

SENATE FILE NO. SF0049

Repeal of specified state boards and commissions.

Sponsored by: Management Audit Committee

A BILL

for

1 AN ACT relating to boards and commissions; repealing the  
 2 palliative care advisory council, the governor's food  
 3 safety council, the division advisory committees on  
 4 underground water, the health benefits plan committee, the  
 5 state employee compensation commission and the Wyoming  
 6 public television council; providing conforming amendments;  
 7 providing for rulemaking; providing for the reversion of  
 8 funds; and providing for an effective date.

9

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

11

12       **Section 1.** W.S. 9-2-1012(g), 9-2-3207(b)(ii),  
 13 26-43-106(a), 35-1-240(a)(xxiii), 35-1-1201(a)(ii),  
 14 35-1-1204, 35-1-1205, 35-7-110(a)(xxxii), 35-7-115(a),  
 15 35-7-119(d), 35-7-121(f), 35-7-123(a)(iii) and (b)(ii),

1 41-3-909(a)(vi) and 41-3-913(b), (d) and (e) are amended to  
2 read:

3  
4 9-2-1012. Duties of the department; transmittal of  
5 standard budget and manual; return of completed exception  
6 and expanded budgets; submission to governor; disposition  
7 of excess general fund appropriations; submission of  
8 selected budget information to joint appropriations  
9 committee.

10

11 (g) The ~~state—employee—compensation—commission~~  
12 department of administration and information shall submit  
13 to the department and the joint appropriations committee  
14 within the time periods specified in subsection (a) of this  
15 section its recommendations regarding state employee  
16 compensation. The department shall consider those  
17 recommendations in developing budgets and submitting  
18 recommendations to the governor pursuant to subsection (b)  
19 of this section. When distributing the overall state  
20 budget to the legislature, the governor shall summarize the  
21 manner in which the proposed budget addresses the  
22 recommendations of the ~~state—employee—compensation~~  
23 commission—department of administration and information.

1

2           **9-2-3207. Duties of department performed through**  
3 **human resources division.**

4

5           (b) The state compensation plan shall, to the extent  
6 not otherwise provided by law, apply to all state executive  
7 branch employees except those employees of the University  
8 of Wyoming and community colleges. The compensation and  
9 classification plan shall be designed to attract and retain  
10 a sufficient quantity of quality employees with competitive  
11 compensation based on relevant labor markets for each class  
12 of employment. The plan shall be based upon principles of  
13 fairness and equity and be administered with sound fiscal  
14 discipline. The plan shall utilize both fixed and variable  
15 compensation as well as noncash reward and recognition  
16 programs. All variable compensation benefits under the  
17 plan, except as otherwise provided by law, shall be  
18 administered by the department as a separately designated  
19 and appropriated budget item. The plan shall consist of:

20

21           (ii) Job content and classification. This  
22 process shall formally assign positions to classifications  
23 and determine pay grades in one (1) or more pay systems

1 based on an evaluation of the content of jobs using  
2 quantitative point factors. At a minimum, these factors  
3 shall include knowledge, experience, skill problem solving,  
4 accountability and working conditions. These factors and  
5 their weights shall be established by the human resources  
6 division and reflect the relative importance of job content  
7 to the state and to the appropriate local, regional,  
8 national market or a combination of these markets as  
9 determined by the division. Establishing the value of  
10 compensation shall be primarily based on establishing the  
11 appropriate market value of the job. For positions for  
12 which a market value cannot readily be identified, the  
13 value of compensation shall be based on a fair and  
14 defensible method. Total compensation, including base  
15 salary, benefits, lump sum payments, allowances and other  
16 variable elements of compensation shall be targeted at a  
17 competitive level when compared to the appropriate labor  
18 markets to allow the state to attract and retain the  
19 quality and quantity of employees needed to fulfill service  
20 commitments to its citizens. The human resources division  
21 shall periodically audit and update the system to ensure  
22 that it reflects current labor market conditions and ~~at the~~  
23 ~~request of the state employee compensation commission~~ shall

1 review applicable department rules and regulations, or  
2 through assessing employee complaints analyze hiring  
3 difficulties and turnover statistics;

4

5 **26-43-106. Minimum benefits; limitations.**

6

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

19

20 **35-1-240. Powers and duties.**

21

22 (a) Subject to subsection (c) of this section, the  
23 department of health, through the state health officer, or

1 under his direction and supervision, through the other  
2 employees of the department, shall have and exercise the  
3 following powers and duties:

4

5 (xxiii) ~~If the duty is not assigned to another~~  
6 ~~entity pursuant to W.S. 35-1-1202,~~ Develop initiatives and  
7 provide information to the public regarding palliative care  
8 as provided in W.S. 35-1-1203.

9

10

## ARTICLE 12

11

### PALLIATIVE CARE

12

#### 13 **35-1-1201. Definitions.**

14

15 (a) As used in this article:

16

17 (ii) "Department" means the department of  
18 health; ~~unless the governor establishes the council within~~  
19 ~~a different office or department pursuant to W.S.~~  
20 ~~35-1-1202, in which case department means the office or~~  
21 ~~department within which the governor establishes the~~  
22 ~~council;~~

23

1           **35-1-1204. Mandatory report to legislature.**

2

3     The department shall provide the legislature and the  
4     legislature's joint labor, health and social services  
5     interim committee with a report by July 1, 2022. ~~on the~~  
6     ~~success or failure of the council.~~ The report should  
7     contain ~~recommendations to abolish, continue or modify the~~  
8     ~~council and any other~~ recommendations as are appropriate  
9     concerning further palliative care initiatives. The  
10    department ~~and council~~ shall provide information necessary  
11    for the preparation of this report, provided the  
12    information requested is reasonable, economical and not  
13    otherwise protected by law. Concerned parties may either  
14    collaborate for the preparation of the report or provide  
15    their own reports. All reports received pursuant to this  
16    section shall be treated as public documents by the joint  
17    labor, health and social services interim committee and the  
18    legislative service office.

19

20           **35-1-1205. Sunset.**

21

22    W.S. 35-1-1201, ~~through~~ 35-1-1203 and 35-1-1204 are  
23    repealed effective July 1, 2023.

1

2           **35-7-110. Definitions.**

3

4           (a) As used in this act:

5

6                   (xxxii) "This act" means W.S. 35-7-109 through  
7 ~~35-7-127~~ 35-7-126.

8

9           **35-7-115. Food; definitions and standards.**

10

11           (a) Definitions and standards of identity, quality  
12 and fill of container under the federal act or its  
13 regulations are the definitions and standards of identity,  
14 quality and fill of container in this state. However, when  
15 the action will promote honesty and fair dealing in the  
16 interest of consumers, the director may promulgate  
17 regulations establishing definitions and standards of  
18 identity, quality and fill of container for foods where no  
19 federal regulations exist. In addition, ~~in conjunction with~~  
20 ~~W.S. 35-7-127,~~ the director may promulgate amendments to  
21 any federal or state regulations which set definitions and  
22 standards of identity, and may promulgate amendments to any



1 federal or state regulations which set standards of quality  
2 and fill of container for foods.

3

4 **35-7-119. Fair packaging and labeling provisions.**

5

6 (d) If the director determines that regulations  
7 containing prohibitions or requirements other than those  
8 prescribed by subsection (a) of this section are necessary  
9 to prevent the deception of consumer or to facilitate value  
10 comparisons as to any consumer commodity, the director  
11 shall promulgate rules and regulations with respect to that  
12 commodity. ~~in conjunction with W.S. 35-7-127.~~

13

14 **35-7-121. Inspections; examinations.**

15

16 (f) Any person conducting an inspection of an  
17 establishment for the department or any local health  
18 department shall demonstrate their qualifications by being  
19 a Wyoming or nationally registered environmental health  
20 specialist or sanitarian, a registered food safety  
21 specialist or hold an in-training status and be working  
22 toward registration, be standardized by the federal food  
23 and drug administration or meet qualifications set forth by

1 the director. ~~in conjunction with the food safety council.~~

2 Only a registered environmental health specialist or a  
3 registered food safety specialist shall be authorized to  
4 recommend the summary suspension of an establishment  
5 license by a regulatory authority pursuant to W.S.  
6 35-7-125.

7

8 **35-7-123. Establishment of food safety system.**

9

10 (a) The director of the department of agriculture  
11 shall establish and maintain a food safety program located  
12 within the department. The director shall carry out the  
13 provisions of the food safety program and shall be assisted  
14 by the director of the department of health. A local  
15 department of health, if established according to law, may  
16 establish and maintain its own local food safety program so  
17 long as the program meets the requirements of this act. The  
18 director of the department of agriculture or his designee  
19 shall:

20

21 (iii) Regulate the safety of foods and work  
22 together with the department of health ~~and the governor's~~  
23 ~~food safety council established pursuant to W.S. 35-7-127~~

1 to promulgate rules and regulations necessary to carry out  
2 the provisions of this act, except that the director of the  
3 department of agriculture shall not promulgate any rules  
4 which impose standards or requirements related to meat  
5 processing which are more stringent than federal law, rules  
6 or regulations. In any area which does not have a local  
7 food safety program established pursuant to law, the  
8 department shall issue licenses, conduct inspections, hold  
9 hearings to enforce any legal provision or rule promulgated  
10 under this act;

11

12 (b) The director of the department of health or his  
13 designee shall:

14

15 (ii) Participate with the department of  
16 agriculture ~~and the governor's food safety council~~  
17 ~~established pursuant to W.S. 35-7-127~~ in a joint food  
18 safety rulemaking process;

19

20 **41-3-909. State engineer; powers generally.**

21

22 (a) In the administration and enforcement of this act  
23 and in the effectuation of the policy of the state to

1 conserve its underground water resources, the state  
2 engineer is authorized and empowered on advice and consent  
3 of the board of control:

4

5 (vi) To establish standards for the construction  
6 of wells, to work with ~~the division advisory board,~~  
7 governmental subdivisions, and water user organizations to  
8 encourage the adoption of local standards of beneficial use  
9 and methods of conveyance and application of water designed  
10 to conserve and prevent waste of supplies;

11

12 **41-3-913. Control areas; election of control area**  
13 **advisory board; mileage and expense allowances.**

14

15 (b) The state engineer ~~shall notify the division~~  
16 ~~advisory committee of the division in which the control~~  
17 ~~area is located, of the designation or redesignation of the~~  
18 ~~control area. Within twenty (20) days of notification, the~~  
19 ~~division advisory committee~~ or the state engineer's  
20 designee shall select a nominating committee of not less  
21 than three (3) persons entitled to vote in the election of  
22 the control area advisory board. The nominating committee  
23 shall nominate not less than five (5) persons for election

1 to the control area advisory board or, if board member  
2 districts have been established, it shall nominate at least  
3 one (1) person for election in each district. Within thirty  
4 (30) days of its selection, the nominating committee shall  
5 report its nominations to the ~~division advisory committee~~  
6 state engineer or the state engineer's designee. The  
7 ~~division advisory committee~~ state engineer or the state  
8 engineer's designee shall call an election of members of  
9 the control area advisory board, to be held within forty  
10 (40) days from the date of the report. The call of the  
11 election shall state the time, the place within the control  
12 area, the purpose of the election, and the names of persons  
13 nominated for election. It shall be published for two (2)  
14 consecutive weeks at least twenty (20) days prior to the  
15 election in a newspaper of general circulation in each  
16 county in which a part of the control area or board member  
17 district lies.

18

19 (d) At the hour and place of the election the  
20 ~~division advisory committee~~ state engineer or the state  
21 engineer's designee shall call the roll of those entitled  
22 to vote, and the number of votes each is entitled to. They  
23 shall make a record of the qualified voters present,

1 receive all proxies and prescribe the method of canvassing  
2 the votes. All proxies shall be in writing and signed by  
3 the person entitled to vote. The five (5) persons receiving  
4 the highest number of votes, or the person receiving the  
5 highest number of votes within each board member district,  
6 shall be declared to be elected, regardless of whether or  
7 not they have received a majority of votes cast. No  
8 election shall be invalid because a majority of the acreage  
9 of the control area or board member district was not  
10 represented at the election. Two (2) of the members so  
11 elected shall serve until one (1) year from the third  
12 Tuesday in July of the year following the election, and  
13 three (3) of the members so elected shall serve until two  
14 (2) years following such date. The ~~division advisory~~  
15 ~~committee~~ state engineer or the state engineer's designee  
16 shall decide by lot which members shall serve for these  
17 terms.

18

19 (e) During the first fifteen (15) days of July next  
20 preceding the expiration of the term of any member an  
21 election shall be held to elect members of the control area  
22 advisory board. The ~~control area advisory board~~ state  
23 engineer or the state engineer's designee shall call and

1 conduct the election in the same manner prescribed for the  
2 first election. Members elected at any election after the  
3 first election shall serve for a term of four (4) years.  
4 Whenever the office of any member becomes vacant for any  
5 cause, a person to fill the vacancy of the unexpired term  
6 shall be appointed by the remaining members. The costs of  
7 elections shall be paid by the state engineer's office.

8

9       **Section 2.** W.S. 9-2-3206(e) through (h), 21-23-101,  
10 26-2-132, 35-1-1201(a)(i), 35-1-1202, 35-1-1203(a)(iii),  
11 35-7-127 and 41-3-908 are repealed.

12

13       **Section 3.** Any agency with rules or regulations  
14 impacted by the repeal of these boards and commissions  
15 shall promulgate new rules or regulations to effectuate the  
16 provisions of this act.

17

18       **Section 4.** If this bill is enacted into law, any  
19 funds appropriated to the Wyoming public television council  
20 in 2022 Senate File 0001 are not effective. Any unexpended,  
21 unobligated funds remaining from the appropriation for the  
22 current fiscal biennium as enacted by 2020 Wyoming session  
23 laws, chapter 80, section 2, section 057, as amended by

1 2021 Wyoming session laws, chapter 69, section 2, section  
2 057 shall revert as provided by law upon the effective date  
3 of this act.

4

5 **Section 5.** This act is effective July 1, 2022.

6

7

(END)