with the procedure therein set forth except as superseded by rules promulgated under this article unless the accused demands trial by ~~courts-martial~~court-martial.

Section 2. W.S. 19-12-104(b)(iii), 19-12-109(a) and (c), 19-12-110(a)(ii) through (xvi), (b), (c), (e) and (f) are repealed.

Section 3. This act is effective July 1, 2021.

Approved April 15, 2021.

Chapter 160

WORKER'S COMPENSATION-STUDENT LEARNER AGREEMENTS

Original House Bill No. 239

AN ACT relating to worker's compensation; providing for student learner agreements between eligible students, school districts, community colleges or technical schools, and employers; providing for the coverage of student learners under worker's compensation; specifying premiums and rates for employers to pay for covered student learners; specifying duties for the department of workforce services for student learners and student learner agreements; authorizing school districts, community colleges and technical schools to enter into student learner agreements; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 27-14-110 is created to read:

27-14-110. Student learner agreements.

(a) A Wyoming school district, community college or technical school and an employer may enter into a student learner agreement for the purposes of providing student learners vocational work and training opportunities and for student learners to earn course credit from the school district, community college or technical school, compensation from the employer, or both. A copy of any student learner agreement entered into under this section shall be submitted by the employer to the division.

(b) A student learner may enter into a student training agreement with an employer to complete work or vocational training at the employer's business for course credit from the school district, community college or technical school, compensation from the employer, or both. A copy of any student training agreement entered into under this section shall be submitted by the employer to the division.

(c) The employer shall notify the division if:

(i) A student learner agreement is terminated or extended with a school district, community college or technical school, and if terminated, the date of termination;

(ii) A student training agreement is extended or terminated, and if

terminated, the date of termination.

(d) An employer may enter into student learner agreements with more than one (1) Wyoming school district, community college or technical school, provided that the employer shall enter into separate student learner agreements with each school district, community college or technical school.

(e) The division shall create and maintain standard student learner agreements and student training agreements for use by employers, student learners, school districts, community colleges and technical schools. The standard agreements shall be maintained on the department's website and provided to employers, students, school districts, community colleges and technical schools.

(f) A student learner who enters into a student training agreement with an employer who has a valid and current student learner agreement with the student learner's school district, community college or technical school shall be covered under the worker's compensation program established in this act. Each employer shall pay the premiums charged for each student learner as required under this act. The division shall account for student learners in calculating benefits charged to an employer's experience rating account under this act.

(g) The division shall establish rules and regulations necessary for the implementation of this section.

Section 2. W.S. 21-3-111(a) by creating a new paragraph (xxii), 21-18-303(a) by creating a new paragraph (xviii) and 27-14-102(a)(vii)(intro) and by creating new paragraphs (xxxiii) through (xxxv) are amended to read:

21-3-111. Powers of boards of trustees.

(a) The board of trustees in each school district within the state may:

(xxii) Enter into or authorize the district superintendent to enter into student learner agreements as defined by W.S. 27-14-102(a)(xxxiv) with any employer pursuant to W.S. 27-14-110.

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

(a) The community college district board may:

(xviii) Enter into student learner agreements as defined by W.S. 27-14-102(a)(xxxiv) with any employer pursuant to W.S. 27-14-110.

27-14-102. Definitions.

(a) As used in this act:

(vii) "Employee" means any person engaged in any extra hazardous employment under any appointment, contract of hire or apprenticeship, express or implied, oral or written, and includes student learners engaged in any extra hazardous employment, 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:

(xxxiii) "Student learner" means a person between the ages of sixteen (16) years and eighteen (18) years who is currently enrolled in a Wyoming school district, community college or technical school and who enters into a student training agreement with an employer pursuant to a student learner agreement between the employer and the student learner's school district. For purposes of this act, a student learner shall be considered an employee under paragraph (vii) of this subsection;

(xxxiv) "Student learner agreement" means an agreement between a Wyoming school district, community college or technical school and an employer that:

(A) Authorizes an employer to provide vocational training and work experience to student learners;

(B) Provides for the student learner to receive course credit from the school district, community college or technical school for completing the vocational training or both course credit and compensation from the employer;

(C) Specifies terms and conditions for any student learner who is not eighteen (18) years of age in accordance with federal law and regulation concerning the performance of certain particularly hazardous work as defined by federal regulation;

(D) Authorizes the student learner to be covered under the worker's compensation program established under this act.

(xxxv) "Student training agreement" means an agreement entered into between an employer and a student of a school district, community college or technical school with a student learner agreement with the employer and that specifies the terms and conditions included in the student learner agreement and that is subject to the provisions of W.S. 27-14-110. For students under the age of eighteen (18), a student training agreement shall be signed by the student's parent or guardian unless the student is an emancipated minor under W.S. 14-1-201 through 14-1-206.

Section 3. The director of the department of workforce services shall promulgate all rules necessary to implement the provisions of this act.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2021.

(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 April 15, 2021.

Chapter 161**LOCAL LAND USE PLANNING AND ZONING****Original House Bill No. 158**

AN ACT relating to land use planning; prohibiting zoning resolutions, ordinances and plans from requiring compliance with local land use plans as specified; modifying the definition of local land use plans; specifying requirements for, restrictions on and implementation of local land use plans; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 9-8-301(d)(i) and by creating new subsections (e) and (f), 15-1-602(a) and 18-5-201(a)(intro) are amended to read:

9-8-301. Development of plans.

(d) As used in this article:

(i) “Local land use plan” means any written statement of land use policies, visions, goals and objectives adopted by local governments. ~~Such~~ Local land use plans shall ~~relate to~~ provide an explanation of the methods for implementation of the plan, however, these plans shall not require any provisions for zoning and implementation of the plan shall be subject to the provisions of this article. Any local land use plan may contain maps, graphs, charts, illustrations or any other form of written or visual communication;

(e) Local land use plans may guide local governments in adopting or amending local zoning regulations, however, such plans shall not be construed as a substitute for, or equivalent to, duly enacted local zoning regulations, which have the force and effect of law. Local land use plans shall be implemented in accordance with the following:

(i) In the event of a conflict between a duly enacted local zoning regulation and a local land use plan the local zoning regulation shall control;

(ii) No local government shall require that a land use or physical development be consistent with a local land use plan unless the applicable provisions of the local land use plan have been incorporated into the local zoning regulations.

(f) Nothing in this article shall allow any local government to use a local land use plan as authority to deny or restrict a permissible land use or physical development which is not restricted or prohibited under existing zoning regulations.

15-1-602. Regulations; powers of governing body; public hearing; notice.

(a) The governing body shall specify how regulations, restrictions and the district boundaries are to be determined, established, enforced, amended, supplemented or otherwise changed. No governing body shall require that a land use or physical development be consistent with a local land use plan unless the applicable provisions of the local land use plan have been incorporated into the local zoning regulations.

18-5-201. Authority vested in board of county commissioners; inapplicability of chapter to incorporated cities and towns; mineral resources; private schools.

(a) To promote the public health, safety, morals and general welfare of the county, each board of county commissioners may regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county. However, nothing in W.S. 18-5-201 through 18-5-208 shall be construed to contravene any zoning authority of any incorporated city or town. No zoning resolution or plan shall prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources in or under any lands subject thereto. No board of county commissioners shall require that a land use or physical development be consistent with a local land use plan unless the applicable provisions of the local land use plan have been incorporated into the local zoning regulations. Nothing in W.S. 18-5-201 through 18-5-208 shall be construed to allow any board of county commissioners, through the establishment of minimum lot size requirements or otherwise, to prevent residential or agricultural uses authorized for land divisions that are exempt from subdivision requirements pursuant to W.S. 18-5-303(a)(i). No zoning resolution or plan shall regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for the use of a private school as defined in W.S. 21-4-101(a)(iii) in any manner different from a public school, provided that the private school:

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

Approved April 15, 2021.

Chapter 162**DECENTRALIZED AUTONOMOUS ORGANIZATIONS****Original Senate File No. 38**

AN ACT relating to corporations; providing for the formation and management of decentralized autonomous organizations; providing definitions; and providing for an effective date.

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

Section 1. W.S. 17-31-101 through 17-31-116 are created to read:

CHAPTER 31
DECENTRALIZED AUTONOMOUS ORGANIZATION SUPPLEMENT
ARTICLE 1
PROVISIONS

17-31-101. Short title.

This chapter shall be known and may be cited as the “Wyoming Decentralized Autonomous Organization Supplement.”

17-31-102. Definitions.

(a) As used in this chapter:

- (i) “Blockchain” means as defined in W.S. 34-29-106(g)(i);
- (ii) “Decentralized autonomous organization” means a limited liability company organized under this chapter;
- (iii) “Digital asset” means as defined in W.S. 34-29-101(a)(i);
- (iv) “Limited liability autonomous organization” or “LAO” means a decentralized autonomous organization;
- (v) “Majority of the members,” means the approval of more than fifty percent (50%) of participating membership interests in a vote for which a quorum of members is participating. A person dissociated as a member as set forth in W.S. 17-29-602 shall not be included for the purposes of calculating the majority of the members;
- (vi) “Membership interest” means a member’s ownership share in a member managed decentralized autonomous organization, which may be defined in the entity’s articles of organization, smart contract or operating agreement. A membership interest may also be characterized as either a digital security or a digital consumer asset as defined in W.S. 34-29-101, if designated as such in the organization’s articles of organization or operating agreement;
- (vii) “Open blockchain” means a blockchain as defined in W.S. 34-29-106(g)(i) that is publicly accessible and its ledger of transactions is transparent;
- (viii) “Quorum” means a minimum requirement on the sum of

membership interests participating in a vote for that vote to be valid;

(ix) “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, administrating membership interest votes with respect to a decentralized autonomous organization or issuing executable instructions for these actions, based on the occurrence or nonoccurrence of specified conditions.

17-31-103. Application of Wyoming Limited Liability Company Act.

(a) The Wyoming Limited Liability Company Act applies to decentralized autonomous organizations to the extent not inconsistent with the provisions of this chapter and the powers provided to the secretary of state by W.S. 17-29-1102 shall apply to this chapter.

(b) This chapter does not repeal or modify any statute or rule of law that applies to a limited liability company that is organized under the Wyoming Limited Liability Company Act that does not elect to become a decentralized autonomous organization.

17-31-104. Definition and election of decentralized autonomous organization status.

(a) A decentralized autonomous organization is a limited liability company whose articles of organization contain a statement that the company is a decentralized autonomous organization as described in subsection (c) of this section.

(b) A limited liability company formed under the Wyoming Limited Liability Company Act, W.S. 17-29-101 through 17-29-1102, may convert to a decentralized autonomous organization by amending its articles of organization to include the statement required by subsections (a) and (c) of this section and W.S. 17-31-106.

(c) A statement in substantially the following form shall appear conspicuously in the articles of organization or operating agreement, if applicable, in a decentralized autonomous organization:

NOTICE OF RESTRICTIONS ON DUTIES AND TRANSFERS

The rights of members in a decentralized autonomous organization may differ materially from the rights of members in other limited liability companies. The Wyoming Decentralized Autonomous Organization Supplement, underlying smart contracts, articles of organization and operating agreement, if applicable, of a decentralized autonomous organization may define, reduce or eliminate fiduciary duties and may restrict transfer of ownership interests, withdrawal or resignation from the decentralized autonomous organization, return of capital contributions and dissolution of the decentralized autonomous organization.

(d) The registered name for a decentralized autonomous organization shall include wording or abbreviation to denote its status as a decentralized autonomous organization, specifically “DAO”, “LAO”, or “DAO LLC.”

(e) A statement in the articles of organization may define the decentralized autonomous organization as either a member managed decentralized autonomous organization or an algorithmically managed decentralized autonomous organization. If the type of decentralized autonomous organization is not otherwise provided for, the limited liability company will be presumed to be a member managed decentralized autonomous organization.

17-31-105. Formation.

(a) Any person may form a decentralized autonomous organization which shall have one (1) or more members by signing and delivering one (1) original and one (1) exact or conformed copy of the articles of organization to the secretary of state for filing. The person forming the decentralized autonomous organization need not be a member of the organization.

(b) Each decentralized autonomous organization shall have and continuously maintain in this state a registered agent as provided in W.S. 17-28-101 through 17-28-111.

(c) A decentralized autonomous organization may form and operate for any lawful purpose, regardless of whether for profit.

(d) An algorithmically managed decentralized autonomous organization may only form under this chapter if the underlying smart contracts are able to be updated, modified or otherwise upgraded.

17-31-106. Articles of organization.

(a) The articles of organization of a decentralized autonomous organization shall include a statement that the organization is a decentralized autonomous organization, pursuant to W.S. 17-31-104, and shall set forth the matters required by W.S. 17-29-201.

(b) In addition to the requirements of subsection (a) of this section the articles of organization shall include a publicly available identifier of any smart contract directly used to manage, facilitate or operate the decentralized autonomous organization.

(c) Except as otherwise provided in this chapter, the articles of organization and the smart contracts for a decentralized autonomous organization shall govern all of the following:

(i) Relations among the members and between the members and the decentralized autonomous organization;

(ii) Rights and duties under this chapter of a person in their capacity as a member;

- (iii) Activities of the decentralized autonomous organization and the conduct of those activities;
- (iv) Means and conditions for amending the operating agreement;
- (v) Rights and voting rights of members;
- (vi) Transferability of membership interests;
- (vii) Withdrawal of membership;
- (viii) Distributions to members prior to dissolution;
- (ix) Amendment of the articles of organization;
- (x) Procedures for amending, updating, editing or changing applicable smart contracts;
- (xi) All other aspects of the decentralized autonomous organization.

17-31-107. Amendment or restatement of articles of organization.

- (a) Articles of organization shall be amended when:
 - (i) There is a change in the name of the decentralized autonomous organization;
 - (ii) There is a false or erroneous statement in the articles of organization;or
 - (iii) The decentralized autonomous organization's smart contracts have been updated or changed.

17-31-108. Operating agreement.

To the extent the articles of organization or smart contract do not otherwise provide for a matter described in W.S. 17-31-106, the operation of a decentralized autonomous organization may be supplemented by an operating agreement.

17-31-109. Management.

Management of a decentralized autonomous organization shall be vested in its members, if member managed, or the smart contract, if algorithmically managed, unless otherwise provided in the articles of organization or operating agreement.

17-31-110. Standards of conduct for members.

Unless otherwise provided for in the articles of organization or operating agreement, no member of a decentralized autonomous organization shall have any fiduciary duty to the organization or any member except that the members shall be subject to the implied contractual covenant of good faith and fair dealing.

17-31-111. Membership interests for member managed decentralized autonomous organizations; voting.

(a) For purposes of W.S. 17-31-113 and 17-31-114 and unless otherwise provided for in the articles of organization, smart contract or operating agreement:

(i) Membership interests in a member managed decentralized autonomous organization shall be calculated by dividing a member's contribution of digital assets to the organization divided by the total amount of digital assets contributed to the organization at the time of a vote;

(ii) If members do not contribute digital assets to an organization as a prerequisite to becoming a member, each member shall possess one (1) membership interest and be entitled to one (1) vote;

(iii) A quorum shall require not less than a majority of membership interests entitled to vote.

17-31-112. Right of members, managers and dissociated members to information.

Members shall have no right under W.S. 17-29-410 to separately inspect or copy records of a decentralized autonomous organization and the organization shall have no obligation to furnish any information concerning the organization's activities, financial condition or other circumstances to the extent the information is available on an open blockchain.

17-31-113. Withdrawal of members.

(a) A member may only withdraw from a decentralized autonomous organization in accordance with the terms set forth in the articles of organization, the smart contracts or, if applicable, the operating agreement.

(b) A member of a decentralized autonomous organization may not have the organization dissolved for a failure to return the members' contribution to capital.

(c) Unless the organization's articles of organization, smart contracts or operating agreement provide otherwise, a withdrawn member forfeits all membership interests in the decentralized autonomous organization, including any governance or economic rights.

17-31-114. Dissolution.

(a) A decentralized autonomous organization organized under this chapter shall be dissolved upon the occurrence of any of the following events:

(i) The period fixed for the duration of the organization expires;

(ii) By vote of the majority of members of a member managed decentralized autonomous organization;

(iii) At the time or upon the occurrence of events specified in the underlying smart contracts or as specified in the articles of organization or operating agreement;

(iv) The decentralized autonomous organization has failed to approve any proposals or take any actions for a period of one (1) year;

(v) By order of the secretary of state if the decentralized autonomous organization is deemed to no longer perform a lawful purpose.

(b) As soon as possible following the occurrence of any of the events specified in subsection (a) of this section causing the dissolution of a decentralized autonomous organization, the organization shall execute a statement of intent to dissolve in the form prescribed by the secretary of state.

17-31-115. Miscellaneous.

The articles of organization and the operating agreement of a decentralized autonomous organization are effective as statements of authority. Where the underlying articles of organization and operating agreement are in conflict, the articles of organization shall preempt any conflicting provisions. Where the underlying articles of organization and smart contract are in conflict, the smart contract shall preempt any conflicting provisions of the articles of organization, except as it relates to W.S. 17-31-104 and 17-31-106(a) and (b).

17-31-116. Foreign decentralized autonomous organization.

The secretary of state shall not issue a certificate of authority for a foreign decentralized autonomous organization.

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

Approved April 21, 2021.

Chapter 163

ABSENTEEISM IN PUBLIC SCHOOLS

Original Senate File No. 68

AN ACT relating to education; amending provisions related to school attendance and unexcused absences; clarifying what constitutes an unexcused absence for purposes of school attendance; amending and repealing duties and powers of the boards of trustees for Wyoming school districts; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 21-3-110(a) by creating a new paragraph (xxxix) is amended to read:

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

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

(xxxix) Define “habitual truancy” and “unexcused absence” for all students who are attending public schools and establish rules regarding student attendance. For purposes of this paragraph, an absence preapproved by the

district or an absence due to an illness, injury or the health care needs of the student or a death or serious illness in the student's family shall not constitute an unexcused absence. Students participating in the annual state fair held under W.S. 11-10-101 as an exhibitor shall be considered as participating in a district cocurricular activity program and the student's absence shall be defined by the board as an excused absence. Nothing in this paragraph shall prohibit a school district from requesting verification of the reasons for an absence.

Section 2. W.S. 21-3-111(a)(xvi) is repealed.

Section 3. Not later than August 1, 2021, the board of trustees in each school district in Wyoming shall adopt any rules necessary to implement the provisions of this act.

Section 4.

(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) Sections 1 and 2 of this act are effective August 1, 2021.

Approved April 21, 2021.

Chapter 164

PROPERTY RIGHTS-LIMITATION ON LOCAL AUTHORITY

Original Senate File No. 157

AN ACT relating to cities and towns; prohibiting cities and towns from conditioning the connection of municipal sewer service as specified; and providing for an effective date.

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

Section 1. W.S. 15-7-516 is created to read:

15-7-516. Conditions on the connection of municipal sewer service.

(a) Notwithstanding any provision of law to the contrary, no city or town shall condition the connection of a municipal sewer system to a property on the inclusion of any deed restriction for that property or any other property that requires the development or provision of affordable housing. Nothing herein shall contravene the discretion of cities and towns to deny connection to the municipal sewerage system.

(b) As used in this section, "affordable housing" means residential housing that is rented to or owned by a person who qualifies as a low income or moderate income household, however defined.

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 April 21, 2021.

Chapter 165

ELECTED OFFICIAL RESIDENCY REQUIREMENT

Original House Bill No. 187

AN ACT relating to elected officials; prescribing residency requirements for county officers; prescribing when a vacancy in office occurs; providing applicability; and providing for an effective date.

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

Section 1. W.S. 18-3-201(a), 18-3-401, 18-3-501(a), 18-3-601, 18-3-801 and 22-18-101(f) are amended to read:

18-3-201. Qualifications; certification and education.

(a) There shall be elected in each county a county assessor as provided by the Wyoming Election Code of 1973 as amended, who shall be a qualified elector and own real property in the county in which he is elected. The county assessor shall be a resident of the county in which the county assessor serves, beginning on the first day of the term and through the last day of the term for which the county assessor serves.

18-3-401. Office created; election.

There shall be elected in each county a county clerk, who shall be a resident of the county in which the county clerk serves, beginning on the first day of the term and through the last day of the term for which the county clerk serves.

18-3-501. Composition; election for increasing the number; term; quorum; election for districting; procedures.

(a) Each board of county commissioners shall consist of three (3) qualified electors who shall be elected in the following manner: at the general election held in the year 1980 and every fourth year thereafter, there shall be elected one (1) commissioner for a term of four (4) years and at the general election held in the year of 1978 and every fourth year thereafter there shall be elected two (2) commissioners for a term of four (4) years each. Any two (2) members of the board constitute a quorum and are competent to act. In addition to the other residency requirements imposed by this section, each county commissioner shall be a resident of the county in which the county commissioner serves, beginning on the first day of the term and through the last day of the term for which the county commissioner serves.

18-3-601. Office created; election.

There shall be elected in each county a county sheriff, who shall be a resident of the county in which the county sheriff serves, beginning on the first day of the term and through the last day of the term for which the county sheriff serves.

18-3-801. Election.

There shall be elected in each county a county treasurer, who shall be a resident of the county in which the county treasurer serves, beginning on the first day of the term and through the last day of the term for which the county treasurer serves.

22-18-101. When deemed to occur.

(f) In addition to subsections (a) through (c) of this section, a vacancy shall occur:

(i) In the office of a member of the state legislature when the person fails to reside in the legislative district from which he is elected;

(ii) In the office of a county assessor, county clerk, county commissioner, county sheriff or county treasurer when the person fails to reside in the county from which he is elected.

Section 2. The residency requirements of this act shall apply to elected or appointed county officers whose terms commence on or after the effective date of this act.

Section 3. This act is effective July 1, 2021.

Approved April 21, 2021.

Chapter 166

FEDERAL EMERGENCY COVID-19 RELIEF FUNDING

Original Senate File No. 118

AN ACT relating to emergency expenses of government; authorizing expenditure of COVID-19 relief funds on previously approved projects, grants or procurements; authorizing the governor to recreate expired programs for COVID-19 aid and relief; authorizing emergency government programs as specified; providing certain exemptions from procurement statutes as specified; providing legislative findings; providing sunset dates for expenditure of the specified COVID-19 relief funds; providing an appropriation to restore funding for the operation of state government as specified; providing additional appropriations; providing reappropriations; specifying conditions on appropriations, reappropriations and expenditure of funds; requiring reporting; authorizing rulemaking; and providing for effective dates.

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

Section 1. The department of family services shall serve as the administrating agency for the federal emergency rental assistance program created under Division N, Title V, Sec. 501 of the federal Consolidated Appropriations Act of 2021 and any related subsequent federal legislation. The department shall be authorized to administer the emergency rental assistance program in Wyoming

in accordance with applicable federal law and guidance and in a manner that insures maximum benefit to Wyoming residents. The department shall be authorized to designate to other state agencies or public entities administrative functions under this program. The department shall be further authorized to issue grants under this program to any entity for purposes of the provision of case management and other housing support, as permitted by relevant federal law and regulations. All actions taken by the department in connection with the administration of the emergency rental assistance program are exempt from the competitive bidding and other procurement requirements of chapter 6 of title 16 of the Wyoming Statutes provided however that the department shall make good faith efforts to obtain the most favorable pricing and other commercial terms from service providers. The program created under this section shall expire ninety (90) days after the later of the expiration of the program under relevant federal law or upon the expiration of any extension granted for the use of funds under the program by the United States department of treasury.

Section 2. Projects, grants or procurements which were approved to receive funds provided to the state of Wyoming through the federal Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136 by all necessary entities within the executive branch prior to December 30, 2020, shall be funded as provided in this section to the extent funds are available. The authority to approve the expenditure of funds authorized in this section shall expire ninety (90) days after the later of the expiration of the program under relevant federal law or upon the expiration of any extension granted for the use of funds under the program by the United States department of treasury. CARES Act funds shall be expended for projects, grants or procurements under this section if the agency or entity responsible for originally approving the application prior to December 30, 2020 determines that payment of funds for projects, grants or procurements under this section remains in the best interest of the state of Wyoming. In utilizing this discretion, the administrating agency or entity may deny a payment of funds for a previously approved project, grant or procurement if the agency or entity finds there was no good cause for delay in undertaking a project or implementing the grant or procurement and the denial is in the best interest of the state. Funds shall be expended on projects, grants or procurements under this section pursuant to the relevant requirements under which the application was originally approved as contained within 2020 Wyoming Special Session Laws, Chapter 1 and Chapter 3.

Section 3.

(a) The governor may recreate any program originally created pursuant to the authority granted in 2020 Wyoming Special Session Laws, Chapter 1, Section 2 and Chapter 3, Sections 2 through 4 that expired on December 30, 2020 to the extent:

(i) Funds provided to the state of Wyoming through the federal

Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, which were encumbered but not completely expended by the executive branch for the benefit of the program recipients before December 30, 2020;

(ii) The governor and the agency authorized to administer the original program determines that recreation of the program is in the best interest of the state of Wyoming; and

(iii) Except as provided in paragraph (iv) of this section, the program is recreated under the relevant original requirements of the program as required by 2020 Wyoming Special Session Laws, Chapter 1, Section 2 and Chapter 3, Sections 2 through 4, as applicable, and all relevant requirements of rules and regulations adopted pursuant thereto;

(iv) Notwithstanding any other provision of law:

(A) The programs recreated under this section shall expire ninety (90) days after the later of the expiration of the program under relevant federal law or upon the expiration of any extension granted for the use of funds under the program by the United States department of treasury;

(B) The agency responsible for administering the program may adopt rules, including emergency rules for the program as provided in section 5 of this act; and

(C) The agency responsible for administering the program shall report to the joint appropriations committee on the expenditure of funds, the recipients of those funds and the stated purpose for the award of funds no later than May 1, 2021 and then on the first day of each month thereafter through and including December 1, 2021.

Section 4.

(a) The legislature finds that:

(i) On March 11, 2021 the American Rescue Plan Act, P.L. 117-2 was signed into law;

(ii) The American Rescue Plan Act provides approximately one billion two hundred million dollars (\$1,200,000,000.00) in discretionary funds to the state of Wyoming and the political subdivisions of the state;

(iii) These federal funds provide the state with the opportunity to continue the recovery from the decline related to the COVID-19 pandemic to the revenues of the state of Wyoming and the political subdivisions of the state as well as to further address the economic impact to the citizens of Wyoming from the pandemic;

(iv) It is in the best interest of the state of Wyoming if these funds are expended in a manner which maximizes the short term and long term benefits to the people of Wyoming. Such a response will take a coordinated

and thoughtful effort of the legislative, executive and judicial branches of state government as well as input from all affected political subdivisions of the state and the various stakeholders and citizens of the state;

(v) To act in the best interest of the state of Wyoming, the legislature is anticipated to meet in special session during the spring or summer of 2021 to enact programs and expenditures after receiving public testimony and developing legislation through meetings and discussion with all interested parties;

(vi) In the event that for whatever reason, the legislature does not enact further legislation to appropriate federal funds from the American Rescue Plan Act or the CARES Act by September 1, 2021, the governor is authorized by the terms of this act to implement programs as specified to expend these funds.

Section 5.

(a) To carry out the expenditure of federal funds authorized by subsection (b) of this section, the governor is authorized to establish by order or rule any emergency program that is consistent with the terms of this act and the federal gift, grant or appropriation if the program can be fully supported by federal funds appropriated under this act or other existing appropriations and does not obligate the state to any expenditure of state funds not previously appropriated by the legislature. Any emergency program created under the authority granted in this subsection shall expire on December 31, 2024 unless expressly continued by act of the legislature.

(b) Subject to the limitations provided in subsections (c) through (e) of this section, any federal funds provided to the state for COVID-19 related purposes including from the American Rescue Plan Act, P.L. 117-2, the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, or other similarly purposed federal act, that do not accrue to any agency under W.S. 9-2-1006(a) and which are not appropriated within sections 4(a) through (c) of this act are appropriated to the office of the governor for the emergency expenses of government that are consistent with the terms of the federal gift, grant or appropriation and subject to the provisions of this subsection. In accordance with W.S. 9-4-205(a), this appropriation of federal funds shall be subject to further legislative review and appropriation. This appropriation shall only be expended for the following purposes:

(i) For any expenses incurred by state entities, school districts or Wyoming community college districts to respond to the public health emergency and the impacts caused by COVID-19 as determined by the governor. As used in this paragraph, "state entity" includes any state office, department, board, council, commission, separate operating agency, institution or other instrumentality or operating unit of the state including the University of Wyoming;

(ii) To respond to the public health emergency with respect to COVID-19

or its negative economic impacts, including assistance to households, small businesses, and nonprofits or aid to impacted industries such as tourism, travel and hospitality;

(iii) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the state, a political subdivision or tribal government that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(iv) For the provision of government services to the extent of the reduction in revenue of the state, political subdivision or tribal government due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the state prior to the emergency;

(v) To make necessary investments in infrastructure and capital construction including water, sewer or broadband infrastructure in the state;

(vi) To provide grants for expenses incurred by Wyoming health care providers and health care facilities, including capital construction and building delay expenses incurred to respond to the public health emergency caused by COVID-19 or to improve the state's health care delivery system and infrastructure for responding to the public health emergency caused by COVID-19. Grants provided under this paragraph shall be administered by a state entity as determined by the governor;

(vii) To provide funding and endowments for training health care professionals and workforce training programs across the state;

(viii) For expenses incurred by the Wyoming life resource center and the Wyoming state hospital, including operational expenses and capital construction and building delay expenses incurred to respond to the public health emergency caused by COVID-19 or to improve the state's health care delivery system and infrastructure for responding to the public health emergency caused by COVID-19;

(ix) For any expenses incurred by the state to respond to the public health emergency to address food insecurity caused or exacerbated by COVID-19 as determined by the governor;

(x) For any COVID-19 related expenses and expenditures of the judicial branch;

(xi) For any COVID-19 related expenses and expenditures of the legislative branch;

(xii) To cover other costs to the state or citizens or businesses of the state to address the negative impact caused by the COVID-19 pandemic. Business relief programs under this act shall be administered by a state entity as determined by the governor;

(xiii) Any other COVID-19 related purposes authorized by federal law.

(c) No expenditure of funds shall be made under this section except in accordance with state and federal laws, regulations and orders. The governor shall by order or rule, adopt provisions to ensure that adequate consideration is provided to the state for the expenditure of public funds on grants authorized under this act.

(d) As a condition of receiving any grant, aid or distribution authorized under this section, the recipient shall report to the governor, and the governor shall further provide to the legislature, the amount of all federal loans, grants or aid provided for COVID-19 related purposes including from the American Rescue Plan Act, P.L. 1172, the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136 or other similarly purposed federal act for which the recipient:

- (i) Is eligible, as determined by the recipient;
- (ii) Has applied;
- (iii) Has received.

(e) The governor's office shall implement by rule reporting requirements for recipients of any grant, distribution or aid authorized under this section sufficient to comply with all federal reporting requirements.

Section 6.

(a) There is appropriated to the department of family services all federal funds received by the state of Wyoming specifically for the federal emergency rental assistance program created under Division N, Title V, Sec. 501 of the federal Consolidated Appropriations Act of 2021 and any related subsequent federal legislation. This appropriation shall not be transferred or expended for any purpose, except as provided in this subsection. Any unobligated, unexpended funds remaining from this appropriation upon the expiration of the later of the relevant federal law, related federal legislation, reallocation by the secretary of the United States department of treasury, or any extension granted by the United States department of treasury shall be deposited to the general fund unless otherwise provided by federal law.

(b) There is reappropriated to the governor's office an amount not to exceed twenty million dollars (\$20,000,000.00) in total for all reappropriations under section 2 of this act from any unexpended, unobligated funds appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b), Chapter 2, Section 4(d) and Chapter 3, Sections 2(h), 3(h) and 4(g). The governor may immediately transfer funds reappropriated under this section to the state agency or entity designated to approve the project, grant or procurements as provided in section 2 of this act. Nothing in this section shall restrict the ability of a state agency to pay an invoice or obligation approved and completed

prior to December 30, 2020 with funds appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b), Chapter 2, Section 4(d) and Chapter 3, Sections 2(h), 3(h) and 4(g). This reappropriation shall not be transferred or expended for any purpose except as provided in this subsection. Any unobligated, unexpended funds remaining from this appropriation upon the expiration of the later of the relevant federal law, related federal legislation, reallocation by the secretary of the United States department of treasury, or any extension granted by the United States department of treasury shall be deposited to the general fund unless otherwise provided by federal law.

(c) There is reappropriated to the governor's office an amount not to exceed eighteen million dollars (\$18,000,000.00) in total for all programs recreated under section 3 of this act from any unexpended, unobligated funds appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b), Chapter 2, Section 4(d) and Chapter 3, Sections 2(h), 3(h) and 4(g). The governor may immediately transfer funds reappropriated under this section to the state agency or entity previously designated to administer the COVID-19 relief program as provided in section 3 of this act. Nothing in this section shall restrict the ability of a state agency to pay an invoice or obligation approved before December 30, 2020 with funds appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b), Chapter 2, Section 4(d) and Chapter 3, Sections 2(h), 3(h) and 4(g). This reappropriation shall not be transferred or expended for any purpose except as provided in this subsection. Any unobligated, unexpended funds remaining from this appropriation upon the expiration of the later of the relevant federal law, related federal legislation, reallocation by the secretary of the United States department of treasury, or any extension granted by the United States department of treasury shall be deposited to the general fund unless otherwise provided by federal law.

(d) To the extent not appropriated in subsections (a) through (c) of this section, there is appropriated all unexpended, unencumbered and unobligated funds received by the state of Wyoming to the state auditor from the American Rescue Plan Act of 2021, P.L. 117-2, the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136 or other similarly purposed federal act, including funds originally appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b), Chapter 2, Section 4(d) and Chapter 3, Sections 2(h), 3(h) and 4(g). The governor may transfer funds reappropriated under this section to the state agency or entity designated to approve the project, grant or procurements as provided in section 5 of this act. This appropriation shall not be transferred or expended for any purpose except as provided in this subsection. Any unobligated, unexpended funds remaining from this appropriation upon the expiration of the later of the relevant federal law, related federal legislation, reallocation by the secretary of the United States department of treasury, or any extension granted by the United States department of treasury shall be deposited to the general fund unless otherwise provided by federal law.

(e) There is appropriated four million dollars (\$4,000,000.00) from the legislative stabilization reserve account to the state auditor for purposes specified in subsection (f) of this section. 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.

(f) The governor may direct the state auditor to transfer funds appropriated under subsection (e) of this section to any state agency to offset budget reductions that would cause the agency to fail to meet any maintenance of effort requirements imposed under the American Rescue Plan Act of 2021, P.L. 117-2.

(g) The notification and reporting procedures contained in W.S. 9-2-1005(b)(ii), 9-2-1013(b) and 9-4-206 shall apply to any transfer directed by the governor under this section irrespective of the amount of the transfer.

(h) The appropriations in this section shall supersede and take priority over any appropriation or reappropriation of the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136 funds as provided in any law enacted during the 2021 legislative general session.

Section 7. The governor at all times retains the authority to expend the federal funds in accordance with W.S. 9-2-1005(b)(ii) and (g), 9-2-1006(a) and 9-4-206.

Section 8. Any agency or entity authorized by or under this act to administer any program, grant or other disbursement may adopt rules, including emergency rules, as necessary to fulfill its powers and duties in accordance with the Wyoming Administrative Procedure Act.

Section 9.

(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 5 of this act is effective September 1, 2021.

Approved April 21, 2021.

Chapter 167

FEDERAL CONGRESSIONAL ELECTIONS-RESIDENCY

Original House Bill No. 163

AN ACT relating to elections; modifying the definition of "residence" for purposes of elections of and candidates for the offices of United States senator and member of congress; modifying nomination application requirements and affirmations accordingly; and providing for an effective date.

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

Section 1. W.S. 22-1-102(a)(xxx) by creating a new subparagraph (G), 22-5-204(b)(iii) and 22-5-301(a) are amended to read:

22-1-102. Definitions.

(a) The definitions contained in this chapter apply to words and phrases used in this Election Code and govern the construction of those words and phrases unless they are specifically modified by the context in which they appear. As used in this Election Code:

(xxx) "Residence" is the place of a person's actual habitation. The construction of this term shall be governed by the following rules:

(G) Candidates seeking election to the office of United States senator or representative in congress shall not, at the time of knowingly seeking nomination or election as provided by paragraph (liii) of this subsection, claim or currently be claiming any residence or receive the benefits of residency from any other state, excluding the benefits of residency related to or incidental from maintaining a residence at or near the United States capital.

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

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

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

APPLICATION FOR NOMINATION OR ELECTION BY
PARTY PRIMARY

State of Wyoming)

) ss

County of)

I, ..., swear or affirm that I was born on ..., ...(year), that I have been a resident of the state of Wyoming since ..., and that I am a registered voter of Election District No. ..., in Precinct No. ..., residing at ..., in County of ..., (if for the office of state senator or representative) in Senate (House) District ..., state of Wyoming, and registered as a member of ... party, (if for the office of governor) and that I resided at the physical residential addresses listed below during the past five (5) years, and I hereby request that my name be printed upon the official party ballot at the next primary election as a candidate for the office of ..., and hereby declare that if nominated and elected, I will qualify for the office.

(If for the office of United States senator or representative in

congress) I have not, at any time when knowingly seeking nomination or election to this office, claimed or been currently claiming any residence or received the benefits of residency from any other state, excluding the benefits of residency related to or incidental from maintaining a residence at or near the United States capital.

(If for the office of governor) I have resided at the following physical residential addresses during the past five (5) years:

(Residence) (Date)

- 1.
- 2.

Dated the day of,(year).

.....(Signature)

22-5-301. Independent partisan candidates; form.

(a) Independent candidates for partisan public offices may be nominated by filing a signed petition in substantially the following form:

PETITION FOR NOMINATION

I,, swear or affirm that I was born on,(year), that I have been a resident of the State of Wyoming since, and that I am a registered voter of Election District No., in Precinct No., County of, residing at, (if for the office of state senator or representative, commissioner or other district office) in Senate (House) (Commissioner or other) District, State of Wyoming, (if for the office of governor) and that I resided at the physical residential addresses listed below during the past five (5) years, and having obtained the number of signatures required by law for nomination by petition, I hereby request that my name be printed on the official ballot at the next general election as an independent candidate for the office of and declare that if nominated and elected, I will qualify for the office.

(If for the office of United States senator or representative in congress) I have not, at any time when knowingly seeking nomination or election to this office, claimed or been currently claiming any residence or received the benefits of residency from any other state, excluding the benefits of residency related to or incidental from maintaining a residence at or near the United States capital.

(If for the office of governor) I have resided at the following

physical residential addresses during the past five (5) years:

(Residence) (Date)

- 1.
- 2.

Dated the day of,(year).

..... (Signature)

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

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

- 1.
- 2.

VERIFICATION BY CIRCULATORS

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

..... (Signature)

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

Became law without signature April 21, 2021.

Chapter 168

PUBLIC HEALTH AMENDMENTS

Original House Bill No. 127

AN ACT relating to the public health; amending and creating provisions governing the issuance of orders relating to the public health; amending provisions governing the appointment and oversight of the state health officer; providing applicability; and providing for an effective date.

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

Section 1. W.S. 35-1-310 is created to read:

35-1-310. Limitation on orders.

(a) No public health order requested or issued by a county, municipal or district health officer under this article shall become effective without notice being provided to the public not less than forty-eight (48) hours before the

order is to become effective and an opportunity to provide public comment through written and electronic submissions is provided, except when the delay will result in immediate and life threatening physical harm, exposure or transmission beyond the existing affected area. Any order issued under this chapter by a county, municipal or district health officer that restricts individuals' movements or their ability to engage in any activity, that applies to individuals not under an isolation or quarantine order and that is designed to prevent or limit the transmission of a contagious or possibly contagious disease shall be effective for a period of not more than ten (10) days. Subsequent orders, including order extensions, for the same or substantially same purpose of any duration shall only be issued as follows:

(i) The board of county commissioners, by a vote of the majority of the board, may issue an order subsequent to an order issued by a county health officer;

(ii) The governing body of a municipality, by a vote of the majority of the governing body, may issue an order subsequent to an order issued by a municipal health officer;

(iii) The governing body of a political subdivision that is a member of a health district or a district health department, by a majority vote of the governing body, may issue an order subsequent to an order issued by a district health officer to have effect within the governing body's political subdivision only.

(b) Nothing in this chapter shall be construed to limit a parent or guardian's right to the care, custody and control of a minor child under the care of the parent or guardian.

(c) Nothing in this chapter shall be construed to limit a caregiver's right to the care, custody and control of a vulnerable adult.

(d) As used in this section:

(i) "Caregiver" means a family member responsible, or a person with court ordered responsibility, for the care, custody and control of a vulnerable adult;

(ii) "Vulnerable adult" means as defined in W.S. 35-20-102(a)(xviii).

Section 2. W.S. 9-2-103(e)(intro) and (i), 21-4-309(d)(i) and 35-1-240(a)(intro) and by creating a new subsection (c) are amended to read:

9-2-103. Division administrators; appointment; qualifications; duties; salaries, tenure and removal generally; necessary personnel.

(e) The ~~director~~governor shall appoint a state health officer who shall be licensed in Wyoming as a physician and who shall carry out the statutory duties and any other duties assigned to ~~him~~the state health officer by the director. The state health officer shall:

(i) ~~Answer directly to the director~~ Serve at the pleasure of the director and governor, either of whom may remove the state health officer;

21-4-309. Mandatory immunizations for children attending schools; exceptions.

(d) For purposes of this section:

(i) “State health officer” means the person appointed by the ~~director of the department of health~~ governor pursuant to W.S. ~~9-2-103~~ 9-2-103(e);

35-1-240. Powers and duties.

(a) Subject to subsection (c) of this section, the department of health, through the state health officer, or under his direction and supervision, through the other employees of the department, shall have and exercise the following powers and duties:

(c) Any order issued under this section that restricts individuals’ movements or their ability to engage in any activity, that applies to individuals not under an isolation or quarantine order and that is designed to prevent or limit the transmission of a contagious or possibly contagious disease shall be effective for a period of not more than ten (10) days. Subsequent orders for the same or substantially same purpose shall only be issued by the governor, with consultation provided by the state health officer and shall be in effect for not more than sixty (60) days.

Section 3. W.S. 9-2-103(d) is repealed.

Section 4. This act shall only apply to orders issued by the state health officer or municipal, county or district health officers on or after the effective date of this act. No order issued before the effective date of this act shall be subject to this act during any period for which the public health order is effective.

Section 5. This act is effective July 1, 2021.

Became law without signature April 22, 2021.

Chapter 169

CHARTER SCHOOLS

Original Senate File No. 130

AN ACT relating to charter schools; revising the process for approval and renewal of charter schools; providing for authorization of charter schools by a school district or the state loan and investment board; revising the operation of charter schools; authorizing fees; specifying funding; making conforming changes; repealing conflicting provisions; specifying limitations; requiring a study; requiring a report; and providing for effective dates.

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

Section 1. W.S. 21-3-302.1 is created to read:

21-3-302.1. Charter school authorizers.

(a) Authorizers shall:

(i) Review charter school applications made to the authorizer and make a written determination on the application;

(ii) Monitor charter schools approved by the authorizer;

(iii) Make decisions on the renewal, nonrenewal and revocation of charters granted by the authorizer.

(b) Funding for authorizers shall consist of administrative fees collected from the charter school. Fees shall not exceed three percent (3%) of the charter school's annual state funding.

(c) The state loan and investment board shall, subject to the limitation in subsection (b) of this section, establish administration fees necessary to recover the incremental costs of the department of education related to the approval and monitoring of charter schools under this article. Administrative fees collected by the state loan and investment board pursuant to this subsection shall be deposited in the school foundation program account.

Section 2. W.S. 21-3-110(a)(x)(intro), (A)(I) and (II), 21-3-301(a)(intro), 21-3-302(a)(iv) and by creating new paragraphs (vii) through (xi), 21-3-303(a) and (d), 21-3-304(b) through (g), (j) and (k), 21-3-305(a), (b) and by creating a new subsections (f) and (g), 21-3-306(a) and by creating a new subsection (d), 21-3-307(a)(intro), (vii), (viii), (xiii), (xiv), (xxi), (xxii) and by creating new paragraphs (xxiii) through (xxv), (b), (d) and by creating a new subsection (e), 21-3-308(a), (c), (d), (e)(i) and (ii), 21-3-309(a), (b)(intro), (c)(intro) and (e), 21-3-311(b), 21-3-312, 21-3-313(b) and 21-3-314 by creating a new subsection (f) are 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 within the boundaries

of 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:

(A) If the lease payment is for educational facilities used in the actual operation of a charter school, the state construction department shall pay the district the contract amount approved by the department for the lease payment by the charter school if:

(I) The charter is approved ~~by the district~~ under W.S. 21-3-301 through 21-3-314;

(II) The department determines no adequate educational facilities exist within the applicable district for operation of the charter school;

21-3-301. Purpose.

(a) It is the purpose of this article to provide opportunities for teachers, parents, pupils and community members to establish and maintain schools that operate independently from ~~the existing school district structure~~ districts as a method to:

21-3-302. Definitions.

(a) As used in this article:

(iv) "New charter school" or "charter school" means a ~~charter school~~ established within the district which is located in a facility or a portion of a facility which is not currently being operated by the district as a public school ~~public school established and operating under the terms of a charter contract~~ between the charter school's board and its authorizer;

(vii) "Authorizer" means a school district board or the state loan and investment board;

(viii) "Charter" or "charter contract" means the charter contract executed between a charter school and an authorizer;

(ix) "Charter application" means the application submitted by a proposed charter school to an authorizer for the creation of a charter school;

(x) "Department" means the Wyoming department of education;

(xi) "Education service provider" means a for-profit or nonprofit education management organization, charter management organization, or any other partner entity that a charter school contracts with for educational

program implementation or for comprehensive management.

21-3-303. Charter school prohibitions.

(a) This article shall not prohibit any private person or organization from funding or providing other assistance for the establishment or operation of a charter school established pursuant to this article, ~~when the district board determines the funding or assistance is compatible with the mission of the district.~~

(d) No charter school shall enter into a contract with an independent management company or education service provider without the prior written consent of the ~~district board. The school district shall be a third party beneficiary to any management contract approved by the district board~~ authorizer.

21-3-304. Charter school; requirements; authority.

(a) A charter school shall be a public, nonsectarian, nonreligious, nonhome-based school which operates within a public school district. Tuition shall not be charged by a charter school to any student in grades kindergarten through twelve (12).

(b) ~~A~~ If a charter is granted by a school district, the charter school shall be a public school within the school district that grants its charter, and ~~If a charter is granted by the state loan and investment board, the charter school shall be an independent public school within the district where the charter school is located. The charter school shall be accountable to the district board~~ its authorizer for purposes of ensuring compliance with applicable laws and charter provisions and the requirements of the state constitution.

(c) A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or need for special education services. Enrollment decisions shall be made in a nondiscriminatory manner specified by the charter school applicant in the charter school application. Enrollment decisions shall not discriminate against at-risk students or special program students. A charter school specializing in at-risk or special education students may give a preference in enrollment to those students. A charter school sponsored jointly or separately by the Eastern Shoshone or the Northern Arapaho Indian Tribes may give preference to a student who is a member or eligible for membership in an Indian tribe.

(d) A charter school shall be administered and governed by a governing body in a manner agreed to by the charter school applicant and the ~~school district~~ authorizer. A charter school may organize as a nonprofit corporation pursuant to the Wyoming Nonprofit Corporation Act, which shall not affect its status as a public school for any purposes under Wyoming law. A charter school organized by a school district may include school board members or school district employees on its governing board.

(e) A charter school, as a public school, is a governmental entity. Direct leases and financial obligations of a charter school shall not constitute debt or financial obligations of the ~~school district authorizer~~ unless the ~~district board authorizer~~ expressly assumes ~~such the~~ obligations in writing.

(f) Notwithstanding the provisions of this article to the contrary, a charter school and the ~~school district authorizer~~ may agree to extend the length of the charter beyond five (5) years, ~~for the purpose of enhancing the terms of any lease or financial obligation.~~

(g) ~~Pursuant to contract,~~ A charter school may operate free from specified school district policies and state regulations. Pursuant to contract, a school district may waive locally imposed school district requirements, without seeking approval of the state board. The state board may waive state statutory requirements or rules promulgated by the state board, except that the state board shall not waive any statute or rule relating to the assessments or standards required to be administered. Upon request of the charter applicant, the state board shall provide summaries of such regulations and policies to use in preparing a charter school application. The department of education shall prepare the summary of state regulations within existing appropriations. Any waiver of state or local school district regulations made pursuant to this subsection shall be for the term of the charter for which the waiver is made, except that a waiver of state statutes or regulations by the state board shall be subject to review every two (2) years and may be revoked if the waiver is deemed no longer necessary by the state board. Nothing in this subsection shall be deemed to exempt the charter school from:

(i) Any civil rights, health or safety requirements applicable to other public schools in the state except as specifically provided in this article;

(ii) The student assessment and accountability requirements applicable to other public schools, provided that this paragraph shall not prohibit a charter school from establishing additional student assessment measures;

(iii) The public records act and public meeting requirements applicable to public schools and school districts and any federal or state privacy laws applicable to public schools or school districts.

(j) A charter school may negotiate and contract with a school district, the governing body of a ~~state college or university~~ community college or the university of Wyoming, or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity or undertaking that the charter school is required to perform in order to carry out the educational program described in its charter. Any services for which a charter school contracts with a school district shall be provided by the district at the incremental cost. For school district capital facilities that are rented at the time of the charter school application and had

been rented for the immediately preceding six (6) months by a third party, the net loss of rental income shall be considered an incremental cost. The charter school shall have standing to sue and be sued in its own name for the enforcement of any contract created pursuant to this subsection.

(k) Except as provided in subsection (j) of this section, a charter school shall not be required to pay rent for space which is deemed available, as negotiated by contract, in school district facilities. All other costs for the improvement, modification, operation and maintenance of the school district facilities used by the charter school shall be subject to negotiation between the charter school and the district board.

21-3-305. Charter schools; contract contents; regulations.

(a) An approved charter application shall serve as the basis for a contract between the charter school and the ~~school district~~ authorizer. The charter contract shall:

(i) Be a written instrument which is a separate document from the charter application;

(ii) Be executed by an authorizer and a charter school;

(iii) Confer certain rights, privileges and obligations on the charter school;

(iv) Confirm the status of the charter school as a public school;

(v) Be granted for five (5) years;

(vi) Provide for a review by the authorizer of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period that the charter is in effect;

(vii) Provide for renewal of the charter if the authorizer and the charter school agree to renew the charter pursuant to a renewal application. The renewal application shall meet the requirements of subsection (b) of this section;

(viii) Specify the grounds for the authorizer to:

(A) Revoke the charter before the term for which the charter is granted;

(B) Not renew a charter.

(ix) Set forth the methods by which the charter school will be held accountable for achieving the educational mission and goals of the charter school, including the following:

(A) Evidence of adequate performance or improvement in:

(I) Assessment measures, including the statewide assessment system measures;

(II) Attendance rates;

(III) Graduation rates, if applicable;

(IV) Statewide education accountability system measures;

(V) Financial performance and stability; and

(VI) Governing board performance and stewardship, including compliance with applicable laws, rules and regulations, and charter terms.

(B) Evidence of progress toward reaching the educational goals set by the charter school.

(x) Describe the method to be used to monitor the charter school's:

(A) Compliance with applicable law; and

(B) Progress in meeting targeted educational performance.

(xi) Specify that the authorizer and the charter school may amend the charter during the term of the charter by mutual consent and describe the process for amending the charter;

(xii) Describe specific operating requirements, including all the matters set forth in the application for the charter;

(xiii) Specify dates for the charter school to:

(A) Begin school operations; and

(B) Have students attending the charter school.

(xiv) Specify that records of a charter school relating to the school's operation and the school's charter are subject to inspection and copying to the same extent that records of a public school are subject to inspection and copying;

(xv) Specify that records provided by the charter school to the department or authorizer that relate to compliance by the charter school with the terms of the charter or applicable state or federal laws are subject to inspection and copying;

(xvi) Require a charter school to set annual performance targets in conjunction with the charter school's authorizer. The annual performance targets shall be designed to help each school meet applicable federal, state and authorizer requirements.

(b) The contract between the charter school and the school district shall reflect all agreements regarding the release of the charter school from school district policies. ~~authorizer may be renewed pursuant to a renewal application.~~ The renewal application shall:

(i) Include any guidance provided by the authorizer specifying performance criteria that will guide the authorizer's renewal decisions;

(ii) At a minimum, provide an opportunity for the charter school to:

(A) Present evidence, beyond the data contained in the performance report, supporting charter renewal;

(B) Describe improvements undertaken or planned for the charter school; and

(C) Detail the charter school's plans for the next charter term.

(iii) Be submitted by the governing board of a charter school seeking renewal not later than December 31 of the year preceding the start of the school year that the charter expires, under the renewal application guidance issued by the authorizer.

(f) The authorizer shall make a final ruling on the renewal application not later than April 1 following the filing of the renewal application under this subsection. The April 1 deadline does not apply to any review or appeal of a final ruling. If a school district denies renewal of a charter, the charter school board may appeal to the state loan and investment board for a de novo consideration of the renewal. The state loan and investment board shall consider the renewal and if the renewal is approved shall be the authorizer of the charter school.

(g) After a charter school authorized by the state loan and investment board has been in operation for one (1) year or has been renewed by the state loan and investment board, the state loan and investment board may delegate to the school district where the charter school operates any of the functions of an authorizer under this article provided that:

(i) The charter school and the school district approve the delegation of functions; and

(ii) The charter school shall retain the right to seek renewal of the charter from the state loan and investment board.

21-3-306. Application for establishing charter schools; conversion of existing schools.

(a) Any person may apply to the district board an authorizer for the establishment of a new charter school, or a charter school within a school to be located within the school district. The applicant shall have the right to determine which authorizer to apply to and may apply to a different authorizer for renewal of a charter. The state loan and investment board may reject a renewal application from an existing charter school if the renewal is to avoid necessary corrective measures, including closure of the charter school, identified by the authorizer.

(d) If a school district denies an application to convert a school to a charter school under subsection (b) of this section, the applicant may appeal to the state loan and investment board. If the state loan and investment board approves the application, it shall be the authorizer of the charter school.

21-3-307. Charter application; contents; phased-in application process.

(a) The charter school application shall be a ~~proposed agreement, shall be on~~ a form prescribed by the state superintendent pursuant to subsection (d) of this section, and shall include:

(vii) Admission requirements, if applicable, provided that enrollment shall be open to all to the extent seats are available within the applicable grade level, subject to W.S. 21-3-304(c). If the number of applicants for enrollment exceeds the available seats, the charter school shall, subject to W.S. 21-3-304(c), hold a blind lottery to determine enrollment. Students enrolled in the previous year shall be guaranteed a seat, and applicants with a sibling enrolled in the charter school shall receive a preference;

(viii) The manner in which an annual audit of the financial and programmatic operations of the school, including any services provided by the ~~school district authorizer,~~ is to be conducted;

(xiii) Evidence ~~that an of adequate number of parents, teachers, pupils or any combination thereof community support; the formation of a charter school;~~

(xiv) Evidence that the plan for the charter school is economically sound; ~~for both the charter school and the school district;~~

(xxi) In accordance with this article, a description of the rights of any employee of the school district upon commencing employment in a charter school; ~~and~~

(xxii) A financial feasibility statement providing evidence of charter school viability following the first three (3) years of charter school operation;:

(xxiii) In the case of a proposed charter school that plans to establish a full-time virtual charter school, the application shall additionally require the applicant to provide a description regarding the methods by which the charter school will:

(A) Ensure adequate supports are available to the students in their homes or regions, including parent teacher conferences and interactions;

(B) Monitor student outcomes and administer state required assessments to all students in a proctored setting;

(C) Establish and implement legally permissible criteria and processes for enrollment based on the existence of supports needed for student success;

(D) Provide the desired enrollment level of the school for each year of the charter contract, not to exceed two hundred fifty (250) students in any given year, with any increases in enrollment from one (1) year to the next based on whether the school meets its performance requirements;

(E) Provide a detailed budget for the school and propose a funding level per student for the school that is based upon that budget;

(F) Provide data for oversight, funding, renewal and closure decisions for full-time virtual charter school specific goals regarding student enrollment, attendance, engagement, achievement, truancy and attrition that demonstrates the school meets agreed upon benchmarks;

(G) Provide that no more than twenty percent (20%) of its enrollment shall be from outside of the school district where the charter school is located without prior approval of the state loan and investment board.

(xxiv) In the case of a proposed charter school that intends to contract with an education service provider for educational program implementation or comprehensive management, the application shall additionally require the applicant to:

(A) Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(B) Provide a term sheet setting forth the proposed duration of the education service contract, the roles and responsibilities of the governing board, the school staff and the service provider, the scope of services and resources to be provided by the service provider, the performance evaluation measures and timelines for the service provider, the compensation structure for the service provider including clear identification of all fees to be paid to the education service provider, methods of contract oversight and enforcement, investment disclosures and conditions for renewal and termination of the contract; and

(C) Disclose and explain any existing or potential conflicts of interest between the school governing board, the school's leadership and management team and the proposed education service provider or any affiliated business entities.

(xxv) In the case of a proposed charter public school from an applicant that currently operates one (1) or more additional schools inside or outside of Wyoming, the application shall additionally require the applicant to provide evidence of past performance and the capacity for the operation of the additional school.

(b) Upon submission of an application under W.S. 21-3-307(a), the ~~superintendent of the school district authorizer~~ shall notify the applicant within thirty (30) days of submission whether the application is complete. If the ~~district superintendent authorizer~~ determines that the application is incomplete, the ~~superintendent authorizer~~ shall advise the applicant of the reasons for the determination in sufficient detail for the applicant to make changes for resubmission of the application to the ~~district superintendent authorizer~~.

(d) The state superintendent shall through rule and regulation prescribe a

uniform charter school application and renewal application form to be used by each ~~district authorizer~~ and charter school applicant for purposes of this article, and shall establish charter school application review procedures, including timelines for application components specified under subsection (a) of this section. The phased application process prescribed by state superintendent rule and regulation may provide a process for mediation of disputes concerning completeness of an application between the applicant and ~~school district authorizer~~, which would be subject to W.S. 1-43-101 through 1-43-104, would allow either party to initiate mediation and would impose costs of mediation equally upon both parties. Any mediation process prescribed by rule shall specify professional requirements for the impartial third party facilitating mediation. If either party refuses to mediate, the dispute may be appealed to the state board as provided in W.S. 21-3-310.

(e) The state loan and investment board shall submit all applications received under this section to the department of education for review of compliance with the accreditation requirements. The department of education shall submit a report of this review to the state loan and investment board.

21-3-308. Hearing by authorizer; prohibited actions by authorizer; criteria; compliance with state standards; contractual authority.

(a) Not later than ~~thirty (30)~~ sixty (60) days after receiving an application for any charter school which has been determined to be complete pursuant to W.S. 21-3-307(b), the ~~district board authorizer~~ shall hold a public hearing on the application, at which time the ~~board authorizer~~ shall consider the level of community and parental support for the application if an application for a new charter school, or the level of teacher and parental support if an application for a converted charter school or charter school within a school. The application review process shall also include an in-person interview of the applicant or applicant group. Following review of the application and the public hearing, if applicable, and in accordance with subsection (d) of this section, the ~~district board authorizer~~ shall either approve or deny the application within ~~sixty (60)~~ ninety (90) days of receipt. ~~Approval under this article may be conditioned for purposes specified under subsection (c) of this section.~~ In addition, the ~~board authorizer~~ may approve an application for the operation of a converted charter school only if it determines teacher and parental support for the conversion are established at the levels required by W.S. 21-3-306(b). Prior to approving an application for a charter school under this section, the ~~board authorizer~~ shall approve and adopt the content and terms of the ~~contract charter~~ as provided in W.S. 21-3-307.

(c) ~~The district board shall require the applicant to~~ The applicant shall provide with the application information regarding the proposed operation and potential effects of the school, including but not limited to the facilities to be utilized by the school, the manner in which administrative services of the

school are to be provided and a demonstration that the school is adequately insured for liability, including errors and omissions coverage, and that the ~~school district authorizer~~ is indemnified to the fullest extent possible. ~~As authorized under subsection (a) of this section, the applicant may request the district board and the board may approve the charter application subject to specified conditions which provide the applicant sufficient time to acquire necessary funding for securing or otherwise finalizing arrangements for facilities or equipment necessary for the operation of the proposed school. In addition, the~~ A district board may upon request of the applicant and approval of the charter school application, make available for use by the charter school any district facility which is closed, not operational and otherwise feasible for use as an educational building as defined under W.S. 21-15-109(a)(ii).

(d) Upon the approval of any application by the ~~district board authorizer~~, the applicant shall provide written notice of that approval including a copy of the application to the state superintendent. If the ~~district board authorizer~~ denies the application, the ~~board authorizer~~ shall not later than forty-five (45) days following the date of its decision, notify the applicant of the denial in writing together with its reasons for denial.

(e) A charter school may contract for the provision of services and property subject to the following:

(i) The contract shall be executed in the same manner and subject to the same restrictions as contracts by ~~the a~~ school district;

(ii) The charter school shall be subject to all competitive bidding laws which apply to ~~the a~~ school district;

21-3-309. Length of operation under charter; renewal; revocation.

(a) A charter contract may be granted pursuant to this article for a period ~~not to exceed of five (5) years, and may be renewed for successive periods not to exceed five (5) years for each renewal period. A material revision of the provisions of a charter petition may be made only with the approval of the local board granting the charter. A charter contract may be renewed for successive five (5) year terms, provided that the authorizer may vary the duration of the term based on the performance, demonstrated capacities and particular circumstances of the charter school. An authorizer may grant renewal of the charter contract with specific conditions for necessary improvements to the charter school.~~

(b) A charter school renewal application submitted to the ~~school district authorizer~~ shall be on a form prescribed by the state superintendent pursuant to W.S. 21-3-307(d) and in accordance with W.S. 21-3-305(b) and shall contain:

(c) A charter may be revoked or not renewed by the ~~district board authorizer~~ if the ~~board authorizer~~ determines that the charter school did any of the following:

(e) If ~~a district board~~ an authorizer revokes or does not renew a charter, the ~~board~~ authorizer shall state its reasons for the revocation or nonrenewal.

21-3-311. Participation in retirement system.

(b) Any charter school shall participate in the Wyoming retirement system to the extent as if it were a public school within the district as designated in the charter.

21-3-312. Authorizer to report to state board.

Each ~~district board~~ authorizer granting a charter pursuant to this article shall annually report to the state board on each charter school operating ~~within the district, under its authorization and~~ compliance with the provisions of the charter, ~~and shall assure the state board that students attending the charter school are receiving an education consistent with the educational opportunities available to all students within the school district.~~

21-3-313. Charter schools; employee options.

(b) The employment status of school district employees employed by the charter school who seek to return to employment with noncharter schools in the school district shall be negotiated with the school district and included in the charter contract.

21-3-314. Students counted among district ADM; determination of charter school funding.

(f) If a charter school or full-time virtual charter school authorized by the state loan and investment board and the school district where the charter school is located do not agree on funding pursuant to subsections (a) through (e) of this section then, notwithstanding subsection (c) of this section or any other provision of law funding for the charter school shall be calculated as provided in this subsection. Nothing in this subsection shall be deemed to prohibit a charter school and the school district from negotiating an agreement for charter school students to receive services from the district. Funding for the charter school shall be calculated as follows:

(i) All funding for the school district under W.S. 21-13-309(m) that is attributable to the charter school shall be reduced to eighty percent (80%) of the amount that would otherwise have been calculated;

(ii) All funding for the school district under W.S. 21-13-309(m) that is attributable to the full-time virtual charter school shall be reduced to sixty-five percent (65%) of the amount that would otherwise have been calculated;

(iii) The charter school shall be entitled to funding as provided in subsection (c) of this section from the reduced amount calculated under paragraph (i) or (ii) of this subsection.

Section 3. W.S. 21-3-304(a) is amended to read:

21-3-304. Charter school; requirements; authority.

(a) A charter school shall be a public, nonsectarian, nonreligious, nonhome-based school which operates within a public school district. Tuition shall not be charged by a charter school to any student in grades kindergarten through twelve (12).

Section 4. W.S. 21-3-303(e), 21-3-304(n) and (o), 21-3-305(c) through (e), 21-3-307(a)(xvi), (xvii) and (c), 21-3-308(e)(v), 21-3-309(d) and (f), 21-3-310, 21-3-311(a) and 21-3-313(a) and (c) are repealed.

Section 5. Notwithstanding W.S. 21-3-301 through 21-3-314 as created and amended by sections 1 and 2 of this act, not more than three (3) charter schools shall be authorized by an entity that is not the school district board until the state superintendent of public instruction reviews the impacts and benefits of charter schools and provides a report to the joint education interim committee recommending that additional charter schools should be authorized under the process implemented in this act and the legislature acts to repeal this section.

Section 6. The joint education interim committee shall study charter schools and shall prepare any legislation it deems necessary related to charter schools for consideration during the 2022 budget session of the Wyoming legislature.

Section 7.

(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) Sections 1, 2 and 4 of this act are effective July 1, 2022.

Became law without signature April 22, 2021.

Original House Resolution No. 9

A JOINT RESOLUTION proposing to amend the Wyoming Constitution to allow local government entities to invest in stocks and equities upon a two-thirds vote of both houses of the legislature; and providing a ballot statement. BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING, two-thirds of all the members of the two houses, voting separately, concurring therein:

Section 1. The following proposal to amend Wyoming Constitution, Article 16, Section 6(a)(ii) by creating a new subparagraph (C) is proposed for submission to the electors of the State of Wyoming at the next general election for approval or rejection to become valid as a part of the Constitution if ratified by a majority of the electors at the election:

Article 16, Section 6. Loan of credit; donations prohibited; investment of funds; works of internal improvement.

(a) Neither the state nor any county, city, township, town, school district, or any other political subdivision, shall:

(ii) Subscribe to or become the owner of the capital stock of any association or corporation, except that:

(C) The legislature may provide by law for the investment of county, city, township, town, school district, or any other political subdivision's funds in the capital stock of any association or corporation and may designate which of these funds may be invested. The legislature may prescribe different investment conditions for each type and class of political subdivision and for each type of fund. Any legislation establishing or increasing the percentage of any fund that may be invested under this subparagraph shall be passed only by a two-thirds (2/3) vote of all the members of each of the two (2) houses voting separately.

Section 2. That the Secretary of State shall endorse the following statement on the proposed amendment:

The Wyoming Constitution allows the state to invest state funds in equities such as the stock of corporations, but does not allow the funds of counties, cities and other political subdivisions to be invested in equities. The adoption of this amendment would allow the funds of counties, cities and other political subdivisions to be invested in equities to the extent and in the manner the legislature may allow by law. Any law authorizing the investment of specified political subdivision funds in equities would require a two-thirds vote of both houses of the legislature.

Approved April 6, 2021.

Original House Resolution No. 1

A JOINT RESOLUTION requesting Congress to enact legislation and requesting that the Veteran's Administration work to expand and improve efforts to treat traumatic brain injuries and post-traumatic stress disorder.

WHEREAS, national veteran suicide crises data indicate that as many as twenty-two (22) veterans die by suicide every day; and

WHEREAS, traumatic brain injuries and post-traumatic stress disorder can be causes of suicide; and

WHEREAS, data collected from 2000 to 2019 from Department of Defense numbers for Active, Guard and Reserve members in the Army, Navy, Air Force and Marines, indicate that for all severities of traumatic brain injuries, a total of four hundred thirteen thousand eight hundred fifty-eight (413,858) service members suffer from traumatic brain injuries; and

WHEREAS, the number of veterans with post-traumatic stress disorder varies by service era but ranges from about eleven percent (11%) to about thirty percent (30%); and

WHEREAS, traumatic brain injuries and post-traumatic stress disorder both involve physical injury to brain tissue; and

WHEREAS, current standards of care approved for veterans for traumatic brain injuries and post-traumatic stress disorder focus on medication and counseling; and

WHEREAS, additional treatments, vocational counseling and rehabilitation therapies exist that have been clinically proven to mitigate symptoms and improve recovery when used alone or integrated with counseling. Additional therapies to treat traumatic brain injuries and post-traumatic stress disorder include physical therapy, occupational therapy, cognitive therapy, speech therapy and hyperbaric oxygen therapy; and

WHEREAS, hyperbaric oxygen therapy couples hyperbaric oxygen chamber treatment, which promotes oxygen for healing and restoring injured brain tissue, together with counseling; and

WHEREAS, access to a variety of treatments improves a veteran's opportunities for healing and recovery; and

WHEREAS, the Traumatic Brain Injuries and Post-Traumatic Stress Disorder Treatment Act (2019 S. 2504/H.R. 4370) will require the Secretary of Veterans Affairs to furnish hyperbaric oxygen therapy to a veteran suffering from traumatic brain injury or post-traumatic stress disorder.

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 veterans' access to treatments for traumatic brain injury and post-traumatic stress disorder that include hyperbaric oxygen therapy, such as the Traumatic Brain Injuries and Post-Traumatic Stress Disorder Treatment Act and any other legislation improving or authorizing access to other important therapies and counseling and legislation fostering research and development of additional therapies.

Section 2. That the Wyoming Secretary of State transmit copies of this resolution to the Wyoming Congressional Delegation and the Secretary of the United States Department of Veterans Affairs.

Approved February 9, 2021.

Original Senate Resolution No. 3

A JOINT RESOLUTION requesting Congress and the federal government to reverse federal orders and actions that inhibit the safe development of oil and gas in Wyoming and that negatively and disproportionately impact Wyoming citizens and industries.

WHEREAS, the state of Wyoming contains abundant and vast natural resources that are and can be used for the production of energy throughout the United States and world; and

WHEREAS, Wyoming produces energy that benefits consumers and industries throughout the United States; and

WHEREAS, the energy industry in Wyoming provides millions of dollars in taxes and other revenues annually to the state of Wyoming; and

WHEREAS, the state of Wyoming and the energy industry have worked together for years to develop Wyoming's energy resources in a safe and environmentally responsible manner, including the development of technologies to promote the responsible development and use of Wyoming energy; and

WHEREAS, the federal government owns almost one-half (1/2) of the surface acreage within the state of Wyoming and more than forty-two million (42,000,000) acres of mineral estate in Wyoming; and

WHEREAS, federal decisions and actions banning, pausing or significantly reducing the production of energy negatively impact the economy of Wyoming and the livelihoods and well-being of Wyoming's residents; and

WHEREAS, President Joseph R. Biden, Jr. signed Executive Order No. 13,990 on January 20, 2021, which requires the federal Secretary of the Interior to unilaterally stop all federal leasing of oil and gas resources in Wyoming; and

WHEREAS, President Biden signed Executive Order No. 14,008 on January

27, 2021, which indefinitely pauses oil and natural gas leasing and calls for a comprehensive review of federal oil and gas permitting and leasing practices to evaluate potential climate impacts; and

WHEREAS, the President and various federal agencies have, since January 20, 2021, taken actions and issued orders to limit actions, permits and leases for oil and gas production, including a Department of the Interior order that revoked authority for issuing fossil-fuel authorizations, leases, permits to drill and the affirmative extension of leases and contracts; and

WHEREAS, these executive actions will lead companies to pursue energy development in other parts of the world where energy resources are not as environmentally responsible and where responsible energy regulations are lacking to where a net negative impact on climate emissions may likely result; and

WHEREAS, these executive actions severely and negatively affect the value of property held by the state and citizens of Wyoming in areas affected by these orders due to the fact that federal property is intermingled with private and state lands and oil and gas development often involves lateral drilling techniques which cross several classes of property; and

WHEREAS, these executive actions will adversely impact and jeopardize the employment of at least twenty thousand (20,000) Wyoming citizens who directly or indirectly work in oil, gas and related industries representing over seven percent (7%) of the total employment in Wyoming; and

WHEREAS, these executive actions may result in negative impacts to Wyoming's diverse wildlife and habitat, including a decreased ability to mitigate wildlife impacts, increased development on currently undisturbed lands and a decrease in quality habitat reclamation work; and

WHEREAS, these executive actions are causing immediate, disproportionate and extensive harm to the state of Wyoming and will inflict lasting damage on Wyoming residents, industries and the critical services upon which Wyoming residents depend.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That the President of the United States rescind, reverse or repeal the executive orders that were issued in January 2021 that suspend or pause leasing, permitting, extensions and authorizations of oil and gas development in Wyoming and that will have an adverse impact on climate change and Wyoming's wildlife and habitat resources while inflicting irreparable and disproportionate harm on the state of Wyoming.

Section 2. That the President of the United States direct all federal agencies to rescind, reverse or repeal any secretarial orders or actions that negatively

impact responsible energy and energy technology development in Wyoming, including Department of the Interior Secretarial Order No. 3395.

Section 3. That the Wyoming Legislature strongly opposes actions by or that direct federal agencies, including the federal Environmental Protection Agency, to unilaterally increase the burden on existing oil and gas companies in Wyoming and to increase the burden on those companies' facilities in Wyoming in an attempt to achieve climate-related goals that are unrealistic and that disproportionately impact the people of Wyoming.

Section 4. That the Wyoming Legislature strongly supports the efforts of the Wyoming congressional delegation to prevent the President and the federal executive branch from unilaterally issuing suspensions and moratoriums on energy development in Wyoming, including the Protecting Our Wealth of Energy Resources (POWER) Act of 2021 and the Safeguarding Oil and Gas Leasing and Permitting Act.

Section 5. That the Wyoming Legislature strongly encourages further congressional action to protect responsible leasing and permitting of oil and gas in Wyoming and to protect Wyoming's residents, energy industry and other industries that are negatively impacted by these executive actions.

Section 6. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the Acting Secretary of the Department of the Interior, to the Acting Administrator of the federal Environmental Protection Agency, 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 April 6, 2021.

Original House Resolution No. 11

A JOINT RESOLUTION requesting the federal government to respect state sovereignty; to review and correct federal actions which infringe upon the right to bear arms; and to recognize the impact of federal land use and natural resource development policies on Wyoming citizens and to collaborate with the state in adopting and implementing the policies.

WHEREAS, a union of sovereign states established a federal government and delegated limited powers to that government;

WHEREAS, any question as to whether powers not delegated to the federal government were retained by the states was emphatically answered with the ratification of the tenth amendment;

WHEREAS, Wyoming is a sovereign state admitted to the union on an equal footing, in all respects, in accordance with Wyoming's Act of Admission;

WHEREAS, the United States Constitution, treaties, federal law and numerous court decisions have recognized that Indian tribes exercise inherent sovereign powers over their members and territory;

WHEREAS, the United States supreme court has consistently affirmed that the power of Congress to admit new states, is limited as the “Union of States, must be equal in power, dignity and authority, each state competent to exert that residuum of sovereignty not delegated to the United States by the Constitution itself.” Coyle v. Smith, 221 U.S. 559 (1911);

WHEREAS, the second amendment to the federal Constitution recognizes the right of the people to bear arms and that the right shall not be infringed, and Article 1, Section 24 of the Wyoming Constitution provides that the right of citizens to bear arms in defense of themselves and of the state shall not be denied;

WHEREAS, Wyoming has been blessed with abundant natural resources which have been developed to create economic prosperity and provide energy independence from foreign nations thereby providing for the peace, safety and happiness of all citizens of the United States;

WHEREAS, the federal government has recently taken actions limiting the development of natural resources, in many instances unilaterally through the executive department, without consultation with Congress or the States;

WHEREAS, the federal government through Congressional enactments, executive orders, agency regulations and judicial rulings has limited the transfer and ownership of firearms and has provided for the tracking of firearms, which are actions infringing upon the people’s rights;

WHEREAS, federal laws enacted in accordance with the limited powers delegated by the union of states to the federal government are the supreme law of the land as recognized by the United States and Wyoming Constitutions;

WHEREAS, the state of Wyoming is an inseparable part of the federal union;

WHEREAS, a more perfect union will not be realized by actions of any single department of the federal government and cannot be forged by acts of a federal government which exceed delegated powers; nor should acts of the federal government be tolerated when exercise of those delegated powers harms the welfare of the citizens of states, even when in complete observance of constitutional limitations; and

WHEREAS, all power is inherent in the people and all free governments are founded on their authority.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That the current Executive Department Administration of the federal government and Congress should here and now, and in the future,

respect the sovereignty of Wyoming and the other states of our union.

Section 2. That the federal government not regulate arms at a national level and that the Executive Department of the federal government work with Congress and the states to review and correct federal actions which infringe on the rights conferred by the second amendment to the federal constitution and on the rights of citizens conferred independently by the constitutions of the several states.

Section 3. That the current Executive Department Administration should respect the critical role that federal lands play in Wyoming's culture, recreation, wildlife, livestock production, mineral development and tourism, and the current Administration and Congress work with the state of Wyoming to develop federal land use policies in a manner which recognizes their impacts on Wyoming citizens and implements those policies in a manner consistent with the state's and tribes' cultures.

Section 4. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

Approved April 6, 2021.

Original House Resolution No. 13

A JOINT RESOLUTION in support of Taiwan.

WHEREAS, Taiwan, the United States, and the State of Wyoming share a historical and close relationship marked by strong bilateral trade, cultural exchange, and tourism; and

WHEREAS, Taiwan shares with the United States and the State of Wyoming the common values of freedom, democracy, human rights, and the rule of law; and

WHEREAS, on March 5, 1984, the State of Wyoming adopted Taiwan as Wyoming's sister state; and

WHEREAS, the United States ranks as Taiwan's second largest trading partner, Taiwan ranks as the United States' eleventh largest 'goods' trading partner, and bilateral trade between the United States and Taiwan reached an estimated ninety-four billion five hundred million dollars (\$94,500,000,000.00) in 2018; and

WHEREAS, Taiwan and the State of Wyoming have enjoyed a long and mutually beneficial relationship with the prospect of further growth; and

WHEREAS, in 2012, the United States officially included Taiwan in its Visa

Waiver Program, allowing Taiwan's citizens to travel to the United States for tourism or business for ninety (90) days without being required to obtain a visa, and the program has and will continue to increase tourism and business between Taiwan and the United States, particularly Wyoming, with the prospect of welcoming more Taiwanese travelers to the United States each year; and

WHEREAS, the United States beef exports to Taiwan are beneficial to Wyoming and help forge a closer relationship between the State of Wyoming and Taiwan; and

WHEREAS, Taiwan's President, Tsai Ing-wen, has worked tirelessly to uphold democratic principles in Taiwan, to ensure the freedom and prosperity of Taiwan's twenty-three million (23,000,000) citizens, to promote Taiwan's international standing as a stable and responsible member of the international community, to increase participation in international organizations, to support societally disadvantaged groups in Taiwan, and to further stabilize, improve and strengthen relations between the United States and Taiwan; and

WHEREAS, Taiwan, as a willing and contributing member of the world community, has made countless contributions of technical and financial assistance in the wake of natural disasters worldwide.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That Wyoming reaffirms its commitment to the strong and deepening relationship between Taiwan and the State of Wyoming.

Section 2. That Wyoming supports Taiwan's appropriate participation in international organizations that improve the health, safety, and well-being of Taiwan.

Section 3. That Wyoming supports the previous United States presidential administrations' historic diplomatic efforts to recognize Taiwan.

Section 4. That Wyoming welcomes the opportunity for the United States and the state of Wyoming to deepen the economic, educational and cultural bonds with Taiwan.

Section 5. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of the United States Congress, to Wyoming's Congressional Delegation, to Taiwan President Tsai Ing-wen and to the Taipei Economic and Cultural Office, Seattle, Washington.

Approved April 21, 2021.

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