

**SESSION  
LAWS  
OF  
WYOMING**

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**2022 Budget Session  
and  
2021 Special Session**



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

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**CONVENED AT CHEYENNE, October 26, 2021  
ADJOURNED November 3, 2021**

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**Compiled and Published under Statutory Authority  
by  
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 Note however that if a section is both repealed and amended by operation of more than one chapter, the repealer is controlling and the section is repealed.

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**PASSED BY THE**  
**SIXTY-SIXTH**  
**WYOMING LEGISLATURE**  
**2021 SPECIAL SESSION**

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**Chapter 1**

**FEDERAL COVID VACCINE MANDATES-PROHIBITION AND  
REMEDIES-2**

**Original House Bill No. 1002**

AN ACT relating to the protection of individual rights; providing legislative findings; prohibiting the enforcement of federal COVID-19 vaccine mandates as specified; providing definitions; authorizing litigation to protect the rights of Wyoming citizens and the state of Wyoming as specified; providing an appropriation; 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) Throughout 2020 and 2021, vaccines for COVID-19 were developed, authorized and approved under the 45th and 46th presidents of the United States by the federal food and drug administration;

(iii) On September 9, 2021, the 46th president of the United States announced that a federal Occupational Safety and Health Administration (OSHA) rule would be promulgated to require all businesses with one hundred (100) or more employees to ensure that every employee is either vaccinated for COVID-19 or tested at least one (1) time every week for COVID-19;

(iv) As part of the plan announced by the President, the centers for Medicare and Medicaid services, in collaboration with the centers for disease control and prevention, announced that current emergency regulations requiring vaccinations for nursing home workers would be expanded to

include hospitals, dialysis facilities, ambulatory surgical settings and home health agencies, among others, as a condition for participating in the Medicare and Medicaid programs. The announcement indicated that these vaccine mandates will apply to both health care providers and suppliers that participate in the Medicare and Medicaid programs;

(v) It is expected that the federal occupational safety and health administration and the centers for Medicare and Medicaid services will promulgate emergency standards that will require Medicare and Medicaid health care workers and suppliers and all employers in Wyoming and the entire United States with one hundred (100) employees or more to ensure that all of their employees are either fully vaccinated for COVID-19 or ensure that all of their employees are tested at least one (1) time per week for COVID-19;

(vi) Countless Wyoming citizens fear losing their livelihoods because they object to receiving a COVID-19 vaccination for reasons of personal conscience, religious conviction or for medical reasons, including prior recovery or natural immunity from COVID-19;

(vii) The decision to receive a COVID-19 vaccination is a personal decision and should not be subject to government coercion, intrusion or dictate;

(viii) The decision to implement hiring practices for private employers is a personal decision and should not be subject to government coercion, intrusion or dictate;

(ix) The Ninth Amendment to the United States Constitution provides that the enumeration in the constitution of certain rights shall not be construed to deny or disparage other rights retained by the people;

(x) The Tenth Amendment to the United States Constitution provides that the powers not delegated to the United States in the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people;

(xi) Article 1, section 38, subsection (a) of the Wyoming constitution provides that “[e]ach competent adult shall have the right to make his or her own health care decisions;”

(xii) Article 1, section 38, subsection (c) of the Wyoming constitution provides that the “legislature may determine reasonable and necessary restrictions on the rights granted under this section to protect the health and general welfare of the people or to accomplish the other purposes set forth in the Wyoming Constitution;”

(xiii) Article 1, section 38, subsection (d) of the Wyoming constitution provides that the “state of Wyoming shall act to preserve these rights from undue governmental infringement;”

(xiv) Through various legislative enactments, the legislature has

established its primary role over immunizations, and all immunization laws and regulations in Wyoming are based on laws that the legislature has enacted;

(xv) The legislature has established a process by which persons can submit religious exemptions to vaccination mandates, and the legislature can amend the exemption process from time to time as it sees fit;

(xvi) By imposing a COVID-19 vaccination mandate on the people and businesses of Wyoming, the federal government's actions constitute an abridgement of both the United States and the Wyoming Constitutions;

(xvii) The state of Wyoming as a sovereign entity cannot be compelled to enforce vaccination mandates from the federal government that might well be deemed an unconstitutional exercise of the power of interpretation, to insist that the states are bound to provide means to carry into effect the duties of the federal government, nowhere delegated or entrusted to them by the constitution;

(xviii) Under the separation of powers, the federal government may not simply commandeer the legislative processes of the states by directly compelling them to enact and enforce a federal regulatory program. While Congress and the federal executive branch have substantial powers to govern the nation directly, including in areas of intimate concern to the states, the United States Constitution has never been understood to confer upon the federal government the ability to require the states to govern according to the instructions of the federal government;

(xix) Our system of government rests on what might at first seem a counterintuitive insight, that freedom is enhanced by the creation of two (2) governments, not one (1). For this reason, the United States Constitution has never been understood to confer upon Congress nor the federal executive branch the ability to require the states to govern according to their instructions. Otherwise, the two (2) government system established by the framers would give way to a system that vests power in one (1) central government, and individual liberty would suffer; and

(xx) The directive issued by the federal executive branch and the forthcoming rules by federal agencies regarding COVID-19 vaccination mandates cannot be a more direct affront to state sovereignty. The state of Wyoming rejects these devices by the federal government under the anti-commandeering doctrine. This doctrine is simply that of a fundamental structural decision incorporated into the United States Constitution, the decision to withhold from the federal government the power to issue orders directly to the states. Conspicuously absent from the list of powers given to Congress is the power to issue direct orders to the governments of the states. The anti-commandeering doctrine simply represents the recognition of this limit on federal authority.

(b) The legislature resolves that:

(i) The legislature strongly condemns the promulgation of any federal COVID-19 vaccination requirement or mandate as an infringement on the rights of the citizens of Wyoming to make their own healthcare decisions without governmental coercion, intrusion or dictate. The federal government does not have the right to impose such mandates on the states, and doing so violates the tenth amendment to the United States Constitution and article 1, section 38 of the Wyoming Constitution;

(ii) The states are laboratories of good policy. Each individual state should be granted the freedom to determine its own policies regarding how the COVID-19 pandemic is managed within its borders without interference from the federal government;

(iii) No public entity in Wyoming should be coerced into enforcing any mandate, requirement or standard of the federal government, whether emergency, temporary or permanent, that requires an employer to ensure or mandate that an employee shall receive a COVID-19 vaccination;

(iv) No public entity should be required to enforce any federal law, regulation, rule, standard or order relating to a COVID-19 vaccine requirement or mandate;

(v) No public entity should be coerced into requiring a person to receive or show proof of a COVID-19 vaccination for the person to receive or qualify for any public benefit to which the person is entitled;

(vi) The attorney general is empowered to initiate or participate in litigation and to take any other appropriate action to challenge and resist federal COVID-19 vaccine mandates or requirements that are contrary to federal and state law and that infringe on the rights of Wyoming citizens.

**Section 2.** W.S. 9-14-103 is created to read:

**9-14-103. COVID-19 vaccine mandate; prohibitions.**

(a) As used in this section:

(i) “COVID-19” means as defined by W.S. 1-1-141(a)(ii);

(ii) “COVID-19 vaccination” means any vaccine that is marketed to prevent COVID-19 or any vaccine that is marketed to diminish or decrease the symptoms of COVID-19;

(iii) “Public entity” means as defined by W.S. 16-6-101(a)(viii) except that “public entity” does not include an entity receiving federal funding that by complying with subsection (b) of this section would lose that federal funding.

(b) No public entity shall enforce any mandate or standard of the federal government, whether emergency, temporary or permanent, that requires an employer to ensure or mandate that an employee shall receive a COVID-19

vaccination.

(c) Except as otherwise provided in this section, to the extent that this section conflicts with a federal law, regulation, rule, standard or order, subsection (b) of this section shall not be enforced after the federal law, regulation, rule, standard or order takes legal effect that requires Wyoming employers to comply with a federal COVID-19 vaccine requirement or mandate.

(d) Notwithstanding subsection (c) of this section, subsection (b) of this section shall be enforceable during any period in which the federal law, regulation, rule, standard or order is subject to a federal judicial stay applicable in Wyoming or is otherwise repealed, withdrawn, superseded or declared by a federal court of competent jurisdiction to be unlawful or unenforceable.

### **Section 3.**

(a) With the direction and consent of the governor, the attorney general's office may initiate or participate in litigation and take any other appropriate action to challenge and resist federal government action related to COVID-19 vaccination mandates that are contrary to the law and the rights of Wyoming citizens.

(b) Litigation under this section may include:

(i) Initiating an action in the name of the state of Wyoming as the party aggrieved by a violation of the Tenth Amendment, or other protections reserved to the states under the United States Constitution, involving federal overreach into rights reserved to the states and asserting standing on additional grounds including that the state accepts federal funding and federal contracts and is therefore injured by federal threats and coercion to withhold federal funding, which constitute an unconstitutionally coercive exercise of federal spending power;

(ii) Joining a lawsuit initiated by Wyoming residents who were personally injured, or whose livelihood is negatively affected, by federal vaccine mandates, pursuant to W.S. 9-1-603(a)(iv).

**Section 4.** There is appropriated four million dollars (\$4,000,000.00) from the general fund to the governor's office for purposes of funding the legal and other action authorized by section 3 of this act. 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. It is the intent of the legislature that this appropriation not be included in the governor's standard budget for the immediately succeeding fiscal biennium.

**Section 5.** The Wyoming secretary of state shall transmit copies of this act to the President of the United States, the Speaker of the United States House

of Representatives, the President and the President Pro Tempore of the United States Senate, the Majority and Minority Leader and Whip of each house of the United States Congress and to Wyoming's Congressional Delegation.

**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 November 12, 2021.

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OF THE  
STATE OF WYOMING  
PASSED BY THE  
SIXTY-SIXTH LEGISLATURE  
2022 BUDGET SESSION**

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## USERS NOTES

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**PASSED BY THE**  
**SIXTY-SIXTH**  
**WYOMING LEGISLATURE**  
**2022 BUDGET SESSION**

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**Chapter 1**

**ECONOMIC DEVELOPMENT PROGRAMS-TRIBAL INCLUSION**

**Original House Bill No. 9**

AN ACT relating to the Eastern Shoshone and Northern Arapaho Tribes; clarifying that the Eastern Shoshone and Northern Arapaho Tribes may participate in specified economic development programs; omitting separate cooperative agreements for participation; specifying the definition and rule of construction for the cooperative tribal governing body; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 8-1-103(a) by creating a new paragraph (x), 9-12-601(a) and (b), 9-12-602, 9-12-801(c), (e)(ii) and (f), 9-12-803(e), 9-12-804, 9-12-902(a), 9-12-903(a) and 9-12-905(a) are amended to read:

**8-1-103. Rules of construction for statutes.**

(a) The construction of all statutes of this state shall be by the following rules, unless that construction is plainly contrary to the intent of the legislature:

(x) Reference to the “cooperative tribal governing body” means the inter-tribal council of the Eastern Shoshone and Northern Arapaho tribes or its official successor joint governing body. If the cooperative tribal governing body is a party to a cooperative agreement or contract with the state or a political subdivision under the laws of this state, a successor joint tribal governing body shall remain a party to the agreement or contract unless specified otherwise in the agreement or contract.

**9-12-601. Wyoming business ready community program; purpose; creation; rulemaking.**

(a) It is the purpose of this article to promote economic development at the city, town and county level ~~in order levels and on the Wind River Indian Reservation~~ to create additional economic health and a stronger state economy.



(b) The council shall establish and administer a Wyoming business ready community program as provided by this article. Any city, town, ~~or county~~ or the Eastern Shoshone or Northern Arapaho tribe, or the cooperative tribal governing body, may submit an application to the council for a grant or loan under the program on forms prescribed by and subject to rules promulgated by the council. Grants or loans may be applied for by a joint powers board with the approval of all participating agencies to the joint powers agreement. Grants and loans may be made by the council for economic or educational development, planning or infrastructure projects, including the purchase of land, buildings, facilities, telecommunications infrastructure, rights of way, airports, sewer and water projects, roads, landscaping, recreational and convention facilities or other infrastructure determined by the council to be consistent with the purposes of this article. In adopting rules and making grants and loans under this article the council shall require all projects to be related to economic or educational development, planning or infrastructure, which shall not include rehabilitation or expansion of existing infrastructure unless the council determines the rehabilitation or expansion is necessary to meet the purposes of this article. Planning grants and loans shall be limited as provided in subsection (m) of this section. All grants; ~~or loans or cooperative agreements~~ made under this article shall be referred by the council to the state loan and investment board for final approval or disapproval. The state loan and investment board may adopt rules as necessary to implement its duties under this article.

**9-12-602. Wyoming business ready community program account.**

There is created the business ready community account. Funds shall be credited to the account as provided by law. Funds in the account are continuously appropriated to the council to be used only for ~~cooperative agreements~~, grants or loans authorized to be made under this article.

**9-12-801. Wyoming community facilities program; purpose; creation; administration by council; rulemaking authority; eligible projects.**

(c) Any qualifying community with a demonstrated need for a community facility, including a city, town, county, joint powers board, ~~or other local governmental entity~~ or the Eastern Shoshone or Northern Arapaho tribe, or the cooperative tribal governing body, may submit an application to the council for a grant or loan under this program on forms prescribed by and subject to rules promulgated by the council. Application by a joint powers board shall require the approval of all participating agencies to the joint powers agreement.

(e) In adopting rules and recommending grants and loans under this article, the council shall require all projects to be related to economic development or enhancement of quality of life in a community. Projects may consist of:

- (ii) The purchase of an interest in ~~or cooperative agreements~~ for the

expansion, renovation or conversion of school facilities to the extent the facilities exceed statewide school building and facility adequacy standards established by the school facilities commission under W.S. 21-15-115. No ownership interest to the project or facility under a project shall remain with the school district upon expenditure of any funds under this program for any project.

(f) All grants; or loans ~~or cooperative agreements~~ recommended by the council shall be referred by the council to the state loan and investment board for final approval or disapproval in accordance with this article.

**9-12-803. Community facility grant and loan; approval by state loan and investment board.**

(e) The council shall prioritize proposed ~~cooperative agreements~~, grants and loans it recommends to the state loan and investment board in accordance with rules it adopts under this article.

**9-12-804. Wyoming community facilities program account.**

The community facilities program account is created within the special revenue fund and shall consist of funds credited to the account as provided by law. Funds in the account are continuously appropriated to the council to be used only for ~~cooperative agreements~~, grants or loans authorized by the state loan and investment board under this article.

**9-12-902. Wyoming workforce housing infrastructure program; creation; rulemaking.**

(a) The council shall establish and administer a Wyoming workforce housing infrastructure program as provided by this article. Any city, town, county, ~~or special improvement district~~ or the Eastern Shoshone or Northern Arapaho tribe, or the cooperative tribal governing body, may submit an application to the council for a loan under the program on forms prescribed by and subject to rules promulgated by the council. Loans may be applied for by a joint powers board with the approval of all participating agencies to the joint powers agreement. Loans may be made by the council for workforce housing infrastructure projects and community land trust projects. In adopting rules and making loans under this article the council shall require all projects to be related to workforce housing infrastructure or community land trusts.

**9-12-903. Council duties; actions on loan applications.**

(a) All complete applications to participate in the program established under this article, which conform with the criteria established by law and rules promulgated under this article and which are submitted to the council, shall be considered by the council. The council shall approve or disapprove each application considered in accordance with this article and rules promulgated by the council. All loans ~~or cooperative agreements~~ made under this article

shall be referred by the council to the state loan and investment board for final approval or disapproval. The state loan and investment board may adopt rules as necessary to implement its duties under this article.

**9-12-905. Wyoming workforce housing infrastructure program account.**

(a) There is created the workforce housing infrastructure program account. Funds shall be credited to the account as provided by law. Funds in the account shall be used only upon legislative appropriation for ~~cooperative agreements and~~ loans authorized to be made under this article. Except for any repayments of principal on loans, all funds including any earned interest in the account shall revert to the general fund on April 1, 2011. Any repayments of principal on loans under this article remaining in the workforce housing infrastructure program account at the end of a biennium shall not lapse and shall not revert as provided in W.S. 9-4-207 but shall remain in the account to implement the purposes of this section.

**Section 2.** W.S. 9-12-601(h), 9-12-805 and 9-12-902(j) are repealed.

**Section 3.** This act is effective July 1, 2022.

Approved March 7, 2022.

## Chapter 2

### PARTNERSHIP CHALLENGE LOAN PROGRAM-AMENDMENTS

#### Original House Bill No. 46

AN ACT relating to the Wyoming Economic Development Act; amending the Wyoming partnership challenge loan program; authorizing loans for business succession and succession planning; amending limits for loan amounts under the program; authorizing contract lending for businesses and specifying loan requirements; amending and renaming bridge financing provisions; consolidating the guarantee loan participation into the bridge financing program; prohibiting new guarantee loan participations and new loan guarantees as specified; making conforming amendments; specifying applicability; requiring rulemaking; requiring a report; and providing for effective dates.

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

**Section 1.** W.S. 9-12-301(a)(vi) through (viii) and by creating new paragraphs (xi) and (xii), 9-12-302(a) and 9-12-304(a)(intro), (i), (b)(i), (d), (e)(intro), (f)(intro) and by creating new subsections (j) and (k) are amended to read:

**9-12-301. Definitions.**

(a) As used in this article:

(vi) "~~Bridge Fifty-fifty (50-50) financing program~~" means the provision of financing for that portion of the total project cost ~~which that~~ is calculated by subtracting from ~~the~~ total project cost the sum of ~~ownership the business's~~ debt, ~~and equity~~. The council shall not consider a proposal in which the ~~bridge fifty-fifty (50-50) financing component exceeds thirty-five percent (35%) fifty~~

percent (50%) of the total project cost or one million dollars (\$1,000,000.00) two million five hundred thousand dollars (\$2,500,000.00), whichever is less, and the business does not contribute more than fifteen percent (15%) of the total project cost;

(vii) “Guarantee loan participation” means a provision of financing by the council in which the council participates with a lender that has secured a federal guaranteed loan to guarantee repayment of a loan made to a business. The maximum participation by the council shall be fifty percent (50%) of the loan or two million dollars (\$2,000,000.00), whichever is less. The council shall not participate in a new guarantee loan participation under this article on and after July 1, 2022 as provided in W.S. 9-12-304(e);

(viii) “Loan guarantee” means a provision of financing by the council in which the council guarantees a portion of a bank loan made to a business. The council shall not issue a loan guarantee under this article on and after July 1, 2022 as provided in W.S. 9-12-304(f);

(xi) “Contract financing” means a provision of financing for a business to gain liquidity and in which the business assigns the proceeds of a valid contract as collateral for the financing;

(xii) “Succession financing” means a provision of financing to be used to assist in the transition or succession of a business that has been in existence for not less than seven (7) years immediately before the transfer or succession to a new owner of the business.

**9-12-302. Wyoming partnership challenge loan program; creation; rulemaking; administration account.**

(a) The council shall establish and administer a partnership challenge loan program under this article and may contract for necessary professional services. Loans authorized under the program shall be limited, except as otherwise provided under W.S. 9-12-304(c) through ~~(h)~~-(k), to community development organizations and state development organizations and made in accordance with the provisions of W.S. 9-12-304. Any community development organization or state development organization may submit an application to the council to participate in the program on forms prescribed by and subject to rules promulgated by the council.

**9-12-304. Criteria for loans.**

(a) Except as otherwise provided under subsections (c) through ~~(h)~~-(k) of this section, loans under this article may only be made by the council to community development organizations and state development organizations which meet the following eligibility criteria:

(i) The community development organization or state development organization will contribute an amount of cash or cash equivalent at least equal

~~to not less than twenty percent (20%) of the loan it receives under this article to a program of investment in its area of local economic development;~~

(b) Loans, loan commitments or loan guarantees or any combination thereof shall be made under this article only:

(i) If the total amount to:

(A) A single community development organization, or to a business for an economic disaster loan as provided under subsection (c) of this section, does not exceed five hundred thousand dollars (\$500,000.00); one million dollars (\$1,000,000.00);

(B) if the total amount to A business for bridge fifty-fifty (50-50) financing as provided under subsection (d) of this section does not exceed one million dollars (\$1,000,000.00); two million five hundred thousand dollars (\$2,500,000.00) or fifty percent (50%) of the total project cost, whichever is less;

(C) if the total amount to State development organizations does not exceed three million five hundred thousand dollars (\$3,500,000.00); if the amount to a business for a federally guaranteed loan as provided under subsection (e) of this section does not exceed two million dollars (\$2,000,000.00), if the amount to a business for a loan guarantee does not exceed one hundred thousand dollars (\$100,000.00) per loan guaranteed or eighty percent (80%) of any net loan loss by the bank, whichever is less;

(D) if the amount to A business for a Wyoming main street loan participation as provided under subsection (g) of this section does not exceed one hundred thousand dollars (\$100,000.00);

(E) or if the amount to A business for a natural gas fueling infrastructure loan as provided under subsection (h) of this section does not exceed seventy-five percent (75%) of the total project cost or one million dollars (\$1,000,000.00), whichever is less;

(F) A business for a contract financing loan as provided under subsection (j) of this section does not exceed two hundred thousand dollars (\$200,000.00); or

(G) A business for a succession financing loan as provided under subsection (k) of this section does not exceed five hundred thousand dollars (\$500,000.00).

(d) Any business may apply to the council for ~~bridge fifty-fifty (50-50) financing as defined in W.S. 9-12-301(a)(vi)~~. The council shall prescribe the form and contents of ~~such~~ the application. The council shall review each application and make a determination as soon as practicable. In the event of a default for any loan made under this subsection, liability shall be shared proportionately between the state and the lending institution in the same percentage as the source of the loan. The interest of the state and the lending institution shall

have priority over any claim of the business receiving the bridge financing or any other third party.

(e) Before July 1, 2022, any business may apply to the council for a guarantee loan participation as defined in W.S. 9-12-301(a)(vii). The council shall prescribe the form and contents of the application. The council shall review each application and make a determination as soon as practicable. No guarantee loan participations shall be issued on and after July 1, 2022. The council shall structure any guarantee loan participation so that in the event of default of any loan which is participated in under this subsection:

(f) Before July 1, 2022, any business may apply to the council for a loan guarantee as defined in W.S. 9-12-301(a)(viii). The council shall prescribe the form and contents of the application. The council shall review each application and make a determination as soon as practicable. No loan guarantees shall be issued on and after July 1, 2022. The council shall structure any loan guarantee so that in the event of default of any loan that is guaranteed under this subsection:

(j) Any business may apply to the council for a contract financing loan as defined in W.S. 9-12-301(a)(xi). The council shall prescribe the form and contents of the application. The council shall review each application and make a determination as soon as practicable. In the event of a default, the state shall have priority over any claim of the business receiving the contract financing loan. The council shall not issue a loan under this subsection unless the business agrees to assign the proceeds of a contract to the council as collateral for the loan. The council shall not issue a loan under this subsection unless the business provides not less than two (2) letters from financial institutions denying an application or request for financing. Upon completion of the contract, the council shall retain sufficient proceeds of the contract used as collateral to retire the loan and any outstanding interest and shall remit any remaining proceeds to the business. All loans issued under this subsection shall not exceed one million dollars (\$1,000,000.00) in the aggregate at any one (1) time. In evaluating applications for a contract financing loan under this subsection, the council shall consider whether the contract to be used as collateral will have sufficient proceeds to pay off the loan balance and the likelihood of the successful completion of the contract.

(k) Any business or person seeking to purchase a business may apply to the council for a succession financing loan as defined in W.S. 9-12-301(a)(xii). The council shall prescribe the form and contents of the application. The council shall review each application and make a determination as soon as practicable. The council shall participate with a lending institution to make a succession financing loan to a business under this subsection, provided that the participation rate of the council shall not exceed fifty percent (50%) of the total loan amount. The interest of the state and the lending institution shall

have priority over any claim of the business receiving the succession financing loan or any other third party. The council shall not issue a loan under this subsection unless the business to be purchased and for which the loan is issued has been in operation for not less than seven (7) years directly preceding the application for a loan. The council may require the person or business seeking the loan to pledge revenues from the business as collateral for the loan or for the repayment of the loan. In evaluating applications for a succession financing loan under this subsection, the council shall consider the financial health of the business and the person seeking to purchase the business, including whether the business will generate sufficient revenues to repay the loan.

**Section 2.**

(a) This act shall:

(i) Apply to any loan issued under the partnership challenge loan program on and after the effective date of this section;

(ii) Not affect any guarantee loan participation structured or financed before July 1, 2022;

(iii) Not affect any loan guarantee made or guaranteed before July 1, 2022.

(b) On and after July 1, 2022, the Wyoming business council shall not authorize, approve, structure, guarantee or finance:

(i) A guarantee loan participation defined under W.S. 9-12-301(a)(vii) and authorized under W.S. 9-12-304(e);

(ii) A loan guarantee defined under W.S. 9-12-301(a)(viii) and authorized under W.S. 9-12-304(f).

**Section 3.** The Wyoming business council shall report to the joint minerals, business and economic development interim committee not later than fifteen (15) days after all guarantee loan participations defined by W.S. 9-12-301(a)(vii) and authorized by W.S. 9-12-304(e) and all loan guarantees defined by W.S. 9-12-301(a)(viii) and authorized by W.S. 9-12-304(f) are completed and retired. The committee may consider any legislation necessary after receiving the report, including the repeal of W.S. 9-12-301(a)(vii) and (viii) and 9-12-304(e) and (f).

**Section 4.** The Wyoming business council shall promulgate any rules necessary to implement this act.

**Section 5.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2022.

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

Approved March 7, 2022.

**Chapter 3****NURSING HOME ADMINISTRATORS****Original Senate File No. 23**

AN ACT relating to professions and occupations; amending provisions related to the licensure of nursing home administrators; clarifying membership requirements to serve on the board of nursing home administrators; removing the ex officio member of the board; authorizing the board to impose continuing education requirements; providing for criminal background checks; 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. 7-19-106(a) by creating a new paragraph (xxxvi), 7-19-201(a) by creating a new paragraph (xxxi), 33-22-102(a) and (b), 33-22-103 and 33-22-104 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:

(xxxvi) The board of nursing home administrators for purposes of obtaining background information on applicants for licensure by the board under title 33, chapter 22 of the Wyoming statutes.

**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:

(xxxi) All persons applying for licensure to the board of nursing home administrators under title 33, chapter 22 of the Wyoming statutes.

**33-22-102. Board of nursing home administrators created; composition; appointment; removal; qualifications and terms of members.**

(a) The Wyoming state board of nursing home administrators is created to consist of five (5) members appointed by the governor. ~~The director of the department of health, or his designee, who is a member of a health profession~~



~~concerned with the care of the chronically ill or aged patient, shall serve as an ex officio member of the board but shall not vote.~~ The governor may remove any member he appoints as provided in W.S. 9-1-202.

(b) One (1) appointee shall hold the degree of doctor of medicine and be licensed to practice medicine in Wyoming. One (1) appointee shall be a registered nurse duly licensed to practice professional nursing in Wyoming, who is not employed by a nursing home. One (1) appointee shall be a consumer representative selected from the general public. The remaining two (2) appointees shall each be and shall each maintain employment as an operator-administrator of a nursing home within Wyoming, and have two (2) years' experience as a nursing home operator-administrator within Wyoming.

**33-22-103. License; issuance; qualifications; waiver of additional qualifications.**

The board shall have authority to issue licenses to qualified persons as nursing home administrators. No license shall be issued to a person as a nursing home administrator unless he shall have submitted evidence satisfactory to the board of his ability to supervise a nursing home. For purposes of carrying out this section, fingerprints and other information necessary for a criminal history record background check under W.S. 7-19-201 shall be provided to the board.

**33-22-104. License; annual fee; expiration; continuing education.**

Each person licensed as a nursing home administrator shall be required to pay an annual license fee in an amount to be fixed by the board pursuant to W.S. 33-1-201. Each such license shall expire on the thirty-first day of December following issuance, and shall be renewable for a calendar year, upon payment of the annual license fee. Application for renewal shall be accompanied by evidence satisfactory to the board of completion of continuing education requirements as established by rule of the board.

**Section 2.** The board of nursing home administrators shall promulgate rules and regulations necessary to implement this act on or before July 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 March 7, 2022.

## Chapter 4

### ABSENTEEISM AND TRUANCY

#### Original Senate File No. 31

AN ACT relating to education; amending responsibilities for enforcing compulsory attendance requirements; providing that a child subject to willful absenteeism is neglected for purposes of the Child Protection Act; providing that a child who is a habitual truant is a child in need of supervision; creating definitions; requiring rulemaking; amending penalties; and providing for an effective date.

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

**Section 1.** W.S. 14-3-202(a)(vii), 14-6-402(a)(iv), 14-6-411(b)(iv), 21-3-110(a)(xxxix), 21-4-101(a)(i), (ii) and by creating a new paragraph (vii), 21-4-104(a), 21-4-105 and 21-4-107 are amended to read:

#### **14-3-202. Definitions.**

(a) As used in W.S. 14-3-201 through 14-3-216:

(vii) “Neglect” means a failure or refusal by those responsible for the child’s welfare to provide adequate care, maintenance, supervision, education or medical, surgical or any other care necessary for the child’s well being. “Neglect” for purposes of “education” as used in this paragraph includes willful absenteeism as defined in W.S. 21-4-101(a)(vii). Treatment given in good faith by spiritual means alone, through prayer, by a duly accredited practitioner in accordance with the tenets and practices of a recognized church or religious denomination is not child neglect for that reason alone;

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

(a) As used in this act:

(iv) “Child in need of supervision” means any child who has not reached his eighteenth birthday who is habitually truant as defined in W.S. 21-4-101(a)(ii) or has run away from home or habitually disobeys reasonable and lawful demands of his parents, guardian, custodian or other proper authority or is ungovernable and beyond control. “Child in need of supervision” includes any child who has not reached his eighteenth birthday who has committed a status offense;

#### **14-6-411. Complaints alleging child in need of supervision; investigation and determination by district attorney.**

(b) In determining the action necessary to protect the interest of the public or the child with regard to a petition alleging a child in need of supervision, the prosecuting attorney shall consider the following:

(iv) ~~Use of truancy statute~~ Enforcement of compulsory attendance requirements under W.S. 21-4-101 through 21-4-107;

#### **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”, “~~habitual truant~~” and “~~willful absenteeism~~” 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.

#### **21-4-101. Definitions.**

(a) For the purposes of this article:

(i) “Unexcused absence” means the absence, as defined in the ~~policies~~ rules of the local board of trustees, ~~of any child required by this article to attend school when such absence is not excused to the satisfaction of the board of trustees by the parent, guardian, or other person having control of such child pursuant to W.S. 21-3-110(a)(xxxix);~~

(ii) “Habitual truant” means any child ~~with five (5) or more unexcused absences in any one (1) school year who disobeys reasonable and lawful demands of the child’s parent, guardian, custodian or other proper authority to attend school if required under W.S. 21-4-102 and as further defined in the rules of the local board of trustees pursuant to W.S. 21-3-110(a)(xxxix);~~

(vii) “Willful absenteeism” means exceeding the limit of unexcused absences as defined in the rules of the local board of trustees pursuant to W.S. 21-3-110(a)(xxxix) when the excess absences are the result of a parent’s, guardian’s or custodian’s willful failure, neglect or refusal to require a child’s regular attendance at school in accordance with W.S. 21-4-102.

#### **21-4-104. Duties of attendance officers.**

(a) Subject to the ~~policy rules and policies~~ of the board of trustees, it shall be the duty of each attendance officer to:

(i) Counsel with students, parents, guardians or custodians and teachers; and to investigate the causes of unexcused absences, habitual truancy and willful absenteeism;

(ii) Give written notice to the parent, guardian, or custodian of any child having an unexcused absence that the attendance of such child at school is required by law under W.S. 21-4-102 and local board rules pursuant to W.S. 21-3-110(a)(xxxix). If after such notice has been given, the child has ~~a second continued unexcused absence, which absences in violation of W.S. 21-4-102 or~~

local board of trustees rules under W.S. 21-3-110(a)(xxxix) and the attendance officer reasonably believes ~~was that the unexcused absences were~~ due to the willful neglect or failure of the parent, guardian, or custodian of the child, then he shall make and file a complaint against such parent, guardian, or custodian of such child before the district court for the violation of ~~as defined in~~ W.S. 21-4-102—14-3-202(a)(vii), willful absenteeism or habitual truancy, the attendance officer shall proceed in accordance with W.S. 21-4-107.

**21-4-105. Penalty for failure of parent, guardian or custodian to comply with article.**

Any parent, guardian or custodian of any child to whom this article applies who willfully fails, neglects; or refuses to comply with the provisions of this article ~~shall be guilty of a misdemeanor and shall may be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) or by imprisonment in the county jail not more than ten (10) days or by both such fine and imprisonment not more than ten (10) days of community service and subject to proceedings under the Child Protection Act, W.S. 14-3-401 et seq., or the Children In Need of Supervision Act, W.S. 14-6-401 et seq., or both.~~

**21-4-107. Notice to district attorney and tribe of habitual truancy or willful absenteeism; duty of district attorney.**

When the ~~board of trustees attendance officer~~ of any school district ~~shall determine~~ determines that a child is an habitual truant or has been absent due to willful absenteeism as defined by this article the ~~board or its attendance officer shall notify the board of trustees and the district attorney who shall then may initiate proceedings in the interest of the child under the Juvenile Justice Act Child Protection Act, W.S. 14-3-401 et seq., or the Children In Need of Supervision Act, W.S. 14-6-401 et seq., as appropriate. If the child is an Indian child as defined in the federal Indian Child Welfare Act, 25 U.S.C. 1901 et seq., the district attorney shall notify the child's tribe and may initiate proceedings in the interest of the child if authorized to do so under state and federal law. If the Indian child resides on the Wind River Indian Reservation, the attendance officer shall notify the Wind River Tribal Court prosecutor and the tribal prosecutor may initiate proceedings pursuant to applicable tribal law and order codes.~~

**Section 2.** This act is effective July 1, 2022.

Approved March 7, 2022.

## Chapter 5

### LEGISLATIVE BUDGET

#### Original Senate File No. 2

AN ACT relating to appropriations for the legislature; providing appropriations for the operation of the legislative branch of state government; and providing for effective dates.

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

**Section 1.** There is appropriated from the general fund to the legislative service office the following specified amounts, or as much thereof as may be necessary, to pay the costs and expenses of the Wyoming legislature through June 30, 2024:

#### SALARIES

LSO Staff Permanent/Temporary .....	\$9,099,316
Legislators – Session.....	1,176,246
Legislators – Interim .....	2,256,586
Session Staff.....	649,608
Employer Paid Benefits .....	4,589,663

#### IN-STATE TRAVEL

Mileage and Per Diem – Session .....	1,065,024
Mileage and Per Diem – Interim.....	940,236

#### OUT-OF-STATE TRAVEL

Travel Expenses.....	100,800
Per Diem.....	130,800

#### ANNUAL DUES

National Conference of State Legislatures.....	267,587
The Energy Council.....	76,800
Council of State Governments.....	220,298
Other .....	10,520

REGISTRATION FEES.....	55,600
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TELECOMMUNICATIONS .....	50,000
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ETS SERVICES (Network connections & backup).....	10,000
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GENERAL ADMINISTRATIVE SUPPORT .....	1,001,350
(Information technology, copying, supplies and equipment, furniture, contract services, special projects, etc.)	

STATUTES, SESSION LAWS AND DIGESTS.....	395,000
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TOTAL.....	\$22,095,434
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**Section 2.** [Standard Provision-Flex]. The Management Council may transfer funds from one expense category to another under Section 1 of this act as the

activities of the legislature may require.

**Section 3.** [Standard Provision-Travel]. The appropriation for out-of-state travel under this act shall be used to reimburse legislators for documented legislative travel and per diem expenses to attend out-of-state meetings in accordance with policies of the Management Council.

**Section 4.** [Carry Forward of Prior Appropriations].

(a) Notwithstanding W.S. 9-4-207, the unobligated portions of the following appropriations shall not revert on June 30, 2022, and are hereby reappropriated to the legislative service office for the following purposes:

(i) From any unexpended, unobligated amounts reappropriated for expenditure by the legislative service office under 2020 Wyoming Session Laws, Chapter 81, Sections 4(a)(i) and 7, up to eight hundred thousand dollars (\$800,000.00) reappropriated for expenditure by the legislative service office for the period commencing July 1, 2022 and ending June 30, 2024. Expenditures of amounts reappropriated under this paragraph shall be for professional consulting expertise and other support necessary to carry out and execute work of the legislature pertaining to required K-12 education responsibilities, issues and studies. Professional consulting expertise may be retained by the legislative service office only upon approval of the Management Council, and the unexpended, unobligated amounts may be expended for contractual agreements between the Council and professional consultants;

(ii) Any balance remaining on June 30, 2022, resulting from the sale of legislative laptop computers prior to that date is appropriated to the legislative service office to be used for the purchase of replacement laptop computers and support systems for the period commencing July 1, 2022 and ending June 30, 2024;

(iii) Any unexpended, unobligated amounts appropriated for expenditure under 2020 Wyoming Session Laws, Chapter 81 are reappropriated for expenditure by the legislative service office at the direction of the Management Council for extraordinary expenses of the legislature and as necessary to supplement any expense category under this act, for the period commencing July 1, 2022 and ending June 30, 2024.

(b) This section is effective immediately.

**Section 5.** [Technology Projects].

(a) There is appropriated one hundred twenty-five thousand dollars (\$125,000.00) from the general fund to the legislative service office for continued development and support of the legislative management system and other continuing legislative information technology projects.

(b) This section is effective immediately.

**Section 6.** [New Legislator Training Compensation].

(a) From and after the date the state canvassing board certifies the results of the 2022 general election in accordance with W.S. 22-16-118, legislators elect and newly appointed legislators may, to the extent authorized by the Management Council, receive mileage and per diem at the same rate as members of the legislature plus an amount equal to the daily salary paid to legislators for each day spent at a legislative training function or at a meeting of an interim committee to which they will be assigned.

(b) There is appropriated from the general fund to the legislative service office thirty-four thousand dollars (\$34,000.00) for purposes of this section.

(c) As used in this section:

(i) “Legislator elect” means a person elected to the legislature during the 2022 general election who is not a current member of the legislature and before the person is duly sworn in;

(ii) “Newly appointed legislator” means a person appointed after the 2022 general election to fill a vacancy in the House or Senate and before the person is duly sworn in.

**Section 7.** [Reappropriation of School Foundation Program Account Funds].

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), an amount not to exceed one million nine thousand four hundred twenty-seven dollars and thirty-four cents (\$1,009,427.34) from any unexpended, unobligated amounts appropriated from the school foundation program account to the attorney general under 2016 Wyoming Session Laws, Chapter 31, Section 2, Section 015 and 2020 Wyoming Session Laws, Chapter 80, Section 2, Section 015, as amended by 2021 Wyoming Session Laws, Chapter 69, Section 2, Section 015, for purposes of the law office shall not revert on June 30, 2022. On July 1, 2022 these amounts are reappropriated for expenditure by the legislative service office for the period commencing July 1, 2022 and ending June 30, 2024. Expenditures of amounts reappropriated under this subsection shall be for professional consulting expertise and other support necessary to carry out and execute work of the legislature pertaining to required K-12 education responsibilities, issues and studies. Professional consulting expertise may be retained by the legislative service office only upon approval of the Management Council, and the unexpended, unobligated amounts may be expended for contractual agreements between the Council and professional consultants.

(b) This section is effective immediately.

**Section 8.** [Special Contingency].

(a) There is appropriated five hundred thousand dollars (\$500,000.00) from the general fund to the legislative service office to be expended at the direction

of the Management Council for extraordinary expenses of the legislature and as necessary to supplement any expense category under this act.

(b) This section is effective immediately.

**Section 9.** [Economic Development Authorized Travel].

(a) Subject to available appropriation, legislators traveling out-of-state, including internationally, in connection with executive branch or legislatively approved efforts to expand and diversify Wyoming's energy and industrial economy or to attract new business enterprises to the state or to improve access to and growth in domestic and international markets, are authorized reimbursement of actual travel expenses, including travel, lodging, meals and necessary incidentals, provided:

(i) Reimbursement of travel expenses for members of the legislature to participate in economic development efforts under this section shall require the approval of the Management Council;

(ii) In designating members authorized to receive travel reimbursement under this section, preference shall be given to members who have expressed an intention to seek re-election to, or if mid-term to continue to serve in, the Wyoming legislature during the 2023 and 2024 legislative sessions.

(b) This section is effective immediately.

**Section 10.** [Wyoming State Treasurer's Investment Conference]. There is appropriated twenty thousand dollars (\$20,000.00) from the general fund to the legislative service office for payment of registration, mileage and per diem for legislators attending the Wyoming state treasurer's investment conference in the 2022 or 2023 interim. Registration payments shall not exceed three hundred fifty dollars (\$350.00) per legislator.

**Section 11.** [Facilities Appropriations].

(a) There is appropriated fifty thousand dollars (\$50,000.00) from the general fund to the legislative service office to continue to retain a consultant to assist with the design, procurement, ordering, purchasing and installation of office furnishings, other furnishings, fixtures and equipment and owner identified improvements within the capitol building and capitol extension as provided in 2020 Wyoming Session Laws, Chapter 81 Section 11(a). Contracts shall be awarded under this subsection by a vote of a majority of the members of the State Building Commission and a vote of the majority of the members of the Management Council.

(b) Management Council may engage the services of consultants and other qualified professionals to procure the items listed in this subsection using funds appropriated under this subsection. There is appropriated from the general fund to the legislative service office:

(i) One hundred forty thousand dollars (\$140,000.00) for miscellaneous



furnishings and projects in the capitol complex;

(ii) Twelve thousand dollars (\$12,000.00) for room management equipment and professional fees.

(c) Funds appropriated under this section shall be expended pursuant to all requirements of law, including the requirements of article 3, section 31 of the Wyoming constitution.

(d) This section is effective immediately.

**Section 12.** [Interpretive Exhibits and Wayfinding Subcommittee]

(a) There is appropriated twenty-five thousand dollars (\$25,000.00) from the general fund to the legislative service office to pay the salary, mileage and per diem of the legislative members of the capitol interpretive exhibits and wayfinding subcommittee created by 2021 Wyoming Session Laws, Chapter 140, Section 8(a).

(b) This section is effective immediately.

**Section 13.** [Effective Dates].

(a) As used in this act, “effective immediately” means effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution. Any appropriation contained in this act that is effective immediately shall not lapse until June 30, 2024, unless otherwise specified.

(b) Except as otherwise provided, this act is effective July 1, 2022.

Approved March 7, 2022.

## Chapter 6

### LIABILITY FOR GOVERNMENTAL HEALTHCARE PROVIDERS- AMENDMENT

Original Senate File No. 29

AN ACT relating to the Wyoming Governmental Claims Act; amending liability for government healthcare providers to cover only medical malpractice; 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. 1-39-110(a) and 35-31-102(b) are amended to read:

**1-39-110. Liability; health care providers.**

(a) A governmental entity is liable for damages resulting from bodily injury, wrongful death or property damage caused by the ~~negligence~~ medical malpractice of health care providers who are employees of the governmental entity, including contract physicians, physician assistants, nurses, optometrists

and dentists who are providing a service for state institutions or county jails, while acting within the scope of their duties.

**35-31-102. Volunteer health services; application of claims act; exclusiveness of remedy; contract requirements.**

(b) A health care provider who delivers volunteer health care services to a low income person pursuant to a contract that complies with the requirements of this act, and regardless of whether the low income person who is treated is later found to be ineligible, shall be considered a public employee of the state while acting within the scope of duties under the contract, but only for the purposes of the applicability of the Wyoming Governmental Claims Act, including W.S. 1-39-110. The state of Wyoming shall have the duty to defend a health care provider alleged to have been negligent or alleged to have committed medical malpractice in the provision of volunteer health care pursuant to a contract under subsection (a) of this section provided the health care provider cooperates as described in W.S. 1-41-103(e)(iv).

**Section 2.** The provisions of this act shall apply to all causes of action that accrue on or after July 1, 2022.

**Section 3.** This act is effective July 1, 2022.

Approved March 7, 2022.

## Chapter 7

### PHARMACIST AND PHARMACY TECHNICIAN PRACTICE

Original Senate File No. 24

AN ACT relating to professions and occupations; authorizing the administration of immunizations by pharmacy technicians and pharmacy interns; repealing the requirements for direct supervision of a pharmacy technician or a pharmacy intern by a licensed pharmacist; 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. 33-24-151(a), 33-24-155(b), 33-24-157 by creating a new subsection (d) and 33-24-301(b)(iii), (c), (d) and (g)(iii) are amended to read:

**33-24-151. Substitution not considered practice of medicine; individual causes of action.**

(a) The substitution of any dangerous substance by a registered pharmacist or a registered pharmacy intern under his ~~direct~~ supervision does not under this act constitute the practice of medicine.

**33-24-155. Reports required to state health officer.**

(b) Pursuant to department of health rule and regulation, there may be a review of medical records by the state health officer, his designee or their

designated health care representative who shall be under the ~~direct~~ supervision of the state health officer or his designee to confirm diagnosis, investigate causes or identify other cases of disease conditions in a region, community or workplace in the state to determine if proper measures have been taken to protect the public health and safety. Notwithstanding any other provision of law, the review of records during a public health emergency or disease outbreak may occur without patient consent, but shall be kept confidential and shall be restricted to information necessary for the control, investigation and prevention of any disease condition dangerous to the public health. Any person who receives medical information under this subsection shall not disclose that information for any other purpose than the investigation and any disease control effort. Any violation of this subsection is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than one thousand dollars (\$1,000.00), or both.

**33-24-157. Immunization administration.**

(d) A pharmacy technician or pharmacy intern licensed under this act shall only administer immunizations under the supervision of a pharmacist licensed under this act. A pharmacy technician or pharmacy intern who intends to administer immunizations shall register with the board, but nothing in this subsection shall be deemed to require any pharmacy technician to administer immunizations to individuals who are less than thirteen (13) years of age. No employer shall discriminate against a pharmacy technician on the basis that the pharmacy technician determines not to administer immunizations to individuals who are less than thirteen (13) years of age.

**33-24-301. Pharmacy technicians; licensing; definitions; revocation or suspension of license; letter of admonition; information required for background checks.**

(b) As used in this section:

(iii) “Pharmacy technician” means an individual other than an intern, who performs pharmacy functions under the ~~direct~~ supervision of a licensed pharmacist.

(c) A pharmacy technician shall not perform pharmacy functions unless under the ~~direct~~ supervision of a licensed pharmacist.

(d) A licensed pharmacist shall be jointly responsible and liable for the actions of a pharmacy technician when ~~direct~~ supervision is required.

(g) The board shall promulgate reasonable rules and regulations necessary to carry out the purposes of this section including, but not limited to:

(iii) Requirements for ~~direct~~ supervision by licensed pharmacists.

**Section 2.** W.S. 33-24-101(b)(i) and 33-24-301(b)(i) are repealed.

**Section 3.** The state board of pharmacy shall promulgate rules and regulations

necessary to implement this act on or before July 1, 2022.

**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 March 7, 2022.

## Chapter 8

### FIREMEN'S PENSION PLAN BENEFITS

Original Senate File No. 39

AN ACT relating to firemen pensions; providing legislative findings; reducing future cost-of-living increases for certain retired firemen and dependents; specifying application of the act; requiring contributions from employers; providing for loans to employers as specified; providing for the withholding of certain fund distributions to employers failing to repay loans; creating an account; providing for a distribution of fire insurance premium taxes to the account and reducing other distribution of those taxes accordingly; providing appropriations; and providing for an effective date.

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

**Section 1.** W.S. 15-5-211 is created to read:

**15-5-211. Fire A pension plan legislative findings.**

(a) The legislature finds:

(i) The paid firemen's pension plan was established in 1935 and restructured in 1981. In 1981 with the restructuring of the paid firemen's pension plan, the original firemen's pension plan became known as "paid firemen plan A" or "Fire A". The legislature contributed approximately forty-six million eight hundred thousand dollars (\$46,800,000.00) between 1981 and 1996 to make up the accumulated underfunding of Fire A from inception to the point of restructuring;

(ii) Statute has directed since the inception of the paid firemen's pension plan and as provided in W.S. 15-5-202 that the firemen's pension account shall be administered without liability on the part of the state beyond the amount of the fund;

(iii) Upon recommendation from the Wyoming retirement system and consulting actuaries, the legislature adopted an act ceasing contributions to Fire A as of April 1, 1997. This included the previously required contributions of eight percent (8%) of salary, employer contributions of twenty-one percent (21%) of salary and contributions of fifty percent (50%) of the fire insurance premium tax collected by the state each year;

(iv) Had employers and employees made contributions between April 1, 1997 and December 31, 2020 the estimated contributions would be worth approximately thirty-three million dollars (\$33,000,000.00) as of December 31, 2020, using a seven percent (7%) annual rate of return;

(v) Upon the recommendation of the Wyoming retirement system and consulting actuaries, the legislature repeatedly increased benefits for Fire A members and retirees. Increases included an increase of the percentage of salary used to calculate benefits, the removal of a cap on benefits and the increase of benefits for surviving spouses from thirty-three and one-third percent (33 1/3%) up to one hundred percent (100%);

(vi) Despite an actuarial report dated January 1, 2002 noting a deteriorated funded position of Fire A, employee and employer contributions were not reinstated;

(vii) The Wyoming retirement system reports that the Fire A retiree pension payroll was nine million three hundred thousand dollars (\$9,300,000.00) in 2002 and is estimated to be sixteen million three hundred thousand dollars (\$16,300,000.00) in 2021. This increase is primarily due to the statutory three percent (3%) annual compounded cost-of-living adjustment that has been in effect since 2004;

(viii) In 2014 a bill to improve the funded status of Fire A by reducing the cost of living provision and restarting contributions from employers and the state did not pass the legislature;

(ix) The retirement system board shifted the investments of Fire A to a fixed-income portfolio on January 1, 2021;

(x) The retirement system actuaries estimate Fire A will exhaust all assets sometime in 2026 if no changes are made;

(xi) As of January 1, 2021, there were two hundred sixty-six (266) retirees and surviving spouses eligible to receive benefits from Fire A;

(xii) The Wyoming retirement system calculator provided to the legislature estimates that if the funding for Fire A were to be solved entirely with contributions, it would require a total contribution of one hundred forty-eight million one hundred thousand dollars (\$148,100,000.00) on January 1, 2022, assuming assets are reinvested in a diversified portfolio;

(xiii) The Wyoming retirement system calculator provided to the legislature estimates that if the funding for Fire A were to be solved entirely with benefit reductions, it would require elimination of all future cost-of-living adjustments and an additional benefit reduction of fifty-seven percent (57%) of all current benefits on January 1, 2022. This assumes assets are reinvested in a diversified portfolio;

(xiv) A combination of benefit reductions and additional contributions

could be used to provide for the funding requirements to make Fire A actuarially solvent for the remaining life of the plan.

**Section 2.** W.S. 9-4-601(a) by creating a new paragraph (xii), 15-5-201(a) by creating a new paragraph (xvii), 15-5-202 by creating a new subsection (e), 15-5-203 by creating a new subsection (h), 15-5-204(g), 26-4-102(b)(ii) and 39-14-801(d)(intro) and by creating a new subsection (j) are amended to read:

**9-4-601. Distribution and use; funds, accounts, cities and towns benefited; exception for bonus payments.**

(a) All monies received by the state of Wyoming from the secretary of the treasury of the United States under the provisions of the act of congress of February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, or from lessees or authorized mine operators and all monies received by the state from its sale of production from federal mineral leases subject to the act of congress of February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191) as amended, except as provided by subsection (b) of this section, shall be deposited into an account and the first two hundred million dollars (\$200,000,000.00) of revenues received in any fiscal year shall be distributed by the state treasurer as provided in this subsection. One percent (1%) of these revenues shall be credited to the general fund as an administrative fee, and the remainder shall be distributed as follows:

(xii) If insufficient funds are available under W.S. 39-14-801(j) to fully satisfy any delinquent payment owed by a city or county under W.S. 15-5-203(h), the state treasurer shall withhold from any payment due to a city or county under this subsection an amount as necessary to satisfy any delinquent payment owed by a city or county under W.S. 15-5-203(h). The withheld amount shall be deposited to the legislative stabilization reserve account and credited against the delinquent entity's unpaid loan amount.

**15-5-201. Definitions.**

(a) As used in this article:

(xvii) "Surviving spouse" shall not include any person who was first married to a paid fireman or retired fireman on or after April 1, 2022.

**15-5-202. Pension account; creation; administration; donations; investment; dual participation prohibited.**

(e) There is created the Fire A legislative reserve account. Funds in the account shall only be expended for the purposes of funding the shortfall in Fire A as identified in the legislative findings under W.S. 15-5-211. Funds in the account shall be invested in the same manner as funds in the firemen's pension account created by W.S. 15-5-202 and all investment earnings from the Fire A legislative reserve account shall be credited to the Fire A legislative reserve account. Funds in the account shall only be expended if funds in the firemen's

pension account are insufficient to provide benefits under this article. Funds in the Fire A legislative reserve account shall revert to the general fund once no person remains alive who is entitled to benefits under this article.

**15-5-203. Firemen and employer contributions; imposition at discretion of board; amounts; how and when collected, suspended and reinstated.**

(h) In addition to any other contribution required or authorized by this section, on April 1, 2022 the board shall assess employers for contributions in a total amount of twenty million dollars (\$20,000,000.00) in order to achieve a proper actuarial funding level for the firemen's pension account in accordance with the legislative findings under W.S 15-5-211. The total assessment under this subsection shall be paid proportionately by employers with payments allocated to each employer by the board based upon the number of retirees, surviving spouses or other dependents receiving benefits under this article from the firemen's pension account as of April 1, 2022. The state treasurer shall provide a loan to each employer for the payment required under this subsection which amounts shall be credited to the Fire A legislative reserve account. Loans under this subsection shall be repaid without interest over a period of twenty (20) years in equal payments in the time and manner required by the state treasurer and shall be deposited in the legislative stabilization reserve account. If repayment is not paid to the state treasurer when due, the state treasurer shall make the delinquent payment as provided in W.S. 39-14-801(j) and 9-4-601(a) (xii). Any delinquency not satisfied by those withholdings may be recovered in an action authorized under subsection (d) of this section, together with interest on the amount recovered as provided therein.

**15-5-204. Pensions; amounts; qualifications; when paid; disability benefits; disqualifications; examinations; disallowance; actions; adjustment.**

(g) Any pension benefit, survivor benefit or disability benefit received by an eligible individual under this article, and the fireman for whom the benefit is generated has been retired for a period of not less than one (1) year, shall not be increased each year by at least three percent (3%). In the event the most current actuarial valuation indicates the market value of assets is greater than one hundred fifteen percent (115%) of the actuarial value of liabilities, the board may increase the benefit by an amount determined affordable by the actuary, but in no case shall the total increase be greater than five percent (5%) of the benefit. Any increase under this subsection shall be added to the pension benefit, survivor benefit or disability benefit and compounded for purposes of determining the total benefit amount in subsequent years after April 1, 2022.

**26-4-102. Record of receipts; payment to treasurer; credit to fund.**

(b) The commissioner shall promptly deposit all monies he receives from any charges to the general fund, with receipt and acknowledgement submitted to the state treasurer, except that:

(ii) ~~Up to one hundred percent (100%)~~ Sixty percent (60%) of the gross premium tax levied upon fire insurance premiums shall be deposited by the state treasurer in the volunteer firefighter, EMT and search and rescue pension account pursuant to W.S. 35-9-628 and forty percent (40%) of the gross premium tax levied upon fire insurance premiums shall be deposited by the state treasurer in the Fire A legislative reserve account created by W.S. 15-5-202(e). For purposes of this paragraph, the gross premium tax levied upon fire insurance premiums is equal to thirty percent (30%) of the total gross premium tax levied upon all property, casualty and multiple line insurers;

**39-14-801. Severance tax distributions; distribution account created; formula.**

(d) After making distributions pursuant to subsections (b), (c), ~~and (f)~~ and (j) of this section, distributions under subsection (e) of this section shall be made from the severance tax distribution account. The amount of distributions under subsection (e) of this section shall not exceed one hundred fifty-five million dollars (\$155,000,000.00) in any fiscal year. To the extent that distributions under subsection (e) of this section would exceed that amount in any fiscal year, except as provided in subsections (g) and (h) of this section, the excess shall be credited:

(j) The state treasurer shall withhold from any payment due to a city or county under this section an amount equal to any delinquent payment owed by a city or county under W.S. 15-5-203(h). The withheld amount shall be deposited to the legislative stabilization reserve account and credited against the delinquent entity's unpaid loan amount.

**Section 3.** The reduction in benefit increases in W.S. 15-5-204(g), as amended by section 2 of this act, shall not apply to any increases implemented by that subsection prior to the effective date of this act.

**Section 4.**

(a) There is appropriated fifty-five million dollars (\$55,000,000.00) from the general fund to the Fire A legislative reserve account created by W.S. 15-5-202(e).

(b) There is appropriated twenty million dollars (\$20,000,000.00) on behalf of the employers that are required to contribute as provided in W.S. 15-5-203(h) from the legislative stabilization reserve account to the Fire A legislative reserve account created by W.S. 15-5-202(e). The amount provided on behalf of employers under this subsection shall be repaid to the legislative stabilization reserve account by the employers as provided in W.S. 15-5-203(h).

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

Approved March 7, 2022.



## Chapter 9

### GAME AND FISH FUND-INVESTMENTS

Original Senate File No. 59

AN ACT relating to public funds; authorizing investment of the Wyoming game and fish fund as specified; 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. 9-4-715(p)(v) and 23-1-501(b) are amended to read:

**9-4-715. Permissible investments.**

(p) There is created the pool A investment account. The state treasurer, or his designee, which shall be registered under the Investment Advisor's Act of 1940 as amended if required to be registered by the terms of that act as amended, pursuant to subsections (c) and (d) of this section and after consultation with the state agency or agencies receiving or administering investment earnings from the monies invested in the pool A investment account, may invest 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:

(v) The trust account within the Wyoming game and fish fund created by W.S. 23-1-501(f) and any other monies designated by the Wyoming game and fish commission for investment in the Pool A investment account from within the Wyoming game and fish fund created by W.S. 23-1-501;

**23-1-501. Game and fish fund.**

(b) All ~~income-revenue~~ received by the commission or department shall be deposited in the state treasury and credited to the Wyoming game and fish fund. Monies in the fund designated by the commission for investment in the Pool A investment account shall be invested pursuant to W.S. 9-4-715(p). The commission may establish accounts within the fund to carry out the purposes of this act, in addition to those accounts established by law. The Wyoming game and fish fund shall be expended as the commission may direct to carry out the purposes of this act and for no other purpose, except that the legislature may appropriate so much thereof as necessary for expenses of any authorized legislative committee to study matters relating to the commission or department. Expenditures from the Wyoming game and fish fund shall be made only by warrant issued by the state auditor upon vouchers signed by the director and chief fiscal officer, or other persons designated by the commission

to sign in their absence, substantiated and approved as provided by law.

**Section 2.** This act is effective July 1, 2022.

Approved March 8, 2022.

## Chapter 10

### WYOMING COUNCIL FOR WOMEN'S ISSUES-WORKFORCE SERVICES

Original Senate File No. 58

AN ACT relating to the Wyoming council for women's issues; placing the council for women's issues within the department of workforce services; transferring authority, positions, property, equipment and funding for the council for women's issues from the Wyoming business council; and providing for an effective date.

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

**Section 1.** W.S. 9-12-501 and 9-12-502 as 9-2-603 and 9-2-604 are amended and renumbered to read:

**~~9-12-501~~ 9-2-603.** Wyoming council for women's issues; creation; areas of attention.

(a) The Wyoming council for women's issues is created within the ~~Wyoming business council~~ department of workforce services. The council for women's issues shall focus attention on the status of women in Wyoming with emphasis on the following areas:

- (i) Employment practices;
- (ii) Educational opportunities;
- (iii) Home and community;
- (iv) Legal rights and responsibilities.

(b) As used in this article, unless otherwise specified, "council" means the Wyoming council for women's issues.

**~~9-12-502~~ 9-2-604.** **Membership; term; appointments; vacancies; removal; officers; acceptance of gifts and donations; expenses.**

(a) The council shall be composed of fourteen (14) members, each of whom shall serve for a term of six (6) years. The governor shall make the appointments and fill any vacancies for unexpired terms. The governor may remove any member as provided in W.S. 9-1-202. The council shall be composed of one (1) woman from each of the judicial districts in the state, four (4) persons chosen at large and the ~~chief executive officer of the Wyoming business council or his director of the department of workforce services or the director's~~ designee who shall be an ex officio member. Not more than seventy-five percent (75%) of the members shall be from the same political party. Of the initial members

appointed from each of the judicial districts, three (3) members shall be appointed for terms of two (2) years, three (3) members shall be appointed for terms of four (4) years and three (3) members shall be appointed for terms of six (6) years.

(b) The council shall elect a chairman and vice-chairman from its members. The ~~Wyoming business council~~ department of workforce services may employ a secretary on a part-time basis to assist the council. The council may accept gifts and donations.

(c) Members of the council shall receive no compensation but shall be reimbursed under W.S. 9-3-102 and 9-3-103 for per diem and travel expenses incurred in the performance of their duties.

**Section 2.** The members of the Wyoming council for women's issues serving on the council before the effective date of this act shall continue to serve for the remainder of their term on and after the effective date of this act, except that on and after the effective date of this act, the director of the department of workforce services shall serve as the ex officio member in lieu of the chief executive officer of the Wyoming business council. Any employee of the council for women's issues shall be transferred to the department of workforce services.

**Section 3.**

(a) Any funds appropriated to the Wyoming business council, including funds appropriated during the 2022 legislative session, for the Wyoming council for women's issues shall be transferred to the department of workforce services for expenditure consistent with their original appropriation, purpose and date of reversion except that the department of workforce services shall be substituted for the Wyoming business council.

(b) All positions, property, equipment and authority of the Wyoming business council for the Wyoming council for women's issues shall be transferred to the department of workforce services.

(c) All contracts, debts, grants, leases, advertising agreements and other obligations of the Wyoming council for women's issues entered into under the Wyoming business council shall be transferred to and honored by the Wyoming council for women's issues under the department of workforce services.

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

Approved March 8, 2022

## Chapter 11

### SOLID WASTE CEASE AND TRANSFER PROGRAM FUNDING

Original Senate File No. 46

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. 35-11-528;

(ii) “(C)” means closure project;

(iii) “SWDD” means solid waste disposal district;

(iv) “(T)” means transfer project.

(b) From amounts appropriated by 2013 Wyoming Session Laws, Chapter 194, Section 2(a) and (b), 2014 Wyoming Session Laws, Chapter 26, Section 333(a) and (b), 2015 Wyoming Session Laws, Chapter 142, Section 345 (priority 2), 2016 Wyoming Session Laws, Chapter 31, Section 316(a), 2018 Wyoming Session Laws, Chapter 134, Section 323(a), (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 (T)	\$ 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)	\$3,700,000
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)	\$1,300,000
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.** 2021 Wyoming Session Laws, Chapter 103 is repealed.

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

Approved March 8, 2022.

## Chapter 12

### CHANCERY COURT VACANCY AMENDMENTS

Original Senate File No. 57

AN ACT relating to courts; amending requirements for filling chancery court vacancies; amending persons qualified for temporary assignment of chancery court duties; and providing for an effective date.

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

**Section 1.** W.S. 5-13-109(a)(ii), by creating new paragraphs (iv) and (v) and (b) is amended to read:

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

(a) Prior to the appointment of a chancery court judge under subsection (b) of this section or in the event a chancery court judge appointed under W.S. 5-13-107 dies, becomes unable or unwilling to perform the duties of his office, the supreme court may temporarily assign the duties of chancery court judge to be performed by a person who meets the qualifications set forth in W.S. 5-13-108. Any assignment shall be made to:

(ii) A retired district court judge; ~~or~~

(iv) A special master; or

(v) A magistrate.

(b) Beginning ~~March 1, 2023~~ January 1, 2024, 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, 2022.

Approved March 8, 2022.

## Chapter 13

### MILITARY DEPARTMENT-ANNUAL REPORT

Original Senate File No. 45

AN ACT relating to defense forces and affairs; requiring an annual report as specified; and providing for an effective date.

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

**Section 1.** W.S. 19-7-103 by creating a new subsection (c) is amended to read:

**19-7-103. Adjutant general; appointment; rank; removal; duties and qualifications; annual report.**

(c) Not later than October 31 of each year, the adjutant general shall report to the governor and the joint transportation, highways and military affairs interim committee on sexual harassment, discrimination and sexual assault matters within the military department. The report shall include at a minimum the following information for the fiscal year preceding the report, presented in a manner to avoid identification of individual persons:

(i) Military department demographics including the number of state and federal employees, civilian and military employees, full and part-time air national guard members, full and part-time army national guard members and the gender of those members and employees;

(ii) Factual information on all incidents, reports and formal and informal complaints of sexual harassment, discrimination and sexual assault including:

(A) Trends regarding position levels or status of reporting persons and persons named in reports and locations of incidents;

(B) Incident dates, details and actions taken as allowed under privacy laws;

(C) Inspector general and congressional complaints known to the adjutant general.

(iii) Changes in options for employees and members to report incidents of sexual harassment, discrimination or sexual assault;

(iv) Results and comparative results from previous years' external assessments, internal assessments, unit climate surveys or group interviews such as unit sensing sessions;

(v) Assessments, analysis and policies and procedures implemented in response to incidents of sexual harassment, discrimination or sexual assault;

(vi) Required annual trainings, corrective action plans and recommendations for legislative or other actions.

**Section 2.** This act is effective July 1, 2022.

Approved March 8, 2022.

## Chapter 14

### SCHOOL FINANCE-INCREASING CASH RESERVES

#### Original House Bill No. 30

AN ACT relating to school finance; implementing modifications to the Wyoming education resource block grant model; increasing the amount that can be computed for a school district's operating balance and cash reserves; prohibiting expenditures on capital construction during a specified period; and providing for an effective date.

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

**Section 1.** W.S. 21-13-313(e) is amended to read:

**21-13-313. Distribution of funds from foundation account; property tax and cash reserve adjustment; regulations.**

(e) Not later than January 31 of each fiscal year, and except where a different percentage is otherwise specified in this subsection, the department shall compute the amount by which each district's operating balance and cash reserves at the end of the preceding fiscal year exceed fifteen percent (15%) of the total foundation program amount computed under W.S. 21-13-309 for the preceding fiscal year. In making this calculation, the entire operating balance and cash reserves for each district for the fiscal year ending June 30, 1997, as computed by the department, shall be separately accounted for and excluded, until it has been completely expended by the district. Revenues from settlements of protested amounts attributable to levies assessed under W.S. 21-13-102(a)(i)(A) and (ii)(A) and 21-13-201, regardless of the assessment year, shall be accounted for and excluded from the calculation under this subsection for a period of not more than one (1) year following that fiscal year in which the revenue was received by a district, as verified in writing by the district and certified by the county treasurer. Except as otherwise provided in 1997 Special Session Laws, chapter 3, section 306(e), as amended, and except as excluded under this subsection, that excess shall be deemed to be a state revenue under W.S. 21-13-310(a) for the purpose of determining distributions under W.S. 21-13-311 and amounts to be rebated under W.S. 21-13-102. The department shall promulgate rules, including reporting requirements and procedures for districts, to implement this subsection. As used in this section, "operating balance and cash reserves" means those financial resources of the district which are not encumbered by the district board of trustees for expenditure to meet an existing legal obligation or otherwise restricted by law or regulation for expenditure on specific educational programs. For purposes of this subsection, any balance within a district's separate account established under W.S. 21-15-109(e) for major building and facility repair and replacement shall be deemed restricted by law for expenditure as provided by W.S. 21-15-109(e) and shall not be considered an operating balance and cash reserve under this section. For the fiscal year ending June 30, 2022 through the fiscal year ending



June 30, 2026, the department shall compute the amount by which each district's operating balance and cash reserves at the end of the preceding fiscal year exceed thirty percent (30%) of the total foundation program amount computed under W.S. 21-13-309 for the preceding fiscal year. During this period, the amount of a district's operating balance and cash reserves that may be increased from fifteen percent (15%) to thirty percent (30%) of the total foundation program amount computed under W.S. 21-13-309 for the preceding fiscal year shall be accounted for and reported separately and shall not be transferred or expended for purposes of capital construction. For purposes of this subsection, "capital construction" does not include major building and facility repair and replacement as defined under W.S. 21-15-109(a)(iii).

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

Approved March 8, 2022.

## Chapter 15

### JUVENILE JUSTICE DATA REPORTING

Original House Bill No. 37

AN ACT relating to criminal history records; transferring responsibility for the juvenile justice information system to the department of family services; requiring the department of family services to standardize the collection of juvenile justice information; amending requirements for juvenile justice information to be collected by the department; amending reporting requirements; providing definitions; making conforming amendments; repealing requirements for submitting and maintaining certain juvenile justice information; authorizing a position; providing appropriations; requiring rulemaking; requiring a report and providing for effective dates.

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

**Section 1.** W.S. 14-6-606 is created to read:

**14-6-606. Standardization of juvenile justice information.**

(a) The department shall facilitate the standardization, identification, sharing and coordination of juvenile justice information collected and provided to the department and disseminated by the department as required by this act. The department shall work with all federal, state and local entities that provide information under this act.

(b) The department shall promulgate rules to adopt uniform information collection standards, methodologies and best practices for the collection and dissemination of juvenile justice information under this act. Any state agency or local governmental entity required to submit information under this act shall comply with the rules promulgated under this subsection.

(c) The department shall be responsible for assuring the consistency of

participation by any state agency or local governmental entity required to provide juvenile justice information under this act or that seeks to access juvenile justice information under this act.

**Section 2.** W.S. 14-6-203(g)(vi), 14-6-239(d) and 14-6-240(b) are amended to read:

**14-6-203. Jurisdiction; confidentiality of records.**

(g) Except as provided by subsection (j) of this section, all information, reports or records made, received or kept by any municipal, county or state officer or employee evidencing any legal or administrative process or disposition resulting from a minor's misconduct are confidential and subject to the provisions of this act. The existence of the information, reports or records or contents thereof shall not be disclosed by any person unless:

(vi) The disclosure is authorized by W.S. ~~7-19-504~~ 14-6-604; or

**14-6-239. Records and reports confidential; inspection.**

(d) Nothing in subsection (a) of this section shall limit the disclosure of records authorized by W.S. ~~7-19-504~~ 14-6-604.

**14-6-240. Fingerprinting or photographing of child; disclosure of child's records.**

(b) Fingerprints and photographs of a child adjudicated to have committed a delinquent act which would be a felony if committed by an adult may be retained in a local law enforcement agency file and in the Wyoming division of criminal investigation files in accordance with W.S. ~~7-19-501~~ 14-6-601 through ~~7-19-505~~ 14-6-606. If the matter does not result in an adjudication that the child was a delinquent for having committed an act constituting a felony, the enforcement agency which obtained the fingerprints or photographs pursuant to paragraph (a)(iii) of this section shall destroy those records and shall report the destruction of the records to the court. Further, the court shall order all records pertaining to the matter in the files of law enforcement agencies destroyed or expunged.

**Section 3.** W.S. 7-19-501 through 7-19-504 as 14-6-601 through 14-6-604 are amended and renumbered to read:

ARTICLE 6

JUVENILE JUSTICE INFORMATION SYSTEM

~~7-19-501~~ 14-6-601. **Definitions.**

(a) As used in this act:

(i) "Adjudicated" or "adjudication" means as defined by W.S. 14-6-201(a)(i);

(ii) "Adult" means an individual who has attained the age of majority;

(iii) “Delinquent child” means as defined by W.S. 14-6-201(a)(x);

(iv) “Disposition” means the action ordered by the juvenile court judge under W.S. 14-6-229 upon adjudication of a juvenile for a delinquent act or the sentence imposed on a juvenile who is convicted;

(v) ~~“Division”~~ “Department” means the ~~Wyoming division of criminal investigation within the office of the attorney general~~ department of family services;

(vi) “Juvenile” means an individual who is under the age of majority;

(vii) “Qualifying offense” means conduct that, if committed by an adult, would constitute a felony under the provisions of W.S. 6-1-104(a)(xii) or 35-7-1031 or under similar federal law;

(viii) “Conviction” or “convicted” means a conviction of a juvenile of a qualifying offense or a conviction for any offense for which the juvenile was charged in a circuit court or district court;

(ix) “Detention” means the legal and physical restriction and housing of a juvenile at the Wyoming state hospital, the Wyoming boys’ school, the Wyoming girls’ school or a juvenile detention facility defined in W.S. 14-6-201(a)(xxiv). “Detention” shall not include any placement in a qualified residential treatment program as defined by W.S. 14-6-201(a)(xxviii) or a residential treatment facility that is operated for the primary purpose of providing treatment to a juvenile;

~~(viii)(x)~~ “This act” means W.S. ~~7-19-501~~ 14-6-601 through ~~7-19-505~~ 14-6-606.

~~7-19-502~~ 14-6-602. **Record system created.**

(a) The ~~division~~ department shall create and maintain a database for a juvenile justice information system as provided in this act.

(b) The database shall contain the information required by this act. Access to information in the database shall be limited as provided by W.S. ~~7-19-504~~ 14-6-604.

(c) The ~~division~~ department shall promulgate reasonable rules and regulations necessary to carry out the provisions of this act. The ~~division~~ department shall annually report by March 1 to the joint judiciary interim committee on the numbers of entries and usage of the database and overall compliance with this act.

~~7-19-503~~ 14-6-603. **Collection of juvenile justice information.**

(a) In any case in which a juvenile is convicted or is adjudicated a delinquent child for the commission of a qualifying offense or a criminal act, the court shall direct that, to the extent possible, the following information be collected and provided to the ~~division~~ department:

- (i) Offender identification information including:
    - (A) The juvenile offender's name, including other names by which the juvenile is known, and social security number;
    - (B) The juvenile offender's date ~~and place~~ of birth;
    - (C) The juvenile offender's physical description, including sex, weight, height, race, ethnicity, eye color, hair color, scars, marks and tattoos;
    - (D) The juvenile offender's last known residential address, ~~and~~
    - (E) ~~The juvenile offender's fingerprints.~~
  - (ii) Offense identification information including:
    - (A) The criminal offense for which the juvenile was convicted or adjudicated delinquent;
    - (B) Identification of the juvenile court in which the juvenile was adjudicated delinquent or the court in which the juvenile was convicted; and
    - (C) The date and description of the final disposition ordered by the ~~juvenile court~~.
  - (iii) The nature of the disposition ordered by the court, including whether a juvenile is:
    - (A) Committed to detention;
    - (B) Ordered to serve probation, placed under a plan of supervision or ordered to participate in an intensive supervision program;
    - (C) Committed to treatment;
    - (D) Held in pretrial detention.
- (b) ~~The information maintained by the division shall not include predisposition studies and reports, social summaries, medical or psychological reports, educational records, multidisciplinary team minutes and records or transcripts of dispositional hearings.~~
- (c) The ~~division~~ department may designate codes relating to the information described in subsection (a) of this section.
- ~~7-19-504~~ 14-6-604. Access to and dissemination of information.**
- (a) Information contained in the juvenile justice information system shall be accessible, whether directly or through an intermediary, to:
    - (i) Other criminal justice agencies, including the division of criminal investigation;
    - (ii) Any person designated for the purpose provided by W.S. 14-6-227;
    - (iii) ~~The department of family services if the subject is in the custody of the department~~;

(iv) An individual who has met the requirements established by the ~~division~~ department to ensure the record will be used solely as a statistical research or reporting record and that the record is to be transferred in a form that is not individually identifiable;

(v) Any record subject as provided by W.S. 7-19-109.

(b) The department may by rule promulgate a process in which, when a subject reaches the age of majority, all information in the juvenile justice information system pertaining to that subject shall be deleted can be preserved in a manner to avoid identification of an individual subject while still allowing for longitudinal data analyses of recidivism.

(c) Any person who willfully violates subsection (a) or (b) of this section is guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00). Any person or entity who violates subsection (a) of this section shall be denied further access to the system.

**Section 4.** W.S. 7-19-505 is renumbered as 14-6-605.

**Section 5.** W.S. 14-6-603(a)(i)(E) and (b), renumbered from W.S. 7-19-503(a)(i)(E) and (b) and W.S. 14-6-604(a)(iii), renumbered from W.S. 7-19-504(a)(iii) by section 3 of this act, are repealed.

**Section 6.**

(a) The department of family services shall promulgate all rules necessary to implement the provisions of this act.

(b) Not later than October 15, 2022 the department of family services shall report to the joint judiciary interim committee on the status of the transfer of responsibilities under this act, including any progress made on a process for preserving data for analysis and avoiding identification of any particular individual under W.S. 14-6-604(b).

**Section 7.**

(a) The department of family services is authorized one (1) full-time position for the purposes of this act. There is appropriated two hundred fifty-one thousand eight hundred forty-eight dollars (\$251,848.00) from the general fund to the department of family services for purposes of funding the position created by this section and related costs for the period beginning July 1, 2022 and ending June 30, 2024. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2024 shall revert as provided by law. It is the intent of the legislature that this appropriation be included in the standard budget for the department of family services for the immediately succeeding fiscal biennium.

(b) There is appropriated four hundred fifty thousand dollars (\$450,000.00) from the general fund to the department of family services for purposes of initial interface development and data entry and ongoing data entry and system

information technology support and maintenance for the purposes of this act for the period beginning July 1, 2022 and ending June 30, 2024. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2024 shall revert as provided by law. It is the intent of the legislature that one hundred thousand dollars (\$100,000.00) of this appropriation be included in the standard budget for the department of family services for the immediately succeeding fiscal biennium.

**Section 8.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2024.

(b) Sections 6, 7 and 8 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 8, 2022.

**Chapter 16**

**WORKER'S COMPENSATION-COVID-19**

**Original House Bill No. 59**

AN ACT relating to worker's compensation; amending the experience rating system requirements for claims related to COVID-19; repealing a fund transfer; and providing for an effective date.

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

**Section 1.** W.S. 27-14-201(u) is amended to read:

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

(u) No compensable injury related to COVID-19 that occurs during the period beginning January 1, 2020 and ending March 31, 2022 for which coverage is provided under this act and for which a claim was filed on or before ~~December 30, 2020~~ March 31, 2023 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.~~

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

Approved March 8, 2022.

**Chapter 17****DIGITAL IDENTITY PROTECTION****Original House Bill No. 70**

AN ACT relating to digital identity; allowing suit for impersonation of digital identity as specified; amending unlawful impersonation through electronic means to include impersonation of digital identity; providing definitions; and providing for an effective date.

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

**Section 1.** W.S. 40-30-103 is created to read:

**40-30-103. Impersonation of digital identity; remedies.**

(a) Any person with a personal or organizational digital identity may proceed by suit to enjoin the use of any impersonations, counterfeits or imitations thereof and any court of competent jurisdiction may grant injunctions to restrain such use as may be by the said court deemed just and reasonable, and may require the defendants to pay to such person all profits derived from or all damages suffered by reason of such wrongful use. The court, in its discretion, may enter judgment for an amount not to exceed three (3) times any profits or damages and reasonable attorneys' fees of the prevailing party in cases where the court finds the other party committed wrongful acts with knowledge or in bad faith or otherwise as according to the circumstances of the case.

(b) The enumeration of any right or remedy herein shall not affect a person's right to prosecute under any penal law of this state.

**Section 2.** W.S. 6-3-902(a)(intro) and (b) by creating new paragraphs (iv) and (v) is amended to read:

**6-3-902. Unlawful impersonation through electronic means; penalties; definitions; civil remedies.**

(a) A person is guilty of 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, if he knowingly and without consent intentionally impersonates another person or that person's personal or organizational digital identity through, or on, an internet website or by other electronic means, including, but not limited to spoofing, and:

(b) For purposes of this section:

(iv) "Personal digital identity" means as defined in W.S. 8-1-102(a)(xviii);

(v) "Organizational digital identity" means as defined in W.S. 8-1-102(a)(xix).

**Section 3.** This act is effective July 1, 2022.

Approved March 8, 2022.

## Chapter 18

### GENETIC DATA PRIVACY-AMENDMENTS

#### Original House Bill No. 86

AN ACT relating to genetic data privacy; prohibiting the collection, retention and disclosure of genetic data as specified; providing exceptions; providing for a civil cause of action by the attorney general as specified; providing definitions; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 35-32-105 is created to read:

**35-32-105. General provisions; limitations.**

(a) The provisions of this chapter applicable to direct to consumer genetic testing companies shall not be waived.

(b) The disclosure of genetic data pursuant to this chapter shall comply with all state and federal laws for the protection of privacy and security. This chapter shall not apply to protected health information that is collected by a covered entity or business associate governed by the privacy, security and breach notification rules issued by the United States Department of Health and Human Services (Parts Regulations) 160 and 164 of Title 45 of the Code of Federal Services (Parts Regulations) established pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191) and the federal Health Information Technology for Economic and Clinical Health Act (P.L. 111-5).

**Section 2.** W.S. 35-32-101(a)(intro), (iii), (v), (vi)(A), (B) and by creating new paragraphs (vii) through (xi), 35-32-102(a), (b)(intro), (xi) and by creating new subsections (c) and (d), 35-32-103 and 35-32-104(b) and by creating a new subsection (c) are amended to read:

#### CHAPTER 32

#### GENETIC INFORMATION ~~DATA~~ PRIVACY

**35-32-101. Definitions.**

(a) As used in this chapter unless otherwise defined:

(iii) “Genetic analysis ~~testing~~” means a any laboratory test of an individual’s complete DNA, gene products or regions of DNA, chromosomes to determine the presence or absence of or genes to determine the presence of genetic characteristics in or of an individual or family;

(v) “Genetic information” ~~means information about the data~~ means any data, regardless of its format, that concerns an individual’s genetic characteristics, of an individual or members of an individual’s family that are the results of genetic analysis; Genetic data includes:

(A) Raw sequence data that result from sequencing of an individual’s



complete extracted or a portion of the extracted DNA;

(B) Genotypic and phenotypic information that results from analyzing the raw sequence data, including any familial inferences therefrom; and

(C) Self reported health information that an individual submits to a company regarding the individual's health conditions and that is used for scientific research or product development and analyzed in connection with the individual's raw sequence data.

(vi) "Informed consent" means the signing of a consent form or forms in writing or by electronic signature as defined in W.S. 40-21-102(a)(viii) by an individual or an individual's authorized representative which includes a description of:

(A) Any genetic ~~analysis-testing~~ to be performed and how the genetic ~~analysis-testing~~ or resulting genetic ~~information-data~~ will be used;

(B) How any genetic ~~information-data~~ will be retained or disclosed;

(vii) "Biological sample" means any material part of a human, discharge therefrom or derivative thereof known to contain deoxyribonucleic acid (DNA), such as tissue, blood, urine or saliva;

(viii) "Consumer" means a natural person who is a resident of the state of Wyoming;

(ix) "Deidentified data" means data that cannot be used to infer information about or otherwise be linked to an identifiable individual, and that is subject to:

(A) Administrative and technical measures to ensure that the data cannot be associated with a particular individual;

(B) Public commitment by the company to maintain and use data in deidentified form and not attempt to reidentify data; and

(C) Legally enforceable contractual obligations that prohibit any recipient of the data from attempting to reidentify the data.

(x) "Direct to consumer genetic testing company" or "company" means any person that offers consumer genetic testing products or services directly to consumers or who collects, uses or analyzes genetic data provided by a consumer;

(xi) "Express consent" means a consumer's affirmative response to a clear, meaningful and prominent notice regarding the collection, use or disclosure of the consumer's genetic data for a specific purpose.

### **35-32-102. Genetic testing; prohibitions; exceptions.**

(a) Except as provided in subsection (b) of this section, no person conducting genetic ~~analysis-testing~~ shall do any of the following without the informed

consent of the individual or the individual's authorized representative:

- (i) Obtain an individual's genetic ~~information data~~;
- (ii) Perform a genetic ~~analysis testing~~ on an individual;
- (iii) Retain an individual's genetic ~~information data~~;
- (iv) Disclose an individual's genetic ~~information data~~.

(b) Except as otherwise prohibited by law, an individual's genetic ~~information data~~ may be obtained, retained, disclosed and used without informed consent for:

(xi) Services limited to storage, retrieval, handling or transmission of genetic ~~information data~~ by a third party service provider pursuant to a contract or other obligation;

(c) To safeguard the privacy, confidentiality, security and integrity of a consumer's genetic data, a direct to consumer genetic testing company shall:

(i) Provide clear and complete information regarding the company's policies and procedures for the collection, use or disclosure of genetic data by making available to a consumer:

(A) A high-level privacy policy overview that includes essential information about the company's collection, use or disclosure of genetic data; and

(B) A prominent, publicly available privacy notice that includes, at a minimum, information about the company's data collection, consent, use, access, disclosure, transfer, security and retention and deletion practices.

(ii) Obtain a consumer's consent for the collection, use or disclosure of the consumer's genetic data including, at a minimum:

(A) Initial express consent that describes the uses of the genetic data collected through the genetic testing product or service, and specifies who has access to test results and how the genetic data may be shared;

(B) Separate express consent for transferring or disclosing the consumer's genetic data to any person other than the company's vendors and service providers, or for using genetic data beyond the primary purpose of the genetic testing product or service and inherent contextual uses;

(C) Separate express consent for the retention of any biological sample provided by the consumer following completion of the initial testing service requested by the consumer;

(D) Informed consent in compliance with the federal policy for the protection of human research subjects, 45 C.F.R. § 46, for transfer or disclosure of the consumer's genetic data to third party persons for research purposes or research conducted under the control of the company for the purpose of

publication or generalizable knowledge; and

(E) Separate express consent for marketing to a consumer based on the consumer's genetic data, or for marketing by a third party person to a consumer based on the consumer having ordered or purchased a genetic testing product or service. Marketing does not include the provision of customized content or offers on the websites or through the applications or services provided by a direct to consumer genetic testing company with a first-party relationship to the customer.

(iii) Require valid legal process for disclosing genetic data to law enforcement or any other government agency without a consumer's express written consent;

(iv) Develop, implement and maintain a comprehensive security program that protects a consumer's genetic data against unauthorized access, use or disclosure; and

(v) Provide a process for a consumer to:

(A) Access the consumer's genetic data;

(B) Delete the consumer's account and genetic data; and

(C) Request and obtain the destruction of the consumer's biological sample.

(d) Notwithstanding any other provisions in this section, a direct to consumer genetic testing company shall not disclose a consumer's genetic data to any entity offering health insurance, life insurance or long-term care insurance, or to any employer of the consumer without the consumer's written consent.

#### **35-32-103. Genetic data; inspection; retention.**

(a) An individual or the individual's authorized representative may inspect, correct and obtain genetic ~~information data~~ about the individual.

(b) A person conducting genetic ~~analysis testing~~ shall destroy an individual's genetic ~~information data~~ upon request by the individual or the individual's authorized representative unless:

(i) The ~~information data~~ was obtained pursuant to W.S. 35-32-102(b); or

(ii) Retention of the ~~information data~~ is necessary for a purpose disclosed to the individual or representative in the informed consent.

(c) Genetic ~~information data~~ about an individual obtained pursuant to W.S. 35-32-102(b) shall be used solely for the purposes obtained and shall be destroyed or returned to the individual or the individual's authorized representative upon completion of the purposes for which the ~~information data~~ was obtained or in accordance with law.

#### **35-32-104. Criminal penalty; private right of action.**

(b) An individual whose rights have been violated under the provisions of this chapter may bring a civil action to enjoin or restrain any violation of this chapter and may in the same action seek damages from the person violating this chapter. Prior to filing an action under this subsection the individual shall give notice in writing to the alleged violator stating fully the nature of the alleged violation. The alleged violator shall have not more than sixty (60) days from the date notice is provided to cure any violation. If, after sixty (60) days the violation has not been cured, the individual may bring a civil action. A prevailing party in an action brought under this subsection may recover all costs and expenses reasonably associated with the action, including but not limited to reasonable attorney fees.

(c) The attorney general may bring an action in the name of the state or as parens patriae on behalf of consumers to enforce this chapter. In any action brought by the attorney general to enforce this chapter, a person found to have violated this chapter shall be subject to a civil penalty of two thousand five hundred dollars (\$2,500.00) for each violation, the recovery of actual damages incurred by consumers on whose behalf the action was brought and costs and reasonable attorneys' fees incurred by the office of the attorney general.

**Section 3.** This act shall not apply to contracts for direct to consumer genetic testing entered into prior to July 1, 2022.

**Section 4.** This act is effective July 1, 2022.

Approved March 8, 2022.

## Chapter 19

### MINE RECLAMATION BONDING-VOLUNTARY ASSIGNED TRUSTS

#### Original House Bill No. 45

AN ACT relating to environmental quality; authorizing and requiring the department of environmental quality and the environmental quality council to establish a voluntary assigned trust option for reclamation bonds as specified; specifying requirements for voluntary assigned trusts; specifying that any voluntary assigned trust proceeds are held in trust by the state on behalf of each operator's permit or license for fulfilling all or a portion of reclamation requirements; requiring rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 35-11-417 by creating a new subsection (h) is amended to read:

**35-11-417. Bonding provisions.**

(h) The council shall promulgate rules for a voluntary assigned trust program for coal, bentonite, trona and uranium permits or licenses to bond all or a portion of the full cost of reclamation as recommended by the administrator and determined by the director. This subsection shall not become operative until the governor has signed rules that the council promulgates for a voluntary

assigned trust program that require that the protection provided by voluntary assigned trusts be consistent with the objectives and purposes of this act. Any rules promulgated under this subsection shall be in accordance with the following:

(i) Participation in an assigned trust program shall be voluntary on the part of an operator. An operator seeking to participate in a voluntary assigned trust as part of the operator's bonding option shall elect to create an assigned trust as required by rules promulgated by the council;

(ii) The amount necessary for an operator to fully fund the voluntary assigned trust shall be recommended by the administrator and determined by the director in accordance with the provisions of this article for each operator's permit or license;

(iii) For each payment plan for a voluntary assigned trust:

(A) The department shall provide the state treasurer with a copy of the director's annual bond letter that discloses the reclamation obligation and the estimated mine life and duration of reclamation for each individual voluntary assigned trust;

(B) Participants in the assigned trust shall provide annual payments of not less than one percent (1%) of the total annual reclamation bond obligation at any time until the assigned trust is fully funded and sufficient to cover the cost of the reclamation obligation as provided in W.S. 35-11-417(c);

(C) Participants in the assigned trust shall provide other acceptable bonding instruments authorized by this act to cover the remaining full cost of reclamation.

(iv) The funds received for a voluntary assigned trust for coal shall be invested by the state treasurer as authorized by law and in a manner to obtain the highest net return possible consistent with the preservation of one hundred percent (100%) of the corpus of the assigned trust. All earnings from investment of the corpus of the assigned trust shall be credited by the state treasurer to the balance of each voluntary assigned trust;

(v) The funds received for a voluntary assigned trust for non-coal shall be invested by the state treasurer as authorized by law and in a manner to obtain the highest net return possible less any administrative fees consistent with the preservation of the corpus of the assigned trust. All earnings from investment of the corpus of the assigned trust shall be credited by the state treasurer to the balance of each voluntary assigned trust;

(vi) The investment options of the treasurer shall include funds authorized by law. The investment fund options used shall be based on the corpus protection requirements as provided in paragraphs (iv) and (v) of this subsection. No funds shall be withdrawn by the participant from these accounts during the

first year after the establishment of the participant's voluntary assigned trust;

(vii) The participant shall deposit any cash into an irrevocable assigned trust, managed by the state treasurer for the benefit of the department. The assets of each assigned trust shall be available solely to cover the department's cost of completing reclamation in the event of forfeiture. No portion of the trust assets shall be returned to the participant until trust assets are released in accordance with W.S. 35-11-423;

(viii) Any remaining amounts within an assigned trust shall be released to the participant in the manner provided for bonds in accordance with the provisions of W.S. 35-11-423 after funds are applied to cover all costs of reclaiming the affected land. Reclamation funds from the assigned trust shall be withdrawn last, following certification of the requested bond release by the director. Bond reductions to the permit or license shall be made from any other bond instruments first until the assigned trust is fully funded;

(ix) Each assigned trust shall not be withdrawn until released by the director in accordance with this act and any rules promulgated under this act;

(x) Any rules promulgated under this act shall include:

(A) A process for withdrawal of funds that exceed the bond obligation of a participant;

(B) Provisions for each assigned trust to be assigned to a new owner resulting from a permit or license transfer.

(xi) Permits or licenses that include federal lands with a federal bonding requirement may participate in the assigned trust following approval from the appropriate federal agencies.

**Section 2.** The department of environmental quality shall draft, and the environmental quality council 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, 2022.

Approved March 9, 2022.

**Chapter 20****PRE-APPLICATION DETERMINATIONS FOR LICENSING****Original House Bill No. 39**

AN ACT relating to professions and occupations; establishing a procedure by which applicants for licenses and certifications can seek a pre-application determination as specified; authorizing the access and dissemination of criminal history record information for pre-application determinations as specified; making conforming amendments; authorizing a fee; authorizing rulemaking; 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 (xxxvi) and 33-1-304 by creating a new subsection (e) 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:

(xxxvi) Any professional licensing board, commission, commissioner or authority that otherwise has authority to receive criminal history record information under this subsection, for purposes of obtaining criminal history background information for pre-application determination in accordance with W.S. 33-1-304(e).

**33-1-304. Considering criminal convictions; pre-application determinations.**

(e) Any person who has been previously convicted of a crime may at any time apply to a board, commission, commissioner or authority authorized to establish examination, inspection, permit, license, certification or registration requirements for any profession or occupation regulated under this title or under W.S. 7-4-211, 11-25-201, 15-5-103, 17-4-406, 21-2-802, 23-2-414, 26-4-101 or 40-22-103 for a determination as to whether one (1) or more of the person's criminal convictions will prevent the person from receiving a license, certification or registration. Each board, commission, commissioner or authority may by rule establish a procedure by which an application submitted under this subsection is reviewed and may by rule delegate the authority to review an application to a staff member of the board, commission, commissioner or authority. A board, commission, commissioner or authority may request criminal history background information for purposes of reviewing an application under this subsection in accordance with W.S. 7-19-106(a)(xxxvi). The board, commission, commissioner or authority may by rule establish and charge a reasonable fee to recover the costs of researching and developing a determination under this subsection, provided that any fee shall not exceed the costs of providing the determination under this subsection. A determination made by a board, commission, commissioner or authority

under this subsection shall not be binding upon the board, commission, commissioner or authority.

**Section 2.** This act is effective July 1, 2022.

Approved March 9, 2022.

## Chapter 21

### COUNTY TAX PROTEST-FILING DATE

#### Original House Bill No. 65

AN ACT relating to ad valorem taxation; specifying that an appeal is timely filed if postmarked or transmitted before the filing deadline; and providing for an effective date.

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

**Section 1.** W.S. 39-13-102(n) and 39-13-109(b)(i) are amended to read:

**39-13-102. Administration; confidentiality.**

(n) Following determination of the fair market value of property the department shall notify the taxpayer by mail or, if offered by the department and upon request of the taxpayer, by electronic transmission of the assessed value. The person assessed may file written objections to the assessment with the board within thirty (30) days of the date of postmark or the date of electronic transmission, whichever is earlier, and appear before the board at a time specified by the board. For purposes of this subsection, if a written objection is mailed or sent by electronic transmission by the person assessed, it shall be deemed timely filed if it is postmarked or transmitted not later than thirty (30) days after the mailing or electronic transmission of the notification of the assessed value. The person assessed shall also file a copy of the written objections with the county treasurer of the county in which the property is located, who shall notify the county assessor and the board of county commissioners, with an estimate of the tax amount under appeal based upon the previous year's tax levy.

**39-13-109. Taxpayer remedies.**

(b) Appeals. The following shall apply:

(i) Any person wishing to contest an assessment of his property shall file not later than thirty (30) days after the date of the assessment schedule properly sent pursuant to W.S. 39-13-103(b)(vii), a statement with the county assessor specifying the reasons why the assessment is incorrect. For purposes of this paragraph, if a statement of reasons is mailed or sent by electronic transmission by the person assessed, it shall be deemed timely filed if it is postmarked or transmitted not later than thirty (30) days after the mailing or the electronic transmission of the notification of the assessment schedule. The



county assessor shall provide a copy to the county clerk as clerk of the county board of equalization. The county assessor and the person contesting the assessment, or his agent, shall disclose witnesses and exchange information, evidence and documents relevant to the appeal, including sales information from relevant statements of consideration if requested, no later than thirty (30) days prior to the scheduled county board of equalization hearing. The assessor shall specifically identify the sales information used to determine market value of the property under appeal. A county board of equalization may receive evidence relative to any assessment and may require the person assessed or his agent or attorney to appear before it, be examined and produce any documents relating to the assessment. The appeal may be dismissed if any person willfully neglects or refuses to attend a meeting of a county board of equalization and be examined or answer any material question upon the board's request. The state board of equalization shall adopt rules to be followed by any county board of equalization when conducting appeals under this subsection. All hearings shall be conducted in accordance with the rules adopted by the state board of equalization. Each hearing shall be recorded electronically or by a court reporter or a qualified stenographer or transcriptionist. The taxpayer may present any evidence that is relevant, material or not repetitious, including expert opinion testimony, to rebut the presumption in favor of a valuation asserted by the county assessor. The county attorney or his designee may represent the county board or the assessor, but not both. The assessor may be represented by an attorney and the board may hire a hearing officer. All deliberations of the board shall be in public. The county board of equalization may affirm the assessor's valuation or find in favor of the taxpayer and remand the case back to the assessor. The board shall make specific written findings and conclusions as to the evidence presented not later than October 1 of each year;

**Section 2.** This act is effective July 1, 2022.

Approved March 9, 2022.

## Chapter 22

### EMPLOYMENT SUPPORT FUND-AMENDMENTS

#### Original House Bill No. 79

AN ACT relating to unemployment compensation; specifying that monies in the fund shall not revert; requiring reporting; and providing for an effective date.

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

**Section 1.** W.S. 27-3-211(a) and by creating a new subsection (c) is amended to read:

**27-3-211. Employment support fund established.**

(a) There is established the employment support fund. Revenues allocated pursuant to W.S. 27-3-505(a) shall be credited to the employment support fund by the department, with receipt and acknowledgement submitted to the state treasurer. The state treasurer shall invest available revenues in the fund in accordance with law, and earnings from those investments shall be credited to the fund. ~~Notwithstanding W.S. 9-2-1008 and 9-4-207, the monies in the employment support fund shall not revert to the general fund at the end of any fiscal year, except that any unappropriated amounts remaining in the fund at the end of any fiscal year shall be transferred by the state treasurer to the state unemployment insurance trust fund created pursuant to W.S. 27-3-209.~~

(c) The department shall report annually to the joint appropriations committee and the joint labor, health and social services interim committee not later than September 1 of each year on the status of the employment support fund, detailing fund expenditures and the fund's current balance.

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

Approved March 9, 2022.

## Chapter 23

### INSURANCE INVESTMENT AMENDMENTS

#### Original House Bill No. 87

AN ACT relating to insurance; amending requirements for eligible and authorized investments by domestic insurance companies including investments in foreign jurisdictions; providing an exemption to the requirement that an insurer holds its invested assets at a financial institution with a physical location in Wyoming; providing definitions; providing for exemptions as specified; and providing for an effective date.

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

**Section 1.** W.S. 26-7-102(a) by creating new paragraphs (v) through (ix), 26-7-103(e), 26-7-106(a)(i), 26-7-107(a)(xv) and by creating new paragraphs (xvii) through (xix) and by creating a new subsection (b), 26-7-110(a)(intro) and 26-24-129 by creating a new subsection (e) are amended to read:

**26-7-102. Definitions of terms used in chapter; determination of net earnings.**

(a) As used in this chapter:

(v) “Domestic jurisdiction” means the United States and Canada and includes any state, province or political subdivision of the United States or Canada;

(vi) “Foreign jurisdiction” means a jurisdiction other than a domestic jurisdiction;

(vii) “Foreign investment” means an investment in a foreign jurisdiction, or an investment in a person, real estate or asset domiciled in a foreign jurisdiction. Each of the following apply to this paragraph:

(A) An investment shall not be deemed to be foreign if the issuing person, qualified primary credit source or qualified guarantor is a domestic jurisdiction or a person domiciled in a domestic jurisdiction, unless:

(I) The issuing person is a shell business entity; and

(II) The investment is not assumed, accepted, guaranteed or insured or otherwise backed by a domestic jurisdiction or a person, that is not a shell business entity, domiciled in a domestic jurisdiction.

(B) For purposes of this paragraph:

(I) “Qualified guarantor” means a guarantor against which an insurer has a direct claim for full and timely payment, evidenced by a contractual right for which an enforcement action can be brought in a domestic jurisdiction;

(II) “Qualified primary credit source” means the credit source to which an insurer looks for payment as to an investment and against which an insurer has a direct claim for full and timely payment, evidenced by a contractual right for which an enforcement action can be brought in a domestic jurisdiction;

(III) “Shell business entity” means a business entity having no economic substance except as a vehicle for owning interests in assets issued, owned or previously owned by a person domiciled in a foreign jurisdiction.

(viii) “High grade investment” means a credit instrument rated one (1) or two (2) by the securities valuation office;

(ix) “Securities valuation office” means the securities valuation office of the National Association of Insurance Commissioners, or any successor office established by the National Association of Insurance Commissioners.

### **26-7-103. Eligible investments.**

(e) An insurer authorized to transact insurance in a foreign ~~country jurisdiction~~ may make investments, in aggregate amount not exceeding its deposit and reserve obligations incurred in that ~~country foreign jurisdiction~~, in securities of or in that ~~country foreign jurisdiction~~ possessing characteristics and of a quality similar to like investments in the United States.

### **26-7-106. Diversification of and limits on investments.**

(a) An insurer shall invest in or hold as admitted assets only categories of investments within applicable limits as follows:

(i) No insurer shall have at any time any combination of investments in or loans upon the security of the obligations, property or securities of any one (1) person, institution, corporation or municipal corporation aggregating an amount exceeding five percent (5%) of the insurer’s admitted assets, except this

does not apply to general obligations of the United States of America or of any state ~~or~~ and shall not include policy loans made under W.S. 26-7-108 or mutual funds that are registered with the federal securities and exchange commission and are diversified within the meaning of the Investment Company Act of 1940 as from time to time amended. Investments in diversified mutual funds shall be limited to ten percent (10%) of the insurer's admitted assets per fund;

**26-7-107. Authorized investments.**

(a) An insurer may invest in:

(xv) Nonassessable common stocks, other than insurance stocks, of any solvent corporation organized and existing under the laws of any foreign ~~country~~ jurisdiction, any such investment to be subject to the limitations of W.S. 26-7-106; ~~At any one time, the aggregate amount of foreign investments shall not exceed twenty percent (20%) of the insurer's admitted assets;~~

(xvii) Obligations issued by any solvent corporation in a foreign jurisdiction, other than an insurance company, that are traded in the United States on United States exchanges and denominated in United States dollars and subject to United States securities laws. The obligations must be high grade investments and are subject to the five percent (5%) limitation in W.S. 26-7-106(a)(i);

(xviii) Interests in a partnership or limited liability company, if the insurer has one hundred million dollars (\$100,000,000.00) or more in surplus and a total adjusted capital that is at least five (5) times its authorized control level risk-based capital. An insurer's investment in any one partnership or limited liability company shall not exceed five percent (5%) of the insurer's admitted assets. The aggregate of all investments in partnerships and limited liability companies shall not exceed ten percent (10%) of the insurer's admitted assets;

(xix) Securities issued by an exchange-traded fund as defined in 17 C.F.R. 270.6c-11(a) as from time to time amended provided the following conditions are met:

(A) The exchange-traded fund is registered under the Investment Company Act of 1940 as from time to time amended;

(B) Shares of the exchange-traded fund are registered under the Securities Act of 1933 as from time to time amended;

(C) The exchange-traded fund is solvent and reported at least one hundred million dollars (\$100,000,000.00) of net assets in the fund's most recent annual report or more recent audited financial statement; and

(D) Shares of the exchange-traded fund are listed and traded on a national securities exchange.

(b) At any one (1) time, the aggregate amount of foreign investments shall not exceed twenty percent (20%) of the insurer's admitted assets.

**26-7-110. Miscellaneous loans and investments.**

(a) An insurer may make loans or investments not otherwise expressly permitted under this chapter, in aggregate amounts not over five percent (5%) of the insurer's admitted assets and not over one percent (1%) of those assets as to any one loan or investment, if the loan or investment fulfills the requirements of W.S. 26-7-103 and otherwise qualifies as a sound investment. An insurer with one hundred million dollars (\$100,000,000.00) or more in surplus and a total adjusted capital that is at least five (5) times its authorized control level risk-based capital may make loans or investments not otherwise expressly permitted under this chapter, in aggregate amounts not over ten percent (10%) of the insurer's admitted assets and not over two percent (2%) of those assets as to any one (1) loan or investment, if the loan or investment fulfills the requirements of W.S. 26-7-103 and otherwise qualifies as a sound investment. For all insurers, no such loan or investment shall be represented by:

**26-24-129. Home office records and assets; penalty for removal; out-of-state branch operations.**

(e) An insurer may request an exemption, in writing, from holding its invested assets at a financial institution that has a physical location in this state if the insurer provides sufficient documentation that the financial institutions in this state do not have adequate technology to support the insurer's required financial reporting requirements or the financial institutions' fees are cost prohibitive for the insurer. The commissioner shall issue an order approving or denying the exemption request within thirty (30) days after all supporting documentation for the request has been received. The commissioner may vacate any previous exemption order upon the determination that there are financial institutions with physical locations in this state that provide adequate technology and competitive fee structures or if the insurer is experiencing material financial solvency concerns. The commissioner shall provide any insurer that has had its previous approval to use an out-of-state financial institution revoked at least thirty (30) days to return its invested assets to this state. Before moving any of its invested assets, the insurer shall execute a custodial agreement with the financial institution that has been approved by the commissioner.

**Section 2.** This act is effective July 1, 2022.

Approved March 9, 2022.

## Chapter 24

### NAME CHANGE NOTICE PUBLICATION OF MINORS AMENDMENT

#### Original House Bill No. 88

AN ACT relating to civil procedure; amending public notice requirements for name changes of minors; and providing for an effective date.

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

**Section 1.** W.S. 1-25-103 is amended to read:

**1-25-103. Notice to be given by publication.**

Except in a proceeding in which the court has issued a confidentiality order pursuant to W.S. 35-21-112 or any other court order allowing a party to maintain confidentiality of addresses, city or state of residence or other information identifying the residence of the party, public notice of the petition for a change of name shall be given in the same manner as service by publication upon nonresidents in civil actions. Upon good cause shown to the court, public notice shall not be required with respect to a petition for a change of name of a minor.

**Section 2.** This act is effective July 1, 2022.

Approved March 9, 2022.

## Chapter 25

### FUNERAL SERVICE PRACTITIONER AMENDMENTS

#### Original House Bill No. 108

AN ACT relating to funeral service practitioners; clarifying the definition of embalming; revising education requirements for funeral service practitioners; revising requirements for reciprocal licenses; providing applicability; and providing for an effective date.

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

**Section 1.** W.S. 33-16-502(a)(xiv), 33-16-517(a)(iii) and 33-16-522(a)(intro) and (ii)(B) are amended to read:

**33-16-502. Definitions.**

(a) As used in this act:

(xiv) “Embalming” means the disinfecting, preparing or preserving for final disposition of dead human bodies, in whole or in part, or any attempt to do so, by the use or application of chemical substances, fluids or gases on the body, or by the introduction of the same into the body by vascular or hypodermic injection or by direct introduction into organs or cavities, or by any other method or process. “Embalming” does not include setting features

for the purpose of identification of an unembalmed dead human body or disinfecting a dead human body through non-arterial methods;

**33-16-517. Funeral service practitioner; license required; qualifications.**

(a) Persons employed by a funeral establishment may assist funeral directors and funeral service practitioners in the area of funeral directing, under the supervision of a licensed funeral service practitioner. To be licensed as a funeral service practitioner within the state of Wyoming, an applicant shall apply to the board for a funeral service practitioner license, upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and satisfactory evidence of the following:

(iii) ~~The applicant has completed sixty (60) credit hours at an accredited college or university in the United States, and has separately obtained~~

(A) Obtained an associates' or higher degree in funeral service practice or mortuary science from an American board of funeral service education accredited mortuary science program or an equivalent accredited program of funeral service education; or, in the alternative, the applicant has received a bachelor degree in funeral service practice or mortuary science. The board may accept education obtained outside the United States on a case by case basis;

(B) Obtained a mortuary science diploma from an institution accredited by the American board of funeral service education or an equivalent accreditation and can show evidence of five (5) years of experience in practicing funeral service in another jurisdiction, regardless of whether that jurisdiction has a formal licensing requirement for funeral service practice as defined by W.S. 33-16-502(a)(xvii).

**33-16-522. Out-of-state licensees; reciprocity; state of disaster or emergency; entities and individuals.**

(a) ~~The board shall have the power to issue a reciprocal licenses—license to applicants licensed in other states which have an applicant from another jurisdiction that has equal or like educational requirements as required by this state or the board as follows:~~

(ii) ~~The board may issue an appropriate license without further apprenticeship to a resident of a state which has similar educational requirements necessary for reciprocity with this state, if the applicant:~~

~~(B) Has been;~~

~~(I) An active funeral service practice licensee and has actually been engaged in funeral service practice for at least five (5) three (3) years; or~~

~~(II) Practicing funeral service in another jurisdiction that does not have formal licensing requirements for funeral service practice as defined by W.S. 33-16-502(a)(xvii) for at least five (5) years and the applicant meets the education requirements specified by W.S. 33-16-517(a)(iii)(A) or (B).~~

**Section 2.** This act shall apply to license applications made on or after July 1, 2022.

**Section 3.** This act is effective July 1, 2022.

Approved March 9, 2022.

## Chapter 26

### WORKPLACE INJURY ASSISTANCE-INFORMATION AND GUIDANCE

Original House Bill No. 125

AN ACT relating to labor and employment; requiring the director of the department of workforce services to provide information and guidance to employers and employees regarding workplace injuries; requiring reporting; making a conforming amendment; and providing for effective dates.

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

**Section 1.** W.S. 9-2-2602(b)(vi), (vii), by creating a new paragraph (viii) and by creating a new subsection (d) and 27-14-801(e) by creating a new paragraph (iv) are amended to read:

**9-2-2602. Director of department; appointment; removal; duties.**

(b) The director shall:

(vi) Promulgate reasonable rules and regulations in compliance with the Wyoming Administrative Procedure Act; ~~and~~

(vii) Appoint a separate administrator for each of the divisions of the department of workforce services and may discharge the administrators as provided in W.S. 9-2-1706(c)(ii); ~~and~~

(viii) Provide information and guidance to employers and employees regarding workplace injuries as specified under this paragraph. The director shall widely disseminate information about the resources available to employers and employees under this paragraph and shall provide information and guidance regarding:

(A) The rights and responsibilities of employers and employees under the law;

(B) The administrative processes available for resolving workers' compensation claims when an employer and employee are subject to the Worker's Compensation Act;

(C) The completion of forms required under any applicable administrative process;

(D) Available local, state and federal financial assistance, rehabilitation and work placement programs, as well as other social services that the director



considers appropriate; and

(E) Available liability insurance or industrial insurance providers offering coverage for self-insured employers.

(d) Not later than October 2 of each year, the department shall include information regarding optional employers and their classifications in the report required under W.S. 27-14-201(c).

**27-14-801. Duties of director.**

(e) The director shall:

(iv) Provide information and guidance to employers and employees as provided by W.S. 9-2-2602(b)(viii).

**Section 2.** The director of the department of workforce services shall promulgate all rules necessary to implement this act on or before July 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 March 9, 2022.

## Chapter 27

### VETERANS FACILITIES-SURROUNDED BY GRAZING

Original House Bill No. 17

AN ACT relating to state lands; authorizing the state board of land commissioners to lease state lands surrounding specified veterans' facilities only for grazing; restricting disposition of state lands as specified; and providing for an effective date.

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

**Section 1.** W.S. 36-5-106 is amended to read:

**36-5-106. Richard Bridge historical park; Oregon Trail State Veterans' Cemetery buffer zone; veterans' home and skilled nursing facility buffer zone.**

(a) The state board of land commissioners is hereby authorized, ~~and empowered,~~ if after investigation and study the board deems it to the best interest of the state of Wyoming, to enter into a lease agreement with the town of Evansville, Wyoming, for a portion of the land belonging to the state of Wyoming lying south of the centerline of the North Platte River in section 36, township 34 north, range 79 west of the sixth principal meridian, Natrona

county, Wyoming. The lease authorized herein shall contain a clause restricting the use of the leased property to historical landmark, park, recreation, museum and municipal purposes. The land leased shall be known as Richard Bridge historical park.

(b) The state board of land commissioners is hereby authorized to enter into a lease agreement for the portions of land belonging to the state of Wyoming in Natrona county, Wyoming, one (1) portion of land described as follows: the NW ¼ of the NW ¼ and the NE ¼ of the NW ¼ and part of the NW ¼ of the NE ¼ and part of the SE ¼ of the NE ¼ and part of the SW ¼ of the NE ¼ and part of the SE ¼ of the NW ¼ and part of the SW ¼ of the NW ¼ and part of the NE ¼ of the SW ¼ and part of the NW ¼ of the SE ¼ and part of the NE ¼ of the SE ¼ and part of the SE ¼ of the SE ¼ of section 36, township 34 north, range 79 west, also known as all lying north of the centerline of the North Platte river except 115.998 acres in the NE ¼, containing 266.34 acres, and one (1) portion of land located and being a portion of lot 1 in the NW ¼ of section 31, township 34 north, range 78 west containing 19.63 acres. The state lands described in this subsection shall not be otherwise disposed of, and any lease authorized herein shall contain a clause restricting the use of the leased property to grazing purposes only so long as the Oregon Trail State Veterans' Cemetery exists in the adjacent location. The land leased shall be known as the Oregon Trail State Veterans' Cemetery buffer zone.

(c) The state board of land commissioners is hereby authorized to enter into a lease agreement for the portions of land belonging to the state of Wyoming in Johnson county, Wyoming, described as follows: in township 50 north, range 82 west of the sixth principal meridian part of the NE ¼ of the NW ¼ of section 3, the N ½ and SW ¼ and NW ¼ of the SE ¼ and part of the NE ¼ of the SE ¼ and part of the SW ¼ of the SE ¼ of section 4 and the E ½ of section 5 and in township 51 north, range 82 west of the sixth principal meridian part of lot 7, part of lot 8 and part of lot 6 of section 34, containing 941.74 acres more or less. The state lands described in this subsection shall not be otherwise disposed of, and any lease authorized herein shall contain a clause restricting the use of the leased property to grazing purposes only so long as the veterans' home of Wyoming and the Wyoming veterans' skilled nursing facility exist in the adjacent location. The land leased shall be known as the veterans' home and skilled nursing facility buffer zone.

**Section 2.** This act is effective July 1, 2022.

Approved March 9, 2022.

**Chapter 28****WATER PERMITS-LIVESTOCK ON FEDERAL LAND****Original House Bill No. 4**

AN ACT relating to water; providing requirements for a permit secured for purposes of watering livestock on federal land; providing definitions; and providing for an effective date.

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

**Section 1.** W.S. 41-3-116 is created to read:

**41-3-116. Permit for watering livestock on federal land.**

(a) As used in this section:

(i) “Allotment” means a designated area of federal land available for livestock grazing;

(ii) “Animal unit month” or “AUM” means the amount of forage needed to sustain one (1) cow and her calf, one (1) horse or five (5) sheep or goats for one (1) month;

(iii) “Federal agency” means the United States, the President of the United States and any department, corporation, agency or instrumentality heretofore or hereafter created, designated or established by the United States;

(iv) “Grazing permit” means a permit, lease or other document authorizing livestock to graze on an allotment;

(v) “Livestock” means as defined by W.S. 11-22-101(a)(ii) but does not include wild horses claimed by the federal government under the federal Wild Free-Roaming Horses and Burros Act, P.L. 92-195.

(b) Notwithstanding any other provision of this title regarding permits to appropriate water, any permit issued for the purposes of watering livestock on an allotment shall:

(i) Only be issued in the name of a federal agency jointly with a person or grazing association who has the right to use a grazing permit;

(ii) Be appurtenant to the allotment or land on which the livestock is watered;

(iii) Not be changed under W.S. 41-3-104 or amended under W.S. 41-4-514 without seeking the consent of the holder or holders of a valid grazing permit to graze livestock on the allotment.

(c) Any permit issued jointly in the name of a federal agency and a grazing permit holder under this section may be transferred to a different person or grazing association that receives an allotment or grazing permit on that federal land by filing for a permit assignment accompanied by documentary evidence to the state engineer’s office.

(d) Notwithstanding W.S. 41-3-401, no appropriation for the purpose of livestock watering on an allotment is subject to abandonment or partial abandonment if:

(i) The nonuse is caused by, in whole or in part, a federal agency's reduction of the AUMs on the allotment; or

(ii) The nonuse is voluntary because a grazing permit holder chooses not to graze livestock on that allotment, provided that the nonuse shall not exceed five (5) successive years.

(e) Nothing in this section shall affect any livestock water right or permit held by a federal agency on or before July 1, 2022.

**Section 2.** This act is effective July 1, 2022.

Approved March 9, 2022.

## Chapter 29

### LOCAL IMPACT ASSISTANCE PAYMENTS

#### Original House Bill No. 47

AN ACT relating to impact assistance payments; amending requirements related to impact assistance payments; providing definitions; requiring reporting; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 39-15-111(c) and (d) by creating a new paragraph (iii) and 39-16-111(d) and (e) by creating a new paragraph (iii) are amended to read:

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

(c) If any person commences after the effective date of this act to construct an industrial facility, as that term is defined in W.S. 35-12-102, under a permit issued pursuant to W.S. 35-12-106, or if the federal or state government commences to construct any project within this state with an estimated construction cost as specified in the definition of industrial facility in W.S. 35-12-102 the department of revenue shall thereafter pay to the county treasurer and the county treasurer will distribute to the county, cities and towns of that county in which the industrial facility or project is located, impact assistance payments from the monies available under paragraph (b)(i) of this section. Each payment to the county treasurer shall be equal to an amount determined by the industrial siting council under this subsection and shall continue during the period of construction except that in the case of an industrial facility or a federal or state government project which is expected to continue in phases for an indefinite period of time, the department of revenue shall discontinue payments under this section when construction of any phase has ceased or been substantially completed for twelve (12) consecutive months. The person

constructing the industrial facility and the counties affected by the construction of the industrial facility shall provide evidence at the public hearing held pursuant to W.S. 35-12-110(f)(i) of the mitigated and unmitigated impacts that the construction will have on the counties, cities and towns determined by the industrial siting council to be affected by the construction of the industrial facility. The industrial siting council shall review the evidence of the impacts and determine, applying a preponderance of evidence standard, the dollar amount of the unmitigated impacts. The council shall state, in the order issued under W.S. 35-12-113(a), the total dollar amount of the impact assistance payment and ~~the reasons for determining that include specific findings of fact detailing the basis for the total dollar amount determination and if requested by the affected county, city or town, its justification for rejecting, in whole or in part, an application for an impact assistance payment.~~ The impact assistance payment shall be distributed by the department of revenue in an amount and on a schedule determined by the council, based on evidence presented at the hearing. Under no circumstances shall the ~~total dollar amount of the impact assistance payment exceed two and seventy-six hundredths percent (2.76%)~~ the maximum allowable percentage specified in this subsection of the total estimated material costs of the facility, as those costs are determined by the council. ~~The maximum allowable percentage shall be two and twenty-five hundredths percent (2.25%) for facilities with total estimated materials costs of three hundred fifty million dollars (\$350,000,000.00) or less except as otherwise provided in this subsection, two percent (2%) for facilities with total estimated materials costs in excess of three hundred fifty million dollars (\$350,000,000.00) but less than eight hundred fifty million dollars (\$850,000,000.00) and one and one-half percent (1.50%) for facilities with total estimated materials costs of eight hundred fifty million dollars (\$850,000,000.00) or more. For facilities with total estimated materials costs of three hundred fifty million dollars (\$350,000,000.00) or less, the council may increase the maximum allowable percentage to not more than two and seventy-six hundredths percent (2.76%) if the council includes in the specific findings required under this subsection that the maximum allowable percentage of two and twenty-five hundredths percent (2.25%) is insufficient to mitigate the identified impacts. The council shall submit a report to the joint appropriations committee and the joint minerals, business and economic development interim committee not later than ten (10) business days after increasing the maximum allowable percentage as specified in this subsection, including data to support the increase.~~ The impact assistance payments shall be distributed to the county treasurer and the county treasurer will distribute to the county and to the cities and towns therein based on a ratio established by the industrial siting council during a public hearing held in accordance with W.S. 35-12-110(f)(i). In determining the distribution ratio, the industrial siting council may consider the extent and location of the unmitigated impacts, the populations of the affected counties, cities and towns, including any disproportionate impacts on smaller communities, and any other equitable factor. The industrial siting council shall

review the distribution ratio for construction projects on a regular basis and make appropriate adjustments. A governing body which is primarily affected by the facility, or any person issued a permit pursuant to W.S. 35-12-106, may petition the industrial siting council for review and adjustment of the distribution ratio or the amount of the impact assistance payment upon a showing of good cause. The impact assistance payment shall be in addition to all other distributions under this section, but no impact assistance payment shall be made for any period in which the county or counties are not imposing at least a one percent (1%) tax authorized by W.S. 39-15-204(a)(i) and 39-16-204(a)(i) or at least a total of a two percent (2%) sales tax authorized under W.S. 39-15-204(a)(i), (iii) and (vi) and at least a total of a two percent (2%) use tax authorized under W.S. 39-16-204(a)(i), (ii) and (v). For purposes of this subsection, the industrial facility or federal or state government project will be deemed to be located in the county in which a majority of the construction costs will be expended, provided that upon a request from the county commissioners of any adjoining county to the industrial siting council, the council may determine that the social and economic impacts from construction of the industrial facility or federal or state government project upon the adjoining county are significant and establish the ratio of impacts between the counties and certify that ratio to the department of revenue who will thereafter distribute the impact assistance payment to the counties pursuant to that ratio. Each county, city and town that receives a distribution under this subsection shall provide an annual report to the industrial siting council describing how the impact assistance payment was expended. The report shall first be submitted not later than one (1) year after the impact assistance payment is approved and annually each year thereafter for the duration in which distributions are made and until all distributions are expended. The industrial siting council shall adopt rules as necessary to implement this subsection.

(d) As used in subsection (c) of this section:

(iii) “Unmitigated impact” means an expense:

(A) Incurred by a county, city or town directly or indirectly attributable to the construction of an industrial facility;

(B) That is not otherwise mitigated by any other entity;

(C) For medical services, fire and law enforcement services, roads and public utilities. Expenses shall be supported by an analysis prepared by the county, city or town of the current excess capacity in each of these areas. Expenses in these areas may include the employment of additional employees or officers only if the county, city or town has determined overtime compensation or contract labor would not be appropriate; and

(D) Excluding expenses for which a county, city or town previously received an impact assistance payment unless the county, city or town can demonstrate the expenses are new or ongoing.

**39-16-111. Distribution.**

(d) If any person commences after the effective date of this act to construct an industrial facility, as that term is defined in W.S. 35-12-102, under a permit issued pursuant to W.S. 35-12-106, or if the federal or state government commences to construct any project within this state with an estimated construction cost as specified in the definition of industrial facility in W.S. 35-12-102 the department of revenue shall thereafter pay to the county treasurer and the county treasurer will distribute to the county, cities and towns of that county in which the industrial facility or project is located, impact assistance payments from the monies available under paragraph (b)(i) of this section. Each payment to the county treasurer shall be equal to an amount determined by the industrial siting council under this subsection and shall continue during the period of construction except that in the case of an industrial facility or a federal or state government project which is expected to continue in phases for an indefinite period of time, the department of revenue shall discontinue payments under this section when construction of any phase has ceased or been substantially completed for twelve (12) consecutive months. The person constructing the industrial facility and the counties affected by the construction of the industrial facility shall provide evidence at the public hearing held pursuant to W.S. 35-12-110(f)(i) of the mitigated and unmitigated impacts that the construction will have on the counties, cities and towns determined by the industrial siting council to be affected by the construction of the industrial facility. The industrial siting council shall review the evidence of the impacts and determine, applying a preponderance of evidence standard, the dollar amount of the unmitigated impacts. The council shall state, in the order issued under W.S. 35-12-113(a), the total dollar amount of the impact assistance payment and the reasons for determining that include specific findings of fact detailing the basis for the total dollar amount determination and if requested by the affected county, city or town, its justification for rejecting, in whole or in part, an application for an impact assistance payment. The impact assistance payment shall be distributed by the department of revenue in an amount and on a schedule determined by the council, based on evidence presented at the hearing. Under no circumstances shall the total dollar amount of the impact assistance payment exceed two and seventy six hundredths percent (2.76%) the maximum allowable percentage specified in this subsection of the total estimated material costs of the facility, as those costs are determined by the council. The maximum allowable percentage shall be two and twenty-five hundredths percent (2.25%) for facilities with total estimated materials costs of three hundred fifty million dollars (\$350,000,000.00) or less except as otherwise provided in this subsection, two percent (2%) for facilities with total estimated materials costs in excess of three hundred fifty million dollars (\$350,000,000.00) but less than eight hundred fifty million dollars (\$850,000,000.00) and one and one-half percent (1.50%) for facilities with total estimated materials costs of eight hundred fifty million dollars (\$850,000,000.00) or more. For facilities

with total estimated materials costs of three hundred fifty million dollars (\$350,000,000.00) or less, the council may increase the maximum allowable percentage to not more than two and seventy-six hundredths percent (2.76%) if the council includes in the specific findings required under this subsection that the maximum allowable percentage of two and twenty-five hundredths percent (2.25%) is insufficient to mitigate the identified impacts. The council shall submit a report to the joint appropriations committee and the joint minerals, business and economic development interim committee not later than ten (10) business days after increasing the maximum allowable percentage as specified in this subsection, including data to support the increase. The impact assistance payments shall be distributed to the county treasurer and the county treasurer will distribute to the county and to the cities and towns therein based on a ratio established by the industrial siting council during a public hearing held in accordance with W.S. 35-12-110(f)(i). In determining the distribution ratio, the industrial siting council may consider the extent and location of the unmitigated impacts, the populations of the affected counties, cities and towns, including any disproportionate impacts on smaller communities, and any other equitable factor. The industrial siting council shall review the distribution ratio for construction projects on a regular basis and make appropriate adjustments. A governing body which is primarily affected by the facility, or any person issued a permit pursuant to W.S. 35-12-106, may petition the industrial siting council for review and adjustment of the distribution ratio or the amount of the impact assistance payment upon a showing of good cause. The impact assistance payment shall be in addition to all other distributions under this section, but no impact assistance payment shall be made for any period in which the county or counties are not imposing at least a one percent (1%) tax authorized by W.S. 39-15-204(a)(i) and 39-16-204(a)(i) or at least a total of a two percent (2%) sales tax authorized under W.S. 39-15-204(a)(i), (iii) and (vi) and at least a total of a two percent (2%) use tax authorized under W.S. 39-16-204(a)(i), (ii) and (v). For purposes of this subsection, the industrial facility or federal or state government project will be deemed to be located in the county in which a majority of the construction costs will be expended, provided that upon a request from the county commissioners of an adjoining county to the industrial siting council, the council may determine that the social and economic impacts from construction of the industrial facility or federal or state government project upon the adjoining county are significant and establish the ratio of impacts between the counties and certify that ratio to the department of revenue who will thereafter distribute the impact assistance payment to the counties pursuant to that ratio. Each county, city and town that receives a distribution under this subsection shall provide an annual report to the industrial siting council describing how the impact assistance payment was expended. The report shall first be submitted not later than one (1) year after the impact assistance payment is approved and annually each year thereafter for the duration in which distributions are made and until all distributions



are expended. The industrial siting council shall adopt rules as necessary to implement this subsection.

(e) As used in subsection (d) of this section:

(iii) “Unmitigated impact” means as defined by W.S. 39-15-111(d)(iii).

**Section 2.** This act shall only apply to impact assistance payments for industrial facility permit applications submitted on or after the effective date of this act. The impact assistance payments for industrial facilities that are not subject to this act shall be determined on the basis of the law as it existed at the time the request for the impact assistance payment was submitted to the industrial siting council.

**Section 3.** This act is effective July 1, 2022.

Approved March 9, 2022.

## Chapter 30

### POLITICAL SUBDIVISION CLUB LIQUOR LICENSES

#### Original House Bill No. 15

AN ACT relating to alcoholic beverages; providing for contracting operations of a golf course without the transfer of an associated liquor license held by the political subdivision; and providing for an effective date.

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

**Section 1.** W.S. 12-4-301(e) is amended to read:

**12-4-301. Sales by clubs; license fees; petition; license restrictions.**

(e) 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. For purposes of this subsection, a political subdivision may contract for or otherwise subcontract the operations of a golf course or any food and beverage service associated with the golf course to another individual or entity without transferring the club limited retail liquor license held under this subsection.

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

Approved March 9, 2022.

**Chapter 31****COMMUNITY HEALTH SERVICES-CONTINUED REDESIGN  
EFFORTS****Original House Bill No. 33**

AN ACT relating to public health and safety; modifying prior legislation that amended provisions related to community health services; modifying definitions; delaying the effective date for the community health services redesign; requiring reports; providing a legislative finding; making conforming amendments; and providing for an effective date.

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

**Section 1.** 2021 Wyoming Session Laws, Chapter 79, Section 1, amending W.S. 35-1-613(a)(xvii)(C), (xix), (xxi)(B) and (xxiii) is amended to read:

**35-1-613. Definitions.**

(a) As used in this act:

(xvii) “Families at high risk” means:

(C) A child who has been referred to a behavioral health center by a youth crisis shelter, school, primary care provider, licensed therapist or law enforcement officer 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.~~

(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%)~~ two hundred percent (200%) of the federal poverty level;

(xxi) “Nonstate level justice involved” means:

(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~~ a treatment program for a mental illness or substance use disorder as part of their sentence;

(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~~ or who are awaiting admission to, evaluation from or have been evaluated by 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;

**Section 2.** 2021 Wyoming Session Laws, Chapter 79, Section 3(b)(intro), (c) and (d) and Section 4(a) is amended to read:

**Section 3.**

(b) On or before September 1, 2021, ~~September 1, 2022 and September 1, 2023~~, 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-reports~~, 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-reports~~, which shall include identifying potential budget units from which funds could be repurposed, including but not limited to:

(c) On or before ~~September 1, 2025~~ ~~September 1, 2027~~, 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~~ ~~July 1, 2024~~. The department shall report rules and regulations to the joint labor, health and social services interim committee prior to implementation.

#### **Section 4.**

(a) Except as otherwise provided by subsection (b) of this section, this act is effective ~~July 1, 2022~~ ~~July 1, 2024~~.

**Section 3.** It is the intent of the legislature that the department of health submit exception budget requests for federal funds made available from the American Rescue Plan Act of 2021, P.L. 117-2 or any other funds identified by the department, to develop the provider capabilities, claims processing, eligibility determination and outcomes infrastructure capabilities necessary to implement the behavioral health redesign required under 2021 Wyoming Session Laws, Chapter 79, and as part of the continued redesign efforts authorized by this act.

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

Approved March 9, 2022

## Chapter 32

### OFF-ROAD RECREATIONAL VEHICLE REGISTRATION AMENDMENTS

#### Original House Bill No. 18

AN ACT relating to motor vehicles; specifying the duration of registrations for specified off-road vehicles; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 31-2-232(c) is amended to read:

**31-2-232. Specified off-road vehicle licensing and registration.**

(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 annually in accordance with W.S. 31-2-206(a) and 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.** This act applies to all off-road recreational vehicles as defined in W.S. 31-1-101(a)(xv)(K)(II) as of the effective date of this act. If between July 1, 2021 and the effective date of this act an owner registered an off-road recreational vehicle as defined in W.S. 31-1-101(a)(xv)(K)(II) in accordance with W.S. 31-2-232(c), the vehicle may continue to operate using that registration, and that registration shall expire only upon transfer of ownership of the vehicle.

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

Approved March 9, 2022.

## Chapter 33

### SINGLE OFFICE REAL ESTATE BROKERS-LICENSING REQUIREMENTS

#### Original House Bill No. 76

AN ACT relating to professions and occupations; eliminating the requirement for a responsible broker of a sole proprietorship to acquire an additional company license; specifying applicability; requiring rulemaking; and providing for an effective date.

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

**Section 1.** W.S. 33-28-109(a) is amended to read:

**33-28-109. Responsible broker to establish a real estate company, maintain fixed principal office; change of address; branch offices; restrictions on associate brokers and salespersons.**

(a) Each resident responsible broker shall lawfully establish at least one (1) but no more than three (3) real estate companies or sole proprietorships within Wyoming and acquire a license for each real estate company, ~~or sole proprietorship.~~ Each resident responsible broker shall maintain a fixed principal office for each company or sole proprietorship within this state. A resident responsible broker operating as a sole proprietorship shall not be required to acquire an additional company license. The address of each office shall be designated on all licenses associated with the office and no license issued under this act shall authorize the licensee to transact real estate activity at any other address except a licensed branch office. In case of removal from a designated address, the responsible broker shall apply to the commission before the removal designating the new location of an office and paying the required fee, whereupon the commission shall issue a license for the new location for the unexpired period if the new location complies with the terms of this act.

**Section 2.** This act applies to licenses issued on and after July 1, 2022.

**Section 3.** The Wyoming real estate commission shall promulgate rules necessary to implement the provisions of this act.

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

Approved March 9, 2022.

## Chapter 34

### AQUATIC INVASIVE SPECIES-INSPECTION ENFORCEMENT

Original Senate File No. 6

AN ACT relating to aquatic invasive species; providing for mandatory aquatic invasive species checks for persons who have previously failed to have a conveyance inspection as specified; providing a criminal penalty; requiring rulemaking; and providing for an effective date.

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

**Section 1.** W.S. 23-4-203 by creating a new subsection (k) is amended to read:

**23-4-203. Enforcement.**

(k) Any person who is lawfully stopped by a peace officer and is subsequently discovered to have failed to have a conveyance inspected as required under

subsection (b) of this section, shall report to an authorized check station within forty-eight (48) hours of being stopped to have the conveyance inspected for aquatic invasive species and shall not enter Wyoming waters until the conveyance is inspected. Notwithstanding the penalty imposed under W.S. 23-4-205(a), any person who fails to report to a check station within forty-eight (48) hours as required by this subsection shall be guilty of a misdemeanor punishable by a fine of not more than five thousand dollars (\$5,000.00) and may be prohibited from operating any watercraft on any of the waterways of this state for not more than three (3) years. Any person who operates any watercraft while prohibited from doing so under this subsection is guilty of a misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

**Section 2.** This act is effective January 1, 2023.

Approved March 9, 2022.

## Chapter 35

### INHERITANCE TAX FEES-REPEAL

Original Senate File No. 34

AN ACT relating to taxation and revenue; repealing the collection of fees related to state inheritance taxes; and providing for an effective date.

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

**Section 1.** W.S. 39-19-102(a) is repealed.

**Section 2.** This act is effective July 1, 2022.

Approved March 9, 2022.

## Chapter 36

### DECENTRALIZED AUTONOMOUS ORGANIZATIONS-AMENDMENTS

Original Senate File No. 68

AN ACT relating to corporations; amending statutory provisions regulating decentralized autonomous organizations; amending definitions; making technical corrections; amending the obligations of members and dissociated members; amending factors for dissolution of a decentralized autonomous organization; repealing definitions and provisions related to decentralized autonomous organizations; and providing for an effective date.

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

**Section 1.** W.S. 17-31-102(a)(v), (vi) and (ix), 17-31-103(a), 17-31-104(e), 17-31-105 by creating a new subsection (e), 17-31-106(c)(x), by creating a new paragraph (xi) and renumbering (xi) as (xii), 17-31-108, 17-31-109,

17-31-111(a)(i) and (ii), 17-31-112, 17-31-113(a) and by creating a new subsection (d) and 17-31-114(a)(ii), (v), by creating a new paragraph (vi) and by creating a new subsection (c) are amended to read:

**17-31-102. Definitions.**

(a) As used in this chapter:

(v) “Majority of the members;” means ~~the approval of more than fifty percent (50%) of participating the membership interests eligible to participate in a vote for which a quorum of members is participating or any membership interests required pursuant to the decentralized autonomous organization’s articles of organization or operating agreement.~~ 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 right~~ in a ~~member managed~~ decentralized autonomous organization, which may be ~~defined in the entity’s determined by the organization’s~~ articles of organization; ~~smart contract or operating agreement or ascertainable from a blockchain on which the organization relies to determine a member’s ownership right.~~ 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;

(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 or~~ code, script or programming language ~~that executes the terms of an agreement and relying on a blockchain~~ which may include taking custody of and transferring an asset, administering 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.

**17-31-104. Definition and election of decentralized autonomous organization status.**

(e) A statement in the articles of organization ~~may define~~ shall establish ~~how~~ the decentralized autonomous organization ~~as either a member shall be managed decentralized autonomous organization or an by the members, including to what extent the management will be conducted~~ 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.**

(e) If the articles of organization filed pursuant to subsection (a) of this section does not include a publicly available identifier as required by W.S. 17-31-106(b), the person filing shall have thirty (30) days to provide the publicly available identifier to the secretary of state. If the publicly available identifier is not provided within thirty (30) days, the secretary of state shall dissolve the decentralized autonomous organization.

**17-31-106. Articles of 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:

(x) Procedures for amending, updating, editing or changing applicable modifying or otherwise revising the organization's smart contracts;

(xi) Dispute resolution;

(xi)(xii) All other aspects of the decentralized autonomous organization.

**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 obligations, rights and duties of the members and operation of a decentralized autonomous organization may be supplemented by an operating agreement. An operating agreement may be a smart contract.

**17-31-109. Management.**

Management of a decentralized autonomous organization shall be vested in its members, ~~if member managed,~~ or the members and any applicable smart contract, ~~if algorithmically managed, unless otherwise provided in the articles of organization or operating agreement contracts.~~ All smart contracts utilized by a decentralized autonomous organization shall be capable of being updated, modified or otherwise upgraded.

**17-31-111. Membership interests for 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; or



(ii) If ~~all~~ members ~~do have~~ not ~~contribute~~ contributed 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;

**17-31-112. Right of members and dissociated members to information.**

To the extent the information is available on an open blockchain, members and dissociated 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 to members or dissociated members concerning the organization's activities, financial condition or other circumstances, ~~to the extent the information is available on an open blockchain.~~

**17-31-113. Membership and withdrawal of members.**

(a) ~~Except as specified in subsection (d) of this section,~~ 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.

(d) Where the articles of organization, operating agreement and smart contracts for a decentralized autonomous organization do not specify the manner by which a person:

(i) Becomes a member of a decentralized autonomous organization, a person shall be considered a member if the person purchases or otherwise assumes a right of ownership of a membership interest or other property that confers upon the person a voting or economic right within the decentralized autonomous organization;

(ii) Withdraws membership from a decentralized autonomous organization, the person shall cease to be a member if the person transfers, sells or alienates all membership interests or other property that confers upon the person a voting or economic right within the decentralized autonomous organization and retains no further right of ownership therein.

**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:

(ii) By vote of the majority of the members of a ~~member managed~~ decentralized autonomous organization;

~~(v) By order of the secretary of state if~~ The decentralized autonomous organization is deemed to no longer perform ~~performs~~ a lawful purpose; or is no longer under the control of at least one (1) natural person;

(vi) Where all members of the decentralized autonomous organization have withdrawn in accordance with W.S. 17-31-113.

(c) Any interested party may petition a court of competent jurisdiction for dissolution of a decentralized autonomous organization upon the occurrence of any of the events specified in subsection (a) of this section and upon finding the occurrence of one (1) or more of the events specified in subsection (a) of this section the court shall enter an order dissolving the decentralized autonomous organization.

**Section 2.** W.S. 17-31-102(a)(iv) and (viii), 17-31-105(d) and 17-31-111(a) (iii) 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 March 9, 2022.

## Chapter 37

### CAMPAIGN REPORTS-AMENDMENTS

#### Original House Bill No. 80

AN ACT relating to campaign reports; requiring all campaigns and political action committees to file an itemized statement of contributions and expenditures; removing a requirement that limited the reports to funds that were expended; increasing the fine for failing to file a campaign report with the secretary of state; and providing for an effective date.

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

**Section 1.** W.S. 22-25-106(b)(i) and 22-25-108(f)(i) are amended to read:

**22-25-106. Filing of campaign reports.**

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

(i) Except as otherwise provided in this section, any political action committee and candidate's campaign committee, or any political action committee formed under the law of another state that contributes to a Wyoming political action committee or to a candidate's campaign committee; ~~which expends any funds in any primary, general or special election~~ shall file an itemized statement of contributions and expenditures at least seven (7) days but not more than fourteen (14) days before any primary, general or special election. Any contribution received or expenditure made after the statement has been filed, through the day of the election, whether a primary, general or special election, shall be filed as an amendment to the statement within ten (10) days after the election;

**22-25-108. Failure of persons to file reports; notice; penalties; reconsideration.**

(f) The appropriate filing office or the county attorney, for reports required to be filed with the county clerk, shall issue a final order imposing the civil penalty specified in this subsection against any person failing to comply with W.S. 22-25-106 twenty-one (21) days from the date the notice was sent under subsection (b) of this section. The final order shall be sent to the person at their address of record and shall notify the person of the right to request reconsideration of the order as provided in subsection (h) of this section. The filing office or county attorney shall impose the following civil penalty in the final order:

(i) Up to five hundred dollars (\$500.00) per day beginning on the date of the final order and ending when the report is filed for a failure to file a report with the secretary of state;

**Section 2.** This act is effective July 1, 2022.

Approved March 9, 2022.

## Chapter 38

### DEFERRED ANNUITIES-MINIMUM NONFORFEITURE

Original Senate File No. 75

AN ACT relating to annuity contracts; amending the minimum interest rate used in determining minimum nonforfeiture amounts for certain annuities as specified; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 26-16-404(e)(ii) is amended to read:

**26-16-404. Minimum nonforfeiture amounts upon which certain minimum values are to be based.**

(e) The interest rate used in determining minimum nonforfeiture amounts shall be an annual rate of interest determined as follows:

(ii) Notwithstanding paragraph (i) of this subsection, the resulting interest rate shall not be less than ~~one percent (1%)~~ fifteen one-hundredths of one percent (0.15%);

**Section 2.** This act shall only apply to annuity contracts entered into on or after the effective date of this act.

**Section 3.** This act is effective July 1, 2022.

Approved March 9, 2022.

**Chapter 39****TIMELINE TO PREPARE AND PROCESS ABSENTEE BALLOTS****Original House Bill No. 52**

AN ACT relating to elections; authorizing the preparation and processing of absentee ballots before an election; providing rulemaking authority; providing a felony penalty; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 22-8-108(c), 22-9-125(b) and by creating a new subsection (d) and 22-26-101(a) by creating a new paragraph (xi) are amended to read:

**22-8-108. Appointment, composition and authority of counting boards; when judges to count.**

(c) The counting board in a paper ballot polling place has no authority to act until polls are declared closed as provided in W.S. 22-13-117, except as provided in W.S. 22-9-125(d). A counting board in an electronic voting system counting center may commence preparing absentee ballots for counting at any time on the day of the election day, or before election day as provided in W.S. 22-9-125(d).

**22-9-125. Alternate procedures for collecting and counting absentee ballots.**

(b) In the case of electronic voting systems using either alternate procedure provided in subsection (a) of this section, the ballots may be tabulated automatically on election day and the ballot counts shall be entered at the designated counting center at the time the polls close on election day.

(d) Notwithstanding subsection (b) of this section and any other mandatory procedures for counting absentee ballots under this chapter, the county clerk may choose to prepare and process absentee ballots the Thursday or Friday immediately preceding election day, provided:

(i) Any county clerk electing to use this method of preparing and processing absentee ballots shall first notify the secretary of state;

(ii) The county clerk shall notify each political party of the date, time and place that absentee ballot preparation and processing will occur. The notice shall include information on in-person observation of the process, including any procedures regarding the observation;

(iii) No candidate or candidate's committee chairperson or treasurer shall be allowed to observe the preparation and processing of absentee ballots under paragraph (ii) of this subsection;

(iv) No results of absentee ballots prepared and processed under this subsection shall be made known, printed, released or provided to any person and the results shall not be incorporated into the final vote count in any manner

until after the polls close on election day;

(v) No person observing the preparation and processing or performing the preparation and processing of absentee ballots under paragraph (ii) of this subsection shall be allowed to have in their possession any personal electronic device, except a device for medical necessity, within ten (10) feet of the area where the preparation and processing is occurring at any time while preparation and processing is occurring;

(vi) The secretary of state shall adopt rules for the preparing and processing of absentee ballots under this subsection.

**22-26-101. Felony offenses generally.**

(a) The following acts in connection with or related to the election process or an election, if knowingly and willfully committed, are felony offenses punishable by not more than five (5) years' imprisonment in the state penitentiary or a fine of not more than ten thousand dollars (\$10,000.00), or both:

(xi) Violating W.S. 22-9-125(d)(iv).

**Section 2.** This act is effective July 1, 2022.

Approved March 9, 2022.

## Chapter 40

### FISCAL TRAINING AND ENFORCEMENT OF FINANCIAL REPORTING LAWS

#### Original House Bill No. 60

AN ACT relating to minimum fiscal procedures training for public officers; providing for the enforcement of financial reporting requirements through the withholding of state grants and loans; specifying duties of the state auditor; requiring rulemaking; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 9-1-507(g), (j)(i) and by creating a new paragraph (iii) and 9-1-510(a) are amended to read:

**9-1-507. Examination of books of state institutions, agencies and certain districts and entities; independent audit authorized; guidelines.**

(g) No state agency or board shall require of any recipient of grants or funds, as a condition of receiving the grant or funds, any audit procedures to be performed which exceed the requirements in subsection (c) of this section unless the state agency or board provides funding for the additional audit requirements through a specific amount in the grant of funds, or unless the requirements are specifically authorized by statute. All state agencies and boards shall verify that all applicants and recipients of state grants or loans are in compliance with the applicable reporting requirement under paragraph (a)

(vii) of this section as a condition of receiving the grant or loan. For purposes of this section, a state grant or loan shall not be those grants or loans which include any federal funds or monies paid in consideration for services rendered to the state agency or board.

(j) The director of the department of audit shall certify:

(i) To the state treasurer and state auditor by October 5 of each year, a list of counties, cities and towns ~~which have that~~ failed to comply with paragraph (a) (vii) of this section. The state treasurer shall withhold the annual distribution, which would otherwise be made under W.S. 9-2-1014.1, to any county, city or town failing to comply with paragraph (a)(vii) of this section. The withheld distribution shall be retained in the budget reserve account until the director of the department of audit certifies that the county, city or town has filed the required report. The state auditor shall immediately notify all state agencies and boards of every county, city or town that failed to comply with paragraph (a)(vii) of this section. Upon receipt of notification by the state auditor pursuant to this paragraph, a state agency or board shall withhold state grant and loan payments to every noncompliant county, city or town for the period after October 15 until further notice from the state auditor that a noncompliant county, city or town has come into compliance with paragraph (a)(vii) of this section. The department of audit shall certify to the state auditor when a county, city or town comes into compliance with paragraph (a)(vii) of this section. The state auditor shall immediately notify all state agencies and boards of every county, city or town that has come into compliance with paragraph (a)(vii) of this section. Any withheld state grant or loan payments shall be retained by the state agency or board in the account from which the disbursement would be made until the state agency or board receives notification from the state auditor that the county, city or town is in compliance with paragraph (a)(vii) of this section, or as otherwise provided by law;

(iii) To the state auditor by October 5 of each year, a list of special districts and other entities described in W.S. 16-4-125(c) or specified in W.S. 16-12-202(a), no matter how formed, that failed to comply with paragraph (a) (vii) of this section. The state auditor shall immediately notify all state agencies and boards of every special district or other entity described in W.S. 16-4-125(c) or specified in W.S. 16-12-202(a) that failed to comply with paragraph (a)(vii) of this section. Upon receipt of notification by the state auditor pursuant to this paragraph, a state agency or board shall withhold state grant and loan payments to every noncompliant special district or other entity described in W.S. 16-4-125(c) or specified in W.S. 16-12-202(a) for the period after October 15 until further notice from the state auditor that a noncompliant district or entity has come into compliance with paragraph (a)(vii) of this section. The department of audit shall certify to the state auditor when a special district or other entity comes into compliance with paragraph (a)(vii) of this section. The state auditor shall immediately notify all state agencies and boards of any special

district or other entity that has come into compliance with paragraph (a)(vii) of this section. Any withheld state grant or loan payment shall be retained by the state agency or board in the account from which the disbursement would be made until the state agency or board receives notification from the state auditor that the special district or other entity has complied with paragraph (a)(vii) of this section, or as otherwise provided by law.

**9-1-510. Instructions to public officers; failure of public officer to obey.**

(a) The director of the state department of audit shall establish minimum training requirements for public officers. The department of audit shall promulgate rules to effectuate this paragraph. The director shall instruct public officers in the proper handling of the accounts of their offices in accordance with the minimum training requirements established by the director and provide comprehensive written materials. In lieu of directly instructing public officers, the director may develop and maintain a list of approved courses that comply with the minimum training requirements. All public officers shall receive instruction in accordance with the minimum training requirements established by the director within one (1) year of assuming office or assuming responsibility for handling the accounts of their office. The director may waive or modify the requirement for public officers to receive instruction within one (1) year of assuming office or responsibility for handling the accounts of their office if no approved courses exist in either a virtual format or within the state, or if available courses are cost prohibitive. A public officer shall handle the accounts of his office strictly in conformance with the instructions of the director or any approved course and in the manner required by law. If any public officer willfully neglects or refuses to handle his accounts in the manner required or fails to comply with the minimum training requirements established by the director within one (1) year of assuming office, the director may request those in authority to the governing body with oversight over the public officer or other appropriate authority to remove the public officer or provide increased oversight. For purposes of this section, a "public officer" shall be defined as:

(i) The person or persons directly responsible for handling the accounts of their public office; and

(ii) For entities managed by a governing body, members of the governing body with oversight over the person or persons directly responsible for handling the accounts of their public office.

**Section 2.** All public officers who hold their position as of July 1, 2023 shall receive the training required by this act on or before July 1, 2024.

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

Approved March 9, 2022.

## Chapter 41

### MILITARY DISCHARGE AND BENEFITS

#### Original House Bill No. 82

AN ACT relating to veterans benefits and exemptions; allowing veterans to be considered honorably discharged if discharged solely for refusing a COVID-19 vaccine as specified; providing a definition; and providing for an effective date.

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

**Section 1.** W.S. 8-1-102(a) by creating a new paragraph (xx) 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:

(xx) “Honorable discharge” or “honorably discharged,” for purposes of law providing Wyoming benefits or exemptions, shall include any veteran of the United States armed forces or national guard whose discharge was general or other than honorable solely as a result of having refused a vaccine for COVID-19 as defined in W.S. 1-1-141(a)(ii).

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

Approved March 9, 2022.

## Chapter 42

### MILITARY ASSISTANCE TRUST FUND-AUTHORIZED USES

#### Original House Bill No. 16

AN ACT relating to defense forces and affairs; expanding authorized uses of the military assistance trust fund; and providing for an effective date.

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

**Section 1.** W.S. 19-7-402(a)(intro), (i), (iii), (iv), by creating a new paragraph (v) and (b) is amended to read:

**19-7-402. Wyoming military assistance trust fund; uses of trust fund; administration; rulemaking.**

(a) The investment income from the military assistance trust fund created by W.S. 19-7-401 shall be administered by the adjutant general only to alleviate financial hardships faced by any of the following:

(i) Any member of the Wyoming national guard or a military reserve unit



that is based in Wyoming who has been called to active duty or active state service;

(iii) Any other Wyoming resident performing service in the uniformed services as defined in W.S. 19-11-103(a)(ix) for any branch of the military of the United States; ~~and~~

(iv) Members of the immediate family of those personnel identified in paragraphs (i) through (iii) of this subsection. For purposes of this ~~paragraph subsection~~, “immediate family” means spouse and each child as defined by W.S. 2-1-301(a)(v) and, if they are dependents of the member of the military, the parents, grandparents, siblings, stepchildren and adult children of the member of the military; ~~;~~

(v) Any member of the Wyoming national guard who requires assistance in meeting dependent care responsibilities directly related to their service in the Wyoming National Guard to enable participation without financial hardship to the member or member’s immediate family.

(b) The ~~interest income earned earnings~~ from the military assistance trust fund shall only be used as a last resort to assist eligible military personnel and families deal with financial hardship resulting from the military member’s active duty status or other required military duty and shall not be used to supplant any other private or public funds to the extent such funds are available.

**Section 2.** This act is effective July 1, 2022.

Approved March 9, 2022.

## Chapter 43

### TROPHY GAME, BIG GAME AND WILD BISON LICENSE ALLOCATIONS

#### Original House Bill No. 43

AN ACT relating to game and fish; modifying license allocations for resident and non-resident hunters for grizzly bears, mountain goats, bighorn sheep, wild bison and moose; imposing lifetime restrictions on bighorn sheep, wild bison and moose; creating exceptions; making conforming amendments; repealing obsolete language; requiring rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 23-1-302(p), 23-1-703(a) through (c) and (e), 23-1-705(a) and (k), 23-2-101(g) and (k) and 23-2-107(f)(intro) are amended to read:

#### **23-1-302. Powers and duties.**

(p) The commission may, by rule and regulation, establish a process by which big game licenses, trophy game licenses and wild bison licenses may be issued by a competitive raffle and prescribe the manner of payment for which raffle chances are sold and the amount of payment for each raffle chance. No more than two (2)

licenses for each big game species and trophy game species and no more than two (2) wild bison licenses shall be issued under this subsection. Each license issued for bighorn sheep, moose, mountain goat, ~~or grizzly bear~~ or wild bison through a competitive raffle shall, when applicable, be counted against any nonresident quota. The five (5) year restriction imposed on the receipt of a moose or ~~big horn~~ bighorn sheep license by W.S. 23-1-703(b) or the lifetime restriction imposed on the receipt of a grizzly bear, ~~or mountain goat, bighorn sheep, wild bison or~~ moose license by W.S. 23-1-703(c), and any restriction imposed on the receipt of a wild bison license by W.S. 23-2-107 shall not be applicable in any manner to a license issued pursuant to this subsection. The commission shall issue licenses upon receipt of the proper license fee by the successful competitive raffle winner. Nothing in this subsection shall authorize the issuance of a license to any person whose privilege to procure, purchase or possess a license has been suspended pursuant to this act or by operation of law.

**23-1-703. Limitation of number of certain licenses; reservation of certain licenses; reservation of certain unused licenses.**

(a) The commission may limit the number of resident or nonresident big or trophy game animal licenses or wild bison licenses to be sold in any calendar year and may designate dates after which one (1) or more classes of licenses will not be sold except as authorized by the commission.

(b) ~~Except as specifically provided under this subsection, subsection (f) of this section or W.S. 23-1-705(a), Subject to subsection (c) of this section,~~ no person may apply for and receive more than one (1) cow or calf moose or one (1) ram ewe or lamb bighorn sheep license in any consecutive five (5) year period. ~~Effective for the 1995 hunting season and each hunting season thereafter, licenses issued under this subsection shall be based upon the number of points assigned to each applicant for a particular species. Effective January 1, 2000,~~ Licenses issued under this subsection shall be issued partially through a preference point drawing and partially through a random drawing of all remaining unsuccessful applicants for that year. The department shall assign points to each license applicant for a specific species by multiplying the number of years the applicant has unsuccessfully applied for a license times one (1). The calculation used to assign points to an applicant for a particular species under this subsection shall include any year the applicant does not apply for a big or trophy game animal hunting license for that species, provided in the case of a resident the applicant pays the fee specified in W.S. 23-2-101(k), and in the case of a nonresident, the applicant pays the appropriate fee established by the commission under W.S. 23-2-101(m). License applicants within each hunt area for a species shall be grouped according to the number of assigned points for that species. Not less than seventy-five percent (75%) of available licenses within any hunt area shall be randomly selected through a preference point drawing from among the group of applicants with the largest number of assigned points and shall continue until all applicants within that group have been exhausted or until all available licenses

have been issued, whichever first occurs. If any applicant grouping has been exhausted and licenses remain available within that hunt area, selection shall continue from among the group of applicants with the next largest number of assigned points. After the selections through the preference point drawing have been completed within a hunt area, the remaining licenses available from that drawing and the licenses available for the random drawing for that hunt area will be issued through a random selection from among all applicants in the hunt area who were not selected for issuance of a license for the species through the preference point drawing in that hunt area. For purposes of assigning points under this subsection, any unsuccessful license applicant failing to apply for a license, or pay the applicable fee in lieu of applying, during the second calendar year shall be considered to be a first year applicant for any subsequent calendar year in which the applicant submits license application for that particular species.

(c) ~~For the 1995 hunting season and each hunting season thereafter, Except as provided in this subsection and subsection (f) of this section or by rule of the commission, no person who is issued a hunting license on and after July 1, 2022 for a grizzly bear, or for a mountain goat, any moose or antlered moose, any ram bighorn sheep, any bighorn sheep and any wild bison, and no person who, on July 1, 2022, is subject to the five (5) year restriction under subsection (b) of this section for a moose or bighorn sheep license, shall be eligible to apply for or receive a hunting license for that particular species in any future year. The commission may issue hunting licenses to any person in future years when necessary for wildlife management purposes to harvest grizzly bear, mountain goat, ewe or lamb bighorn sheep or cow or calf moose. The commission may issue hunting licenses to any person to harvest cow or calf wild bison pursuant to W.S. 23-2-107(f).~~

(e) ~~The commission shall reserve eighty percent (80%) of the moose and seventy-five percent (75%) of the ram and ewe and lamb bighorn sheep, mountain goat and grizzly bear licenses to be issued in any one (1) year for resident hunters ninety percent (90%) of the bighorn sheep, wild bison, moose, mountain goat and grizzly bear licenses to be issued in any one (1) year for resident hunters and the remaining ten percent (10%) of the bighorn sheep, wild bison, moose, mountain goat and grizzly bear licenses shall be reserved for nonresident hunters. The commission shall determine the allocation of resident and nonresident mountain lion harvest.~~

**23-1-705. Complimentary licenses; pioneer licenses; antelope hunt licenses; gunpowder and buckskin hunt licenses; gratuitous licenses; donated licenses.**

(a) At the request of the governor, the commission shall annually issue up to twenty-five (25) complimentary hunting and twenty-five (25) complimentary fishing licenses. Not more than five (5) ~~big horn bighorn~~ sheep, five (5) moose and five (5) wild bison licenses shall be issued under this subsection. The five (5) year restriction imposed on the receipt of a moose, ~~or big horn bighorn sheep or~~

wild bison license by W.S. 23-1-703(b) and (c), and any restriction imposed on taking of wild bison under commission rule and regulation shall not be applicable in any manner to a license issued pursuant to this subsection. Except as provided under subsection (g) of this section, no complimentary licenses may be issued at the request of the appointed commissioners. Immediately upon issuance of any of these licenses, the commission shall submit to the secretary of state for maintenance as a public record, the name and address of each licensee and the type of license issued.

(k) The holder of any valid big game animal license, trophy game animal license, ~~an~~ any wild bison license or a female or calf wild bison license may surrender said license to the department for reissuance to a veteran with disabilities or a person with a permanent disability who uses a wheelchair as established by commission rule and regulation selected and sponsored by a nonprofit charitable organization providing hunting opportunities ~~for disabled veterans or persons with permanent disabilities who use wheelchairs to a veteran with disabilities or a person with a permanent disability who uses a wheelchair.~~ Any license reissued in accordance with the provisions of this subsection shall be for the same species, area and license type as the license donated. The license shall be reissued by the department to a qualifying person at no fee. Any license donated and reissued under the provisions of this subsection shall not be sold, traded, auctioned or offered for any monetary value and shall not be issued to, or used by, any person other than a qualifying person under the provision of this section and in compliance with commission rule and regulation. Licenses reissued to persons pursuant to this subsection shall not be subject to residency, drawing or fee requirements under W.S. 23-2-101 or 23-2-107. The five (5) year restriction imposed on the receipt of a cow or calf moose or big horn a ewe or lamb bighorn sheep license by W.S. 23-1-703(b), the lifetime restriction imposed on the receipt of a grizzly bear, ~~or~~ mountain goat, ram or any bighorn sheep, any wild bison or any moose or antlered moose license by W.S. 23-1-703(c) or the restrictions imposed on ~~the harvest of a~~ wild bison under W.S. 23-2-107(f) shall not be applicable in any manner to a license issued pursuant to this subsection.

**23-2-101. Fees; restrictions; nonresident application fee; nonresident licenses; verification of residency required.**

(g) In promulgating rules and regulations for the taking of bighorn sheep and moose, the commission shall not discriminate between residents and nonresidents regarding the maturity; and horn size ~~or sex~~ of the animals which may be taken. Nothing in this subsection shall be construed as prohibiting the commission from issuing a different number of licenses for residents and nonresidents, from requiring a preference point fee from nonresidents only pursuant to subsection (m) of this section or from issuing reduced price ewe and lamb bighorn sheep licenses as provided in subsection (d) of this section.

(k) Any resident qualified to purchase a moose or ram ~~big horn~~ bighorn

sheep hunting license under subsection (j) of this section may pay a fee of seven dollars (\$7.00) in lieu of applying for a moose or ram ~~big horn bighorn~~ sheep hunting license. Payment of the fee for a particular species under this subsection shall authorize the person to accumulate points under W.S. 23-1-703(b) for that year in the same manner as if he had unsuccessfully applied for a hunting license for that species. Payment of the fee shall be made in compliance with application dates.

**23-2-107. Wild bison licenses.**

(f) ~~Any~~ No person who is issued: may apply for or receive more than one (1) cow or calf wild bison license in any consecutive five (5) year period, except as authorized pursuant to W.S. 23-1-703(c).

**Section 2.** W.S. 23-2-107(f)(i) and (ii) is repealed.

**Section 3.** The game and fish commission shall promulgate all rules necessary to implement the provisions of this act by January 1, 2023.

**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 March 9, 2022.

## Chapter 44

### OPERATION OF MOTORCYCLES-DISABLED PERSONS

#### Original House Bill No. 81

AN ACT relating to motor vehicles; amending motorcycle operation and equipment requirements to allow for use by persons with disabilities; repealing a handlebar height restriction; and providing for an effective date.

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

**Section 1.** W.S. 31-5-115(a), (b) and (k) is amended to read:

**31-5-115. Operation of motorcycles, autcycles and pedestrian vehicles.**

(a) A person operating a motorcycle shall ride only upon or astride the ~~permanent and regular seat attached thereto~~ designed to be used by the driver, including a seat that incorporates a wheelchair or other assistive device, and shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon or astride the ~~permanent and regular seat~~

if designed for two (2) persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(b) A person shall ride ~~upon~~ a motorcycle only upon or astride a seat designed to be used by the driver or, if the person is a passenger, a seat designed to be used by a passenger. If the seat is a saddle, a person shall only while sitting sit astride the seat-saddle, facing forward, with one (1) leg on each side of the motorcycle.

(k) No person riding upon a motorcycle shall attach himself or the motorcycle to any other moving vehicle on a roadway. This does not prohibit:

(i) Attaching a motorcycle trailer or motorcycle semitrailer to a motorcycle if the trailer or semitrailer was is designed for the attachment;

(ii) Attaching a person, wheelchair or other assistive device as defined in W.S. 31-1-101(a)(xxxiii) to a motorcycle if the motorcycle is designed for the attachment.

**Section 2.** W.S. 31-5-115(n) is repealed.

**Section 3.** This act is effective July 1, 2022.

Approved March 9, 2022.

## Chapter 45

### COMMERCIAL VEHICLE DRIVING DISQUALIFICATION

#### Original House Bill No. 7

AN ACT relating to commercial vehicles; amending offenses that disqualify a person for life from driving a commercial vehicle; amending rulemaking requirements; and providing for an effective date.

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

**Section 1.** W.S. 31-7-305(d) and (e) is amended to read:

**31-7-305. Disqualification and cancellation; right to a hearing.**

(d) The department shall issue regulations establishing guidelines and conditions under which a disqualification for life under subsection (c) of this section may be reduced to a period of not less than ten (10) years. Any person whose disqualification for life has been reduced under this subsection and who is subsequently convicted of another disqualifying offense under subsection (a) of this section shall not be again eligible for a reduction under this subsection. The guidelines and conditions shall be in compliance with the Commercial Motor Vehicle Safety Act of 1986, P.L. 99-570 and 49 C.F.R. § 383.51.

(e) A person ~~may shall~~ be disqualified for life from driving a commercial motor vehicle ~~for; life who uses~~

(i) Using a motor vehicle in the commission of any felony involving the

manufacture, distribution or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance;:

(ii) Using a commercial motor vehicle in the commission of any felony involving human trafficking under W.S. 6-2-702 or 6-2-703.

**Section 2.** This act is effective July 1, 2022.

Approved March 9, 2022.

## Chapter 46

### INSURANCE AMENDMENTS

#### Original House Bill No. 62

AN ACT relating to insurance; amending and creating definitions; amending fee schedules and creating new fees; amending licensure requirements for licenses issued by the department of insurance; amending continuing education requirements; repealing requirements related to licenses and continuing education; and providing for effective dates.

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

**Section 1.** W.S. 26-1-102(a)(i), 26-9-202(a) by creating new paragraphs (xxv) through (xxvii) and 26-9-219(c) are amended to read:

#### **26-1-102. Definitions.**

(a) As used in this act:

(i) “Adjuster” means any individual who, ~~for compensation as an independent contractor, or as the employee of an independent contractor, or as a salaried employee of an insurer, or for fee or commission, on behalf of the insurer investigates and negotiates settlement of claims arising under insurance contracts, except that either investigates and negotiates settlements relative to insurance claims or applies the factual circumstances of an insurance claim to the insurance policy provisions, or both, arising under property and casualty insurance contracts. An attorney-at-law who is licensed to practice law in this state, or a licensed agent or broker who adjusts or assists in adjustment of losses arising under policies issued through that broker or by the insurer represented by that agent, is not an adjuster for the purposes of chapter 9 of this code;~~

#### **26-9-202. Definitions.**

(a) As used in this chapter:

(xxv) “Adjuster” means any individual who either investigates and negotiates settlements relative to insurance claims or applies the factual circumstances of an insurance claim to the insurance policy provisions, or both, arising under property and casualty insurance contracts. An attorney-at-law who is licensed to practice law in this state or a licensed agent or broker who adjusts or assists in adjustment of losses arising under policies issued through

that broker or by the insurer represented by that agent, is not an adjuster for the purposes of this chapter. An appraiser or umpire is not an adjuster for the purposes of this chapter;

(xxvi) “Appraiser” means a person selected by the insurer or the insured to place a value on or estimate the amount of loss pursuant to an insurance claim. An appraiser does not negotiate settlements relative to insurance claims or apply the factual circumstances of an insurance claim to the insurance policy provisions;

(xxvii) “Umpire” means a person selected by the appraisers representing the insurer and the insured or, if the appraisers cannot agree, by the court or hearing officer charged with resolving issues that the appraisers are unable to agree upon during the appraisal.

**26-9-219. Adjuster’s license; exception; notification.**

(c) A Wyoming adjuster’s license is required of any adjuster who by physical appearance or through electronic or other means, acts in this state on behalf of an insurer for the purpose of either investigating or making adjustment of a particular loss under an insurance policy and negotiating settlements relative to insurance claims or applying the factual circumstances of an insurance claim to the insurance policy provisions, or both, arising under property and casualty insurance contracts, unless the loss is of an unusual, uncommon or unique nature requiring special expertise or knowledge not readily available among adjusters licensed in this state, or for the adjustment of a series of losses resulting from a catastrophe common to those losses. Any insurer on whose behalf an adjuster who is not licensed in Wyoming either investigates or adjusts a loss in this state and negotiates settlements relative to insurance claims or applies the factual circumstances of an insurance claim to the insurance policy provisions, or both, arising under property and casualty insurance contracts, whether by physical appearance or through electronic or other means, shall notify the commissioner of such action prior to the unlicensed adjuster acting in this state.

**Section 2.** W.S. 26-4-101(a)(viii), (ix), (xii) and by creating a new paragraph (xxi), 26-9-201, 26-9-202(a) by creating new paragraphs (xxii) through (xxiv), 26-9-207(b) through (d) and (f), 26-9-216 and 26-9-231 by creating new subsections (j) and (k) are amended to read:

**26-4-101. Fee schedule.**

(a) The commissioner shall collect in advance or contemporaneously fees, licenses and miscellaneous charges as specified in this subsection. Collection may include the acceptance of electronic funds transfer. All fees and other charges collected by the commissioner as specified in this subsection shall be nonrefundable:

(viii) Surplus line brokers:



Application for original resident license, and issuance of license, if issued..... \$100.00

License under waiver of residency requirement pursuant to a reciprocal agreement, application fee and issuance ..... \$150.00

Continuation of license:

Resident..... \$100.00

Nonresident ..... \$150.00

(ix) Adjusters:

Application for original resident license, and issuance of license, if issued..... \$100.00

License under waiver of residency requirement pursuant to a reciprocal agreement, application fee and issuance ..... \$150.00

Continuation of license:

Resident..... \$100.00

Nonresident ..... \$150.00

(xii) Insurance consultant for hire:

Application for original resident license, and issuance, if issued..... \$100.00

License under waiver of residency requirement pursuant to a reciprocal agreement, application fee and issuance ..... \$150.00

Continuation of license:

Resident..... \$100.00

Nonresident ..... \$150.00

(xxi) Continuing education:

Application for approval of continuing education provider  
..... \$100.00

Continuation of continuing education provider approval  
..... \$100.00

Application for course approval ..... \$50.00

Continuation of course approval..... \$50.00

#### **26-9-201. Purpose and scope.**

This chapter governs the qualifications and procedures for the licensing of insurance producers. This chapter does not apply to excess and surplus lines brokers licensed pursuant to W.S. 26-11-112 except as provided in W.S. 26-9-207(b), ~~26-9-207(c)~~, ~~26-9-207(g)~~ through (d), (f) and (g), 26-9-208, ~~26-9-216~~ and 26-9-230 or as expressly provided in chapter 11 of this code.

**26-9-202. Definitions.**

(a) As used in this chapter:

(xxii) “Continuing education provider” means any person approved by the commissioner to offer continuing education courses to persons licensed in this state;

(xxiii) “Public adjuster” means any person who, for compensation or any other thing of value, acts on behalf of an insured by doing any of the following:

(A) Acting for or aiding an insured in negotiating for or in effecting the settlement of a first party claim for loss or damage to real or personal property of the insured;

(B) Advertising for employment as a public adjuster of first party claims or otherwise soliciting business or representing to the public that the person is a public adjuster of first party claims for loss or damage to real or personal property of an insured;

(C) Directly or indirectly soliciting the business of investigating or adjusting losses, or of advising an insured about first party claims for loss or damage to real or personal property of the insured.

(xxiv) “Licensee” means any person granted a license under this chapter.

**26-9-207. License.**

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

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

insurance producer or surplus lines broker that allows its license to lapse may, within twelve (12) months from the due date of the continuation fee, reinstate the same license, however, a penalty equal to the amount of the continuation fee shall be required in addition to the continuation fee for any continuation request received after the due date.

(d) A ~~licensed insurance producer licensee~~ who is unable to comply with license renewal procedures due to military service or some other extenuating circumstance such as a long-term medical disability may request a waiver of those procedures. The producer may also request a waiver of any examination requirement or any other fine or sanction imposed for failure to comply with renewal procedures.

(f) Licensees shall inform the commissioner by any means acceptable to the commissioner of a change of name, address, telephone number, email address or other contact information as defined by rule and regulation of the commissioner within thirty (30) days of the change.

**26-9-216. Reporting of actions.**

(a) A ~~resident or nonresident insurance producer licensee~~ shall report to the commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in this state within thirty (30) days of the final disposition of the matter. This report shall include a copy of the order, consent to order or other relevant legal documents.

(b) Within thirty (30) days of the initial pretrial hearing date, a ~~resident or nonresident insurance producer licensee~~ shall report to the commissioner any criminal prosecution of the producer taken in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing and any other relevant legal documents.

**26-9-231. Continuing education.**

(j) No person shall act as a continuing education provider in this state unless that person has been granted approval by the commissioner:

(i) A person applying for approval as a continuing education provider shall make application to the department on forms prescribed by the commissioner and pay the fees established in W.S. 26-4-101(a);

(ii) A continuing education provider's approval shall remain in effect unless revoked or suspended if on or before the last day of the month in which the application is approved in the second year following approval and every two (2) years thereafter the continuation fee set forth in W.S. 26-4-101(a) is paid;

(iii) Once granted approval, a continuing education provider may submit courses for approval by using forms prescribed by the commissioner and paying the fees set forth in W.S. 26-4-101(a). Course approvals shall remain in effect

unless revoked or suspended if on or before the last day of the month in which the course is approved in the second year following approval and every two (2) years thereafter the continuation fees set forth in W.S. 26-4-101(a) are paid.

(k) The commissioner may make arrangements, including contracting with an outside service, for the handling of continuing education providers and courses. If an outside service is employed, all continuing education provider applications, course approval requests and fees shall be remitted to the service provider.

**Section 3.** W.S. 26-9-228(b) and 26-9-232 are repealed.

**Section 4.** W.S. 26-9-231(g) is repealed.

**Section 5.**

(a) Except as provided in subsection (b) of this section, this act is effective January 1, 2023.

(b) Sections 1, 3 and 5 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 9, 2022.

## Chapter 47

### BOARD OF PSYCHOLOGY-BEHAVIOR ANALYST REGULATION

#### Original House Bill No. 110

AN ACT relating to professions and occupations; providing for the licensure of persons practicing behavior analysis; providing licensure exemptions; providing for the suspension or revocation of behavior analysis licenses; providing for criminal history background checks; modifying the composition of the Wyoming state board of psychology; providing definitions; making conforming amendments; repealing obsolete provisions; and providing for an effective date.

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

**Section 1.** W.S. 33-27-124 and 33-27-125 are created to read:

#### CHAPTER 27

#### PSYCHOLOGY AND BEHAVIOR ANALYSTS

**33-27-124. Requirements for licensure; behavior analysis.**

(a) The board shall issue a license as a behavior analyst or an assistant behavior analyst to any applicant who files an application upon a form and in a manner as prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the applicant's competence and of the following which evidence shall comply with rules of the board:

(i) For licensure as a behavior analyst, the applicant holds a current certification as a board certified behavior analyst verified by the board with the

certifying entity; or

(ii) For licensure as an assistant behavior analyst, the applicant holds a current certification as a board certified assistant behavior analyst verified by the board with the certifying entity.

(b) A license may be issued to any person who is verified by the board to be currently licensed as a behavior analyst or assistant behavior analyst and in good standing in another jurisdiction that has licensure requirements comparable to and who otherwise meets the requirements of this act.

(c) Any person licensed under this section as an assistant behavior analyst may engage in the practice of behavior analysis only under the supervision of a licensed behavior analyst or licensed psychologist in compliance with the requirements of the certifying entity and as provided by rule of the board.

**33-27-125. Exemptions; behavior analysis.**

(a) The following persons when practicing within the scope of their authority and their education and training may engage in acts included in the definition of the practice of behavior analysis under W.S. 33-27-113(a)(xiii) without being licensed as a behavior analyst or assistant behavior analyst under this act:

(i) Any member of another recognized profession who is licensed, certified or regulated under the laws of this state as defined in the rules of the board and is authorized to render services consistent with their professional training and code of ethics, provided that they do not represent themselves to be licensed behavior analysts or licensed assistant behavior analysts;

(ii) A psychologist licensed under this act or any person, as prescribed by rule of the board, acting under the psychologist's authority and direction;

(iii) A behavior analyst, including an applied animal behaviorist and animal trainer, who practices exclusively with non-humans;

(iv) Any person who provides general behavior analysis services to an organization when the services are for the sole benefit of the organization and do not involve providing services directly to any individual person;

(v) Any person while teaching behavior analysis or conducting behavior analytics research, provided that the teaching or research do not involve the direct delivery of behavior analysis services beyond the typical parameters of college or university instruction or applied research;

(vi) A matriculated college or university student or postdoctoral fellow whose applied behavior analysis activities are part of a defined program of study, course, practicum, internship or fellowship and are supervised by a behavior analyst licensed in this state or by a qualified faculty member as provided by rule of the board;

(vii) Any unlicensed person who is pursuing experience in applied behavior analysis consistent with the experience requirements of the certifying entity,

provided such experience is supervised in accordance with the requirements of the certifying entity and as provided by rule of the board;

(viii) A behavior technician who delivers behavior analysis services under the supervision of a licensed behavior analyst or licensed assistant behavior analyst. A behavior technician shall not represent himself as a licensed behavior analyst or licensed assistant behavior analyst and shall only use titles that communicate his unlicensed status, such as “applied behavior analysis technician,” “behavior technician” or “tutor.” As used in this paragraph, “behavior technician” means a paraprofessional who practices under the supervision of a licensed behavior analyst or licensed assistant behavior analyst and who delivers services as assigned by the supervisor responsible for the technician’s work. The services that may be assigned to a behavior technician shall not include designing assessment or intervention plans or procedures;

(ix) A caregiver of a recipient of behavior analysis services who delivers behavior analysis services to the recipient under the authority and direction of a licensed behavior analyst or licensed assistant behavior analyst. The caregiver shall not represent themselves as a licensed behavior analyst or licensed assistant behavior analyst under this paragraph and shall deliver behavior analysis services only to the person who is receiving behavior analysis services from the licensed behavior analyst or licensed assistant behavior analyst who is supervising the caregiver; or

(x) Any person providing advice or counsel to a friend or relative in a nonprofessional and noncommercial setting and when no compensation is paid for the advice or counsel that is being provided.

**Section 2.** W.S. 7-19-106(a) by creating a new paragraph (xxxvi), 7-19-201(a) by creating a new paragraph (xxxii), 33-27-113(a) by creating new paragraphs (x) through (xiii) and by amending and renumbering (x) as (xiv), 33-27-115(a) and (c)(intro), 33-27-116(a) and by creating a new subsection (o), 33-27-117(a)(intro), 33-27-119(b) and (d), 33-27-120(a), (b)(intro), (i), (iii), (iv), (ix), (x), (xiii) and (xvii), 33-27-122(a), (f), (g), (h)(intro) and (iii) and 33-27-123(a)(intro) and (iii) through (v) 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:

(xxxvi) The board of psychology for purposes of obtaining background information on persons applying for licensure or certification under title 33, chapter 27 of the Wyoming statutes.

**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:

(xxxi) All persons applying for licensure or certification to the board of psychology under title 33, chapter 27 of the Wyoming statutes.

**33-27-113. Definitions.**

(a) As used in this act:

(x) “Certifying entity” means the behavior analyst certification board or another entity as specified by rule of the board whose programs to credential practitioners of behavior analysis are accredited by the national commission on certifying agencies, the American national standards institute or a similar successor accrediting organization and which reasonably ensures that persons certified have the qualifications, education and experience necessary to protect public health and safety and to provide services that are customary and professional;

(xi) “Licensed assistant behavior analyst” means a person licensed under this act for the practice of behavior analysis and who is supervised in accordance with W.S. 33-27-124(c);

(xii) “Licensed behavior analyst” means a person licensed under this act for the practice of behavior analysis;

(xiii) “Practice of behavior analysis” means the design, implementation and evaluation of instructional and environmental modifications based on scientific research and direct and indirect observation and measurement of behavior and environment to produce socially significant improvements in human behavior. The “practice of behavior analysis” includes the empirical identification of functional relations between behavior and environmental factors. The “practice of behavior analysis” does not include psychotherapy, cognitive therapy, psychoanalysis, hypnotherapy, counseling, psychological testing, personality, intellectual or neuropsychological assessments or the diagnosis of psychological disorders;

(x)(xiv) “This act” means W.S. 33-27-113 through ~~33-27-123~~ 33-27-125.

**33-27-115. State board of psychology.**

(a) The Wyoming state board of psychology shall consist of six (6) licensed psychologists, ~~one (1) psychological practitioner~~ two (2) licensed behavior analysts, and ~~two (2) public members~~ one (1) public member appointed by the governor. Each member shall be a resident of this state. Each member who is a psychologist shall be licensed under this act and shall have a minimum of three (3) years of post-licensure experience. At least one (1) member who is a psychologist shall be engaged full time in the doctoral teaching and training of psychologists, and at least two (2) members who are psychologists shall be engaged full time in the professional practice of psychology. ~~The psychological practitioner shall have a minimum of three (3) years post-certification experience~~ Each member who is a behavior analyst shall be licensed under this

act and shall have a minimum of three (3) years of post-licensure experience, except as provided by subsection (c) of this section. The composition of the board shall to the greatest extent practicable represent both the public and private sectors of the practice-practices of psychology and behavior analysis. Public members shall not be psychologists, psychological practitioners, behavior analysts, assistant behavior analysts, applicants or former applicants for licensure or certification under this act, members of another health profession, or members of a household that includes a person licensed or certified under this act. Board members shall be appointed who are free from conflict of interest in performing the duties of the board.

(c) The term of office shall be five (5) years with provision for reappointment for one (1) additional term. A member may be reappointed for an additional two (2) terms after at least two (2) years off the board. The two (2) members of the board as first constituted who are required to be licensed behavior analysts shall have staggered terms, as follows: One (1) behavior analyst member shall be appointed for five (5) years and one (1) behavior analyst member shall be appointed for three (3) years. Notwithstanding the requirements under subsection (a) of this section, the initial two (2) behavior analyst members appointed to the board by the governor shall not be required to be licensed in this state before their appointment but shall obtain licensure during their board tenure in order to be reappointed as a board member and shall otherwise be qualified to practice behavior analysis under this act.

#### **33-27-116. Powers and duties of the board.**

(a) In accordance with this act and rules and regulations promulgated under it, the board shall determine a person's initial and continuing qualifications and fitness to practice psychology or behavior analysis, proceed against the unlawful and unlicensed practice of psychology or behavior analysis and otherwise enforce this act.

(o) The board shall request criminal history background information as authorized under W.S. 7-19-106(a)(xxxvi) for all initial applicants and all renewal applicants every two (2) years as provided by rule of the board.

#### **33-27-117. Requirements for licensure.**

(a) The board shall issue a license as a psychologist to any applicant who files an application upon a form and in a manner as prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the applicant's competence and of the following which evidence shall comply with rules and regulations of the board:

#### **33-27-119. Practice without license.**

(b) Unless exempt under W.S. 33-27-114 or 33-27-125, any person who represents himself as a psychologist and who engages in the practice of psychology or represents himself as a behavior analyst or assistant behavior



analyst and who engages in the practice of behavior analysis in violation of this act, is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both. Each violation shall constitute a separate offense.

(d) ~~No~~ Any person whose license to practice as a psychologist, behavior analyst or assistant behavior analyst in any jurisdiction has been suspended or revoked and which license has not been reinstated shall not practice psychology or behavior analysis in this state. The board may suspend or revoke the license of ~~that any person. The board~~ under this subsection and may issue a new license whenever it deems the issuance to be safe and just.

**33-27-120. Grounds for denial, suspension or revocation of license and other disciplinary sanctions.**

(a) A psychologist, behavior analyst or assistant behavior analyst and anyone under his supervision shall conduct his professional activities in conformity with ethical and professional standards as promulgated by rule of the board, ~~under its rules and regulations.~~

(b) After notice and a hearing, the board may revoke, refuse to renew, reprimand, censure, limit the scope of practice, place on probation with or without terms, conditions or limitations or suspend licenses to practice psychology or behavior analysis for any of the following acts or offenses:

(i) Fraud in applying for or procuring a license to practice psychology or behavior analysis;

(iii) Practicing psychology or behavior analysis in a manner which endangers the welfare of clients or patients;

(iv) Conviction of a felony that interferes with the ability to practice psychology or behavior analysis as defined ~~in the rules and regulations by rule of the board;~~

(ix) Malpractice or negligence in the practice of psychology or behavior analysis;

(x) Aiding or abetting the practice of psychology or behavior analysis by a person not licensed by the board;

(xiii) The suspension or revocation by another state jurisdiction of a license to practice psychology or behavior analysis or the suspension or revocation of a behavior analysis certification issued by the certifying entity;

(xvii) Inability to practice psychology or behavior analysis with reasonable skill and safety to patients or clients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals or any other substance or as a result of any mental or physical condition.

**33-27-122. Board hearings and investigations.**

(a) The board may investigate or cause to be investigated any allegation or evidence that appears to show that a psychologist, behavior analyst or assistant behavior analyst licensed to practice in this jurisdiction, and anyone under his supervision is, or may be, in violation of this act or of any of the rules ~~and regulations~~ adopted by the board.

(f) A psychologist, behavior analyst or assistant behavior analyst may surrender his license when he is charged with any violation of this act or board rules and regulations, and such surrender and acceptance by the board shall constitute acknowledgment by the person as an admission of guilt as charged. The circumstances of the surrender shall be reported in the same fashion as a revocation action.

(g) A psychologist, behavior analyst or assistant behavior analyst may request in writing to the board that a restriction be placed upon his license to practice. The board, in its discretion, may accept a surrender or grant a request for restriction and shall have the authority to attach restrictions to the license to practice within this state or otherwise to discipline the licensee.

(h) Subsequent to the holding of a hearing and the taking of evidence by the board as provided for in this section, if a majority of the board finds that a psychologist, behavior analyst or assistant behavior analyst is in violation of this act or guilty of any of the acts, offenses or conditions as enumerated by the board, the following actions may be taken:

(iii) The board may impose revocation or suspension of a license, but suspend enforcement thereof by placing the psychologist, behavior analyst or assistant behavior analyst on probation, which probation shall be revocable if the board finds the conditions of the probation order are not being followed. As a condition of probation the board may require the psychologist, behavior analyst or assistant behavior analyst to submit to care, counseling or treatment by a professional designated by the board. The expense of the action shall be borne by the probationer. The board may at any time modify the conditions of the probation and may include among them any reasonable condition for the purpose of the protection of the public, or for the purpose of the rehabilitation of the probationer, or both;

**33-27-123. Privileged communication.**

(a) In judicial proceedings, whether civil, criminal, or juvenile, in legislative and administrative proceedings, and in proceedings preliminary and ancillary thereto, a patient or client, or his guardian or personal representative, may refuse to disclose or prevent the disclosure of confidential information, including information contained in administrative records, communicated to a person licensed or otherwise authorized to practice under this act, or to persons reasonably believed by the patient or client to be so licensed, and their agents, for the purpose of diagnosis, evaluation or treatment of any mental

or emotional condition or disorder. The psychologist, behavior analyst or assistant behavior analyst shall not disclose any information communicated as described above in the absence of an express waiver of the privilege except in the following circumstances:

(iii) Where such information is necessary for the psychologist, behavior analyst or assistant behavior analyst to defend against a malpractice action brought by the patient or client;

(iv) Where an immediate threat of physical violence against a readily identifiable victim is disclosed to the psychologist, behavior analyst or assistant behavior analyst;

(v) In the context of civil commitment proceedings, where an immediate threat of self-inflicted damage is disclosed to the psychologist, behavior analyst or assistant behavior analyst;

**Section 3.** W.S. 33-27-115(c)(i) through (iv) and 33-27-117(a)(i) are repealed.

**Section 4.**

(a) The two (2) licensed behavior analysts to be appointed by the governor to the state board of psychology as required under W.S. 33-27-115(a) and (c) as amended by section 2 of this act shall be administered as follows:

(i) To replace the one (1) board member formerly required to be a psychology practitioner, the governor may appoint the first licensed behavior analyst member immediately upon the expiration of the psychology practitioner's term of office or upon the psychology practitioner's resignation or vacancy, whichever occurs first;

(ii) To replace the one (1) board member formerly required to be a public member, the governor may appoint the second licensed behavior analyst member immediately upon the expiration of the public member's term of office which term is nearest to expiration or upon the resignation or vacancy of either public member from the board, whichever occurs first.

**Section 5.** Notwithstanding the behavior analysis licensing requirements imposed by this act, any person certified and in good standing as a board certified behavior analyst or board certified assistant behavior analyst before the effective date of this act by the behavior analyst certification board is authorized to engage in the practice of behavior analysis during the time required by the state board of psychology to implement the behavior analysis licensing program required under this act. Upon the board's implementation of the licensing program, a person practicing behavior analysis under this section shall only continue to practice behavior analysis as authorized by 33-27-125(a)(x) as created by section 1 of this act. Any person practicing behavior analysis as an assistant behavior analyst under this section shall only practice under the supervision of a behavior analyst in compliance with the requirements of the certifying entity.

**Section 6.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 9, 2022.

## Chapter 48

### WYOMING GAMING COMMISSION-SCRIVENER ERROR CORRECTION

#### Original Senate File No. 7

AN ACT relating to the Wyoming gaming commission; providing legislative findings; correcting a scrivener's error in previous legislation; demonstrating legislative intent to secure uninterrupted membership under the Wyoming retirement system for specified Wyoming gaming commission personnel; 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) As a result of the 2021 General Session of the Wyoming Legislature, 2021 Wyoming Session Laws, Chapter 109 (original 2021 Senate File 56) ("2021 Act") became law. The 2021 Act intended to repeal Section 1 of 2020 Wyoming Session Laws, Chapter 114 (original 2020 House Bill 171) ("2020 Act") and to codify and otherwise address all issues contained in Section 1 of the 2020 Act;

(ii) The 2021 Act was not intended to repeal the 2020 Act in its entirety. However, due to a scrivener's error, the 2021 Act omitted a reference to "Section 1" in Section 6, the "repealer section" and instead stated, "2020 Wyoming Sessions Laws, Chapter 114 is repealed[;]";

(iii) Repeal of the entire 2020 Act was not intended by the legislature in the 2021 Act;

(iv) The legislature finds it necessary to clarify its intent and to enact into law appropriate legislation, as contained in this act.

**Section 2.** 2021 Wyoming Session Laws, Chapter 109, Section 6 is amended to read:

**Section 6.** 2020 Wyoming Session Laws, Chapter 114, Section 1 is repealed.

**Section 3.** The legislature ratifies the participation of Wyoming gaming commission law enforcement officers in the Wyoming retirement system under the Wyoming Retirement Act and authorizes all contributions made on their behalf from the period of April 5, 2021 to the effective date of this act.

**Section 4.** This act is effective immediately upon completion of all acts

necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 10, 2022.

## Chapter 49

### STATE FUNDED CAPITAL CONSTRUCTION

Original Senate File No. 67

AN ACT relating to state funded capital construction; modifying accounts; directing the deposit of rental income as specified; providing definitions; providing appropriations for purposes related to state funded capital construction; making certain appropriations subject to specified terms and conditions; providing matching funds for specified projects; authorizing the purchase of land and appurtenant buildings as specified; transferring funds; and providing for effective dates.

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

**Section 1.** W.S. 9-2-3204(h) by creating a new paragraph (iv) and 9-5-109(j) are amended to read:

**9-2-3204. General services division.**

(h) The general services division shall:

(iv) Account for separately any rental income generated under a lease agreement with a third party under paragraph (b)(xix) of this section for the occupancy of unused portions of any building used as the quarters for the state trails program field office for the support of the state trails program under W.S. 36-4-108(b)(iv). Any rental income as specified under this paragraph that exceeds the expenses needed and expended for the operation and maintenance of the building, portion of the building or premises shall be deposited quarterly and in equal amounts into the snowmobile trails account created by W.S. 31-2-409(c) and the off-road recreational vehicle trails account created by W.S. 31-2-703(c).

**9-5-109. Advisory task force on capitol building rehabilitation and restoration; composition; duties; account created.**

(j) There is created the capitol building rehabilitation and restoration account. Funds in the account shall only be expended upon appropriation by the legislature to implement projects approved by the legislature. ~~Notwithstanding any other provision of law~~ Except as provided in this subsection, funds within the account shall not be transferred or expended for any other purpose. Notwithstanding W.S. 9-2-1008, 9-2-1012(e), 9-4-207(a) or any other provision of law, funds within the account shall not lapse or revert. ~~until directed by the legislature.~~ At the end of each fiscal year, any unexpended, unobligated amounts in the fund shall be transferred to the capitol square preservation account created by W.S. 9-4-225. Earnings on monies within the account shall be deposited to the account.

**Section 2.** W.S. 9-4-225 is amended 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~~ are continuously appropriated for maintenance, preservation and enhancement of the capitol building and grounds, the extension from the capitol building to and under the Herschler building and the Herschler building. Appropriations under this section shall only be expended consistent with this section and pursuant to the terms of a memorandum of understanding executed pursuant to W.S. 9-5-106(f). 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~~ account.

**Section 3.**

(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) “ARPC” means American Rescue Plan Act capital project funds, which are any unexpended, unobligated funds allocated to the state of Wyoming from the American Rescue Plan Act of 2021, P.L. 117-2, Section 604 and that were appropriated in 2021 Wyoming Session Laws, Chapter 166, Section 5(b);

(iii) “FF” means federal funds;

(iv) “PR” means private funding sources;

(v) “SR” means an agency’s account within the special revenue fund;

(vi) “S0” means other funds identified by footnote;

(vii) “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 to the accounts from which they were appropriated, unless otherwise provided. 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.

(c) “This appropriation” when used in a footnote shall be construed as a reference to that portion of the appropriated funds identified in the footnote.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

## [CAPITAL CONSTRUCTION]

**Section 4.**

(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	5,000,000			5,000,000
SBC Contingency Fund	2,300,000			2,300,000
A&I Barrett Security			150,000 S13	150,000
A&I Herschler Bldg. Sound			280,000 S13	280,000
A&I Hathaway 4th Floor			5,362,000 S13	5,362,000
A&I Liquor Div. Pole Barn <sup>1</sup> .			70,000 S13	70,000
A&I Liquor Div. Snow Pad <sup>2</sup> .			24,000 S13	24,000
Mil Camp Guernsey 2022 Barracks <sup>3</sup> .		6,000,000		6,000,000
Mil Camp Guernsey 2023 Barracks <sup>4</sup> .		6,000,000		6,000,000
Mil Oregon Trail Cem- etry <sup>5</sup> .		2,722,263		2,722,263
Mil Camp Guernsey Admin. <sup>6</sup> .		1,555,920		1,555,920
AG Law Academy Targets			952,000 S13	952,000
AG Law Academy Security			364,000 S13	364,000
AG Law Academy Gun Range			1,590,400 S13	1,590,400
Parks SRA Outdoor Maint.			4,100,000 SR	4,100,000
Parks Terr. Prison			210,000 SR	210,000
Parks Water Fac.			300,000 SR	300,000
Parks Quebec 01			25,000 SR	25,000
Fire Riverton Fire Academy			1,356,000 S13	1,356,000
DFS Boys School			330,000 S13	330,000
CWC Jackson Outreach Ctr. <sup>7, 8</sup> .			12,402,574 AR PC	
			8,335,064 PR	

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
			10,335,478	S13 31,073,116
NWC Student Center <sup>9</sup>			11,219,088	PR
			13,911,668	S13
WWCC Nursing Fac. <sup>10,11</sup>			4,579,403	PR
			5,678,460	S13
NWCCD Tech and App. Sciences Reno. <sup>12,13,15</sup>			4,400,000	PR
			5,456,000	S13
SBC CC Contingency <sup>14</sup>			2,396,819	PR
			2,396,819	S13
DOH Veterans' Home		46,150,000	24,850,000	S13 71,000,000
TOTALS	7,300,000	62,428,183	121,074,773	190,802,956

1. As a condition of this other funds appropriation, the facility shall be constructed with a concrete floor.
2. As a condition of this other funds appropriation, the state construction department shall identify, design and construct the most effective resolution for snow removal.
3. As a condition of this federal funds appropriation, no state funds shall be expended for major maintenance or operations of the facility unless the expenditures are fully reimbursed by the federal government. This federal funds appropriation is effective immediately.
4. As a condition of this federal funds appropriation, no state funds shall be expended for major maintenance or operations of the facility unless the expenditures are fully reimbursed by the federal government.
5. This federal funds appropriation is effective immediately.
6. This federal funds appropriation is effective immediately.
7. Of this other funds appropriation, the appropriation of ten million three hundred thirty-five thousand four hundred seventy-eight dollars (\$10,335,478.00)S13 shall only be effective if an application by the state for grant funding for ARPC funds is submitted but not awarded.
8. Of this other funds appropriation, construction costs shall be borne in proportional amounts from the strategic investments and projects account appropriation and matching funds from the community college. Any unexpended, unobligated funds upon completion of the project shall revert to the strategic investments and projects account and the community college in proportion to the contribution to the total construction costs of the project.
9. Of this other funds appropriation, construction costs shall be borne in



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

proportional amounts from the strategic investments and projects account appropriation and matching funds from the community college. Any unexpended, unobligated funds upon completion of the project shall revert to the strategic investments and projects account and the community college in proportion to the contribution to the total construction costs of the project.

10. (a) Of this other funds appropriation, five million six hundred seventy-eight thousand four hundred sixty dollars (\$5,678,460.00)S13 is appropriated for one (1) of the following, as determined by the community college board of trustees:

(i) Construction of an educational nursing facility; or

(ii) A long-term lease for an educational nursing facility, provided that no authorized college, local or private matching funds shall be required to be expended on the long-term lease.

11. Of this other funds appropriation, construction costs shall be borne in proportional amounts from the strategic investments and projects account appropriation and matching funds from the community college. Any unexpended, unobligated funds upon completion of the project shall revert to the strategic investments and projects account and the community college in proportion to the contribution to the total construction costs of the project.

12. These other funds appropriations are for design, new construction, renovation, landscaping and exterior improvements.

13. Of this other funds appropriation, construction costs shall be borne in proportional amounts from the strategic investments and projects account appropriation and matching funds from the community college. Any unexpended, unobligated funds upon completion of the project shall revert to the strategic investments and projects account and the community college in proportion to the contribution to the total construction costs of the project.

14. Of this other funds appropriation, two million three hundred ninety-six thousand eight hundred eighteen dollars (\$2,396,818.00)S13 is appropriated for unanticipated or inflationary costs of any community college facility receiving appropriations under this section and only after all other appropriations from the requesting college have been exhausted. Expenditure of this other funds appropriation from the strategic investments and projects account is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated funds from the strategic investments and projects account to not less than one dollar (\$1.00) from private funds (PR) from the requesting community college and shall be awarded on a first-come, first-served basis.

15. The fair market value of any donation to the community college real property on which this project shall be constructed shall be applied toward the

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

match of the four million four hundred thousand dollars (\$4,400,000.00)PR from private funding sources as required by this act.

(ii) Appropriations and authorization for University of Wyoming projects:

**Section 067. CAPITAL CONSTRUCTION PROJECTS**

PROGRAM

UW-Trustees'

Capital Project <sup>1</sup>		50,000,000	S13	50,000,000
UW - AG College		8,632,000	S13	8,632,000
TOTALS		58,632,000		58,632,000

1. (a) Of this other funds appropriation, fifty million dollars (\$50,000,000.00) S13 is appropriated for the construction or renovation of the Corbett natatorium, construction or renovation of the west stands at war memorial stadium, renovation or additions to the college of law, or any combination thereof. Any amount allocated for renovations or additions to the college of law is effective immediately. Expenditure of this appropriation is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated funds from the strategic investments and projects account to not less than one dollar (\$1.00) from any other source from the University of Wyoming. The following shall apply to this other funds appropriation from the strategic investments and projects account:

(i) This appropriation shall be directed to the state treasurer to be deposited into an account for distribution to the university;

(ii) Binding commitments for donations are eligible for the matching funds under this appropriation if the donation will be fully paid by December 31, 2027. Not less than quarterly, the state treasurer shall distribute to the university matching funds under this footnote for any donation or other funds eligible for the match upon receipt of proof of a binding commitment for the donation or availability of other funds.

[TRANSFERS]

**Section 5.**

(a) Any unappropriated funds in the capitol renovation and restoration account on June 30, 2022 shall be transferred to the capitol square preservation account. This section is effective immediately.

(b) There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the general fund to the capitol square preservation account for the purpose of planning, development and construction of a display for the Wyoming state constitution or an authentic replica thereof in the state capitol.

[PURCHASE AUTHORIZATION]

**Section 6.**

(a) In consultation with the Wyoming parks and cultural resources commission and the Wyoming trails advisory council, the department of state parks and cultural resources is authorized to purchase lands and appurtenant buildings in the name of the state of Wyoming to provide suitable quarters for the state trails program field office for the support of the state trails program under W.S. 36-4-108(b) (iv) and of the department in carrying out its powers and duties as prescribed by law. The purchase authority provided to the department by this subsection is contingent on certification by the state building commission that the subject lands and appurtenant buildings to be purchased have been properly inspected and are in suitable condition.

(b) There is appropriated one million four hundred thousand dollars (\$1,400,000.00) from the snowmobile trails account created by W.S. 31-2-409(c) and one million four hundred thousand dollars (\$1,400,000.00) from the off-road recreational vehicle trails account created by W.S. 31-2-703(c) to the department of state parks and cultural resources for the purpose of purchasing land and appurtenant buildings in accordance with subsection (a) of this section. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert in equal proportions to the snowmobile trails account and the off-road recreational vehicle trails account on June 30, 2023.

(c) The department of state parks and cultural resources shall report to the joint travel, recreation, wildlife and cultural resources interim committee and the joint appropriations committee not later than September 1, 2022 to provide an update on the purchase of any lands and appurtenant buildings as authorized by this section and shall report on September 1 each year thereafter on the operation of the building and any rents and payments deposited in accordance with W.S. 9-2-3204(h)(iv).

(d) This section is effective immediately.

[EFFECTIVE DATE]

**Section 7.**

(a) As used in this act, “effective immediately” means effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(b) Except as otherwise provided and except as provided in subsection (c) of this section, this act is effective July 1, 2022.

(c) 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 March 10, 2022.

**Chapter 50****AMERICAN RESCUE PLAN ACT RECOVERY FUNDS  
APPROPRIATIONS****Original Senate File No. 66**

AN ACT relating to the emergency expenses of government; providing definitions; providing for appropriations; specifying conditions on the appropriation and expenditure of COVID-19 relief funds; authorizing emergency government programs; authorizing rulemaking; requiring reporting; amending and repealing prior appropriations of COVID-19 relief funds; amending a sunset date for emergency programs; specifying applicability; and providing for an effective date.

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

**Section 1.**

(a) As used in this act:

(i) “Agency” means any governmental unit or branch of government receiving an appropriation under this act;

(ii) “Appropriation” means the authorizations granted by the legislature under this act to make expenditures from and to incur obligations against the funds as specified;

(iii) “ARPD” means American Rescue Plan Act direct funds, which are any unexpended, unobligated funds received by the state of Wyoming through the Coronavirus State Fiscal Recovery Fund established under section 602 of title VI of the federal Social Security Act, as created by section 9901 of the American Rescue Plan Act of 2021, P.L. 117-2. “ARPD” shall not include expenditures authorized under the American Rescue Plan Act of 2021, P.L. 1172, section 602(c)(1)(C) for revenue replacement for the provision of government services to the extent of the state of Wyoming’s reduction in revenue;

(iv) “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.**

(a) The following sums of money, or so much thereof as is necessary, are appropriated to the specified agencies to be expended for the purposes and programs specified by this act beginning March 27, 2022 and ending December 31, 2026. Unless otherwise specifically provided, the conditions, terms and other requirements on appropriations in this act are effective until December 31, 2026.

(b) The following sums of money are intended to provide a maximum amount for each appropriation and shall not be construed to be entitlements or guaranteed amounts. If the total appropriations under this section exceed the unexpended, unobligated American Rescue Plan Act direct funds available to

APPROPRIATION  
FOR

OTHER  
FUNDS

\$

the state, the governor shall reduce and prioritize appropriations to executive branch agencies and the university of Wyoming, and the supreme court, in consultation with the governor, shall reduce and prioritize appropriations for supreme court projects, to not exceed the total unexpended, unobligated funds.

(c) The appropriations specified in this subsection are exempt from any reduction or prioritization under subsection (b) of this section:

(i) Agency 057, WYIN Loan & Grant Prgm;

(ii) Agency 067, Family Medicine Residency Program and WWAMI T&F Inflation;

(iii) Agency 101, Circuit Court eFiling, PPE & Tests and Equal Justice Wyoming.

#### **Section 400. AMERICAN RESCUE PLAN DIRECT (ARPD) APPROPRIATIONS**

##### AGENCY & PROGRAM

001 - Discr. Health Response <sup>1</sup> .	50,000,000	ARPD
001 - Workforce Prgms <sup>2</sup> .	10,000,000	ARPD
024 - Outdoor Rec. Grant Prgm <sup>3</sup> .	10,000,000	ARPD
024 - Outdoor Rec. & Tourism <sup>4</sup> .	2,000,000	ARPD
<del>[029 - Eligible Water Projects <sup>27</sup>.</del>	<del>45,000,000</del>	<del>ARPD]</del>
045 - Tech. Needs for WyoLink <sup>5</sup> .	35,000,000	ARPD
045 - Air Service Financial Assistance <sup>25</sup> .	8,832,058	ARPD
048 - HHS Staffing Stabilization <sup>6</sup> .	13,000,000	ARPD
048 - HHS Innovation Fund <sup>7</sup> .	5,000,000	ARPD
048 - EMS Dispatch Cert. <sup>8</sup> .	84,000	ARPD
048 - 2-1-1 Capacity Building <sup>9</sup> .	1,750,000	ARPD
048 - EMS Stabilization Fund <sup>10</sup> .	5,000,000	ARPD
048 - EMS Regionalization Pilot <sup>11</sup> .	10,000,000	ARPD
048 - WYHS (FY2023) <sup>12</sup> .	2,749,894	ARPD
048 - HHS Cap. Imprv. & Provider Relief <sup>13</sup> .	5,000,000	ARPD
048 - 24-7 Suicide Prevention <sup>26</sup> .	2,100,000	ARPD
048 - Mental Health Provider Training Phase II <sup>28</sup> .	200,000	ARPD
048 - First Responder & Law Enforcement Mental Health Support <sup>29</sup> .	1,000,000	ARPD
<del>[049 - Crisis Beds/ Stabilization Svcs <sup>14</sup>.</del>	<del>750,000</del>	<del>ARPD]</del>

APPROPRIATION FOR	OTHER FUNDS	
	\$	
049 - Food Insecurity - Network Evaluation <sup>30.</sup>	250,000	ARPD
057 - WYIN Loan & Grant Prgm <sup>15.</sup>	6,427,477	ARPD
060 - HHS Capital Construction <sup>16.</sup>	85,000,000	ARPD
060 - Local Gov. Support Projects <sup>17.</sup>	50,000,000	ARPD
060 - Eligible Water & Sewer Projects <sup>18.</sup>	50,000,000	ARPD
067 - Family Medicine Residency Program <sup>19.</sup>	708,407	ARPD
067 - WWAMI T&F Inflation <sup>20.</sup>	1,579,948	ARPD
067 - College of Health Sciences <sup>31.</sup>	500,000	ARPD
080 - SUD Treatment Backlog <sup>21.</sup>	1,200,000	ARPD
085 - Connect Wyoming 2 <sup>22.</sup>	25,000,000	ARPD
101 - Circuit Court eFiling <sup>23.</sup>	2,140,000	ARPD
101 - PPE & Tests <sup>24.</sup>	150,000	ARPD
101 - Equal Justice Wyoming <sup>32.</sup>	817,900	ARPD
TOTAL	431,239,684	

**[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]**

1. This appropriation to the governor's office **[is for purposes of responding to the COVID-19 public health emergency]**. **[BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR MARCH 10, 2022 – HOUSE AND SENATE VETO OVERRIDE MARCH 11, 2022.]**
2. (a) This appropriation to the governor's office is for distribution to or through the Wyoming business council, department of workforce services, University of Wyoming or Wyoming community college commission and community colleges for:
  - (i) Pre-apprenticeships and apprenticeships;
  - (ii) Targeted healthcare workforce programs;
  - (iii) Targeted early childhood workforce programs;
  - (iv) Dislocated and underemployed talent transition programs;
  - (v) Workforce development for targeted populations who do not qualify for other assistance, including prisoners released on parole;
  - (vi) Assistance to former Wyoming residents who have intent to return to Wyoming for careers;

(vii) Economic development training for state, local and private economic development professions.

(b) No funds from this appropriation shall be expended on post-secondary education other than for career and technical education determined by the governor to be critical to the Wyoming workforce.

3. This appropriation to the department of state parks and cultural resources is for products, projects and grants in response to the COVID-19 public health emergency that qualify as ARPD expenditures.

4. This appropriation to the department of state parks and cultural resources, office of outdoor recreation, is for qualifying ARPD expenditures.

5. This appropriation to the department of transportation is for qualifying ARPD state or local government expenditures related to the WyoLink statewide public safety interoperable radio communications system, hardware and network. This appropriation is for purposes of assisting Wyoming's continued response to the COVID-19 public health emergency and improved connectivity of first responders.

6. This appropriation to the department of health is for purposes of providing emergency funding for staff retention and for attracting employees to health and human services provider groups. The department of health shall provide priority for funding under this footnote to employees who care for vulnerable populations and at risk populations.

7. This appropriation to the department of health is for purposes of providing grants for health and human services innovations in rural health care, long-term care, provision of human services, community behavioral health, mental health and health information technology and digital medical innovation.

8. This appropriation to the department of health is for the establishment of emergency medical dispatch statewide certification, which could include training, hardware and other activities to improve emergency response times and patient outcomes related to the emergency response to the COVID-19 public health emergency.

9. This appropriation to the department of health is for purposes of enhancing the capacity of the Wyoming 2-1-1 directory of resources to provide comprehensive information and referrals to improve the emergency response to the COVID-19 public health emergency.

10. This appropriation to the department of health is for purposes of providing grants to stabilize emergency medical services. **~~The department shall not provide any grant under this footnote if the grant will prolong a business entity that otherwise does not have the resources needed to continue to operate during the period of the grant.~~** [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]

11. This appropriation to the department of health is for purposes of establishing an emergency medical services regionalization pilot opportunity for the five (5) trauma regions across Wyoming and investigating alternative options for emergency medical services that improve access and reduce costs. Expenditure of this appropriation is 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) from any other source**]. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]

12. This appropriation to the department of health, aging division, is for the Wyoming home services program. This appropriation shall be used in lieu of expenditure of state general funds for any qualifying ARPD expenditures for the Wyoming home services program.

13. This appropriation to the department of health is for purposes of providing grants to health and human services providers to improve existing infrastructure and to provide financial relief to providers who are at imminent risk of closure. Grants shall be distributed to providers as determined by the department.

~~[14. This appropriation to the department of family services is for crisis beds and stabilization services, provided that the department 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.]~~ [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]

15. This appropriation to the Wyoming community college commission is for the Wyoming investment in nursing program. Notwithstanding the source of funding for this appropriation, it is the intent of the legislature that the standard budget of the Wyoming investment in nursing program within the Wyoming community college commission be requested from state general funds for the immediately succeeding fiscal biennium.

16. (a) Of this appropriation to the office of state lands and investments sixty-three million dollars (\$63,000,000.00) ARPD shall be for purposes of providing grants for qualifying health and human services infrastructure and capital construction investments. Grants from this appropriation shall be determined by the state loan and investment board. The following conditions shall apply to all grants provided under this footnote:

(i) The maximum grant for any single project shall be ten million dollars (\$10,000,000.00);

(ii) A needs analysis determination shall be conducted by the state loan and investment board and may include a review of the project sponsor's financial information, including but not limited to revenue and other projections, budgets, financial statements and audits;



(iii) Expenditure of the grant by the recipient is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of grant funds to not less than one dollar (\$1.00) from any other source, including in-kind contributions to the project, except that the state loan and investment board may modify this matching requirement upon determination of need as provided in paragraph (a)(ii) of this footnote.

(b) Of this appropriation to the office of state lands and investments, seven million dollars (\$7,000,000.00) ARPD shall be for the purpose of providing grants to community mental health center regional crisis stabilization facilities and women's substance use disorder facilities.

(c) Of this appropriation to the office of state lands and investments, fifteen million dollars (\$15,000,000.00) ARPD shall be for the purpose of providing grants to rural health clinics. Grants from this appropriation shall be determined by the state loan and investment board. The following conditions shall apply to this appropriation:

(i) Up to thirteen million dollars (\$13,000,000.00) ARPD may be expended to provide grants related to costs incurred by rural health clinics for qualifying infrastructure and capital construction investments [~~The maximum grant for any single project shall be one million five hundred thousand dollars (\$1,500,000.00)~~]; [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]

(ii) Up to two million dollars (\$2,000,000.00) ARPD may be expended to provide grants for rural telehealth pilot projects.

17. This appropriation to the office of state lands and investments is for administrative costs and merit based allocations of competitive grant funding to cities, counties and tribal governments to address the COVID-19 public health emergency or its negative economic impacts. Applications for eligible water and wastewater projects shall receive a lower priority from this appropriation than other eligible applications. Subject to the limitations provided in this footnote, the allocations of the competitive grant funding shall be determined by the state loan and investment board.

18. (a) This appropriation to the office of state lands and investments is for the allocation of competitive grant funding to cities, counties, special districts and tribal governments for eligible water and wastewater projects. The allocation of the competitive grant funding shall be determined by the state loan and investment board. The following conditions shall apply to all grants provided under this footnote:

(i) The maximum grant for any single project shall be seven million five hundred thousand dollars (\$7,500,000.00);

(ii) Expenditure of the grant by the recipient is conditioned upon a match of funds in the ratio of eighty-five cents (\$0.85) of grant funds to not less than

fifteen cents (\$0.15) from matching funds provided by the project sponsor.

19. This appropriation to the University of Wyoming is for the family medical residency program.

20. This appropriation to the University of Wyoming WWAMI medical education program is to be expended solely for student tuition and fees if determined in writing by the Wyoming attorney general to be permissible under state and federal law. The Wyoming attorney general's written determination shall be provided to the state auditor's office before funds are released for the university from this appropriation.

21. This appropriation to the department of corrections is for purposes of resolving the substance use disorder treatment backlog created by the COVID-19 public health emergency.

22. (a) This appropriation to the Wyoming business council is for purposes of increasing broadband connectivity to improve access to and meet the increased need for reliable high-speed internet service. In administering funds distributed and expended under this footnote, the Wyoming business council shall:

(i) Include performance requirements in its contracts with grant recipients, which performance requirements shall, at a minimum, require the grant recipient and any successor in interest to offer and provide continuous service to broadband customers during at least the first seven (7) years after substantial completion of the relevant project for which grant funds were expended;

(ii) Strive to increase the availability of broadband services available in Wyoming rural, unserved and underserved areas ~~[and] in Wyoming cities, towns and counties [that lack competition in broadband services];~~ **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]**

(iii) For middle-mile broadband projects as defined by W.S. 9-12-1501(h)(ii) that receive or expend funds from this appropriation, require project recipients to allow last-mile broadband providers access to those middle-mile conduits at a reasonable rate as determined by the council ~~[- Equitable rates shall be determined by the council by comparing the maintenance costs, investment and any subsidy involved in the particular middle-mile conduit at issue];~~ **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]**

(iv) For any projects that receive or expend funds from this appropriation, implement buildout requirements that include milestones and network performance testing requirements, as determined by the council.

(b) Of the appropriation in subsection (a) of this footnote, expenditure of fifteen million dollars (\$15,000,000.00) ARPD is conditioned upon a match of

funds in the ratio of one dollar (\$1.00) of appropriated funds to not less than fifty cents (\$0.50) of private sector matching funds from project participants. Private sector matching funds provided under this subsection shall be accounted for in the aggregate of appropriated funds expended and not on a per project basis. Private sector matching funds provided under this subsection shall include future maintenance commitments that will be expended within the first three (3) years of the life of the project and any other allowable expense authorized by the Infrastructure Investment and Jobs Act, P.L. 117-58.

(c) It is the intent of the legislature that the appropriation in subsection (a) of this footnote leverage additional federal funds for broadband connectivity under the Infrastructure Investment and Jobs Act, P.L. 117-58 to the maximum extent possible and not less than one dollar (\$1.00) of appropriated funds to four dollars (\$4.00) of federal matching funds.

23. This appropriation to the supreme court is for the implementation of electronic filing of court documents in the Wyoming circuit courts and for associated maintenance and support as a mechanism to employ technology to limit the number of members of the public who are present in courthouses as a mitigation strategy to slow the spread of COVID-19.

24. This appropriation to the supreme court is for purposes of implementing COVID-19 mitigation measures including, but not limited to acquisition of personal protective equipment to slow the spread of COVID-19.

25. This appropriation to the department of transportation is to provide aid to commercial air providers to mitigate financial hardship, including supporting payroll costs, lost pay and benefits for returning employees, support of operations and maintenance of existing equipment and facilities.

26. This appropriation to the department of health is to procure twenty-four (24) hours per day suicide prevention services.

~~[27. (a) This appropriation to the Wyoming water development office is for the allocation of competitive grant funding to cities, counties, special districts and tribal governments for eligible water projects. The final allocation of the competitive grant funding shall be determined by the Wyoming water development commission. The office of state lands and investments and department of environmental quality shall consult with and provide technical assistance to the Wyoming water development office in the application process and administration of grants pursuant to this footnote. The Wyoming water development commission and the directors of the Wyoming water development office, the office of state lands and investments and the department of environmental quality may establish an informal working group to facilitate any consultation and technical assistance among the agencies. The Wyoming water development office, or the working group if created, shall forward the determination of eligibility~~

~~and potential prioritization, including funding recommendation, to the Wyoming water development commission. The following conditions shall apply to all grants provided under this footnote:~~

~~(i) The maximum grant awarded for any single eligible project shall not exceed eighty-five percent (85%) of the estimated project costs or seven million five hundred thousand dollars (\$7,500,000.00), whichever is less;~~

~~(ii) Subject to federal law, a grant awarded under this footnote shall be conditioned upon the recipient agreeing to be responsible for:~~

~~(A) Compliance with all applicable requirements of the American Rescue Plan Act of 2021, P.L. No. 117-2;~~

~~(B) The operation and maintenance of the project;~~

~~(C) All project expenditures in excess of the total project grant award amount;~~

~~(D) Repaying the entirety, or a portion, of the grant award if the recipient abandons completion of the project, or if a portion of the project is ultimately determined to be ineligible for American Rescue Plan Act funds;~~

~~(E) Any additional consideration deemed necessary by the Wyoming water development office to protect the use of public funds;~~

~~(F) Expending grant funds before December 1, 2026.~~

~~(iii) Decisions of the Wyoming water development commission, Wyoming water development office, office of state lands and investments and department of environmental quality relating to determinations of project eligibility and prioritization, including recommendations relating to grant award amounts, are specifically exempt from all provisions of the Wyoming Administrative Procedure Act including provisions for judicial review under W.S. 16-3-114 and 16-3-115;~~

~~(iv) The Wyoming water development commission and Wyoming water development office shall report the approved projects and awarded grant amounts to the select water committee and joint appropriations committee.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]~~

28. This appropriation to the department of health is for the purpose of training one hundred three (103) mental health first aid trainers across the state to include two (2) trainers in each county, one (1) trainer in each school district, one (1) trainer in each community college district and one (1) trainer in the University of Wyoming. This appropriation is intended to increase access to mental health first aid trainers for purposes of training community members to assist residents experiencing mental health or substance abuse challenges due to the COVID-19 pandemic.

29. (a) This appropriation to the department of health is for the purpose of establishing a grant program for emergency medical service providers and county and municipal law enforcement agencies to deliver and improve access to mental health services for first responders as defined by W.S. 27-14-102(a)(xxxix) and law enforcement officers. An emergency medical service provider or county or municipal law enforcement agency seeking a grant under this footnote shall apply to the department detailing the provider's or agency's grant proposal on an application provided by the department. Grant proposals shall be evaluated by the department and prioritized for grant funding based on the following criteria:

(i) The degree to which the proposal will reasonably achieve the intent of this program;

(ii) The adequacy of the proposal's approach to ensuring that any mental health programming funded through the receipt of a grant can be independently sustained by the emergency medical service provider or county or municipal law enforcement agency into the future.

30. This appropriation to the department of family services is for the purpose of planning a system to maximize state and local food distribution and minimize waste of donated and publicly purchased food to feed needy children, families and elderly persons with the intent to identify best practices and opportunities for enhancement and improvement.

31. This appropriation to the University of Wyoming's college of health sciences is for purposes of setting up and developing an accredited physician assistant training program capable of educating and training cohorts of five (5) Wyoming physician assistant students per year. The program shall work and align as closely as possible with current medical education and training programs. The physician assistant program may allow students to participate remotely from any Wyoming community college as practicable.

32. This appropriation to the supreme court is for purposes of assisting with the provision of civil legal needs of low-income individuals, clients with special needs and other vulnerable populations and improving access to legal services during the COVID-19 pandemic through equal justice Wyoming. This appropriation shall be used by the supreme court to implement a common case management system for nonprofit civil legal aid providers, create an online triage portal for low-income individuals allowing for increased access to civil legal services, broaden access for limited English proficient individuals to the court system through remote interpretation and upgrade the equal justice Wyoming website, which serves as the central information repository for clients seeking legal assistance.

**Section 3.**

(a) Funds appropriated under this act may be expended or obligated by the executive branch or judicial branch subject to the following conditions:

(i) It is the intent of the legislature that the appropriations in this act not be included in the respective agencies' standard budget for the immediately succeeding fiscal biennium, unless otherwise specifically provided;

(ii) The appropriations in this act shall not be revised, changed, redistributed or increased pursuant to W.S. 9-2-1005(b)(ii) and (iii);

(iii) The appropriations in this act shall not be transferred or expended for any purpose other than the purpose for which they are appropriated.

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

(c) The governor shall implement reporting requirements on the recipient of any grant, distribution or aid authorized under this act sufficient to comply with all federal reporting requirements.

(d) The governor is authorized to establish by order or rule emergency programs for which funds are appropriated in this act that are consistent with the terms of the American Rescue Plan Act of 2021, P.L. 117-2, and that do not obligate the state to make any expenditure of state funds not appropriated by the legislature. Any emergency program under the authority granted in this act shall expire on December 31, 2026 unless expressly continued by act of the legislature.

(e) The governor shall report to the joint appropriations committee on a monthly basis on all of the following:

(i) The aggregate allocation of funds, appropriated in this act, by program;

(ii) Program expenditures;

(iii) Grant awards;

(iv) Grant expenditures.

**Section 4.**

(a) Beginning March 27, 2022 and ending December 31, 2026, any American Rescue Plan Act capital project funds that the state applies for and receives, and which are not otherwise appropriated in the 2022 legislative budget session, are appropriated to the office of the governor for purposes that are consistent with the terms of the American Rescue Plan Act.

(b) There is appropriated two hundred fifty thousand dollars (\$250,000.00) from American Rescue Plan Act [~~capital funds~~] to the office of state lands and investments for grants for capital construction projects for children's museums that also serve as community multipurpose facilities as determined by the

governor. Distribution of this appropriation is conditioned upon a match of funds in the ratio of four dollars (\$4.00) of appropriated funds to not less than one dollar (\$1.00) of matching funds from any other source. **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]**

(c) As used in this section, “American Rescue Plan Act capital project funds” means any unexpended, unobligated funds allocated to the state of Wyoming from the American Rescue Plan Act of 2021, P.L. 117-2, Section 604 and that were appropriated in 2021 Wyoming Session Laws, Chapter 166, Section 5(b), as amended by this act.

**Section 5.** 2021 Wyoming Session Laws, Chapter 166, Section 4(a)(vi), Section 5(a) and (b)(intro), Section 6(d) and Section 7 is amended to read:

**Section 4.**

(a) The legislature finds that:

(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 for the period beginning]** September 1, 2021 **[and ending March 26, 2022]**, the governor is authorized by the terms of this act to implement programs as specified to expend these funds. **[BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR MARCH 10, 2022 – HOUSE AND SENATE VETO OVERRIDE MARCH 11, 2022.]**

**Section 5.**

(a) To carry out the expenditure of federal funds authorized by subsection (b) of this section **[through March 26, 2022]**, 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 March 26, 2022]** **unless expressly continued by act of the legislature.** **[BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR MARCH 10, 2022 – HOUSE AND SENATE VETO OVERRIDE MARCH 11, 2022.]**

(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. [**This appropriation shall lapse on March 26, 2022.**] 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: [**BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR MARCH 10, 2022 – HOUSE AND SENATE VETO OVERRIDE MARCH 11, 2022.**]

#### **Section 6.**

(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). **T**[**hrough March 26, 2022, t**]he 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. [**BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR MARCH 10, 2022 – HOUSE AND SENATE**]



**VETO OVERRIDE MARCH 11, 2022.]**

**Section 7.** [Except as provided in this section,] 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. **[After March 26, 2022, amounts authorized for expenditure by legislative appropriation of federal funds provided to the state from the American Rescue Plan Act, P.L. 117-2, shall not be revised, changed, redistributed or increased by the governor except pursuant to legislative enactment.]** [BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR MARCH 10, 2022 – HOUSE AND SENATE VETO OVERRIDE MARCH 11, 2022.]

**Section 6.** 2021 Wyoming Session Laws, Chapter 69, Section 313(j) and 2021 Wyoming Session Laws, Chapter 140, Section 9(d) are repealed.

**Section 7.** Nothing in this act shall modify or impair any existing contract or obligation of the state that is executed or incurred on or before March 26, 2022.

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

Approved March 10, 2022.

## Chapter 51

### GENERAL GOVERNMENT APPROPRIATIONS

#### Original Senate File No. 1

AN ACT to make appropriations for the fiscal biennium commencing July 1, 2022 and ending June 30, 2024; providing definitions; providing for appropriations and transfers of funds for the period of the budget and for the remainder of the current biennium as specified; providing for carryover of certain funds beyond the biennium as specified; providing for employee positions as specified; providing for duties, terms and conditions and other requirements relating to appropriations for the remainder of the current biennium and the period of the budget as specified; providing for position and other budgetary limitations; amending existing law by redirecting revenues and making transfers for the period of the budget; **[modifying teacher incentive pay for the period of the budget;]** [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.] providing for reports related to appropriations; creating an account; and providing for effective dates.

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

**Section 1.** As used in this act:

(a) “Agency” means any governmental unit or branch of government receiving an appropriation under this act;

(b) “Appropriation” means the authorizations granted by the legislature under this act to make expenditures from and to incur obligations against the general and other funds as specified;

(c) “Approved budget” means as defined by W.S. 9-2-1002(a)(xxiii);

(d) “ARP” means any unexpended, unobligated funds received by the state of Wyoming from Section 602(c)(1)(C) of Title VI of the federal Social Security Act, as created by Section 9901 of the American Rescue Plan Act of 2021, P.L. 117-2, for the provision of government services to the extent of the state of Wyoming’s reduction in revenue and that were appropriated in 2021 Wyoming Session Laws, Chapter 166, Section 5(b);

(e) “A4” means agency trust account;

(f) “EF” means the agency’s account within the enterprise fund;

(g) “FF” means federal funds;

(h) “IS” means the agency’s account within the internal service fund;

(j) “PF” means the retirement account created by W.S. 9-3-407(a);

(k) “PR” means private funding sources;

(m) “P2” means the deferred compensation account referenced in W.S. 9-3-507;

(n) “SR” means an agency’s account within the special revenue fund;

(o) “S1” means water development account I created by W.S. 41-2-124(a)(i);

(p) “S2” means water development account II created by W.S. 41-2-124(a)(ii);

(q) “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);

(r) “S5” means the school foundation program account;

(s) “S6” means the school capital construction account;

(t) “S7” means the highway fund;

(u) “S10” means the legislative stabilization reserve account;

(w) “S13” means the strategic investments and projects account;

(y) “S0” means other funds identified by footnote;

(z) “T2” means the miners’ hospital permanent land income fund;

(aa) “T3” means the state hospital permanent land fund;

(bb) “T4” means the poor farm account within the permanent land fund as established by W.S. 9-4-310(a)(v);

(cc) “T5” means the Hathaway scholarship expenditure account;

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

(dd) “T0” means other expendable trust funds administered by an agency for specific functions within the agency’s authority;

(ee) “TT” means the tobacco settlement trust income account;

(ff) “This appropriation” when used in a footnote shall be construed as a reference to that portion of the appropriated funds identified in the footnote.

**Section 2.** The following sums of money, or so much thereof as is necessary, are appropriated to be expended during the two (2) years beginning July 1, 2022 and ending June 30, 2024, or as otherwise specified, for the purposes, programs and number of employees specified by this act and the approved budget of each agency. Unless otherwise specifically provided, the conditions, terms and other requirements on appropriations in this act are effective until June 30, 2024, subject to accrual accounting principles.

### Section 001. OFFICE OF THE GOVERNOR

#### PROGRAM

Administration <sup>1, 2, 3.</sup>	8,113,789				8,113,789
Tribal Liaison	481,743				481,743
Commission on Uniform Laws	94,903				94,903
Special Contingency	475,000		20,000,000	S10	20,475,000
Homeland Security	1,998,131	20,585,798	819,250	SR	23,403,179
Natural Resource Policy <sup>4.</sup>					
<sup>5, 6, 8.</sup>	2,000,000		1,500,000	SR	3,500,000
Endangered Species Admin.	675,000				675,000
Baseline Scientific Assess.	307,150				307,150
WY Innov. Partnership <sup>7.</sup>	27,500,000				27,500,000
TOTALS	41,645,716	20,585,798	22,319,250		84,550,764

### AUTHORIZED EMPLOYEES

Full Time	39
Part Time	2
TOTAL	41

1. Of this general fund appropriation, up to one million two hundred fifty thousand dollars (\$1,250,000.00) is appropriated for one (1) or more at-will employee contract positions within the personal services series (100 series) or through the contractual services series (900 series) as necessary to enhance the state’s opportunities to secure infrastructure grants. As a condition of this appropriation, the governor’s office shall regularly report the result of expenditures and grants secured from expenditures under this footnote to the legislature through the joint appropriations committee. It is the intent of the legislature that this appropriation not be included within the office of the governor’s standard budget for the immediately succeeding fiscal biennium.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

This appropriation shall not be transferred or expended for any other purpose. This appropriation shall not be subject to Section 307 of this act. Of this appropriation, six hundred fifty thousand dollars (\$650,000.00) is effective immediately.

2. Of this general fund appropriation, one hundred twenty-five thousand dollars (\$125,000.00) is for purposes of identifying impediments and acting on opportunities to improve Wyoming’s access to export growth in international markets. This appropriation shall not be transferred or expended for any other purpose.

3. Of this general fund appropriation, one hundred twenty thousand dollars (\$120,000.00) shall only be available for expenditure if there is a change of governor as a result of the 2022 general election. This appropriation is for transition staff salaries, travel, expenses incurred in relocating to and from the governor’s mansion and other related office expenses, except that up to twenty thousand dollars (\$20,000.00) of this appropriation may be expended for purposes of defraying moving expenses for gubernatorial appointees who are required to move to Cheyenne and not more than five thousand dollars (\$5,000.00) is appropriated for any one (1) appointee. It is the intent of the legislature that this appropriation not be included within the office of the governor’s standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

4. This general fund appropriation shall be deposited into the federal natural resource policy account. It is the intent of the legislature that this appropriation not be included within the office of the governor’s standard budget for the immediately succeeding fiscal biennium.

5. Of this general fund appropriation deposited into the federal natural resource policy account subject to footnote 4 of this section, one million dollars (\$1,000,000.00) is appropriated for the Black Hills national forest plan revision. This appropriation shall not be transferred or expended for any other purpose. This appropriation is effective immediately

6. Subject to footnote 5 of this section, all funds within the federal natural resource policy account are appropriated and available for expenditure by the governor in accordance with W.S. 9-4-218.

7. (a) Of this general fund appropriation, twenty-seven million five hundred thousand dollars (\$27,500,000.00) is appropriated for phase II of the Wyoming innovation partnership. The following shall apply to this appropriation:

(i) Up to four hundred thousand dollars (\$400,000.00) may be expended for one (1) or more at-will employee contract positions within the personal services series (100 series) or through the contractual services series (900

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

series) as necessary to administer, monitor and report at regular intervals to the joint appropriations committee on the Wyoming innovation partnership;

(ii) No funds shall be expended until the governor makes a determination that appropriate metrics have been established to measure the intended outputs and outcomes of the Wyoming innovation partnership and the expenditures will result in a reasonable likelihood of successfully achieving the identified metrics. The governor’s office shall include a report of the established metrics and results within any biennial budget request submitted under W.S. 9-2-1013 in which the office seeks additional funding for the partnership;

(iii) Expenditures shall be approved by the governor and reported to the joint appropriations committee through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b);

(iv) 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 office of the governor’s standard budget for the immediately succeeding fiscal biennium.

(b) The appropriation in subsection (a) of this footnote shall not be subject to Section 307 of this act.

8. Subject to footnote 5 and footnote 6 of this section, this general funds appropriation or other funds appropriation may be expended by the governor for litigation costs incurred by Wyoming counties involved in litigation relating to treaties between the United States and a federally recognized Indian tribe.

**Section 002. SECRETARY OF STATE**

PROGRAM

Administration <sup>1, 2, 3</sup>	8,175,971	208,690		8,384,661
Securities Enforcement			626,752 SR	626,752
Bucking Horse & Rider			20,000 SR	20,000
TOTALS	8,175,971	208,690	646,752	9,031,413

**AUTHORIZED EMPLOYEES**

Full Time	31
Part Time	0
TOTAL	31

- | APPROPRIATION<br>FOR | GENERAL<br>FUND | FEDERAL<br>FUNDS | OTHER<br>FUNDS | TOTAL<br>APPROPRIATION |
|----------------------|-----------------|------------------|----------------|------------------------|
| \$                   | \$              | \$               | \$             | \$                     |
1. Of this general fund appropriation, five hundred nine thousand dollars (\$509,000.00) 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 2022 statewide election ballot. 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. 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 December 31, 2022.
  2. Of this general fund appropriation, ten thousand dollars (\$10,000.00) shall only be available for expenditure if there is a change of secretary of state as a result of the 2022 general election. This appropriation is for transition staff salaries, travel and other related office expenses. 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. This appropriation shall not be transferred or expended for any other purpose.
  3. Of this general fund appropriation, forty-two thousand dollars (\$42,000.00) is appropriated for in-state and out-of-state travel expenses.

**Section 003. STATE AUDITOR**

PROGRAM

Administration <sup>1</sup>	15,179,344			15,179,344
TOTALS	15,179,344	0	0	15,179,344

**AUTHORIZED EMPLOYEES**

Full Time	23
Part Time	0
TOTAL	23

1. Of this general fund appropriation, ten thousand dollars (\$10,000.00) shall only be available for expenditure if there is a change of state auditor as a result of the 2022 general election. This appropriation is for transition staff salaries, travel and other related office expenses. It is the intent of the legislature that this appropriation not be included in the state auditor’s standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

**Section 004. STATE TREASURER**

PROGRAM

Treasurer’s Operations <sup>1, 2,</sup>				
<sup>3, 4, 9,</sup>	3,121,944		150,609 SR	3,272,553
Veterans’ Tax Exemption <sup>5,</sup>	14,867,909			14,867,909

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Invest. & Fin. Acct.			53,722,907	SR 53,722,907
Unclaimed Property			1,606,892	SR 1,606,892
Internal Investments <sup>[6,]7, 10.</sup>			10,769,588	SR 10,769,588
Native American Exemption <sup>8.</sup>	746,120			746,120
TOTALS	18,735,973	0	66,249,996	84,985,969

#### AUTHORIZED EMPLOYEES

Full Time <sup>10.</sup>	45
Part Time	0
TOTAL	45

**[BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR MARCH 10, 2022 – HOUSE AND SENATE VETO OVERRIDE MARCH 11, 2022.]**

1. Of this general fund appropriation, ten thousand dollars (\$10,000.00) shall only be available for expenditure if there is a change of state treasurer as a result of the 2022 general election. This appropriation is for transition staff salaries, travel and other related office expenses. It is the intent of the legislature that this appropriation not be included in the state treasurer's standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.
2. 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), effective beginning September 30, 2022, not later than ninety (90) days after the end of each calendar quarter, the state treasurer's office shall provide a reconciliation of cash and investment earnings for all transactions conducted in the prior quarter to the joint appropriations committee and select committee on capital financing and investments.
3. A portion of this general fund appropriation may be expended to carry out the purposes of this footnote. The state treasurer's office, with the advice of the investment funds committee, shall identify and track implementation steps taken to respond to the recommendations in the operational audit of the investments and financial accounting within the state treasurer's office funded in 2020 Wyoming Session Laws, Chapter 80, Section 2, Section 060, footnote 2. In accordance with W.S. 9-1-205(a), the state treasurer's office shall report to the joint appropriations committee and select committee on capital financing and investments not later than October 1, 2022 and October 1, 2023 on the advice of the investment funds committee on each of the operational audit's recommendations and on the implementation status of each recommendation.
4. (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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

the period beginning July 1, 2022 and ending June 30, 2024, the state treasurer’s office shall provide monthly information reports to the legislature through the joint appropriations committee 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 separately for 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 or taken to address the identified issues.

5. Of this general fund appropriation, two million three hundred eighty thousand one hundred fifty-seven dollars (\$2,380,157.00) is effective immediately.

**[6. Beginning July 1, 2022 and ending June 30, 2024, except for performance compensation authorized under W.S. 9-1-409(e), no funds shall be expended to increase the compensation of state treasurer’s office investment employees listed in W.S. 9-1-409(e)(ii) without legislative action.] [BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR MARCH 10, 2022 – HOUSE AND SENATE VETO OVERRIDE MARCH 11, 2022.]**

7. Of this other funds appropriation, six hundred fifty-one thousand sixty-six dollars (\$651,066.00)SR is appropriated for salary and benefits of a full-time chief executive officer or chief operations officer. The investment funds committee shall recommend whether the position of maximum benefit to the state’s investments and financial accounting success is a chief executive officer or a chief operations officer, interview applicants and recommend a candidate for the position to **[be housed within]** the state treasurer~~[’s office.]~~ The state loan and investment board **[shall select the candidate and retain hiring and termination authority over this position]**. This appropriation shall not be transferred or expended for any other purpose. **[This appropriation is effective immediately.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]**

8. Of this general fund appropriation, thirty-eight thousand one hundred thirty-two dollars (\$38,132.00) is effective immediately.

9. 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) and during



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

the period beginning with the effective date of this footnote and ending June 30, 2024, the state treasurer's office shall provide monthly and cumulative information to the joint appropriations committee and the select committee on capital financing and investments detailing the status of and any expenditure regarding project plan milestones and deliverables achieved or missed for accounting, workflow automation and order management projects, including deliverables for accounting consultants, accounting system and information technology contracts and contracts related to workflow automation. This footnote is effective immediately.

10. Of this other funds appropriation, six hundred eighty-one thousand dollars (\$681,000.00)SR is appropriated for salaries and benefits for three (3) full-time employees, including two (2) accountants and one (1) accounting manager. This appropriation shall not be transferred or expended for any other purpose. This appropriation is effective immediately.

#### Section 006. ADMINISTRATION AND INFORMATION

##### PROGRAM

Director's Office	3,364,337		387,008	SR	3,751,345
Professional Licensing Bds.			1,508,880	SR	1,508,880
General Services	49,968,115		30,949,378	IS	
			255,719	SR	81,173,212
Human Resources Division	19,073,481	635,701			19,709,182
Employees' Group Insurance			824,832,755	IS	
			8,000,000	SR	832,832,755
Economic Analysis	1,130,996				1,130,996
State Library	4,364,967	1,171,034	4,067,901	SR	9,603,902
TOTALS	77,901,896	1,806,735	870,001,641		949,710,272

#### AUTHORIZED EMPLOYEES

Full Time	280
Part Time	1
TOTAL	281

#### Section 007. WYOMING MILITARY DEPARTMENT

##### PROGRAM

Military Dept. Operation	9,536,078				9,536,078
Air National Guard <sup>1,2</sup>	1,452,750	13,022,153			14,474,903
Camp Guernsey			1,023,300	SR	1,023,300
Army National Guard <sup>3,4</sup>	551,550	42,566,964	2,376,047	S5	45,494,561
Veterans' Services	3,452,178	231,863	7,500	SR	3,691,541

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Oregon Trail Cemetery	564,845		20,000	SR 584,845
Military Support	68,432			68,432
TOTALS	15,625,833	55,820,980	3,426,847	74,873,660

**AUTHORIZED EMPLOYEES**

Full Time	244
Part Time	29
TOTAL	273

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. Of this general fund appropriation, five hundred thousand dollars (\$500,000.00) and of this federal funds appropriation, three hundred thousand dollars (\$300,000.00) is appropriated for routine facilities projects. It is the intent of the legislature that these appropriations not be included in the military department’s standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

3. Of this general fund appropriation, five hundred thousand dollars (\$500,000.00) and of this federal funds appropriation, three hundred thousand dollars (\$300,000.00) is appropriated for routine facilities projects. It is the intent of the legislature that these appropriations not be included in the military department’s standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

4. 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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

eliminated pursuant to this footnote through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b).

### Section 008. OFFICE OF THE PUBLIC DEFENDER

#### PROGRAM

Administration <sup>1</sup>	21,505,319		3,761,649	SR	25,266,968
TOTALS	21,505,319	0	3,761,649		25,266,968

#### AUTHORIZED EMPLOYEES

Full Time	78
Part Time	14
TOTAL	92

1. Of this general fund appropriation, twenty million three hundred sixty-six thousand five hundred dollars (\$20,366,500.00) and of this other funds appropriation, three million five hundred ninety-four thousand eighty-eight dollars (\$3,594,088.00)SR may be expended for contract trial attorneys, contract legal support or compensation of full-time and part-time employee positions authorized for the office of the public defender to address caseload work requirements and geographic distribution in the most effective and efficient manner as determined by the public defender. This appropriation shall not be subject to Section 307 of this act.

### Section 010. DEPARTMENT OF AGRICULTURE

#### PROGRAM

Administration Div.	2,144,964		5,000	SR	2,149,964
Ag. Education and Info.	16,000		20,000	SR	36,000
Consumer Prot. Div.	11,477,075	1,218,280	1,544,581	SR	14,239,936
Natural Resources Div. <sup>1, 2</sup>	3,857,815	7,914	656,008	S1	4,521,737
Pesticide Registration	773,671				773,671
State Fair	2,426,361		1,625,096	SR	4,051,457
Weed & Pest Control			1,000,000	SR	1,000,000
Predator Management	5,881,016				5,881,016
Wyoming Beef Council			2,335,562	SR	2,335,562
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	26,576,902	1,226,194	7,676,142		35,479,238

#### AUTHORIZED EMPLOYEES

Full Time	73
Part Time	6
TOTAL	79

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

1. Of this general fund appropriation, three hundred thousand dollars (\$300,000.00) is appropriated for Wyoming agriculture in the classroom. It is the intent of the legislature that this appropriation not be included in the department of agriculture’s standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

2. Of this general fund appropriation, not less than seventy thousand dollars (\$70,000.00) shall be expended for rangeland health assessment program grants. It is the intent of the legislature that this appropriation be included in the department of agriculture’s standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

**Section 011. DEPARTMENT OF REVENUE**

PROGRAM

Administration	5,590,939				5,590,939
Revenue Division	8,567,316		783,293	SR	9,350,609
Valuation Division <sup>1</sup>	10,123,971				10,123,971
Liquor Division			11,268,039	EF	11,268,039
Liquor Sales & Purchases			275,000,000	EF	275,000,000
General Fund Transfers			42,000,000	EF	42,000,000
TOTALS	24,282,226	0	329,051,332		353,333,558

**AUTHORIZED EMPLOYEES**

Full Time	119
Part Time	0
TOTAL	119

1. Of this general fund appropriation, three million dollars (\$3,000,000.00) is appropriated for the property tax refund program pursuant to W.S. 39-13-109(c)(v). It is the intent of the legislature that this appropriation not be included within the department of revenue’s standard budget for the immediately succeeding fiscal biennium.

**Section 014. MINERS’ HOSPITAL BOARD**

PROGRAM

Miners’ Hospital Board			9,686,080	T2	9,686,080
TOTALS	0	0	9,686,080		9,686,080

**AUTHORIZED EMPLOYEES**

Full Time	3
Part Time	0
TOTAL	3

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 015. ATTORNEY GENERAL</b>				
PROGRAM				
Law Office <sup>1</sup>	18,879,630	742,756	1,290,713	S5
			4,076,104	SR
			670,282	TT
				25,659,485
Criminal Investigations	26,536,327	7,438,959	1,070,072	SR
Law Enforcement Academy	5,260,865		1,202,423	EF
Peace Off. Stds. & Trng. <sup>2</sup>	329,568		189,039	SR
Victim Services Division	6,981,660	17,372,367	5,200,096	SR
Governor's Council on DD	391,853	827,596	16,000	SR
TOTALS	58,379,903	26,381,678	13,714,729	98,476,310

**AUTHORIZED EMPLOYEES**

Full Time	228
Part Time	1
TOTAL	229

1. Of this general fund appropriation, three hundred thirty-four thousand eight hundred twenty dollars (\$334,820.00) is appropriated to support two (2) at-will contract employees to pursue birth cost recovery under the Medicaid Fairness Act, W.S. 14-2-1001 et seq. It is the intent of the legislature that this appropriation not be included in the attorney general's standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

2. Of this general fund appropriation, twenty-five thousand dollars (\$25,000.00) is appropriated for the purpose of hosting a statewide conference on suicides by first responders and developing a plan for addressing the risk of suicides among first responders. It is the intent of the legislature that this appropriation not be included in the attorney general's standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

**Section 020. DEPARTMENT OF ENVIRONMENTAL QUALITY**

PROGRAM				
Administration <sup>(+)</sup>	6,297,761			6,297,761
Air Quality	6,793,254	1,510,028	13,555,245	SR
Water Quality	11,277,963	9,556,047	1,196,775	SR
Land Quality	4,555,984	4,624,679		9,180,663
Industrial Siting	456,445			456,445
Solid Waste Management	3,263,913	3,471,677	4,248,204	SR
Uranium NRC Agreement			2,048,232	SR
Abandoned Mine Reclam.		103,064,366		103,064,366

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Subsidence Loss Ins.			225,413	SR 225,413
TOTALS	32,645,320	122,226,797	21,273,869	176,145,986

#### AUTHORIZED EMPLOYEES

Full Time	256
Part Time	0
TOTAL	256

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]

~~[1. Of this general fund appropriation, up to one hundred fifty thousand dollars (\$150,000.00) shall be expended for a feasibility study on the state of Wyoming obtaining agreement status with the United States nuclear regulatory commission for licensing the possession of nuclear materials or byproduct nuclear materials, including thorium, from the mining and processing of rare earth elements. Not later than October 15, 2023, the department of environmental quality shall report to the joint minerals, business and economic development interim committee on the results of the study, including recommendations for whether the state of Wyoming should become an agreement state as described in this footnote and any necessary legislation.]~~ [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]

#### Section 021. DEPARTMENT OF AUDIT

PROGRAM					
Administration	328,339	342,649	286,210	SR	957,198
Banking			6,513,288	SR	6,513,288
Public Fund	5,500,787				5,500,787
Mineral	2,684,453	5,033,285	206,300	SR	7,924,038
Excise	3,676,253		91,000	S7	3,767,253
TOTALS	12,189,832	5,375,934	7,096,798		24,662,564

#### AUTHORIZED EMPLOYEES

Full Time	103
Part Time	0
TOTAL	103

#### Section 023. PUBLIC SERVICE COMMISSION

PROGRAM					
Administration		366,029	7,742,520	SR	8,108,549
Consumer Advocate Div.			2,044,449	SR	2,044,449
Universal Service Fund			5,334,390	SR	5,334,390
TOTALS	0	366,029	15,121,359		15,487,388

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	37			
Part Time	0			
TOTAL	37			

**Section 024. STATE PARKS & CULTURAL RESOURCES**

## PROGRAM

Administration & Support	2,190,603				2,190,603
Cultural Resources <sup>1, 2,</sup>					
<sup>3, 4, 5, 6.</sup>	10,808,152	3,187,389	200,000	EF	
			4,389,130	SR	18,584,671
St. Parks & Hist. Sites <sup>7.</sup>	17,442,846	6,898,032	150,350	EF	
			18,720,569	SR	43,211,797
TOTALS	30,441,601	10,085,421	23,460,049		63,987,071

**AUTHORIZED EMPLOYEES**

Full Time	148
Part Time	71
TOTAL	219

1. Of this general fund appropriation, not less than sixty-three thousand dollars (\$63,000.00) is appropriated to support manuscripts and publication of the annals of Wyoming.

2. Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) is appropriated for purposes of the "We the People" educational program. No funds from this appropriation shall be expended to pay or reimburse the University of Wyoming indirect cost recovery or overhead expenses for the administration of the "We the People" educational program. It is the intent of the legislature that this appropriation not be included in the department of state parks and cultural resources' standard budget for the immediately succeeding fiscal biennium. These funds 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 and conditioned upon matching funds in the ratio of one dollar (\$1.00) of appropriated general funds to not less than one dollar (\$1.00) of matching federal funds for purposes of providing grants for humanities initiatives with an emphasis on the 250th anniversary of the declaration of independence. It is the intent of the legislature that this appropriation not be included in the department of state parks and cultural resources' standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

4. Of this general fund appropriation, ten thousand dollars (\$10,000.00) is

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

appropriated to support the Wyoming centennial farm and ranch program. 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 department of state parks and cultural resources' standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

5. Of this general fund appropriation, ninety-six thousand five hundred eleven dollars (\$96,511.00) may be expended for authorized full-time and part-time employee positions within the personal services series (100 series) or through the contractual services series (900 series) as necessary to ensure the state's archaeology work on human remains is completed in the most effective and efficient manner as determined by the director of the department of state parks and cultural resources. This appropriation shall not be subject to Section 307 of this act.

6. Of this general fund appropriation, two million five hundred thousand dollars (\$2,500,000.00) shall be deposited into the corpus of the Wyoming cultural trust fund.

7. Of this other funds appropriation, three hundred thousand dollars (\$300,000.00)SR from the Wyoming tourism and reserve projects account may be expended for interagency support and collaborations related to outdoor recreation and tourism. It is the intent of the legislature that this division's appropriation be separately accounted for in the 2023-2024 biennium and in the 2025-2026 biennial budget request in two (2) separate units, one (1) for outdoor tourism and one (1) for state parks and historic sites.

**Section 027. STATE CONSTRUCTION DEPARTMENT**

PROGRAM

Operations	1,627,048		4,680,436	S6	6,307,484
School Facilities Div. <sup>1</sup>			166,373,783	S6	166,373,783
Construction Management <sup>2,1</sup>	2,251,677				2,251,677
TOTALS	3,878,725	0	171,054,219		174,932,944

AUTHORIZED EMPLOYEES

Full Time	28
Part Time	0
TOTAL	28

**[BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR MARCH 10, 2022 – HOUSE AND SENATE VETO OVERRIDE MARCH 11, 2022.]**



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

1. Of this other funds appropriation, four million dollars (\$4,000,000.00)S6 is effective immediately.

**[2. Of this general fund appropriation, one million dollars (\$1,000,000.00) is appropriated for an acoustics study and implementation of remedies for the capitol building and extension from the capitol building to and under the Herschler building. No funds shall be expended from this appropriation without consultation and approval by the subcommittee created by 2021 Wyoming Session Laws, Chapter 140, Section 8(a). This appropriation is effective immediately.] [BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR MARCH 10, 2022 – HOUSE AND SENATE VETO OVERRIDE MARCH 11, 2022.]**

### Section 029. WYO WATER DEVELOPMENT OFFICE

#### PROGRAM

Administration	0	0	8,039,742	S1	8,039,742
TOTALS	0	0	8,039,742		8,039,742

#### AUTHORIZED EMPLOYEES

Full Time	25
Part Time	0
TOTAL	25

### Section 037. STATE ENGINEER

#### PROGRAM

Administration	1,796,136		49,906	S1	1,846,042
Ground Water Div.	2,880,135				2,880,135
Surface Water Div.	1,999,168				1,999,168
Board of Control Div.			14,258,827	S1	14,258,827
Support Services Div.	1,493,867				1,493,867
Board of Registration PE			982,837	SR	982,837
Interstate Streams Div. <sup>1</sup>	1,615,098		102,953	S1	1,718,051
Special Projects			17,820	SR	17,820
North Platte Settlement	1,380,530				1,380,530
Well Drillers' Licensing			251,160	SR	251,160
TOTALS	11,164,934	0	15,663,503		26,828,437

#### AUTHORIZED EMPLOYEES

Full Time	107
Part Time	9
TOTAL	116

1. Of this general fund appropriation, three hundred sixty-six thousand one hundred eighteen dollars (\$366,118.00) is effective immediately.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

**Section 039. WILDLIFE/NATURAL RESOURCE TRUST**

PROGRAM

Administration <sup>1, 2</sup>	10,000,000		12,000,000	SR	22,000,000
Trust Corpus <sup>3</sup>	75,000,000				75,000,000
TOTALS	85,000,000	0	12,000,000		97,000,000

**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 and subject to footnote 1 of this section, ten million dollars (\$10,000,000.00) is appropriated for wildlife crossings and game fences in support of the highway system. 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 federal funds. It is the intent of the legislature that this appropriation not be included in the wildlife and natural resource trust's standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

3. 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	668,643				668,643
Fire Prevention Admin.	1,921,375				1,921,375
Electrical Safety Admin.	817,493		1,567,745	SR	2,385,238
Training	1,588,505				1,588,505
Fire Academy	496,505				496,505
TOTALS	5,492,521	0	1,567,745		7,060,266

**AUTHORIZED EMPLOYEES**

Full Time	32
Part Time	0
TOTAL	32

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 042. GEOLOGICAL SURVEY</b>				
PROGRAM				
Geologic Program <sup>1</sup>	4,347,846			4,347,846
USGS Grants		240,000		240,000
WY Min. Resource <sup>2</sup>	2,000,000			2,000,000
TOTALS	6,347,846	240,000	0	6,587,846

**AUTHORIZED EMPLOYEES**

Full Time	19
Part Time	0
TOTAL	19

1. Of this general fund appropriation, one hundred thirty thousand dollars (\$130,000.00) is effective immediately.

2. Of this general fund appropriation, two million dollars (\$2,000,000.00) is appropriated for geophysics surveys to analyze Wyoming's mineral resources. It is the intent of the legislature that this appropriation not be included in the department of geological survey's standard budget for the immediately succeeding fiscal biennium.

**Section 044. INSURANCE DEPARTMENT**

PROGRAM					
Administration			6,277,876	SR	6,277,876
Health Insurance Pool	3,229,878		8,881,732	EF	12,111,610
TOTALS	3,229,878	0	15,159,608		18,389,486

**AUTHORIZED EMPLOYEES**

Full Time	26
Part Time	0
TOTAL	26

**Section 045. DEPARTMENT OF TRANSPORTATION**

PROGRAM					
Administration			3,717,393	S7	3,717,393
Administrative Services <sup>1</sup>		168,150	56,663,473	S7	
			14,636,000	SR	71,467,623
Law Enforcement <sup>2</sup>		6,788,779	89,249,759	S7	
			260,000	SR	96,298,538
WyoLink <sup>3</sup>			1,358,851	IS	
			4,107,263	S4	
			3,145,613	S7	8,611,727
Aeronautics Admin.		310,300	4,388,907	S7	4,699,207
Operational Services			2,405,010	IS	2,405,010

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Aeronautics		45,225,000	160,394	IS
			20,718,289	S7
TOTALS	0	52,492,229	200,810,952	253,303,181

#### AUTHORIZED EMPLOYEES

Full Time	553
Part Time	0
TOTAL	553

1. Of this other funds appropriation, twenty million dollars (\$20,000,000.00) S7 is appropriated for replacement of the revenue information system. This footnote serves as legislative authorization to expend funds in accordance with the requirement found in 2021 Wyoming Session Laws, Chapter 152, Section 3(d). It is the intent of the legislature that this appropriation not be included in the department of transportation's standard budget for the immediately succeeding fiscal biennium.

2. Of this other funds appropriation, up to five hundred twenty-three thousand two hundred seventy-seven dollars (\$523,277.00) S7 may be expended for law enforcement personnel expenses within the personal services series (100 series) or through the contractual services series (900 series) as necessary to meet capitol complex security needs in the most effective and efficient manner as determined by the director of the department of transportation. This appropriation shall not be subject to Section 307 of this act.

3. Of this other funds appropriation, four million one hundred seven thousand two hundred sixty-three dollars (\$4,107,263.00) S4 is appropriated to fund the ongoing costs of hardware and software maintenance for the WyoLink statewide public safety interoperable radio communications system. As a condition of this appropriation, the department of transportation shall administer a billing system for the use of the WyoLink system. This appropriation shall be used to pay any charges to local governments until the appropriation is exhausted.

#### Section 048. DEPARTMENT OF HEALTH

##### PROGRAM

Director's Office	9,903,565	2,002,506	275,453	SR	12,181,524
Health Care Financing					
1., 2., 9., 10.[+]	547,103,699	763,979,106	5,000,000	S5	
			89,636,851	SR	
			1,450,000	TT	1,407,169,656
Public Health	34,279,504	63,333,261	90,173	A4	
			17,750,201	SR	
			10,421,862	TT	125,875,001
Behavioral Health <sup>3,4</sup>	165,460,461	16,446,647	71,431,545	ARP	

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$	
			4,378,861	S5	
			53,277,148	SR	
			1,322,500	T3	
			14,511,175	TT	326,828,337
Aging <sup>5, 6, 7, 12.</sup>	22,893,530	27,264,191	11,491,368	ARP	
			13,317,694	SR	74,966,783
TOTALS	779,640,759	873,025,711	294,354,831		1,947,021,301

#### AUTHORIZED EMPLOYEES

Full Time <sup>8.</sup>	1,330
Part Time	67
TOTAL	1,397

**[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]**

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 for expenditure only if the state Medicaid plan amendment specified by this footnote is or has been approved and shall be expended for purposes of making provider payments or reimbursements under the amended state Medicaid plan.

2. In accordance with W.S. 42-2-103(d), the state supplemental security income monthly payment amount for the period beginning July 1, 2022 and ending June 30, 2024 shall be 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. (a) Of this general fund appropriation:

(i) Seven million two hundred forty-nine thousand eighty-six dollars (\$7,249,086.00) is appropriated for outpatient mental health, unit 2506;

(ii) One million three hundred eleven thousand eight hundred sixteen dollars (\$1,311,816.00) is appropriated for outpatient substance abuse, unit 2507;

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

(iii) Two million six hundred sixty-four thousand seven hundred two dollars (\$2,664,702.00) is appropriated for residential mental health, unit 2508;

(iv) Three million nine hundred sixty-seven thousand eight hundred sixty-four dollars (\$3,967,864.00) is appropriated for residential substance abuse, unit 2509.

(b) It is the intent of the legislature that the appropriations in subsection (a) of this footnote not be included in the department of health’s standard budget for the immediately succeeding fiscal biennium.

4. Of this other funds appropriation, seven million five hundred thousand dollars (\$7,500,000.00)TT is effective immediately.

5. (a) Of this general fund appropriation, two million seven hundred forty-nine thousand eight hundred ninety-four dollars (\$2,749,894.00) is for the Wyoming home services program for fiscal year 2023.

(b) It is the legislature’s intent that the department of health submit a supplemental budget request for fiscal year 2024 in an amount equal to the amount appropriated in subsection (a) of this section for the continued operation of the Wyoming home services program if:

(i) Expenditure of monies received by the state of Wyoming from Section 602, excluding those monies received under 602(c)(1)(C) for revenue replacement, of Title VI of the federal Social Security Act, as created by Section 9901 of the American Rescue Plan Act of 2021, P.L. 117-2, are deemed impermissible by the attorney general or if 2022 Senate File 0066 is not enacted into law;

(ii) The department of health:

(A) Implements a means testing requirement for beneficiaries of the program on or before June 30, 2023;

(B) Develops and implements performance metrics and outcomes measurements of the program; and

(C) Initiates negotiations for a waiver under Section 1315 of Title XI, Part A of the federal Social Security Act, as amended.

(c) It is the intent of the legislature that the general fund appropriation specified under subsection (a) of this footnote not be included in the department of health’s standard budget for the immediately succeeding fiscal biennium.

6. (a) 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 operation of the Wyoming home services program under a waiver of Section 1315 of Title XI, Part A of the federal Social

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

Security Act, as amended, with the intent of providing home and community based services to individuals who may not currently qualify for such services under Medicaid. The department of health shall report to the joint labor, health and social services interim committee and joint appropriations committee not later than September 1, 2022 on the followin

- (i) The costs of any proposal;
- (ii) Services to be provided and proposed provider network;
- (iii) Proposed eligibility criteria and assessment, including means testing;
- (iv) Proposed beneficiary cost-sharing requirements;
- (v) Outcome measurements to be implemented by the department of health for the services rendered.

7. Of this general fund appropriation, five million one hundred forty-eight thousand seven hundred twenty-four dollars (\$5,148,724.00) is effective immediately.

8. Of the authorized employees, thirty-five (35) full-time positions are effective immediately.

9. Of this general fund appropriation, eight hundred eight thousand eight hundred seven dollars (\$808,807.00) and of this federal funds appropriation, eight hundred eight thousand eight hundred seven dollars (\$808,807.00) is appropriated for purposes of rebasing psychiatric residential treatment facility provider rates pursuant to the department of health's most recent cost study.

10. Of this general fund appropriation, three million two hundred twenty-one thousand three hundred forty-three dollars (\$3,221,343.00) and of this federal funds appropriation three million two hundred twenty-one thousand three hundred forty-three dollars (\$3,221,343.00) is appropriated for the purpose of additional funding allocations to developmental disability agency providers, as defined in the most recent developmental disability rate rebasing report. This appropriation shall not be transferred or expended for any other purpose.

~~[11. (a) In accordance with W.S. 42-4-104(a)(ii) and under the direction of the governor, the director of the department of health and any other necessary agency of this state:~~

~~(i) Is authorized to work with the Wyoming congressional delegation to increase Wyoming's federal medical assistance percentage calculation for current Wyoming Medicaid benefits under Wyoming Medicaid to reflect Wyoming's household income and maximize federal funding more accurately;~~

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

~~(ii) Shall negotiate to extend any temporary federal medical assistance percentage incentives for current Medicaid benefits currently available as a result of the American Rescue Plan Act of 2021, P.L. 117-2 and other federal legislation.~~

~~(b) The governor, by and through the department of health and upon giving written notice to the legislature through the joint appropriations committee, is authorized to pursue any federal authorization to carry out this footnote.~~

~~(c) This footnote is effective immediately.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]~~

12. (a) Of this general fund appropriation, four hundred seventy-eight thousand six hundred fifty-four dollars (\$478,654.00) and of this federal funds appropriation, seven million nine thousand seven hundred seventy-five dollars (\$7,009,775.00) is appropriated for matching funds for purposes of the Older Americans Act of 1965, as amended, and awarded pursuant to the American Rescue Plan Act of 2021, P.L. 117-2, in response to the COVID-19 pandemic, including increased nutrition services. This general fund appropriation or the portion of this general fund appropriation meeting the following conditions shall not be expended and shall revert as provided by law if:

(i) The federal government waives or reduces the state matching requirement of general funds subject to this footnote;

(ii) Expenditures for the purposes of this footnote are less than the general funds appropriation;

(iii) Other funds are identified by the director of the department of health to be expended for the matching requirements associated with this general fund appropriation; or

(iv) Expenditures by local senior citizen centers are deemed allowed by the federal government to satisfy the matching requirement in lieu of this general fund appropriation.

(b) It is the intent of the legislature that the appropriation specified in subsection (a) of this footnote not be included in the department of health's standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.



APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 049. DEPARTMENT OF FAMILY SERVICES</b>				
PROGRAM				
Energy Assistance & WX		22,740,882		22,740,882
Institutions	24,980,596		453,733 SR	25,434,329
Assistance & Services <sup>1,2,</sup> <sup>3,4</sup>	118,576,711	126,630,121	4,832,101 SR	
			4,863,219 TT	254,902,152
TOTALS	143,557,307	149,371,003	10,149,053	303,077,363

**AUTHORIZED EMPLOYEES**

Full Time	635
Part Time	19
TOTAL	654

1. For the period beginning July 1, 2022 and ending June 30, 2024, 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 this general fund appropriation, one million one hundred fifty-three thousand six hundred sixty-nine dollars (\$1,153,669.00) and of this federal funds appropriation, four hundred thirty-five thousand three hundred eighty dollars (\$435,380.00) is appropriated for out-of-home services including foster care, adoption and guardianship subsidies, group homes and residential treatment centers. This appropriation shall not be transferred or expended for any other purpose.

3. Of this general fund appropriation, sixty thousand dollars (\$60,000.00) is appropriated for purposes of indigent burial or cremation expenses authorized by W.S. 42-2-103(c). 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 shall not be transferred or expended for any other purpose. This appropriation is effective immediately.

4. Of this general fund appropriation, two million two hundred fifty thousand dollars (\$2,250,000.00) is appropriated for the stabilization, reform and expansion of community juvenile services boards as defined as "community board" by W.S. 14-9-103(a)(ii). For the period beginning July 1, 2022 and ending June 30, 2023, the department of family services shall only expend funds from this appropriation through contracts that reflect an initial reinstatement of funding to stabilize current community juvenile services boards and to provide funds to counties that were not receiving grant funding for community juvenile services boards prior to fiscal year 2021. For the period beginning July

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

1, 2023 and ending June 30, 2024, the department of family services shall only expend funds from this appropriation through contracts that reflect the reform and expansion of community juvenile services boards. Of this appropriation, two hundred fifty thousand dollars (\$250,000.00) is effective immediately to allow currently operating community juvenile services boards to operate until July 1, 2022. Funds provided to community juvenile services boards under this footnote shall be contingent upon each board collecting and providing basic demographic details on each juvenile as permitted by law and other information that may aid in evaluating outcomes including, but not limited to, disposition, recidivism and returns to school. This appropriation shall not be transferred or expended for any other purpose.

### Section 051. LIVESTOCK BOARD

#### PROGRAM

Administration	1,573,757	21,286	329,832	SR	1,924,875
Animal Health	1,096,135		228,960	SR	1,325,095
Brucellosis	942,252	475,260			1,417,512
Cooperative Agreements		25,500			25,500
Estrays	38,750				38,750
Brand Inspection	1,171,502		11,148,465	SR	12,319,967
Predator Control Fees			2,255,212	SR	2,255,212
TOTALS	4,822,396	522,046	13,962,469		19,306,911

### AUTHORIZED EMPLOYEES

Full Time	17
Part Time	0
TOTAL	17

### Section 053. DEPARTMENT OF WORKFORCE SERVICES

#### PROGRAM

Administration & Support	9,202,285	31,703,592	3,444,859	EF	
			6,001,352	SR	50,352,088
Vocational Rehab.	4,547,201	25,858,075	112,527	EF	
			2,810,539	SR	33,328,342
Unemployment Insurance		35,477,045	2,007,118	EF	
			6,166,775	SR	43,650,938
Labor Standards	2,113,933	556	3,742	EF	2,118,231
Workers' Comp. & OSHA	202,026	4,368,981	67,914,310	EF	72,485,317
Disability Determination		8,145,504			8,145,504
TOTALS	16,065,445	105,553,753	88,461,222		210,080,420

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	549			
Part Time	0			
TOTAL	549			

**Section 055. OIL AND GAS COMMISSION**

## PROGRAM

Administration		250,584	11,232,205	SR	11,482,789
Orphan Wells			7,500,000	SR	7,500,000
TOTALS	0	250,584	18,732,205		18,982,789

**AUTHORIZED EMPLOYEES**

Full Time	40
Part Time	0
TOTAL	40

**Section 057. COMMUNITY COLLEGE COMMISSION**

## PROGRAM

Administration	6,835,763		84,587	SR	6,920,350
State Aid <sup>1</sup>	208,007,429				208,007,429
Adult Education	2,021,188	1,873,379			3,894,567
Veterans' Tuition Waiver	481,250				481,250
Public Television	2,988,371		110,000	SR	3,098,371
TOTALS	220,334,001	1,873,379	194,587		222,401,967

**AUTHORIZED EMPLOYEES**

Full Time	12
Part Time	0
TOTAL	12

1. Of this general fund appropriation, two hundred thousand dollars (\$200,000.00) shall be expended to support competitive rodeo teams at Wyoming community colleges. The appropriation shall be equally distributed to all colleges with a competitive rodeo program. This appropriation shall not be transferred or expended for any other purpose.

**Section 060. STATE LANDS AND INVESTMENTS**

## PROGRAM

Operations <sup>1</sup>	10,643,712	52,580,759	2,608,520	S1	
			3,005,966	S4	
			690,000	S5	
			7,258,191	SR	76,787,148
Forestry <sup>2</sup>	7,800,654	942,344	225,622	SR	8,968,620
County Emergency Suppr.	20,000,000		12,003,490	SR	32,003,490

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Fire	4,475,106	245,818		4,720,924
Forestry Performance Acct.			80,000	SR 80,000
Ranch A			16,000	SR 16,000
Federal Forestry Grants		6,335,000		6,335,000
Fire Prot. Revolving Acct.			10,061,204	SR 10,061,204
Good Neighbor Authority <sup>3</sup>	540,000	4,012,519		4,552,519
Transp. Enterprise Fund			2,000,000	SR 2,000,000
Farm Loan Reserve			5,000,000	SR 5,000,000
TOTALS	43,459,472	64,116,440	42,948,993	150,524,905

### AUTHORIZED EMPLOYEES

Full Time	94
Part Time	4
TOTAL	98

1. Of this general fund appropriation, sixty thousand dollars (\$60,000.00) and of this other funds appropriation, six hundred ninety thousand dollars (\$690,000.00)S5 shall be deposited in the state land preservation and enhancement account created by 2005 Wyoming Session Laws, Chapter 85, Section 1, for projects as approved by the board of land commissioners. It is the intent of the legislature that of this general fund appropriation, thirty-three thousand three hundred thirty-three dollars (\$33,333.00) and of this other funds appropriation, three hundred seventy-five thousand seven hundred sixty dollars (\$375,760.00)S5 not be included in the office of state lands and investments' standard budget for the immediately succeeding fiscal biennium.

2. The department is authorized to hire up to one (1) additional at-will employee contract position within the forestry division only when federal funds are received which reimburse the state for one hundred percent (100%) of the costs of the position. In the event federal funding becomes unavailable to maintain one hundred percent (100%) reimbursement for a position filled pursuant to this footnote, the position shall be eliminated. The office of state lands and investments 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. Notwithstanding W.S. 36-1-503(b), of this general fund appropriation, four hundred thousand dollars (\$400,000.00) is appropriated for purposes of funding up to fifty percent (50%) of the costs of any at-will contract positions within the forestry division hired to conduct good neighbor authority projects or other federally funded cooperative forest management projects funded through the Wyoming state forestry good neighbor authority revolving account. It is the

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

intent of the legislature that this appropriation not be included within the office of state lands and investments' standard budget for the immediately succeeding fiscal biennium. This appropriation is intended to incentivize the United States forest service and bureau of land management to increase the use of federal good neighbor authority funds in the state. This appropriation shall not be transferred or expended for any other purpose.

### Section 063. GOVERNOR'S RESIDENCE

#### PROGRAM

Residence Operation	518,877			518,877
TOTALS	518,877	0	0	518,877

#### AUTHORIZED EMPLOYEES

Full Time	2
Part Time	0
TOTAL	2

### Section 066. WYOMING TOURISM BOARD

#### PROGRAM

Wyoming Tourism Board <sup>1,2,3</sup>

			41,759,164	SR	41,759,164
TOTALS	0	0	41,759,164		41,759,164

#### AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

1. Of this other funds appropriation, eight million eight hundred twenty-six thousand dollars (\$8,826,000.00)SR is appropriated for purposes of growing visitation by increasing brand exposure through advertising and outreach. 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 Wyoming tourism board's standard budget for the immediately succeeding fiscal biennium. If the Wyoming tourism board submits an exception request for these purposes for the immediately succeeding fiscal biennium, the legislature intends the board to provide well-developed metrics and associated outcomes resulting from this appropriation.

2. Of this other funds appropriation, one million five hundred thousand dollars (\$1,500,000.00)SR is from the Wyoming tourism and reserve projects account to support renovations and enhancements at welcome centers and the Quebec 01 state historic site. As a condition of this appropriation, the Wyoming tourism board shall report to the joint appropriations committee and joint travel, recreation, wildlife and cultural resources interim committee

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

on the design, cost, location and improvements to interpretive updates and signage at the northeast and southeast Wyoming welcome centers and Quebec 01 state historic site.

3. Of this other funds appropriation, two million dollars (\$2,000,000.00)SR is from the Wyoming tourism and reserve projects account to support the outdoor recreation office within the department of state parks and cultural resources. Expenditure of this appropriation is conditioned upon a match of two million dollars (\$2,000,000.00) of federal funds received by the department of state parks and cultural resources.

### Section 067. UNIVERSITY OF WYOMING <sup>9</sup>.

#### PROGRAM

State Aid <sup>1, 2, 10</sup>	304,213,013			304,213,013
Family Medical Residency	14,801,609			14,801,609
WWAMI Medical Education <sup>3</sup>	16,283,547			16,283,547
School of Energy Res. <sup>4</sup>				
<sup>5, 6</sup>	22,468,000			22,468,000
Tier 1 Engineering	7,584,703			7,584,703
NCAR MOU	1,528,316			1,528,316
Endowments & Matching <sup>7</sup>				
<sup>8</sup>	2,500,000		25,000,000	S13 27,500,000
TOTALS	369,379,188	0	25,000,000	394,379,188

#### AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

1. (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 of Wyoming 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 for the purposes of:

(A) Authorized recruitment of prospective student athletes to the University of Wyoming 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;

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

(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, 2022 and ending June 30, 2024 by distributing to the University of Wyoming an amount equal to the amount of qualifying contributions for the quarter.

(b) The appropriation specified in subsection (a) of this footnote shall not be transferred or expended for any purpose not specified in this footnote and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2024.

2. Of this general fund appropriation, two hundred thousand dollars (\$200,000.00) shall be expended to support the University of Wyoming rodeo team.

3. Of this general fund appropriation, one million five hundred seventy-nine thousand nine hundred forty-eight dollars (\$1,579,948.00) shall be expended for any unfunded increases to student tuition and fees in the WWAMI program and only after all available and permissible federal funds have been exhausted. This appropriation shall not be transferred or expended for any other purpose.

4. Of this general fund appropriation, two million dollars (\$2,000,000.00) is appropriated for a nuclear energy collaboration and training program. It is the intent of the legislature that this appropriation not be included in the University of Wyoming's standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose. This appropriation is effective immediately.

5. Of this general fund appropriation, two million dollars (\$2,000,000.00) is appropriated for energy policy development at the University of Wyoming specifically including a hydrogen center of excellence. It is the intent of the legislature that this appropriation not be included in the University of Wyoming's standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

6. Of this general fund appropriation, three hundred thousand dollars (\$300,000.00) is appropriated for a feasibility study on using carbon dioxide in public works projects. The feasibility study shall include an analysis of the economic feasibility of requiring that a specified percentage of concrete used in public works projects be made using carbon dioxide emissions from coal fired or natural gas fired electric generation facilities and shall also include the feasibility of establishing a potential carbon dioxide storage hub in Wyoming. The feasibility study report shall be completed and submitted by December 1, 2022 to the joint minerals, business and economic development interim committee and the joint appropriations committee. It is the intent

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

of the legislature that this appropriation not be included in the University of Wyoming’s standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose. This appropriation is effective immediately.

7. Of this general fund appropriation, two million five hundred thousand dollars (\$2,500,000.00) is appropriated for the purpose of providing a state match for funds received by the University of Wyoming or donated funds to be used solely for support for excellence in research, education and extension in ranch and rangeland management. Distribution 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 any other source. This appropriation shall be retained by the state treasurer for distribution in accordance with W.S. 21-16-904. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, any unexpended, unobligated monies from this appropriation shall not revert until June 30, 2028.

8. (a) Of this other funds appropriation, twenty-five million dollars (\$25,000,000.00) is appropriated to match research grants and contracts related to flow through porous media. It is the intent of the legislature that this appropriation not be included in the University of Wyoming’s standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose. Expenditure of this appropriation is conditioned upon:

(i) Securing 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 any other source;

(ii) Conducting all computational and practical research to the extent reasonably possible with University of Wyoming students within Wyoming;

(iii) Performing research on geologic formations and energy extraction opportunities that may be found within Wyoming;

(iv) Developing any feasibility studies, small-scale experiments or large-scale projects associated with research funded by this appropriation within the state of Wyoming to the extent possible.

9. Not later than June 1, 2022, the University of Wyoming shall report to the joint appropriations committee and the joint education interim committee on the general education requirements or other requirements for students seeking non-liberal arts degrees to take university studies courses or other general education courses outside of the students’ majors. This report shall include all regulation and policy incentives and disincentives to students used by the university to take extra-major courses, including any impact on student registration and the effects these requirements, policies and other university



actions have on student choice and the cost of education to students. This footnote is effective immediately.

10. Of this general fund appropriation, two hundred fifty thousand dollars (\$250,000.00) shall only be effective if the shop Wyoming marketplace program or an equivalent internet marketplace program is made available to Wyoming companies for the sale of firearms, firearm related products, or both, in compliance with W.S. 13-10-302(a).

### Section 069. WICHE

#### PROGRAM

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Administration & Grants	4,467,417			4,467,417
TOTALS	4,467,417	0	0	4,467,417

#### AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

### Section 070. ENHANCED OIL RECOVERY COMM

#### PROGRAM

Commission & Support	451,553			451,553
Tech. Outreach & Research	3,748,737			3,748,737
TOTALS	4,200,290	0	0	4,200,290

#### AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

### Section 072. RETIREMENT SYSTEM <sup>[1.]</sup>

#### PROGRAM

Administration		19,048,113	PF	19,048,113
Highway Patrol		23,520	SR	23,520
Game & Fish-Wardens		33,055	SR	33,055
Deferred Compensation		1,926,645	P2	1,926,645
TOTALS	0	0	21,031,333	21,031,333

#### AUTHORIZED EMPLOYEES

Full Time	44
Part Time	0
TOTAL	44

**[BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR MARCH 10, 2022 – HOUSE AND SENATE VETO OVERRIDE MARCH 11, 2022.]**

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

**[1. Beginning July 1, 2022 and ending June 30, 2024, except for performance compensation authorized under W.S. 9-3-406(a), no funds shall be expended to increase the compensation of Wyoming retirement system investment employees listed in W.S. 9-3-406(a)(ii) without executive authorization and legislative action.] [BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR MARCH 10, 2022 – HOUSE AND SENATE VETO OVERRIDE MARCH 11, 2022.]**

### Section 077. ENTERPRISE TECHNOLOGY SERVICES

#### PROGRAM

Enterprise Operations	51,801,381				51,801,381
IT Enhanced Services <sup>1</sup>	252,821		43,683,131	IS	43,935,952
Depreciation Reserve			575,500	IS	575,500
WUN Infrastructure			14,942,316	S5	14,942,316
TOTALS	52,054,202	0	59,200,947		111,255,149

#### AUTHORIZED EMPLOYEES

Full Time	228
Part Time	1
TOTAL	229

1. Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) is appropriated for information technology infrastructure within facilities of the department of family services on the campus of the Wyoming life resource center. It is the intent of the legislature that this appropriation not be included in the department of enterprise technology services' standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

### Section 080. DEPARTMENT OF CORRECTIONS

#### PROGRAM

Administration Services	356,398	7,957,877	ARP	
		4,724,083	EF	
		1,588,008	SR	14,626,366
Field Services <sup>1,2</sup>		26,453,647	ARP	
		3,285,354	SR	
		4,224,550	TT	33,963,551
Support Services	100,000	58,738,645	ARP	
		1,382,763	SR	
		4,263,550	TT	64,484,958
Prison Division		147,859,250	ARP	
		1,488,750	IS	

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
			235,101	SR
				149,583,101
TOTALS	0	456,398	262,201,578	262,657,976

**AUTHORIZED EMPLOYEES**

Full Time	1,054
Part Time	3
TOTAL	1,057

1. Of this other funds appropriation, three hundred twenty-four thousand three hundred eighty-two dollars (\$324,382.00)ARP is appropriated for purposes of mental health and substance use disorder programming in accordance with 2020 Wyoming Session Laws, Chapter 152. It is the intent of the legislature that this appropriation not be included in the department of corrections' standard budget for the immediately succeeding fiscal biennium and that the department of corrections reports to the joint judiciary interim committee and joint appropriations committee not later than October 1, 2022 and October 1, 2023 on the results of any expenditures of this appropriation. This appropriation shall not be transferred or expended for any other purpose.

2. Of this other funds appropriation, one million six hundred twenty-three thousand two hundred forty-eight dollars (\$1,623,248.00)ARP is appropriated for purposes of incentives and alternative sanctions for probation and parole supervision in accordance with 2019 Wyoming Session Laws, Chapter 116. It is the intent of the legislature that this appropriation not be included in the department of corrections' standard budget for the immediately succeeding fiscal biennium and that the department of corrections reports to the joint judiciary interim committee and joint appropriations committee not later than October 1, 2022 and October 1, 2023 on the results of any expenditures of this appropriation. This appropriation shall not be transferred or expended for any other purpose.

**Section 081. BOARD OF PAROLE**

PROGRAM				
Administration	1,478,702			1,478,702
TOTALS	1,478,702	0	0	1,478,702

**AUTHORIZED EMPLOYEES**

Full Time	6
Part Time	0
TOTAL	6

**Section 085. WYOMING BUSINESS COUNCIL**

PROGRAM				
Wyoming Business Council	12,060,134		290,003	SR
Economic Divers. <sup>1, 2, 3.</sup>	12,419,419		1,653,091	SR
				12,350,137
				14,072,510

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Investment Ready Comm.	16,321,543		8,000,000	\$4 24,321,543
TOTALS	40,801,096	0	9,943,094	50,744,190

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

1. Of this general fund appropriation, four hundred eighty-five thousand dollars (\$485,000.00) is appropriated to assist state and local economic development entities for targeted business recruiting. It is the intent of the legislature that this appropriation not be included in the Wyoming business council's standard budget for the immediately succeeding fiscal biennium.

2. Of this general fund appropriation, four hundred thousand dollars (\$400,000.00) is appropriated to support the business council's Asia pacific trade office. It is the intent of the legislature that this appropriation not be included in the Wyoming business council's standard budget for the immediately succeeding fiscal biennium.

3. Of this general fund appropriation, five million dollars (\$5,000,000.00) is appropriated to support the small business innovation research matching grant program.

**Section 090. WYOMING ENERGY AUTHORITY**

## PROGRAM

Administration	3,133,522			3,133,522
TOTALS	3,133,522	0	0	3,133,522

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 096. STATE BUDGET DEPARTMENT**

## PROGRAM

Administration <sup>1</sup>	2,538,796			2,538,796
TOTALS	2,538,796	0	0	2,538,796

**AUTHORIZED EMPLOYEES**

Full Time	8
Part Time	0
TOTAL	8

1. Of this general fund appropriation, nine thousand five hundred dollars (\$9,500.00) is effective immediately.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 098. OFFICE OF GUARDIAN AD LITEM</b>				
PROGRAM				
Guardian Ad Litem	3,947,801		1,066,292	SR 5,014,093
TOTALS	3,947,801	0	1,066,292	5,014,093

**AUTHORIZED EMPLOYEES**

Full Time	10
Part Time	0
TOTAL	10

**Section 101. SUPREME COURT**

PROGRAM					
Administration <sup>1</sup>	10,598,293	739,282	4,051,095	SR	15,388,670
Judicial Nominating Comm.	34,942				34,942
Chancery Court	1,382,459				1,382,459
Law Library	1,206,043				1,206,043
Circuit Courts	31,260,164				31,260,164
Court Automation	4,357,491		7,478,272	SR	11,835,763
Judicial Retirement	1,839,246				1,839,246
Branchwide Resources <sup>2</sup>	1,061,269				1,061,269
TOTALS	51,739,907	739,282	11,529,367		64,008,556

**AUTHORIZED EMPLOYEES**

Full Time <sup>3</sup>	213
Part Time	23
TOTAL	236

1. (a) Of this general fund appropriation, two hundred fifty thousand dollars (\$250,000.00) is appropriated for an updated workload study for circuit court judges and circuit court clerks. It is the intent of the legislature that:

(i) This appropriation not be included in the supreme court's standard budget for the immediately succeeding fiscal biennium;

(ii) The workload study of circuit court clerks include a time comparison for clerks where automation is and is not fully present;

(iii) The workload study of the circuit court judges include an indication and weighting of caseload complexity and an actual sample of time keeping of circuit court judges.

2. Of this general fund appropriation, four hundred forty-four thousand four hundred twenty dollars (\$444,420.00) is appropriated to support three (3), temporary time-limited trainer positions. It is the intent of the legislature that this appropriation not be included in the supreme court's standard budget for the immediately succeeding fiscal biennium. 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, 2025.

3. Of the authorized employees, three (3) new full-time positions are authorized through June 30, 2024. It is the intent of the legislature that these three (3) full-time positions be authorized through June 30, 2025 through the supreme court's standard budget for the immediately succeeding fiscal biennium.

### Section 102. BOARD OF LAW EXAMINERS

#### PROGRAM

Administration			241,037	SR	241,037
TOTALS	0	0	241,037		241,037

#### AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

### Section 103. COMM ON JUDICIAL CONDUCT & ETHICS

#### PROGRAM

Administration	333,103			333,103
TOTALS	333,103	0	0	333,103

#### AUTHORIZED EMPLOYEES

Full Time	1
Part Time	0
TOTAL	1

### Section 120. JUDICIAL DISTRICT 1A

#### PROGRAM

Administration	1,120,053			1,120,053
TOTALS	1,120,053	0	0	1,120,053

#### AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

### Section 121. JUDICIAL DISTRICT 1B

#### PROGRAM

Administration	1,231,777			1,231,777
TOTALS	1,231,777	0	0	1,231,777

#### AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 122. JUDICIAL DISTRICT 2A</b>				
PROGRAM				
Administration	1,134,728			1,134,728
TOTALS	1,134,728	0	0	1,134,728

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 123. JUDICIAL DISTRICT 2B**

PROGRAM				
Administration	1,134,337			1,134,337
TOTALS	1,134,337	0	0	1,134,337

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 124. JUDICIAL DISTRICT 3B**

PROGRAM				
Administration	1,161,408			1,161,408
TOTALS	1,161,408	0	0	1,161,408

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 125. JUDICIAL DISTRICT 3A**

PROGRAM				
Administration	1,112,597			1,112,597
TOTALS	1,112,597	0	0	1,112,597

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 126. JUDICIAL DISTRICT 4**

PROGRAM				
Administration	1,199,140			1,199,140
TOTALS	1,199,140	0	0	1,199,140

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	4			
Part Time	0			
TOTAL	4			

**Section 127. JUDICIAL DISTRICT 5A**

## PROGRAM

Administration	1,200,937			1,200,937
TOTALS	1,200,937	0	0	1,200,937

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 128. JUDICIAL DISTRICT 5B**

## PROGRAM

Administration	1,089,975			1,089,975
TOTALS	1,089,975	0	0	1,089,975

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 129. JUDICIAL DISTRICT 6A**

## PROGRAM

Administration	1,155,400			1,155,400
TOTALS	1,155,400	0	0	1,155,400

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 130. JUDICIAL DISTRICT 7A**

## PROGRAM

Administration	1,235,320			1,235,320
TOTALS	1,235,320	0	0	1,235,320

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	1
TOTAL	5



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 131. JUDICIAL DISTRICT 7B</b>				
PROGRAM				
Administration	1,200,609			1,200,609
TOTALS	1,200,609	0	0	1,200,609

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	1
TOTAL	5

**Section 132. JUDICIAL DISTRICT 9A**

PROGRAM				
Administration	1,203,975			1,203,975
TOTALS	1,203,975	0	0	1,203,975

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 133. JUDICIAL DISTRICT 8A**

PROGRAM				
Administration	1,097,026			1,097,026
TOTALS	1,097,026	0	0	1,097,026

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 134. JUDICIAL DISTRICT 9B**

PROGRAM				
Administration	1,324,483			1,324,483
TOTALS	1,324,483	0	0	1,324,483

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 135. JUDICIAL DISTRICT 6B**

PROGRAM				
Administration	1,208,717			1,208,717
TOTALS	1,208,717	0	0	1,208,717

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	4			
Part Time	0			
TOTAL	4			

**Section 136. JUDICIAL DISTRICT 8B**

## PROGRAM

Administration	1,124,048			1,124,048
TOTALS	1,124,048	0	0	1,124,048

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 137. JUDICIAL DISTRICT 1C**

## PROGRAM

Administration	1,291,357			1,291,357
TOTALS	1,291,357	0	0	1,291,357

**AUTHORIZED EMPLOYEES**

Full Time	5
Part Time	0
TOTAL	5

**Section 138. JUDICIAL DISTRICT 3C**

## PROGRAM

Administration	1,163,124			1,163,124
TOTALS	1,163,124	0	0	1,163,124

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 139. JUDICIAL DISTRICT 7C**

## PROGRAM

Administration	1,186,590			1,186,590
TOTALS	1,186,590	0	0	1,186,590

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 140. JUDICIAL DISTRICT 6C</b>				
PROGRAM				
Administration	1,185,023			1,185,023
TOTALS	1,185,023	0	0	1,185,023

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 141. JUDICIAL DISTRICT 9C**

PROGRAM				
Administration	1,134,308			1,134,308
TOTALS	1,134,308	0	0	1,134,308

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 142. JUDICIAL DISTRICT 4B**

PROGRAM				
Administration	1,105,990			1,105,990
TOTALS	1,105,990	0	0	1,105,990

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 143. JUDICIAL DISTRICT 1D**

PROGRAM				
Administration	1,183,017			1,183,017
TOTALS	1,183,017	0	0	1,183,017

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 151. DISTRICT ATTORNEY/JUD DIST #1**

PROGRAM				
Administration	4,071,500		682,867 SR	4,754,367
TOTALS	4,071,500	0	682,867	4,754,367

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	22			
Part Time	0			
TOTAL	22			

**Section 157. DISTRICT ATTORNEY/JUD DIST #7**

## PROGRAM

Administration	4,251,255		167,341	SR	4,418,596
TOTALS	4,251,255	0	167,341		4,418,596

**AUTHORIZED EMPLOYEES**

Full Time	20
Part Time	0
TOTAL	20

**Section 160. COUNTY & PROS ATTORNEYS**

## PROGRAM

Administration <sup>1</sup>	6,296,655			6,296,655
TOTALS	6,296,655	0	0	6,296,655

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

1. Of this general fund appropriation, four hundred ninety-nine thousand two hundred fifty dollars (\$499,250.00) is effective immediately.

**Section 205. EDUCATION-SCHOOL FINANCE**

## PROGRAM

School Foundation Program <sup>1</sup>		1,733,441,422	S5	1,733,441,422
Court Ordered Placements		17,183,639	S5	17,183,639
Foundation-Specials		2,869,000	S5	2,869,000
Education Reform		6,557,972	S5	6,557,972
Student Performance Data		5,438,259	S5	5,438,259
TOTALS	0	0	1,765,490,292	1,765,490,292

**AUTHORIZED EMPLOYEES**

Full Time	3
Part Time	0
TOTAL	3

1. (a) This other funds appropriation includes funding for an external cost adjustment to the education resource block grant model, effective for school year 2022-2023 only, computed as follows:

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

(i) Five and nine hundred fifty-eight thousandths percent (5.958%) 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)];

(ii) Eight and nine hundred thirty-five thousandths percent (8.935%) 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)].

### Section 206. DEPARTMENT OF EDUCATION <sup>1, 4</sup>.

#### PROGRAM

State Board of Education	205,042		403,604	S5	608,646
Leadership, Finance & IT <sup>2, 3</sup> .	8,317,273	16,013	200,000	SR	8,533,286
Accountability & Commun.	4,484,340	45,551,656	3,703,858	S5	
			196,863	SR	
			533,579	T5	
			1,000	T0	54,471,296
School Support	2,894,616	341,306,779	645,022	S5	
			2,509,741	SR	
			468,495	T0	347,824,653
TOTALS	15,901,271	386,874,448	8,662,162		411,437,881

#### AUTHORIZED EMPLOYEES

Full Time	104
Part Time	2
TOTAL	106

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 2022-2023 and 2023-2024 to pay for processing costs for Wyoming poultry, lamb, pork, beef or bison donated to a school district to be used in school meals. 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 under this footnote.

2. Of this general fund appropriation, ten thousand dollars (\$10,000.00) is appropriated for transition staff salaries, travel and other related office expenses for a newly appointed superintendent of public instruction. It is the intent of the legislature that this appropriation not be included in the department of education’s standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2022. This appropriation is effective immediately.

3. Of this general fund appropriation, ten thousand dollars (\$10,000.00) is available for expenditure if there is a change of superintendent of public instruction as a result of the 2022 general election. This appropriation is for transition staff salaries, travel and other related office expenses. It is the intent of the legislature that this appropriation not be included in the department of education's standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

4. As a condition of the appropriations to this agency, the department of education shall maintain the total amount of direct expenditures for and grants to local school districts in support of applied agriculture and farming programs during the 2023-2024 fiscal biennium as compared to the 2021-2022 fiscal biennium.

**Section 211. BOARD OF EQUALIZATION**

PROGRAM

Equalization/Tax Appeals	1,479,059			1,479,059
TOTALS	1,479,059	0	0	1,479,059

AUTHORIZED EMPLOYEES

Full Time	5
Part Time	0
TOTAL	5

**Section 220. ENVIRONMENTAL QUALITY COUNCIL**

PROGRAM

Administration	581,522			581,522
TOTALS	581,522	0	0	581,522

AUTHORIZED EMPLOYEES

Full Time	2
Part Time	0
TOTAL	2

**Section 270. OFFICE OF ADMINISTRATIVE HEARINGS**

PROGRAM

Administration		4,127,051	SR	4,127,051
TOTALS	0	0	4,127,051	4,127,051

AUTHORIZED EMPLOYEES

Full Time	12
Part Time	0
TOTAL	12

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 012. BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS</b>				
PROGRAM				
Administration			220,303	SR 220,303
TOTALS	0	0	220,303	220,303

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 016. BOARD OF BARBER EXAMINERS**

PROGRAM				
Administration			47,668	SR 47,668
TOTALS	0	0	47,668	47,668

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 017. BOARD OF RADIOLOGIC TECHNOLOGISTS EXAMINERS**

PROGRAM				
Administration			94,457	SR 94,457
TOTALS	0	0	94,457	94,457

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 018. REAL ESTATE COMMISSION**

PROGRAM				
Administration			1,243,852	SR 1,243,852
Real Estate Recovery			10,000	SR 10,000
Real Estate Education			81,400	SR 81,400
Real Estate Appraiser			292,407	SR 292,407
Appraiser Education			29,000	SR 29,000
Appraisal Management			371,586	SR 371,586
TOTALS	0	0	2,028,245	2,028,245

**AUTHORIZED EMPLOYEES**

Full Time	6
Part Time	0
TOTAL	6

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$
<b>Section 019. PROFESSIONAL TEACHING STANDARDS BOARD</b>				
PROGRAM				
Prof. Teaching Stds. Board			2,395,539	SR 2,395,539
TOTALS	0	0	2,395,539	2,395,539

**AUTHORIZED EMPLOYEES**

Full Time	8
Part Time	0
TOTAL	8

**Section 022. BOARD FOR RESPIRATORY CARE**

PROGRAM				
Administration			55,670	SR 55,670
TOTALS	0	0	55,670	55,670

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 028. BOARD OF REGISTRATION IN PODIATRY**

PROGRAM				
Administration			32,107	SR 32,107
TOTALS	0	0	32,107	32,107

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 030. BOARD OF CHIROPRACTIC EXAMINERS**

PROGRAM				
Administration e			101,891	SR 101,891
TOTALS	0	0	101,891	101,891

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 031. COLLECTION AGENCY BOARD**

PROGRAM				
Administration			232,008	SR 232,008
TOTALS	0	0	232,008	232,008



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	0			
TOTAL	0			

**Section 033. BOARD OF COSMETOLOGY**

PROGRAM

Administration	_____	_____	1,065,797	SR	1,065,797
TOTALS	0	0	1,065,797		1,065,797

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 034. BOARD OF DENTAL EXAMINERS**

PROGRAM

Administration	_____	_____	370,308	SR	370,308
TOTALS	0	0	370,308		370,308

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 035. BOARD OF FUNERAL SERVICE PRACTITIONERS**

PROGRAM

Administration	_____	_____	52,973	SR	52,973
TOTALS	0	0	52,973		52,973

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 036. BOARD OF MIDWIFERY**

PROGRAM

Administration	_____	_____	26,973	SR	26,973
TOTALS	0	0	26,973		26,973

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 038. PARI-MUTUEL COMMISSION <sup>1</sup>.</b>				
PROGRAM				
Administration			11,073,195	SR 11,073,195
Wyoming Breeders Fund			10,953,150	SR 10,953,150
TOTALS	0	0	22,026,345	22,026,345

**AUTHORIZED EMPLOYEES**

Full Time	10
Part Time	1
TOTAL	11

1. Appropriations in this act made to the pari-mutuel commission or the gaming commission shall have the same meaning and effect.

**Section 043. DIETETICS LICENSING BOARD**

PROGRAM				
Administration			36,955	SR 36,955
TOTALS	0	0	36,955	36,955

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 046. WYOMING COMBAT SPORTS COMMISSION**

PROGRAM				
Administration			25,603	SR 25,603
TOTALS	0	0	25,603	25,603

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 052. BOARD OF MEDICINE**

PROGRAM				
Administration			2,487,132	SR 2,487,132
TOTALS	0	0	2,487,132	2,487,132

**AUTHORIZED EMPLOYEES**

Full Time	7
Part Time	0
TOTAL	7

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 054. BOARD OF NURSING</b>				
PROGRAM				
Administration			2,927,696	SR 2,927,696
TOTALS	0	0	2,927,696	2,927,696

**AUTHORIZED EMPLOYEES**

Full Time	10
Part Time	0
TOTAL	10

**Section 056. BOARD OF EXAMINERS IN OPTOMETRY**

PROGRAM				
Administration			74,694	SR 74,694
TOTALS	0	0	74,694	74,694

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 058. BOARD OF EXAMINERS OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY**

PROGRAM				
Administration			113,916	SR 113,916
TOTALS	0	0	113,916	113,916

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 059. BOARD OF PHARMACY**

PROGRAM				
Licensing Board			2,045,809	SR 2,045,809
TOTALS	0	0	2,045,809	2,045,809

**AUTHORIZED EMPLOYEES**

Full Time	6
Part Time	0
TOTAL	6

**Section 061. BOARD OF CERTIFIED PUBLIC ACCOUNTANTS**

PROGRAM				
Administration			733,932	SR 733,932
TOTALS	0	0	733,932	733,932

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	2			
Part Time	0			
TOTAL	2			

**Section 062. BOARD OF PHYSICAL THERAPY**

## PROGRAM

Administration			160,862	SR	160,862
TOTALS	0	0	160,862		160,862

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 064. BOARD OF HEARING AID SPECIALISTS**

## PROGRAM

Administration			26,638	SR	26,638
TOTALS	0	0	26,638		26,638

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 065. BOARD OF ATHLETIC TRAINERS**

## PROGRAM

Administration			25,596	SR	25,596
TOTALS	0	0	25,596		25,596

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 068. BOARD OF PSYCHOLOGY**

## PROGRAM

Administration			137,135	SR	137,135
TOTALS	0	0	137,135		137,135

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 075. BOARD OF OUTFITTERS AND GUIDES</b>				
PROGRAM				
Administration			812,661	SR 812,661
TOTALS	0	0	812,661	812,661

**AUTHORIZED EMPLOYEES**

Full Time	3
Part Time	0
TOTAL	3

**Section 078. MENTAL HEALTH PROFESSIONS LICENSING BOARD**

PROGRAM				
Administration			296,257	SR 296,257
TOTALS	0	0	296,257	296,257

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 079. BOARD OF NURSING HOME ADMINISTRATORS**

PROGRAM				
Administration			54,878	SR 54,878
TOTALS	0	0	54,878	54,878

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 083. BOARD OF OCCUPATIONAL THERAPY**

PROGRAM				
Administration			122,868	SR 122,868
TOTALS	0	0	122,868	122,868

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 084. BOARD OF PROFESSIONAL GEOLOGISTS**

PROGRAM				
Administration			532,127	SR 532,127
TOTALS	0	0	532,127	532,127

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	2			
Part Time	<u>0</u>			
TOTAL	2			

**Section 251. BOARD OF VETERINARY MEDICINE**

PROGRAM

Administration	<u>                    </u>	<u>                    </u>	128,388	SR	<u>128,388</u>
TOTALS	0	0	128,388		128,388

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	<u>0</u>
TOTAL	0

**Section 252. BOARD OF ACUPUNCTURE**

PROGRAM

Administration	<u>                    </u>	<u>                    </u>	41,398	SR	<u>41,398</u>
TOTALS	0	0	41,398		41,398

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	<u>0</u>
TOTAL	0

[BUDGET BALANCERS - TRANSFERS]

**Section 300.**

(a) The state auditor is authorized to transfer to the general fund, from any funds within the budget reserve account other than funds appropriated or transferred to the legislative stabilization reserve account, amounts to maintain an unencumbered, unobligated and unappropriated general fund balance adequate for cash flow needs.

(b) Any unappropriated funds in the budget reserve account on June 30, 2024 in excess of one hundred fifteen million two hundred seventy thousand dollars (\$115,270,000.00) shall be transferred to the legislative stabilization reserve account.

(c) For purposes of funding school district major maintenance and school district capital construction, at intervals determined by the state auditor to manage cash flow, for the period beginning July 1, 2022 and ending June 30, 2024, the state auditor shall transfer to the school capital construction account all revenue earned during fiscal years 2023 and 2024 under accrual accounting principles in the following accounts:

(i) The school major maintenance subaccount within the strategic investments and projects account; and

(ii) The school lands mineral royalties account.

(d) [Reserved.]

(e) The state auditor shall transfer four million thirty-three thousand eight hundred forty dollars (\$4,033,840.00), or as much thereof as is available, from the school foundation program reserve account to the school capital construction account.

(f) The state auditor shall transfer one hundred thirty-three million five hundred sixty-nine thousand five hundred eighty-three dollars (\$133,569,583.00) from the general fund to the strategic investments and projects account. This subsection is effective immediately.

(g) The state auditor shall transfer seventy-five million dollars (\$75,000,000.00) from the general fund to the permanent Wyoming mineral trust fund. This subsection is effective immediately.

(h) The state auditor shall transfer seventy-five million dollars (\$75,000,000.00) from the general fund to the common school account within the permanent land fund. This subsection is effective immediately.

(j) The state auditor shall transfer one hundred million dollars (\$100,000,000.00) from the strategic investments and projects account to the legislative stabilization reserve account at intervals determined by the state auditor to manage cash flow, for the period beginning July 1, 2022 and ending June 30, 2024.

(k) The state auditor shall, at intervals determined by the state auditor to manage cash flow for the period beginning July 1, 2022 and ending June 30, 2024, transfer:

(i) Fourteen million six hundred ninety thousand five hundred ninety-six dollars (\$14,690,596.00) from the strategic investments and projects account to the school capital construction account;

(ii) Forty-five million nine hundred fifty-one thousand one hundred forty-one dollars (\$45,951,141.00) from the legislative stabilization reserve account to the school capital construction account.

(m) Subject to the availability of funds and to manage cash flow as determined by the state auditor, excluding any transfers made under subsection (c) of this section, the transfers to the school capital construction account under this section shall be made in the following priority order:

(i) Subsection (e) of this section;

(ii) Subsection (k)(i) of this section;

(iii) Subsection (k)(ii) of this section.

(n) The state auditor shall transfer six million one hundred seventy-six thousand four hundred sixty-five dollars (\$6,176,465.00) from 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) to the general fund at intervals determined by the state auditor to manage cash flow, for the period beginning July 1, 2022 and ending June 30, 2024.

(o) The state auditor shall transfer three million dollars (\$3,000,000.00) from the Wyoming state penitentiary capital construction account to the municipal solid waste landfill remediation account. This transfer shall be reduced dollar for dollar up to three million dollars (\$3,000,000.00) by any funds appropriated or transferred to the municipal solid waste landfill remediation account in 2022 Senate File 0066 as enacted into law. This subsection is effective immediately.

[BORROWING AUTHORITY - CASH FLOW]

**Section 301.**

(a) The state auditor is authorized to borrow from the legislative stabilization reserve account amounts necessary to assist the state's general fund cash flow. The amounts borrowed shall be repaid when sufficient general fund revenue is available. The auditor shall borrow funds under this subsection only to assist the month-to-month cash flow of the general fund and shall not borrow funds under this subsection when total appropriations together with outstanding encumbrances and obligations for the biennium exceed projected revenues, including transfers from the budget reserve account as authorized by the legislature, for the biennium.

(b) The state treasurer may utilize interfund loans of up to sixty million dollars (\$60,000,000.00) at any point in time from the legislative stabilization reserve account to the school capital construction account to assist the cash flow needs of the school capital construction account and to enable statutory payments or payments sufficient to meet the appropriations contained in this act to be made when dedicated revenues are not yet received. Any interfund loans executed pursuant to this subsection shall be repaid in whole or in part periodically as soon as school capital construction account revenues are available.

(c) The state treasurer is authorized to borrow from the legislative stabilization reserve account amounts necessary to meet cash flow requirements of the Hathaway scholarship program created by W.S. 21-16-1303(a). The state treasurer shall borrow funds under this section only to assist the month-to-month cash flow of the program and shall not borrow funds under this subsection when total expenditures together with outstanding encumbrances and obligations for a fiscal year exceed projected revenues and fund balances available for that fiscal year for the program. The amounts borrowed shall be repaid when sufficient revenue is available in the Hathaway student scholarship reserve account or the Hathaway scholarship expenditure account.



## [BORROWING AUTHORITY - EXECUTIVE PROGRAMS]

**Section 302.** The governor is authorized to borrow from the legislative stabilization reserve account up to twenty million dollars (\$20,000,000.00) as necessary to meet funding requirements to fight wildland fires in the event reserves in the office of state lands and investments' forestry division, homeland security disaster contingency budget and the governor's office special contingency budget have been exhausted. The governor shall report to the joint appropriations committee, the president of the senate and the speaker of the house of representatives immediately upon exercise of this authority.

## [CARRYOVER APPROPRIATIONS]

**Section 303.**

## [DISASTER CONTINGENCY]

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, of unexpended, unobligated monies appropriated from the general fund to the governor's office under 2018 Wyoming Session Laws, Chapter 134, Section 2, Section 001 and 2020 Wyoming Session Laws, Chapter 80, Section 2, Section 001 as amended by 2021 Wyoming Session Laws, Chapter 69, Section 2, Section 001 for disaster contingency, up to five hundred thousand dollars (\$500,000.00) or as much thereof as is available, shall not revert on June 30, 2022 and are hereby reappropriated to the governor's office for disaster contingency.

## [CAPITAL CASES - GENERAL FUNDS]

(b) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, of unexpended, unobligated monies reappropriated from the general fund to the office of the public defender for court ordered capital case funding under 2020 Wyoming Session Laws, Chapter 80, Section 303(c), up to one million sixty-two thousand five hundred dollars (\$1,062,500.00) or as much thereof as is available shall not revert on June 30, 2022 and are hereby reappropriated to the office of the public defender for purposes of court ordered capital case funding.

## [CAPITAL CASES - OTHER FUNDS]

(c) Notwithstanding W.S. 9-2-1008 and 9-4-207, of unexpended, unobligated monies reappropriated from other funds to the office of the public defender for court ordered capital case funding under 2020 Wyoming Session Laws, Chapter 80, Section 303(d), up to one hundred eighty-seven thousand five hundred dollars (\$187,500.00)SR or as much thereof as is available shall not revert on June 30, 2022 and are hereby reappropriated to the office of the public defender for purposes of court ordered capital case funding.

## [EMPLOYEE GROUP HEALTH INSURANCE]

(d) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, any unexpended, unobligated monies appropriated for purposes of employer paid health, dental and life insurance benefits under 2018 Wyoming Session

Laws, Chapter 134, as amended by 2019 Wyoming Session Laws, Chapter 80, including amounts reappropriated under Section 303(g), as amended, and 2020 Wyoming Session Laws, Chapter 80, Section 303(g) shall not revert on June 30, 2022 and are hereby reappropriated to the state auditor's office, to be held in an account for purposes provided for in this subsection. Interest free loans or expenditures may be made from this reappropriation only upon determination by the governor that insufficient funds exist from appropriations in this act and all enacted laws for employee group health, dental and life insurance premium increases, or that an accrual-based deficit exists within the employee group health insurance funds, during the period beginning with the effective date of this section and ending June 30, 2024. Upon notification from the governor, the state auditor shall transfer funds to agencies for purposes of state employees' and officials' group insurance fund cash flow loans or employee group health, dental and life insurance premium increases, or to the employee group health insurance funds for the purpose of remediating an accrual-based deficit in those funds. Loans shall be repaid from cash balances in excess of eighteen million five hundred thousand dollars (\$18,500,000.00) within the combined state employees' and officials' group insurance pools. All transfers authorized under this subsection shall be approved by the governor and reported to the joint appropriations committee through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b). This reappropriation shall not be loaned, transferred or expended for any other purpose not specified in this subsection and any unexpended, unobligated funds remaining from this reappropriation shall revert as provided by law on June 30, 2024.

[BRUCELLOSIS]

(e) Notwithstanding W.S. 9-2-1008, 9-2-1012(e), 9-4-207, of unexpended, unobligated monies appropriated to the livestock board under 2020 Wyoming Session Laws, Chapter 80, Section 2, Section 051 as amended by 2021 Wyoming Session Laws, Chapter 69, Section 2, Section 051 to the brucellosis program, up to nine hundred eighty-two thousand two hundred fifty-two dollars (\$982,252.00) in general funds and up to four hundred sixteen thousand two hundred sixteen dollars (\$416,216.00) in federal funds or as much thereof as is available shall not revert on June 30, 2022 and are hereby reappropriated to the livestock board for brucellosis lab costs, travel and testing.

[LIVESTOCK LAW ENFORCEMENT ACCOUNT]

(f) Notwithstanding W.S. 9-2-1008, 9-2-1012(e), 9-4-207 and 11-18-120(a), of unexpended, unobligated monies appropriated from the general fund to the livestock law enforcement account under 2019 Wyoming Session Laws, Chapter 182, Section 3 and reappropriated under 2020 Wyoming Session Laws, Chapter 80, Section 303, up to one hundred seventy-four thousand dollars (\$174,000.00) or as much thereof as is available shall not revert on June 30, 2022 and are hereby reappropriated to the livestock law enforcement account for purposes of W.S. 11-18-120.

(g) This section is effective immediately.

[EMPLOYEE BENEFITS]

**Section 304.**

(a) The state's contribution to the state employees' and officials' group insurance plan under W.S. 9-3-210 for each qualifying executive, judicial and legislative branch employee including employees of the University of Wyoming and the community colleges shall be paid from amounts appropriated in agency budgets in the following amounts for the specified time periods:

(i) For the period beginning December 1, 2022 and ending November 30, 2023 an amount to be determined by the employees' group insurance section of the department of administration and information but not to exceed:

(A) One thousand sixty-eight dollars (\$1,068.00) per month for an employee electing single coverage;

(B) Two thousand one hundred thirty-three dollars (\$2,133.00) per month for an employee electing employee plus dependent spouse coverage;

(C) One thousand six hundred twenty-four dollars (\$1,624.00) per month for an employee electing employee plus dependent children coverage;

(D) Two thousand four hundred forty-six dollars (\$2,446.00) per month for an employee electing family coverage; and

(E) One thousand two hundred thirty-three dollars (\$1,233.00) per month for employees who elect family coverage when both spouses are employees of covered entities creating a split family coverage.

(ii) For the period beginning December 1, 2023 and ending November 30, 2024 an amount to be determined by the employees' group insurance section of the department of administration and information but not to exceed:

(A) One thousand one hundred forty dollars (\$1,140.00) per month for an employee electing single coverage;

(B) Two thousand two hundred seventy-nine dollars (\$2,279.00) per month for an employee electing employee plus dependent spouse coverage;

(C) One thousand seven hundred thirty-four dollars (\$1,734.00) per month for an employee electing employee plus dependent children coverage;

(D) Two thousand six hundred thirteen dollars (\$2,613.00) per month for an employee electing family coverage; and

(E) One thousand three hundred seventeen dollars (\$1,317.00) per month for employees who elect family coverage when both spouses are employees of covered entities creating a split family coverage.

(b) There is appropriated two million six hundred ninety-eight thousand dollars (\$2,698,000.00) from the general fund to the state auditor for the period

beginning July 1, 2022 and ending June 30, 2024 to be expended only for health insurance benefits for executive, legislative and judicial branch agency retirees, including retirees of the University of Wyoming and the community colleges, who participate in the state employees' and officials' group insurance plan, and whose date of retirement was prior to July 1, 2008. Payments to the plan on behalf of eligible retirees shall be made monthly at the rate of eleven dollars and fifty cents (\$11.50) per year of service up to a maximum of thirty (30) years of service for those retirees who are not Medicare eligible, and at the rate of five dollars and seventy-five cents (\$5.75) per year of service up to a maximum of thirty (30) years of service for those retirees who are Medicare eligible.

(c) Sufficient monies in the retirees prefunded health insurance trust (fund 561) are appropriated to the state auditor and shall be used for the purpose of funding the benefits in the same manner and amounts as provided in subsection (b) of this section for retirees whose effective date of retirement is July 1, 2008 or later. All investment earnings on the account shall remain in the account.

(d) Provided sufficient funds are available, employees whose benefits are paid from nongeneral fund sources shall receive the same benefits as provided in this section.

(e) If sufficient funds are not available for obligations under subsections (b) through (d) of this section, payments to eligible retirees shall be reduced proportionally.

(f) No appropriation in this section shall be transferred or expended for any other purpose.

(g) It is the intent of the legislature that the appropriation in subsection (b) of this section, adjusted by the number of eligible participants, shall be included in the state auditor's standard budget for the immediately succeeding fiscal biennium. All state agencies, including the University of Wyoming, the community colleges and the legislative and judicial branches shall include in standard budget requests for the immediately succeeding fiscal biennium sufficient amounts to be deposited into the retiree health insurance benefits account created by 2008 Wyoming Session Laws, Chapter 48, Section 303. Amounts to include in the standard budget requests shall be equal to up to one percent (1%) of each benefit eligible employee's salary for each pay period sufficient to continue benefits in subsections (c) and (d) of this section for fiscal years 2025 and 2026, as established by the department of administration and information.

[FLEX - EXECUTIVE]

### **Section 305.**

(a) Excluding appropriations to the University of Wyoming and authorization of University of Wyoming positions and notwithstanding any provision of W.S. 9-2-1005(a) to the contrary, the governor is authorized to transfer:

(i) Between programs within any executive branch agency, excluding the department of health and department of corrections, ten percent (10%) of the total appropriation for the agency;

(ii) Between programs within the department of health and department of corrections one hundred percent (100%) of the total appropriation for the agency;

(iii) Between executive branch agencies five percent (5%) of the total appropriation for the agency from which the funds are transferred;

(iv) Between programs within any executive branch agency, or between executive branch agencies, legislatively authorized full-time or part-time positions.

(b) All transfers authorized under this section shall be approved by the governor and reported to the joint appropriations committee through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b).

(c) The authority granted under this section is effective for the period beginning on the effective date of this section and ending June 30, 2024.

(d) Any provision of this act or any other legislation enacted which specifies that an appropriation shall not be transferred or expended for any other purpose, or containing language of like effect, or specifying a position within an agency shall prevail over this section and no such funds so appropriated or positions so specified shall be subject to subsection (a) of this section.

(e) This section is effective immediately.

[FLEX - JUDICIARY]

### **Section 306.**

(a) Except as otherwise provided in this section, the supreme court may transfer up to five percent (5%) of the total general fund appropriation between programs within the supreme court. With the approval of the district court budget committee up to five percent (5%) of the general fund appropriation to each district court may be transferred to one (1) or more other district courts. Authority pursuant to this section includes transfers of associated legislatively authorized full-time or part-time positions and shall be effective for the period beginning July 1, 2022 and ending June 30, 2024. Any transfers pursuant to this section shall be reported annually by the supreme court to the joint appropriations committee. The report shall specify the appropriations and authorized positions transferred including transfers between expenditure series, programs and courts.

(b) Any provision of this act or any other legislation enacted which specifies that an appropriation shall not be transferred or expended for any other purpose, or containing language of like effect, shall prevail over this section

and no such funds so appropriated or positions so specified shall be subject to subsection (a) of this section.

[PERSONAL SERVICES TRANSFERS]

**Section 307.**

(a) Unless otherwise specifically provided, nonfederal fund appropriations for personal services (100 series) contained in this act shall not be transferred to any other series or expended for any purpose other than personal services. Notwithstanding W.S. 9-2-1005(b)(ii) or any other provision of this act, nonfederal fund appropriations for contractual services (900 series) contained in this act shall not be transferred to the personal services (100 series).

(b) The following appropriations and agencies are exempt from this section:

- (i) Section 2, Section 048 of this act to the department of health;
- (ii) Section 2, Section 080 of this act to the department of corrections;
- (iii) Any other appropriation in this act that specifies that the appropriation shall not be subject to this section.

(c) The judicial branch is exempt from this section for transfers in a total amount not to exceed four hundred thousand dollars (\$400,000.00).

[MAJOR MAINTENANCE FUNDING FOR STATE FACILITIES,  
STATE PARKS AND CULTURAL RESOURCES, UNIVERSITY AND  
COMMUNITY COLLEGES]

**Section 308.**

(a) For the biennium beginning July 1, 2022, there is appropriated from the general fund for major building and facility repair and replacement to the entities and in the amounts specified as provided in this subsection:

(i) One hundred forty-five million ninety-two thousand five hundred thirty-eight dollars (\$145,092,538.00);

(ii) The appropriation in paragraph (i) of this subsection shall be distributed as follows:

(A) Thirty-nine and seventy-five hundredths percent (39.75%) to the state construction department for state facilities managed by the state building commission and state institutions;

(B) Four and fifty-three hundredths percent (4.53%) to fund projects submitted by the department of state parks and cultural resources as approved by the state building commission;

(C) Thirty-five and eighty-nine hundredths percent (35.89%) to the University of Wyoming for university facilities, excluding student housing, the student union and auxiliary services areas, the latter being those areas funded by university self-sustaining revenues;

(D) Nineteen and eighty-three hundredths percent (19.83%) to the state construction department for community college district facilities.

(b) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, appropriations made under subsection (a) of this section shall be separately accounted for by the recipient and shall not revert. Expenditures from these appropriations shall be restricted to expenses incurred for major building and facility repair and replacement as defined in W.S. 9-5-107(h) and as prescribed by rule and regulation of the state building commission.

(c) Not later than September 1, 2023, the state construction department shall submit to the state building commission a recommendation for funding for the biennium beginning July 1, 2024, for major building and facility repair and replacement for state institutions, for University of Wyoming facilities and for community college facilities. This recommendation for all facilities shall be based on a formula adopted by the state building commission pursuant to W.S. 9-5-107(g), except that the formula shall incorporate the gross square footage of buildings and facilities for each category of buildings for state facilities, university facilities and community college facilities, not to exceed seven (7) building categories for each entity, excluding student housing, the student union and auxiliary services areas funded exclusively through university or community college generated revenues unless otherwise specified.

(d) Not later than October 31, 2023, the state construction department, the department of state parks and cultural resources, the University of Wyoming and the community college commission shall report to the state building commission and the joint appropriations committee on the expenditures and commitments made from the appropriations under subsection (a) of this section.

[DEPARTMENT OF HEALTH CARRYOVER]

**Section 309.**

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, of unexpended, unobligated monies appropriated from the general fund to the department of health under 2020 Wyoming Session Laws, Chapter 80, Section 2, Section 048 as amended by 2021 Wyoming Session Laws, Chapter 69, Section 2, Section 048, up to eighty million dollars (\$80,000,000.00) or as much thereof as is available, shall not revert on June 30, 2022 and are hereby reappropriated to the department of health for the following purposes:

- (i) Unanticipated Medicaid expenditures, including increased enrollment;
- (ii) Medicare pharmacy and federal Medicaid claw-back provisions;
- (iii) Costs associated with the implementation of Title 25, Chapter 10 of the Wyoming statutes;
- (iv) State facility staffing needs;

(v) Children's mental health waiver and care management entity programs in an amount not to exceed two million nine hundred fifty-three thousand four hundred five dollars (\$2,953,405.00);

(vi) Home and community-based services in an amount not to exceed ten million two hundred eighteen thousand thirty-six dollars (\$10,218,036.00);

(vii) Medicaid comprehensive waiver in an amount not to exceed nine hundred sixty-seven thousand four hundred fifty dollars (\$967,450.00).

(b) Expenditure of funds under this section shall be approved by the governor and reported to the joint appropriations committee through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b).

(c) There is appropriated fourteen million one hundred thirty-eight thousand eight hundred ninety-one dollars (\$14,138,891.00) in federal funds to the department of health for purposes of matching the amounts reappropriated and for the purposes specified in paragraphs (v), (vi) and (vii) of subsection (a) of this section.

(d) No funds from the reappropriation in subsection (a) of this section shall be expended by the department of health if the expenditure would result in an increase to maintenance of effort, maintenance of financial support or a similar federal requirement to expend additional state funds in future budget periods.

(e) It is the intent of the legislature that the carryover appropriations in this section not be included in the department of health's standard budget for the immediately succeeding fiscal biennium.

[[LIMITATION ON SALARY INCREASE]]

### **Section 310.**

**(a) The 2025-2026 biennial general fund standard budget for personal services (100 series) for each agency shall be less than or equal to the 2023-2024 biennial appropriations for personal services (100 series) for each agency in all enacted laws including any calculated amount to continue legislatively approved compensation increases throughout the 2025-2026 biennium and excluding benefit adjustments and allowable personal services transfers pursuant to Section 307 of this act and documented through the report required by W.S. 9-2-1011(c).**

**(b) Any salary increase for an executive branch state position including those of the game and fish department, department of transportation and boards and commissions and excluding positions of the University of Wyoming or community colleges during the 2023-2024 biennium for which the compensation increase has not been approved by the legislature shall be reviewed and approved by the governor or his designee.**

**(c) Any salary increase for a judicial branch position during the 2023-2024 biennium for which the compensation increase has not been approved**



**by the legislature shall be reviewed and approved by either the district court judge or the board of judicial policy and administration.] [BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR MARCH 10, 2022 – HOUSE AND SENATE VETO OVERRIDE MARCH 11, 2022.]**

[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 appropriations contained in the governor's 2023-2024 biennial budget. Consistent with the governor's recommendations, one-time appropriations shall not be included in the agencies' standard budgets for the immediately succeeding fiscal biennium.

(b) It is the intent of the legislature to concur with the governor's recommendations for expenditure of any funds received by the state of Wyoming from Section 602(c)(1)(C) of Title VI of the federal Social Security Act, as created by Section 9901 of the American Rescue Plan Act of 2021, P.L. 117-2, for the provision of government services to the extent of the state of Wyoming's reduction in revenue. In the development of the 2025-2026 biennial standard budget under W.S. 9-2-1011, the state budget department shall replace all appropriations of funds from Section 602(c)(1)(C) of Title VI of the federal Social Security Act, as created by Section 9901 of the American Rescue Plan Act of 2021, with state general funds.

(c) In addition to the specific amounts appropriated in this act, there is appropriated such amounts as may be necessary from Section 602(c)(1)(C) of Title VI of the federal Social Security Act, as created by Section 9901 of the American Rescue Plan Act of 2021, specifically expended for the provision of generally funded government services in this act to the extent of the reduction in revenue under Section 602(c)(1)(C). Expenditures authorized under this section shall be approved by the governor and reported to the joint appropriations committee through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b).

(d) In addition to the specific amounts appropriated in this act, there is appropriated such amounts as may be necessary from Section 602 of Title VI of the federal Social Security Act, as created by Section 9901 of the American Rescue Plan Act of 2021, to the extent any expenditure of federal funds can reduce expenditure of appropriated general funds in this act by a like amount. Expenditures authorized under this section shall be approved by the governor and reported to the joint appropriations committee through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b).

[CAPITOL INFORMATION DESK]

**Section 312.**

(a) There is appropriated one hundred fifty-seven thousand eight hundred twenty-nine dollars (\$157,829.00) from the general fund to the state auditor's office. The state auditor's office shall release the funds upon receipt of an agreement between the parties specified in and pursuant to W.S. 9-5-106(f) that provides for effective, comprehensive and coordinated visitor, civic education and other services in the capitol complex. The agreement shall specify the agency to which the funds are appropriated and the purposes of the funds, which shall include services of a capitol information desk attendant.

(b) The appropriation in this section shall be effective on the latter of July 1, 2022 or the date the last signature is affixed to the agreement but not later than June 30, 2024.

(c) An agreement executed authorizing expenditure of funds appropriated under this section shall be filed with the secretary of state's office. The agency to which funds are released under this section shall direct expenditures as provided in W.S. 28-1-113(d).

(d) There is authorized one (1) full-time employee position for purposes of this section.

(e) It is the intent of the legislature that the appropriation in this section be included in the recipient agency's standard budget for the immediately succeeding fiscal biennium.

#### [SCHOOL CAPITAL CONSTRUCTION]

##### **Section 313.**

(a) This section shall consist of funds appropriated for K-12 school building and facility needs.

(b) As used in subsection (j) of this section, a "priority" identified by an Arabic numeral means the project ranking as determined by the school facilities commission within its budget recommendations provided under W.S. 21-15-119. A "priority" identified by "Leg." means the project is a legislative project authorized in addition to the budget recommendations of the school facilities commission or governor.

(c) The amounts appropriated from the school capital construction account under paragraphs (j)(i), (ii), (vii) and (ix) of this section are for the period commencing on the effective date of the appropriation and ending June 30, 2024. Any unexpended, unobligated funds remaining from any of these appropriations shall revert to the school capital construction account on June 30, 2024.

(d) Each amount appropriated from the school capital construction account for a school facility project under paragraphs (j)(iii), (iv), (v), (viii), (x), (xi) and (xii) of this section shall remain in effect from the effective date of the appropriation until that project is completed, unless otherwise provided by law. Upon completion of a project, any unexpended, unobligated funds remaining

from the appropriation for the project shall revert to the school capital construction account.

(e) As authorized under W.S. 21-15-119(a)(iii), the school facilities commission may submit a supplemental budget request for any emergency or unanticipated need, or for any refinement or modification of a project funded under this section, subject to any constraints or other requirements imposed by the governor under W.S. 9-2-1013.

(f) An estimated schedule for deploying projects funded by amounts appropriated under subsection (j) of this section, as adopted by the school facilities commission and as contained within the 2023-2024 biennial budget submitted by the commission under W.S. 21-15-119, shall be used by the state construction department to the extent practicable to guide expenditure of appropriated funds. The estimated schedule developed shall be based upon information, processes, events and expenditures and shall not be binding upon the state construction department or the school facilities commission.

(g) Amounts appropriated under subsection (j) of this section shall not be construed to be an entitlement or guaranteed amount and shall be expended by the school facilities commission to ensure adequate, efficient and cost effective school buildings and facilities in accordance with W.S. 21-15-114(a)(vii).

(h) In addition to accounting and reporting requirements imposed under W.S. 28-11-301(c)(iv), the state construction department shall report at least one (1) time each year on the deployment of amounts to fund projects under this section in accordance with the deployment schedule, information on project progression and, if applicable, the rationale for any deviation from the estimated schedule. The reports, as approved by the commission, shall be submitted by the department to the select committee on school facilities, the joint appropriations committee and the governor.

(j) The following amounts are appropriated from the school capital construction account to the school facilities commission for the following purposes:

(i) For charter school leases, one million eight hundred sixty-six thousand seven hundred sixty-four dollars (\$1,866,764.00). The funds appropriated under this paragraph shall be distributed for lease expenses for school years 2022-2023 and 2023-2024 and are subject to W.S. 21-3-110(a)(x) and the following prescribed maximum amounts:

Priority	School District	Project	Maximum Amount
04-01	Albany #1	Elementary School	\$374,070
04-02	Laramie #1	Elementary School	\$703,940

04-03	Laramie #1	Secondary School	\$788,754
Total			\$1,866,764

(ii) For modular buildings and leases, one hundred nine thousand six hundred twenty-five dollars (\$109,625.00), subject to the following prescribed maximum amounts:

Priority	School District	Lease	Maximum Amount
05-01	Laramie #1	Modular Lease	\$28,750
05-02	Laramie #1	Modular Lease	\$28,750
05-03	Laramie #1	Modular Lease	\$17,375
05-04	Laramie #1	Modular Lease	\$17,375
05-05	Laramie #1	Modular Lease	\$17,375
Total			\$109,625

(iii) To supplement the previous appropriation of twenty-seven million three hundred fifty-four thousand seven dollars (\$27,354,007.00) for the design and construction of an elementary school in Laramie county school district #1, as provided under 2020 Wyoming Session Laws, Chapter 80, Section 313(g)(iv) an additional five million dollars (\$5,000,000.00) for construction of an elementary school in Laramie county school district #1 to address school capacity needs. The total maximum amount appropriated under 2020 Wyoming Session Laws, Chapter 80, Section 313(g)(iv) and this paragraph for design and construction of an elementary school in Laramie county school district #1 is thirty-two million three hundred fifty-four thousand seven dollars (\$32,354,007.00). The additional funds appropriated under this paragraph shall be expended only after all funds previously appropriated for this project are expended. The original scope and design of the project shall not be modified as a result of the additional funds appropriated under this paragraph. The appropriation under this paragraph is effective immediately;

(iv) To supplement the previous appropriations of four million three hundred sixty-seven thousand three hundred fifty dollars (\$4,367,350.00) for the design and construction of Afton elementary school in Lincoln county school district #2 and two million seven hundred forty-five thousand seven hundred thirty-seven dollars (\$2,745,737.00) for the design and construction of Osmond elementary school in Lincoln county school district #2, as provided under 2020 Wyoming Session Laws, Chapter 80, Section 313(g)(iv), an additional three million two hundred thousand dollars (\$3,200,000.00) for the construction of the two (2) elementary schools in Lincoln county school district #2 to address school capacity needs. The total maximum amount appropriated under 2020 Wyoming Session Laws, Chapter 80, Section 313(g)(iv) and this

paragraph for design and construction of two (2) elementary schools in Lincoln county school district #2 is ten million three hundred thirteen thousand eighty-seven dollars (\$10,313,087.00). The additional funds appropriated under this paragraph shall be expended only after all funds previously appropriated for these projects are exhausted. The original scope and design of the projects shall not be modified as a result of the additional funds appropriated under this paragraph. The appropriation under this paragraph is effective immediately;

(v) For the following component level major maintenance projects, twenty one million dollars (\$21,000,000.00):

Priority	School District	Project
07-01	Weston #7	Elem./Middle School
07-02	Fremont #25	Elementary School
07-03	Converse #1	High School
07-04	Big Horn #2	Middle School
07-05	Converse #1	Elementary School
07-06	Fremont #2	K-12 School
07-07	Natrona #1	K-12 Bus Garage
07-08	Campbell #1	Elementary School
07-09	Platte #1	Middle School
07-10	Converse #1	Middle School
07-11	Fremont #1	High School
07-12	Converse #1	Elementary School
07-13	Uinta #1	High School
07-14	Laramie #1	Elementary School

(vi) Prior to expenditure of the appropriation under paragraph (v) of this subsection, each school district shall exhaust all means of alternative funds available to complete component level projects, including any federal funds that may be available to school districts for capital construction or major maintenance;

(vii) For professional consulting expertise and other administrative costs to conduct studies as approved by the commission to determine the most cost effective and efficient approach in order to deliver quality educational services and address building and facility needs, three hundred thousand dollars (\$300,000.00);

(viii) For demolition projects, five million ninety-one thousand three hundred ninety-four dollars (\$5,091,394.00), subject to the following prescribed maximum amounts:

Priority	School District	Project	Maximum Amount
09-01	Goshen #1	High Sch. Tech Building	\$238,852
09-02	Laramie #1	Surplus Building	\$854,959
09-03	Fremont #25	Surplus Building	\$3,997,583
Total			<u>\$5,091,394</u>

(ix) For land acquisitions, six hundred eighteen thousand three hundred fifty-one dollars (\$618,351.00). Prior to expenditure of this appropriation, the state construction department shall report proposed land acquisitions to the joint appropriations committee, the joint education interim committee and the select committee on school facilities;

(x) For unanticipated costs associated with the appropriations under paragraphs (j)(v), (vii), (viii) and (xi) of this subsection, four million two hundred fifty-five thousand five hundred fifty-two dollars (\$4,255,552.00);

(xi) For other school building and facility priorities, forty-four million five hundred thirty-four thousand four hundred sixty-six dollars (\$44,534,466.00), subject to the following prescribed maximum amounts:

Priority	School District	Project	Maximum Amount
12-01	Campbell #1	Elem. Sch. Design	\$772,968
12-01.1	Campbell #1	Elem. Sch. Constr.	\$4,914,477
12-01.2	Campbell #1	Elem. Sch. Demolition	\$647,021
Leg.	Fremont #25	High Sch. Auditorium	\$8,200,000
Leg.	Washakie #2	K-12 Sch. Design & Construction	<u>\$30,000,000</u>
Total			\$44,534,466

(xii) To supplement the previous appropriation of four million eighty-nine thousand seven hundred ninety-four dollars (\$4,089,794.00) for the design and construction of an alternative school in Lincoln county school district #1, as provided under 2020 Wyoming Session Laws, Chapter 80, Section 313(g) (v), an additional four hundred sixty-four thousand dollars (\$464,000.00) for the construction of an alternative school in Lincoln county school district #1 to address school condition needs. The total maximum amount appropriated for design and construction of an alternative school in Lincoln county school district #1 is four million five hundred fifty-three thousand seven hundred ninety-four dollars (\$4,553,794.00). The additional funds appropriated under

this paragraph shall be expended only after all funds previously appropriated for this project are expended. The original scope and design of the project shall not be modified as a result of the additional funds appropriated under this paragraph. The appropriation under this paragraph is effective immediately.

[MINERAL SEVERANCE TAX DIVERSION]

**Section 314.** W.S. 39-14-801(d)(intro) and by creating a new subsection (j) is amended to read:

**39-14-801. Severance tax distributions; distribution account created; formula.**

(d) After making distributions pursuant to subsections (b), (c) and (f) of this section, distributions under subsection (e) of this section shall be made from the severance tax distribution account. The amount of distributions under subsection (e) of this section shall not exceed one hundred fifty-five million dollars (\$155,000,000.00) in any fiscal year. To the extent that distributions under subsection (e) of this section would exceed that amount in any fiscal year, except as provided in subsections (g), ~~and (h)~~ and (j) of this section, the excess shall be credited:

(j) For fiscal year 2023, when distributions under paragraph (d)(ii) of this section equal one hundred fifteen million five hundred thousand dollars (\$115,500,000.00) and for fiscal year 2024, when distributions under paragraph (d)(ii) of this section equal one hundred two million two hundred thousand dollars (\$102,200,000.00), additional funds that would otherwise be distributed under paragraphs (d)(i) and (ii) of this section shall be credited as follows:

- (i) One-third (1/3) to the general fund;
- (ii) One-third (1/3) to the budget reserve account; and
- (iii) One-third (1/3) to the school foundation program reserve account.

[FEDERAL MINERAL ROYALTY DIVERSION]

**Section 315.** W.S. 9-4-601(a)(iii), (d)(intro), (vi) and (vii) and by creating a new subsection (n) is amended to read:

**9-4-601. Distribution and use; funds, accounts, cities and towns benefited; exception for bonus payments.**

(a) All monies received by the state of Wyoming from the secretary of the treasury of the United States under the provisions of the act of congress of February 25, 1920 (41 Stat.

437, 450; 30 U.S.C. §§ 181, 191), as amended, or from lessees or authorized mine operators and all monies received by the state from its sale of production from federal mineral leases subject to the act of congress of February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191) as amended, except as provided by subsection (b) of this section, shall be deposited into an account and the first two hundred million dollars (\$200,000,000.00) of revenues received in any fiscal year shall be distributed by the state treasurer as provided in this subsection. One percent (1%) of these revenues shall be credited to the general fund as an administrative fee, and the remainder shall be distributed as follows:

(iii) Except as provided by W.S. 9-4-605(a), and as otherwise provided in this paragraph, twenty-six and one-quarter percent (26 1/4%) to the highway fund subject to allocations under W.S. 9-4-607. For fiscal years ~~2017 and 2018~~ 2023 and 2024 funds under this paragraph shall be distributed to the general fund until such time as the distributions under this paragraph for both fiscal years 2023 and 2024 cumulatively equal the amount of funds received by the state of Wyoming and allocated to the department of transportation from the American Rescue Plan Act of 2021, P.L. 1172, Section 602 for the provision of government services under Section 602(c)(1) (C). Upon reaching the total allocation from the American Rescue Plan Act of 2021, P.L. 117-2, under Section 602(c)(1) (C) and after the conditions of this paragraph have been met, the excess shall be credited to the highway fund;

(d) Except as provided in subsections (k), ~~and (m) and (n)~~ of this section, any revenue received under subsection (a) of this section in excess of two hundred million dollars (\$200,000,000.00) shall be distributed as follows:

(vi) From the amounts which would otherwise be distributed to the school foundation program account under paragraph (iii) of this subsection and paragraphs (k)(i), ~~and (m)(i) and (n)(i)~~ of this section, there is annually appropriated to the common school permanent fund reserve account the amount determined under W.S. 9-4-719(g). The appropriation shall be credited to the account as provided in W.S. 9-4-719(g);

(vii) From the amounts that would otherwise be distributed to the budget reserve account under paragraph (iv) of this subsection and paragraphs (k)(ii), ~~and (m)(ii) and (n)(ii)~~ of this section, amounts necessary to make



the required revenue bond payments as provided by W.S. 9-4-1003(d), but in no event more than eighteen million dollars (\$18,000,000.00) annually;

(n) For fiscal year 2023, any revenue received under subsection (a) of this section in excess of four hundred fifty-nine million dollars (\$459,000,000.00) and for fiscal year 2024, any revenue received under subsection (a) of this section in excess of four hundred twenty-nine million two hundred thousand dollars (\$429,200,000.00) shall be distributed as follows:

(i) Forty percent (40%) to the school foundation program account; and

(ii) Sixty percent (60%) to the budget reserve account.

[AML FUNDING – REAUTHORIZATION OF PRIOR APPROPRIATIONS]

**Section 316.**

(a) The legislature authorizes the department of environmental quality to submit new grant applications or modify existing grant applications to the federal office of surface mining to reappropriate and redirect previously authorized and reverted funds of up to three hundred ten thousand five hundred forty dollars (\$310,540.00) or as much thereof as is available, to the University of Wyoming for energy science graduate stipends and fellowships from the previous appropriation under 2011 Wyoming Session Laws, Chapter 88, Section 346(d)(ii) as amended by 2017 Wyoming Session Laws, Chapter 176.

(b) Expenditures under this section are subject to the following:

(i) The University of Wyoming shall not supplant any existing graduate stipend or fellowship funding with these funds;

(ii) The University of Wyoming shall establish minimum grade point average and graduate record examination score thresholds for qualifying students to ensure that only highly qualified candidates are awarded energy science graduate stipends or fellowship opportunities;

(iii) Each year, at least fifty percent (50%) of all funds awarded for energy science graduate stipends and fellowships shall be awarded to qualifying students who have demonstrated Wyoming residency as determined by the University of Wyoming or who are graduates of the University of Wyoming.

(c) The department of environmental quality is authorized to submit new grant applications or modify existing grant applications to the federal office of surface mining to reappropriate and redirect any unexpended, unobligated funds remaining from the reappropriation in this section on May 31, 2024, for the planning and design of segments two (2), three (3) and four (4) of the Bitter

Creek restoration project at Rock Springs and for the construction segment one (1) of the Bitter Creek restoration project near Rock Springs. Any unexpended, unobligated funds from the appropriation in this section shall be reverted by notifying the department of environmental quality of the unexpended, unobligated funds upon completion of the project or purposes for which the appropriation was made.

[ENHANCED OIL RECOVERY COMMISSION - REAPPROPRIATION]

**Section 317.**

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, unexpended, unobligated monies appropriated from the general fund to the enhanced oil recovery commission under 2006 Wyoming Session Laws, Chapter 35, Section 2, Section 070; 2008 Wyoming Session Laws, Chapter 48, Section 2, Section 070; 2010 Wyoming Session Laws, Chapter 39, Section 2, Section 070; 2012 Wyoming Session Laws, Chapter 26, Section 2, Section 070 as amended by 2013 Wyoming Session Laws, Chapter 73, Section 2, Section 070; 2014 Wyoming Session Laws, Chapter 26, Section 2, Section 070; 2016 Wyoming Session Laws, Chapter 31, Section 2, Section 070 as amended by 2017 Wyoming Session Laws, Chapter 120, Section 2, Section 070; 2018 Wyoming Session Laws, Chapter 134, Section 2, Section 070; 2020 Wyoming Session Laws, Chapter 80, Section 2, Section 070 as amended by 2021 Wyoming Session Laws, Chapter 69, Section 2, Section 070, up to one million nine hundred six thousand seven hundred eighty-two dollars (\$1,906,782.00) or as much thereof as is available that was not reverted as provided by law shall be deemed reverted for accounting purposes on June 30, 2022 and is reappropriated to the enhanced oil recovery commission. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, the reappropriation in this section shall not revert until June 30, 2026. It is the intent of the legislature that this reappropriation not be included in the enhanced oil recovery commission's standard budget for the immediately succeeding fiscal biennium.

(b) This section is effective immediately.

[~~NATIONAL BOARD CERTIFICATION OF TEACHERS~~]

**Section 318:**

~~(a) W.S. 21-7-501(f)(i) is amended to read:~~

~~21-7-501. National certification program; program limits and requirements; appropriations requirements; certified teacher pay incentive reimbursement.~~

~~(f) In addition to the program established under subsection (a) of this section, and to promote employment of national board certified teachers by school districts, each district employing a national board certified teacher~~

**shall be reimbursed for payments to these teachers subject to the following:**

**~~(i) For each year the certificate is valid, the district provides each teacher employed by the district and holding certification by the national board for professional teaching standards a lump sum payment of four thousand dollars (\$4,000.00), except that for school year 2022-2023 and school year 2023-2024 a lump sum payment of two thousand dollars (\$2,000.00) for each school year shall be made, which payment is in addition to the teacher's annual salary as determined by the board, and which is paid to each certified teacher between December 1 and December 31 of the school year for which application is made;~~**

**~~(b) Nothing in this section shall be interpreted to prohibit a school district from expending any other funds for purposes of a lump sum payment in the amount of two thousand dollars (\$2,000.00) for each school year to each teacher employed by the district and holding certification by the national board for professional teaching standards.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]~~**

[EMPLOYEE COMPENSATION]

### **Section 319.**

(a) There is appropriated sixty-four million eight hundred thousand dollars (\$64,800,000.00) from the general fund to the state auditor for salary adjustments of generally funded employees whose salary is not prescribed by law for the fiscal period commencing July 1, 2022 and ending June 30, 2024 as specified in this section. From this appropriation, the state auditor shall distribute the following amounts:

(i) Thirty-seven million six hundred ninety thousand four hundred sixty-two dollars (\$37,690,462.00) for distribution among the executive branch agencies, including statewide elected officials, pursuant to subsection (b) of this section for employees of the executive branch, the commission on judicial conduct and ethics and the community college commission but not including any agency or entity specified in paragraph (ii) or (iii) of this subsection, the Wyoming business council and Wyoming energy authority;

(ii) Sixteen million two hundred seventy-one thousand four hundred fifty dollars (\$16,271,450.00) to the University of Wyoming pursuant to subsection (b) of this section for employees of the University of Wyoming, the University of Wyoming medical education program, school of energy resources and the enhanced oil recovery commission;

(iii) Eight million six hundred sixteen thousand eight hundred thirty-

three dollars (\$8,616,833.00) to the community college commission to be allocated among the community colleges in proportion to the state funded payroll of each college relative to the total state funded payroll as submitted by the colleges to the state budget department and further distributed within each college pursuant to subsection (b) of this section among the community colleges for employees of the community colleges and Wyoming public television;

(iv) Two million two hundred twenty-one thousand two hundred fifty-five dollars (\$2,221,255.00) to the supreme court to be further distributed pursuant to subsection (b) of this section among the employees of the supreme court, district courts and circuit courts and related subdivisions.

(b) Funds appropriated under subsection (a) of this section shall be distributed to employees of entities specified in paragraphs (a)(i) through (iv) of this section to provide for salary and employer paid benefit increases consistent with employee performance and occupational market analysis as determined by the specified recipient entities.

(c) For state executive and judicial branch employees whose compensation is paid from nongeneral fund sources, to the extent funds are available, there is appropriated from those accounts and funds amounts necessary to provide payment of comparable salary increases and employer paid benefits as that which is distributed to employees of entities specified in paragraphs (a)(i) through (iv) of this section and subject to the same distribution methodology that is applied by the entities specified in paragraphs (a)(i) through (iv) of this section, respectively. For state executive and judicial branch employees whose compensation is partially funded by general funds, general funds shall be expended for compensation increases in the same proportion as the employee's budgeted salary is paid by state general funds.

(d) Notwithstanding any other provision of law, the appropriation under this section shall not be transferred or expended for any purpose other than as specified in this section. Any unexpended, unobligated funds remaining from the appropriation under this section shall revert as provided by law on June 30, 2024.

[TRANSFER FROM WYOMING TOURISM RESERVE ACCOUNT:  
CAPITOL WAYFINDING]

**Section 320.** Not later than September 30, 2022, the state treasurer shall transfer two million dollars (\$2,000,000.00) from the Wyoming tourism reserve and projects account to the capitol square preservation account for exhibits and wayfinding within the capitol building and extension from the capitol building to and under the Herschler building to enhance the visitor experience.

[ENERGY MATCHING FUNDS]

**Section 321.**

(a) There is appropriated to the office of the governor one hundred million dollars (\$100,000,000.00) from the legislative stabilization reserve account from funds transferred to the account under Section 300(j) of this act. Except as provided in subsections (b) and (c) of this section, this appropriation is for purposes of providing matching funds for private or federal funding for research, demonstration, pilot projects or commercial deployment projects related to Wyoming energy needs, including, but not limited to, carbon capture utilization and storage, carbon dioxide transportation, industrial carbon capture, coal refinery, and hydrogen production, transportation, storage, hydrogen hub development, biomass, biochar, hydropower, battery storage or wind and solar energy. This appropriation shall not be transferred or expended for any other purpose.

(b) Of the appropriation in subsection (a) of this section, eight million dollars (\$8,000,000.00) is appropriated for coal refinery research, pyrolysis demonstration, or large scale pilot project through the University of Wyoming school of energy resources with further conditions and approval as determined by the governor. Expenditure of funds under this subsection shall not be conditioned upon receipt of matching funds, provided that a good faith effort to match the funds is made.

(c) Of the appropriation in subsection (a) of this section, ten million dollars (\$10,000,000.00) is appropriated for public infrastructure for commercial energy development. Expenditure of funds under this subsection shall be conditioned upon receipt of matching funds in the ratio of one dollar (\$1.00) of appropriated funds under this subsection to not less than one dollar (\$1.00) of matching funds.

[RMP PROJECT ACCOUNT]

**Section 322.** In accordance with W.S. 9-4-214(a) and 9-4-217(d), the state auditor shall create the rocky mountain power project account. All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be credited to the account. Any funds deposited to this account shall be continuously appropriated to the Wyoming wildlife and natural resource trust account board to provide oversight and distribute funds in accordance with the United States Bureau of Land Management stipulations for this funding.

~~[[WYOMING EDUCATION TRUST FUND EARNINGS]]~~

**Section 323.** ~~W.S. 21-22-101(b) is amended to read:~~

~~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 by law and in a manner to obtain the highest net return possible consistent with preservation of the corpus. Except as provided in this subsection, any 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. For fiscal year 2023 and fiscal year 2024, any earnings from investment of the corpus of the trust shall be credited by the state treasurer to the public school foundation program account created by W.S. 21-13-306.~~

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]

[PERMANENT FUND EARNINGS-DISPOSITION AND ACCOUNTING]

#### Section 324.

(a) For purposes of determining the availability of and the accounting for funds from which to satisfy spending and distribution requirements during the period in which this act is effective, the legislature directs the disposition and accounting of investment earnings as specified in this section.

(b) For the period specified in subsection (d) of this section, all earnings of the permanent Wyoming mineral trust fund shall be credited to the temporary earnings fund for permanent Wyoming mineral trust fund earnings, which is hereby created. Earnings deposited within the temporary earnings fund shall be distributed as provided by law and to comply with constitutional and statutory requirements, but in no event shall amounts representing unrealized gains be distributed from the temporary earnings fund.

(c) For the period specified in subsection (e) of this section, all earnings of the common school account within the permanent land fund shall be credited to the temporary earnings fund for common school account earnings, which is hereby created. Earnings deposited within the temporary earnings fund shall be distributed as provided by law and to comply with constitutional and statutory requirements, but in no event shall amounts representing unrealized gains be distributed from the temporary earnings fund.

(d) Subsection (b) of this section shall be effective only if the electors have adopted an amendment to the Wyoming constitution at the 2022 general election as provided in 2022 House Joint Resolution 0005 and shall remain effective until the legislature takes further affirmative action for the disposition and accounting of earnings of the permanent Wyoming mineral trust fund.

(e) Subsection (c) of this section shall be effective only if the electors have adopted an amendment to the Wyoming constitution at the 2022 general election as provided in 2022 House Joint Resolution 0006 and shall remain

effective until the legislature takes further affirmative action for the disposition and accounting of earnings of the common school account within the permanent land fund.

[APPROPRIATION TO MATCH FEDERAL INFRASTRUCTURE GRANTS]

**Section 325.** There is appropriated seventy-five million dollars (\$75,000,000.00) from the general fund to the office of the governor for the purpose of providing state matching funds to qualify for federal infrastructure funds awarded to Wyoming or its political subdivisions under the Infrastructure Investment and Jobs Act, P.L. 117-58. This appropriation shall not be expended for any other purpose. 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 federal funds. All proposed expenditures under this section shall be reported to the joint appropriations committee with a description of the desired actions and outcomes ten (10) days before use of the funds are approved by the governor through the B-11 process as authorized by W.S. 9-2-1005(b)(ii).

~~[[CASH-BASED BUDGETING]]~~

~~**Section 326.**~~

~~(a) The select committee on capital financing and investments shall:~~

~~(i) Review all cash balances of and statutory revenue deposits to the general fund, budget reserve account, strategic investments and projects account and legislative stabilization reserve account and other statutory revenue distributions;~~

~~(ii) Recommend any necessary statutory revisions required to implement a biennial or annual cash based budgeting framework in the most efficient manner beginning with the immediately succeeding biennium; and~~

~~(iii) Report any recommended legislation to the legislature not later than December 1, 2022.~~

~~(b) This section shall not be effective if 2022 House Bill 0147 is enacted into law.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 10, 2022.]~~

[EFFECTIVE DATE]

**Section 400.**

(a) As used in this act, “effective immediately” means effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution. Any appropriation contained in this act which is effective immediately shall not lapse until June 30, 2024, unless otherwise specified.

(b) Except as otherwise provided, this act is effective July 1, 2022.

Approved March 10, 2022.

## Chapter 52

### WYOMING'S TOMORROW SCHOLARSHIP PROGRAM

#### Original House Bill No. 31

AN ACT relating to higher education; creating the Wyoming's tomorrow scholarship program; providing eligibility requirements; authorizing administration and rulemaking; creating an account and a permanent fund; requiring reports; providing for a continuous appropriation; amending a provision regarding permanent funds of the state; making conforming amendments; providing for a transfer of funds; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 21-16-1901 through 21-16-1907 are created to read:

#### ARTICLE 19

### WYOMING'S TOMORROW SCHOLARSHIP PROGRAM

#### **21-16-1901. Definitions.**

(a) As used in this article:

(i) "Academic term" means the fall semester or term or the spring semester or term. In this article, "semester" and "term" have the same meaning except that recipients may elect to use the scholarship for a summer term or January term or any other term besides the fall semester or spring semester that the eligible institution designates, which counts toward the maximum number of terms for which a student is eligible but does not count toward computation of an academic year;

(ii) "Academic year" means two (2) consecutive semesters or terms and is the period of time in which a full-time student is expected to complete the equivalent of at least two (2) academic terms of academic work;

(iii) "Certificate" means a credential other than a degree and indicates satisfactory completion of training in an academic year program of study offered by an eligible institution including non-credit industry recognized credentials that meet eligibility requirements of the Wyoming works program under W.S. 21-18-403;

(iv) "Commission" means the Wyoming community college commission;

(v) "Cost of attendance" means the sum cost of tuition, mandatory fees, room and board, books and supplies, travel and personal expenses to attend an eligible institution;

(vi) "Degree" means a baccalaureate or an associate degree other than a certificate;



(vii) “Eligible institution” means the University of Wyoming or a Wyoming community college;

(viii) “Equivalent of a full-time semester” means twelve (12) semester hours in a semester;

(ix) “Semester hour” means each semester hour or clock hour as defined by commission rule attempted for credit or eligible Wyoming works program non-credit degree or certificate;

(x) “Title IV” means Title IV of the federal Higher Education Act of 1965, as amended;

(xi) “Unmet financial need” means the cost of attendance minus the sum of expected family contribution and all federal, state, local, institutional and privately funded scholarships or grants received by the student as determined by the eligible institution. “Unmet financial need” shall not include any loans a student may be eligible to receive.

**21-16-1902. Wyoming’s tomorrow scholarship expenditure account created; use and appropriation of funds; calculation of annual average market value.**

(a) Except as otherwise provided by law, the Wyoming’s tomorrow scholarship expenditure account is created to consist of all earnings from the Wyoming’s tomorrow scholarship endowment fund created by W.S. 9-4-204(u) (ix) and other funds appropriated by the legislature to the expenditure account. Funds within the expenditure account may be invested as authorized by law. Interest and other earnings from amounts within the expenditure account shall be credited to the expenditure account. Monies within the expenditure account are continuously appropriated to the state treasurer for distribution to eligible institutions based on scholarships awarded by the commission under this article, subject to limitations provided for under subsection (b) of this section. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2022, the state treasurer shall transfer monies from the expenditure account to the Wyoming’s tomorrow scholarship endowment fund to the extent monies within the expenditure account are in excess of an amount equal to nine percent (9%) of the previous five (5) year average market value of the Wyoming’s tomorrow scholarship endowment fund, calculated from the first day of the fiscal year, except as provided for under subsection (c) of this section. The state treasurer shall report not later than November 1, of each year to the joint education interim committee and the select committee on capital financing and investments the amount of funds within the expenditure account at the end of the previous fiscal year and as of July 1, of the current fiscal year.

(b) Scholarships awarded under W.S. 21-16-1904 and expended from the Wyoming’s tomorrow scholarship expenditure account shall be limited in accordance with the following:

(i) For the first academic year scholarships are awarded, expenditures shall not exceed two and one-half percent (2.5%) of the applicable fiscal year's average market value of the Wyoming's tomorrow scholarship endowment fund calculated in accordance with subsection (c) of this section;

(ii) For the second academic year and each academic year thereafter scholarships are awarded, expenditures shall not exceed five percent (5%) of the applicable fiscal year's average market value of the Wyoming's tomorrow scholarship endowment fund calculated in accordance with subsection (c) of this section.

(c) The annual average market value of the Wyoming's tomorrow scholarship endowment fund shall be calculated as follows for the fiscal year (FY) specified:

(i) FY 2023 shall be equal to the market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year;

(ii) FY 2024 shall be equal to the previous two (2) year average market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year;

(iii) FY 2025 shall be equal to the previous three (3) year average market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year;

(iv) FY 2026 shall be equal to the previous four (4) year average market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year;

(v) FY 2027 and each fiscal year thereafter, shall be equal to the previous five (5) year average market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year.

**21-16-1903. Wyoming's tomorrow scholarship program; eligibility requirements.**

(a) There is created the Wyoming's tomorrow scholarship program.

(b) Under the Wyoming's tomorrow scholarship program, subject to W.S. 21-16-1905(b) and availability of funds as determined by the legislature, the commission may award a scholarship pursuant to W.S. 21-16-1904 to any student who has been accepted by and enrolls in an eligible institution to pursue a degree or certificate, and who meets the following qualifications:

(i) The student has demonstrated Wyoming residency for not less than one (1) year immediately preceding application or not less than a total of three (3) years at any time prior to application;

(ii) The student is twenty-four (24) years of age or older;

(iii) The student has completed and filed a free application for federal student aid for the academic year for which the student is applying for a scholarship and has unmet financial need;

(iv) The student agrees to register with the department of workforce services for applicable training assistance, as defined by rule of the commission required under W.S. 21-16-1905(b).

(c) A student is not eligible for a scholarship under this article if the student:

(i) Is currently receiving a scholarship under the Hathaway scholarship program established under W.S. 21-16-1301 et seq.;

(ii) Is not a United States citizen or a permanent resident alien who meets the definition of an eligible noncitizen under federal Title IV requirements or requirements of a subsequent similar federal enactment;

(iii) Owes a refund under a federal Title IV student financial aid program or a subsequently enacted similar federal student financial aid program, or a student financial aid program administered through the state;

(iv) Is incarcerated; or

(v) Previously received a scholarship under this article for the maximum of the equivalent of four (4) full-time academic terms or a total of seven thousand two hundred dollars (\$7,200.00) in scholarships for unmet financial need under this article.

**21-16-1904. Wyoming's tomorrow scholarships.**

(a) Any student who meets the criteria under W.S. 21-16-1903 may be eligible to receive a Wyoming's tomorrow scholarship to pursue a degree or certificate for:

(i) Not more than one hundred and fifty dollars (\$150.00) per semester hour and not more than one thousand eight hundred dollars (\$1,800.00) per academic term for unmet financial need at an eligible institution if enrolled for twelve (12) or more semester hours in the academic term;

(ii) The amount provided for the academic term under paragraph (i) of this subsection times a fraction in which the numerator is the number of semester hours in which the student is enrolled in for the academic term and the denominator is twelve (12).

(b) Scholarships under this section shall be for a maximum of the equivalent of four (4) full-time academic terms. No student shall receive more than a total of seven thousand two hundred dollars (\$7,200.00) in scholarships for unmet financial need under this article.

(c) To remain eligible for the scholarship under this section, the student shall:

(i) Make satisfactory academic progress toward a degree or certificate by completing at least two-thirds ( $2/3$ ) of attempted semester hours in any academic term;

(ii) Maintain a cumulative grade point average of at least 2.0 as evaluated at the end of each spring academic term;

(iii) Meet other criteria as established by the eligible institution to ensure the student earns a degree or certificate in a timely manner;

(iv) Maintain continuous enrollment for not less than two (2) academic terms in each successive academic year. The commission may grant waivers to the requirement of this subparagraph for military service, religious service and other good cause shown pursuant to commission rule.

(d) A student receiving a Wyoming's tomorrow scholarship who fails to meet the requirements of subsection (c) of this section shall be ineligible to receive another scholarship under this article.

**21-16-1905. Administration; rules and regulations.**

(a) This article shall be administered by the commission in consultation with the University of Wyoming in accordance with the following:

(i) Students may apply for scholarships under this article with the eligible institution at the time of applying for admission or in any event before the beginning of the academic term at the eligible institution. The application shall contain information as required by rule of the commission;

(ii) Each eligible institution receiving an application from a student applying for a Wyoming's tomorrow scholarship shall preliminarily determine the student's eligibility for the scholarship. Each eligible institution shall certify to the commission by dates prescribed by rule, a list of students who qualify for a scholarship under this article;

(iii) The commission shall establish by rule procedures and criteria for the application, notification of students and the award of scholarships in accordance with this article. The rules adopted by the commission shall ensure students receive notice of a scholarship award in a timely manner to ensure students are able to make informed decisions about the financial obligations associated with attendance at an eligible institution;

(iv) If the market value of the Wyoming's tomorrow scholarship endowment fund has once exceeded fifty million dollars (\$50,000,000.00) and funds are available within the Wyoming's tomorrow scholarship expenditure account, the state treasurer shall pay from the Wyoming's tomorrow scholarship expenditure account amounts necessary for all awarded scholarships as reported by the commission. For each subsequent semester, the commission shall determine and certify to the state treasurer the amount that is equal to seventy-five percent (75%) of the total amount the eligible institution received during the preceding semester under this subsection. Not later than thirty (30) days after the commission has certified participation and notified the state treasurer, the state treasurer shall pay from the expenditure account the amount certified. The commission shall review the lists provided under paragraph (ii) of this subsection, determine whether there is any duplication of students, and determine and certify to the state treasurer the balance of the

amount due under this article to each institution for the semester. For any duplication, the commission shall determine whether the student is attending more than one (1) eligible institution. If the student is attending multiple eligible institutions, payment of the Wyoming's tomorrow scholarship for which the student qualifies shall be made only to the institution designated as the home institution by the commission. The state treasurer shall pay from the expenditure account the balance of the amount due not later than seventy-five (75) days after the institution's semester has commenced. Payments to the university shall be made directly to the university. Payments to the community colleges shall be made directly to each college and be reported by the state treasurer to the commission. Should a prepayment under this paragraph exceed the amount actually due to the institution for any semester, the excess amount shall be calculated by the university and commission and deducted from the next payment made under this paragraph.

(b) The commission shall promulgate rules necessary to implement this article in consultation with the University of Wyoming, the department of workforce services, the Wyoming business council and other stakeholders, including industry representatives. The rules shall provide for a preference to award scholarships which considers workforce shortages and economic development needs of the communities, regions and the state. First preference shall be given to students who received a scholarship under this article in the immediately preceding academic term and remain eligible to receive a scholarship under W.S. 21-16-1904(c). Second preference shall be given to students who have secured an industry sponsorship. Preference may be given to students based on the length of their Wyoming residency. Preference may be given to students without a degree.

(c) The commission shall establish annual reporting procedures for purposes of policy analysis and program evaluation and providing accurate data to the legislature and governor relative to the program's impact on the state and on students. The report shall include information about how the commission awarded scholarships, the amount each eligible institution received, the number of applicants at each eligible institution and the number of students that received scholarships under this article at each eligible institution. The report shall also include the number and type of degrees or certificates awarded to scholarship recipients. The commission shall submit the annual report to the governor and the legislature in accordance with W.S. 9-2-1014.

(d) The department of audit may conduct an audit at any time of the commission or any eligible institution participating in the scholarship program under this article to determine compliance with any provision of this article.

**21-16-1906. Additional funding considerations.**

The commission shall limit the number and amount of scholarships awarded under this article so that the expected expenditures do not exceed the projected

funding available considering the total duration of the awards. To the extent sufficient funds are not available in the Wyoming's tomorrow scholarship expenditure account to fund all scholarships awarded by the commission under this article, the payment to the eligible institutions shall be reduced on a first come first served basis using the student's application date for the scholarship.

**21-16-1907. Legislative oversight and authority.**

Nothing in this article shall be construed to constitute an entitlement to a scholarship established and funded by the legislature. Wyoming's tomorrow scholarships shall be subject to legislative appropriation and the legislature reserves the right to modify or terminate the program established under this article at any time.

**Section 2.** W.S. 9-4-204(u) by creating a new paragraph (ix), 9-4-714(a)(v) and 21-16-1303(e)(vi), (vii) and by creating a new paragraph (viii) are amended to read:

**9-4-204. Funds established; use thereof.**

(u) Other funds defined as follows shall be classified by the state auditor pursuant to subsections (s) and (t) of this section:

(ix) Wyoming's tomorrow scholarship endowment fund - to consist of funds appropriated or designated to the fund by law, or by gift from whatever source. In accordance with Wyoming Constitution Article 15, Section 20, monies within the fund shall not be expended and may be invested in the same manner as other permanent funds of the state. Except as otherwise provided under this paragraph, earnings from investment of monies within the endowment fund shall be credited to the endowment fund. Upon the endowment fund reaching a balance of fifty million dollars (\$50,000,000.00), earnings from the investment of monies within this fund shall be credited to the Wyoming's tomorrow scholarship expenditure account as created by W.S. 21-16-1902.

**9-4-714. Definitions.**

(a) As used in this act:

(v) "Permanent funds" means the permanent Wyoming mineral trust fund under W.S. 9-4-204(u)(iii), the Wyoming permanent land fund under W.S. 9-4-204(u)(iv), the excellence in higher education endowment fund under W.S. 9-4-204(u)(vi), the Hathaway student scholarship endowment fund under W.S. 9-4-204(u)(vii), ~~and~~ the Hathaway expand Wyoming scholarship endowment fund under W.S. 9-4-204(u)(viii) and the Wyoming's tomorrow scholarship endowment fund under W.S. 9-4-204(u)(ix);

**21-16-1303. Hathaway scholarship program; eligibility requirements.**

(e) A student is not eligible for a scholarship under this article if he:

(vi) Has been convicted of a felony in this state or another jurisdiction and has not been granted an exception by the department of education as provided for in W.S. 21-16-1308(b)(v); ~~or~~

(vii) Does not otherwise qualify under this article for a scholarship; or

(viii) Is currently receiving a scholarship under the Wyoming's tomorrow scholarship program established under W.S. 21-16-1901 et seq.

**Section 3.** No scholarship shall be awarded under the Wyoming's tomorrow scholarship program until the market value of the Wyoming's tomorrow scholarship endowment fund, as created by this act, reaches a minimum of fifty million dollars (\$50,000,000.00).

**Section 4.** On July 1, 2023, the state auditor shall transfer ten million dollars (\$10,000,000.00) from the legislative stabilization reserve account to the Wyoming's tomorrow endowment fund, which fund is created by this act.

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

Approved March 11, 2022.

## Chapter 53

### MONTHLY AD VALOREM TAX REVISIONS

Original Senate File No. 38

AN ACT relating to ad valorem taxation of mineral production; clarifying and modifying the reporting and payment of ad valorem taxes on mineral production; clarifying and modifying provisions for the payment of deferred taxes; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 39-13-113(b)(intro), (d) and (g) is amended to read:

**39-13-113. Monthly payment of ad valorem tax on gross product of mineral production.**

(b) Except as provided in this section, all mineral and mine producers in the state shall report ad valorem mineral production to the department on or before the twenty-fifth day of the second month following the month of production and shall pay the ad valorem tax on mineral production for each county on a monthly basis as indicated on an invoice sent by the department. The department shall invoice each producer on or before the tenth day of the month following the report. Payments shall be due and payable to the department on or before the twenty-fifth day of the ~~second~~ third month following the month of production. Payments under this subsection shall not be less than the amount calculated by the ~~taxpayer~~ department by applying the mill levy rate established by the county in the immediately preceding year to the value of the gross product of minerals and mine products produced each month. Annually, on or before September 20, the county treasurer shall send a written statement

to each taxpayer by mail at his last known address or, if offered by the county and upon request of the taxpayer, by electronic transmission, of any tax due or overpayment received after applying the amount the county has received from that taxpayer through monthly payments under this section by reconciling those payments with the applicable mill levy rate for that production year, itemized as to property description, assessed value and applicable mill levies. Failure to send notice, or to demand payment of taxes, does not invalidate any taxes due. The taxpayer shall reconcile the amount indicated on the notice as follows:

(d) If a taxpayer's liability for severance tax as imposed under chapter 14 of this title is less than thirty thousand dollars (\$30,000.00) for the preceding calendar year, the monthly payment requirements for the ad valorem tax on mineral production under this chapter are waived and the taxpayer shall report to the department on or before the twenty-fifth day of February of the year following the production year and shall pay the ad valorem tax on mineral production annually as provided in this subsection indicated on an invoice sent by the department. The department shall invoice each producer on or before the tenth day of the month following the report. The ~~annual report and~~ payment shall be due and payable on ~~February~~ March 25 of the year following the year of production. Annual payments shall be calculated by the ~~taxpayer~~ department by applying the mill levy rate established by the county commissioners in the production year, ~~along with any adjustments made in accordance with law and reported by the county to the department by January 15 of the year following the production year,~~ to the value of the gross product of minerals and mine products produced in the applicable year. Annual payments made under this subsection shall be paid to the department and deposited with the applicable county treasurer as provided in subsection (c) of this section and reconciled as provided in subsection (b) of this section.

(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, unless the entire tax due for production from calendar year 2020 is paid by December 31, 2021, and all taxes due from production in calendar year 2021 shall be paid through deferred payments as provided in this subsection. The total amount of ~~2020 and 2021 remaining deferred~~ taxes due under this subsection shall be calculated by the department and the applicable counties. The taxpayer shall make an additional



payment for deferred taxes under this subsection 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. Each county shall track payments due under this subsection and shall send an invoice to each taxpayer not later than October 1 of each year beginning in 2023 of the deferred payment due under this subsection for that year. Timely deferred payments made in accordance with this subsection shall not be subject to penalties or interest. ~~If a taxpayer fails to make timely~~ The following shall apply to deferred 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.~~

(i) If a taxpayer fails to make one (1) deferred payment by December 1 of the year the payment is due under this subsection, all applicable penalties and interest shall be calculated from the date of the missed payment;

(ii) If a taxpayer fails to make a second deferred payment under this subsection, the total remaining amount of deferred taxes due under this subsection shall be immediately due and payable with penalties and interest calculated from the date of the second missed payment;

(iii) If a taxpayer subject to deferred payments under this subsection sells, divests or liquidates its producing mineral assets in a county or counties such that the taxpayer is no longer required to file a monthly severance tax report with the department pursuant to chapter 14 of this title, the total remaining amount of deferred taxes due under this subsection for that county or counties shall be due and payable to the applicable county treasurer on or before the twenty-fifth day of the third month following the month the taxpayer sold, divested, or liquidated its producing mineral assets. If a taxpayer fails to make a deferred payment under this paragraph, all applicable penalties and interest shall be calculated from the date of the missed payment;

(iv) Nothing in this subsection shall prohibit a taxpayer from voluntarily remitting to the counties any remaining portion of nondelinquent deferred taxes without penalty.

**Section 2.** There is appropriated three million dollars (\$3,000,000.00) from the legislative stabilization reserve account to the state treasurer. This appropriation 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) as provided in 2021 Wyoming Session Laws, Chapter 28, Section 3(a). 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 March 11, 2022.

## Chapter 54

### OCCUPATIONAL THERAPY LICENSURE COMPACT

Original House Bill No. 117

AN ACT relating to professions and occupations; entering into a compact with other states to allow licensed occupational therapist and licensed occupational therapy assistants licensed in one compact state to exercise a multistate licensure privilege in other states that are party to the compact; authorizing rulemaking by the compact commission; retaining authority to license occupational therapists and occupational therapy assistants only in this state; approving and specifying terms of the compact; making conforming amendments; providing for criminal history background checks; and providing for an effective date.

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

**Section 1.** W.S. 33-40-201 through 33-40-216 are created to read:

**33-40-201. Short title.**

This article shall be known and may be cited as the “Occupational Therapy Licensure Compact.”

**33-40-202. Compact approved and ratified.**

The Occupational Therapy Licensure Compact as contained herein is hereby enacted into law and entered into on behalf of this state with any and all other states legally joining therein in a form substantially as provided in W.S. 33-40-202 through 33-40-216.

**33-40-203. [SECTION 1] Purpose.**

(a) The purpose of this compact is to facilitate interstate practice of occupational therapy with the goal of improving public access to occupational therapy services. The practice of occupational therapy occurs in the state where the patient or client is located at the time of the patient or client encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This compact is designed to achieve the following objectives:

(i) Increase public access to occupational therapy services by providing for the mutual recognition of other member state licenses;

(ii) Enhance the states’ ability to protect the public’s health and safety;

(iii) Encourage the cooperation of member states in regulating multi-state occupational therapy practice;

(iv) Support spouses of relocating military members;

(v) Enhance the exchange of licensure, investigative, and disciplinary information between member states;

(vi) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards; and

(vii) Facilitate the use of telehealth technology in order to increase access to occupational therapy services.

**33-40-204. [SECTION 2] Definitions.**

(a) As used in this compact, and except as otherwise provided, the following definitions shall apply:

(i) "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Chapter 1209 and 10 U.S.C. Chapter 1211;

(ii) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an occupational therapist or occupational therapy assistant, including actions against an individual's license or compact privilege such as censure, revocation, suspension, probation, monitoring of the licensee or restriction on the licensee's practice;

(iii) "Alternative program" means a non-disciplinary monitoring process approved by an occupational therapy licensing board;

(iv) "Compact privilege" means the authorization, which is equivalent to a license, granted by a remote state to allow a licensee from another member state to practice as an occupational therapist or practice as an occupational therapy assistant in the remote state under its laws and rules. The practice of occupational therapy occurs in the member state where the patient or client is located at the time of the patient or client encounter;

(v) "Continuing competence" or "continuing education" means a requirement, as a condition of license renewal, to provide evidence of completion of educational and professional activities relevant to practice or area of work;

(vi) "Current significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the occupational therapist or occupational therapy assistant to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction;

(vii) "Data system" means a repository of information about licensees, including but not limited to license status, investigative information, compact privileges, and adverse actions;

(viii) “Encumbered license” means a license in which an adverse action restricts the practice of occupational therapy by the licensee or said adverse action has been reported to the National Practitioners Data Bank (NPDB);

(ix) “Executive committee” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission;

(x) “Home state” means the member state that is the licensee’s primary state of residence;

(xi) “Impaired practitioner” means individuals whose professional practice is adversely affected by substance abuse, addiction or other health-related conditions;

(xii) “Investigative information” means information, records or documents received or generated by an occupational therapy licensing board pursuant to an investigation;

(xiii) “Jurisprudence requirement” means the assessment of an individual’s knowledge of the laws and rules governing the practice of occupational therapy in a state;

(xiv) “Licensee” means an individual who currently holds an authorization from the state to practice as an occupational therapist or as an occupational therapy assistant;

(xv) “Member state” means a state that has enacted the compact;

(xvi) “Occupational therapist” means an individual who is licensed by a state to practice occupational therapy;

(xvii) “Occupational therapy assistant” means an individual who is licensed by a state to assist in the practice of occupational therapy;

(xviii) “Occupational therapy,” “occupational therapy practice,” and the “practice of occupational therapy” means the care and services provided by an occupational therapist or an occupational therapy assistant as set forth in the member state’s statutes and regulations;

(xix) “Occupational therapy compact commission” or “commission” means the national administrative body whose membership consists of all states that have enacted the compact;

(xx) “Occupational therapy licensing board” or “licensing board” means the agency of a state that is authorized to license and regulate occupational therapists and occupational therapy assistants;

(xxi) “Primary state of residence” or “home state” means the state in which an occupational therapist or occupational therapy assistant who is not active duty military declares a primary residence for legal purposes as verified by a driver’s license, federal income tax return, lease, deed, mortgage

or voter registration or other verifying documentation as further defined by commission rules;

(xxii) “Remote state” means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege;

(xxiii) “Rule” means a regulation promulgated by the commission that has the force of law;

(xxiv) “State” means any state, commonwealth, district or territory of the United States of America that regulates the practice of occupational therapy;

(xxv) “Single-state license” means an occupational therapist or occupational therapy assistant license issued by a member state that authorizes practice only within the issuing state and does not include a compact privilege in any other member state;

(xxvi) “Telehealth” means the application of telecommunication technology to deliver occupational therapy services for assessment, intervention or consultation.

**33-40-205. [SECTION 3] State participation in the compact.**

(a) To participate in the compact, a member state shall:

(i) License occupational therapists and occupational therapy assistants;

(ii) Participate fully in the commission’s data system, including but not limited to using the commission’s unique identifier as defined in rules of the commission;

(iii) Have a mechanism in place for receiving and investigating complaints about licensees;

(iv) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

(v) Implement or utilize procedures for considering the criminal history records of applicants for an initial compact privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the Federal Bureau of Investigation (FBI) and the agency responsible for retaining that state’s criminal records. Under this paragraph:

(A) A member state shall, within a time frame established by the commission, require a criminal background check for a licensee seeking or applying for a compact privilege whose primary state of residence is that member state, by receiving the results of the FBI criminal record search, and shall use the results in making licensure decisions;

(B) Communication between a member state, the commission and among member states regarding the verification of eligibility for licensure

through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state under P.L. 92-544.

- (vi) Comply with the rules of the commission;
  - (vii) Utilize only a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and
  - (viii) Have continuing competence or education requirements as a condition for license renewal.
- (b) A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.
- (c) Member states may charge a fee for granting a compact privilege.
- (d) A member state shall provide for the state's delegate to attend all occupational therapy compact commission meetings.
- (e) Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the compact privilege in any other member state.
- (f) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

**33-40-206. [SECTION 4] Compact privilege.**

- (a) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:
- (i) Hold a license in the home state;
  - (ii) Have a valid United States social security number or national practitioner identification number;
  - (iii) Have no encumbrance on any state license;
  - (iv) Be eligible for a compact privilege in any member state in accordance with subsections (d), (f), (g) and (h) of this section [section 4(d), (f), (g) and (h)];
  - (v) Have paid all fines and completed all requirements resulting from any adverse action against any license or compact privilege, and two (2) years have elapsed from the date of such completion;
  - (vi) Notify the commission that the licensee is seeking the compact privilege within a remote state;
  - (vii) Pay any applicable fees, including any state fee, for the compact privilege;

(viii) Complete a criminal background check in accordance with W.S. 33-40-205(a)(v) [section 3(a)(v)]. The licensee shall be responsible for the payment of any fee associated with the completion of a criminal background check;

(ix) Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege; and

(x) Report to the commission adverse action taken by any non-member state within thirty (30) days from the date the adverse action is taken.

(b) The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of subsection (a) of this section [section 4(a)] to maintain the compact privilege in the remote state.

(c) A licensee providing occupational therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(d) Occupational therapy assistants practicing in a remote state shall be supervised by an occupational therapist licensed or holding a compact privilege in that remote state.

(e) A licensee providing occupational therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines or take any other necessary actions to protect the health and safety of its citizens. The licensee may be ineligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

(f) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

(i) The home state license is no longer encumbered; and

(ii) Two (2) years have elapsed from the date on which the home state license is no longer encumbered in accordance with paragraph (i) of this subsection [section 4(f)(i)].

(g) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection (a) of this section [section 4(a)] to obtain a compact privilege in any remote state.

(h) If a licensee's compact privilege in any remote state is removed, the individual may lose the compact privilege in any other remote state until the following occur:

(i) The specific period of time for which the compact privilege was removed has ended;

(ii) All fines have been paid and all conditions have been met;

(iii) Two (2) years have elapsed from the date of completing requirements for 4(h)(i) and (ii); and

(iv) The compact privileges are reinstated by the commission and the compact data system is updated to reflect reinstatement.

(j) If a licensee's compact privilege in any remote state is removed due to an erroneous charge, privileges shall be restored through the compact data system.

(k) Once the requirements of subsection (h) of this section [section 4(h)] have been met, the licensee must meet the requirements in subsection (a) of this section [section 4(a)] to obtain a compact privilege in a remote state.

**33-40-207. [SECTION 5] Obtaining a new home state license by virtue of compact privilege.**

(a) An occupational therapist or occupational therapy assistant may hold a home state license, which allows for compact privileges in member states, in only one member state at a time.

(b) If an occupational therapist or occupational therapy assistant changes primary state of residence by moving between two member states:

(i) The occupational therapist or occupational therapy assistant shall file an application for obtaining a new home state license by virtue of a compact privilege, pay all applicable fees and notify the current and new home state in accordance with applicable rules adopted by the commission;

(ii) Upon receipt of an application for obtaining a new home state license by virtue of compact privilege, the new home state shall verify that the occupational therapist or occupational therapy assistant meets the pertinent criteria outlined in W.S. 33-40-206 [section 4] via the data system, without need for primary source verification except for:

(A) An FBI fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the commission in accordance with P.L. 92-544;

(B) Other criminal background checks as required by the new home state; and

(C) Submission of any requisite jurisprudence requirements of the new home state.

(iii) The former home state shall convert the former home state license into a compact privilege once the new home state has activated the new home state license in accordance with applicable rules adopted by the commission;

(iv) Notwithstanding any other provision of this compact, if the occupational therapist or occupational therapy assistant cannot meet the criteria in W.S. 33-40-206 [section 4], the new home state shall apply its requirements for issuing a new single-state license;



(v) The occupational therapist or the occupational therapy assistant shall pay all applicable fees to the new home state in order to be issued a new home state license.

(c) If an occupational therapist or occupational therapy assistant changes primary state of residence by moving from a member state to a non-member state, or from a non-member state to a member state, the state criteria shall apply for issuance of a single-state license in the new state.

(d) Nothing in this compact shall interfere with a licensee's ability to hold a single-state license in multiple states; however, for the purposes of this compact, a licensee shall have only one home state license.

(e) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

**33-40-208. [SECTION 6] Active duty military personnel or their spouses.**

Active duty military personnel, or their spouses, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state or through the process described in W.S. 33-40-207 [section 5].

**33-40-209. [SECTION 7] Adverse actions.**

(a) A home state shall have exclusive power to impose adverse action against an occupational therapist's or occupational therapy assistant's license issued by the home state.

(b) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

(i) Take adverse action against an occupational therapist's or occupational therapy assistant's compact privilege within that member state;

(ii) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(c) For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(d) The home state shall complete any pending investigations of an occupational therapist or occupational therapy assistant who changes primary state of residence during the course of the investigations. The home state, where the investigations were initiated, shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the OT compact commission data system. The occupational therapy compact commission data system administrator shall promptly notify the new home state of any adverse actions.

(e) A member state, if otherwise permitted by state law, may recover from the affected occupational therapist or occupational therapy assistant the costs of investigations and disposition of cases resulting from any adverse action taken against that occupational therapist or occupational therapy assistant.

(f) A member state may take adverse action based on the factual findings of the remote state, provided that the member state follows its own procedures for taking the adverse action.

(g) Joint investigations:

(i) In addition to the authority granted to a member state by its respective state occupational therapy laws and regulations or other applicable state law, any member state may participate with other member states in joint investigations of licensees;

(ii) Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(h) If an adverse action is taken by the home state against an occupational therapist's or occupational therapy assistant's license, the occupational therapist's or occupational therapy assistant's compact privilege in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an occupational therapist's or occupational therapy assistant's license shall include a statement that the occupational therapist's or occupational therapy assistant's compact privilege is deactivated in all member states during the pendency of the order.

(j) If a Member State takes Adverse Action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

(k) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

**33-40-210. [SECTION 8] Establishment of the occupational therapy compact commission.**

(a) The compact member states hereby create and establish a joint public

agency known as the occupational therapy compact commission:

- (i) The commission is an instrumentality of the compact states;
  - (ii) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings;
  - (iii) Nothing in this compact shall be construed to be a waiver of sovereign immunity.
- (b) Membership, voting and meetings:
- (i) Each member state shall have and be limited to one (1) delegate selected by that member state's licensing board;
  - (ii) The delegate shall be either:
    - (A) A current member of the licensing board, who is an occupational therapist, occupational therapy assistant or public member; or
    - (B) An administrator of the licensing board.
  - (iii) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed;
  - (iv) The member state board shall fill any vacancy occurring in the commission within ninety (90) days;
  - (v) Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication;
  - (vi) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws;
  - (vii) The commission shall establish by rule a term of office for delegates.
- (c) The commission shall have the following powers and duties:
- (i) Establish a code of ethics for the commission;
  - (ii) Establish the fiscal year of the commission;
  - (iii) Establish bylaws;
  - (iv) Maintain its financial records in accordance with the bylaws;
  - (v) Meet and take such actions as are consistent with the provisions of this compact and the bylaws;
  - (vi) Promulgate uniform rules to facilitate and coordinate implementation

and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;

(vii) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state occupational therapy licensing board to sue or be sued under applicable law shall not be affected;

(viii) Purchase and maintain insurance and bonds;

(ix) Borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;

(x) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(xi) Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services and receive, utilize and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;

(xii) Lease, purchase, accept appropriate gifts or donations of or otherwise own, hold, improve or use any property, real, personal or mixed, provided that at all times the commission shall avoid any appearance of impropriety;

(xiii) Sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

(xiv) Establish a budget and make expenditures;

(xv) Borrow money;

(xvi) Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, consumer representatives and such other interested persons as may be designated in this compact and the bylaws;

(xvii) Provide and receive information from, and cooperate with, law enforcement agencies;

(xviii) Establish and elect an executive committee; and

(xix) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of occupational therapy licensure and practice.

(d) The executive committee shall have the power to act on behalf of the commission according to the terms of this compact and in accordance with the following:

(i) The executive committee shall be composed of nine (9) members:

(A) Seven (7) voting members who are elected by the commission from the current membership of the commission;

(B) One (1) ex officio, nonvoting member from a recognized national occupational therapy professional association; and

(C) One (1) ex officio, nonvoting member from a recognized national occupational therapy certification organization.

(ii) The ex officio members will be selected by their respective organizations;

(iii) The commission may remove any member of the executive committee as provided in bylaws;

(iv) The executive committee shall meet at least annually;

(v) The executive committee shall have the following duties and responsibilities:

(A) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues and any commission compact fee charged to licensees for the compact privilege;

(B) Ensure compact administration services are appropriately provided, contractual or otherwise;

(C) Prepare and recommend the budget;

(D) Maintain financial records on behalf of the commission;

(E) Monitor compact compliance of member states and provide compliance reports to the commission;

(F) Establish additional committees as necessary; and

(G) Perform other duties as provided in rules or bylaws.

(e) Meetings of the commission:

(i) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in W.S. 33-40-212 [section 10];

(ii) The commission or the executive committee or other committees of the commission may convene in a closed, non-public meeting if the commission or executive committee or other committees of the commission must discuss:

(A) Non-compliance of a member state with its obligations under the compact;

(B) The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(C) Current, threatened or reasonably anticipated litigation;

(D) Negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(E) Accusing any person of a crime or formally censuring any person;

(F) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(G) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(H) Disclosure of investigative records compiled for law enforcement purposes;

(J) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

(K) Matters specifically exempted from disclosure by federal or member state statute.

(iii) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision;

(iv) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(f) Financing of the commission:

(i) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities;

(ii) The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services;

(iii) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states;

(iv) The commission shall not incur obligations of any kind prior to

securing the funds adequate to meet the same, nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state;

(v) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(g) Qualified immunity, defense and indemnification:

(i) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person;

(ii) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct;

(iii) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

**33-40-211. [SECTION 9] Data system.**

(a) The commission shall provide for the development, maintenance and

utilization of a coordinated database and reporting system containing licensure, adverse action and investigative information on all licensed individuals in member states.

(b) A member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable (utilizing a unique identifier) as required by the rules of the commission, including:

- (i) Identifying information;
- (ii) Licensure data;
- (iii) Adverse actions against a license or compact privilege;
- (iv) Non-confidential information related to alternative program participation;
- (v) Any denial of application for licensure and the reason for such denial;
- (vi) Other information that may facilitate the administration of this compact, as determined by the rules of the commission; and
- (vii) Current significant investigative information.

(c) Current significant investigative information and other investigative information pertaining to a licensee in any member state will only be available to other member states.

(d) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

(e) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

**33-40-212. [SECTION 10] Rulemaking.**

(a) Notwithstanding the requirements imposed by W.S. 16-3-101 through 16-3-106, the commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) The commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers



granted hereunder, then such an action by the commission shall be invalid and have no force and effect.

(c) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four (4) years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(d) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(e) Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty (30) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(i) On the website of the commission or other publicly accessible platform; and

(ii) On the website of each member state occupational therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(f) The notice of proposed rulemaking shall include:

(i) The proposed time, date and location of the meeting in which the rule will be considered and voted upon;

(ii) The text of the proposed rule or amendment and the reason for the proposed rule;

(iii) A request for comments on the proposed rule from any interested person; and

(iv) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(g) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

(h) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(i) At least twenty-five (25) persons;

(ii) A state or federal governmental subdivision or agency; or

(iii) An association or organization having at least twenty-five (25) members.

(j) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time and date of the scheduled public hearing. If

the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing. Under this subsection:

(i) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing;

(ii) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing;

(iii) All hearings will be recorded. A copy of the recording will be made available on request;

(iv) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(k) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(m) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(n) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(o) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(i) Meet an imminent threat to public health, safety or welfare;

(ii) Prevent a loss of commission or member state funds;

(iii) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(iv) Protect public health and safety.

(p) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website

of the commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

**33-40-213. [SECTION 11] Oversight, dispute resolution and enforcement.**

(a) Oversight:

(i) The executive, legislative and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law;

(ii) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission;

(iii) The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

(b) Default, technical assistance and termination:

(i) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(A) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and any other action to be taken by the commission; and

(B) Provide remedial training and specific technical assistance regarding the default.

(ii) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default;

(iii) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice

of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature and each of the member states;

(iv) A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination;

(v) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state;

(vi) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(c) Dispute resolution:

(i) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non-member states;

(ii) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(d) Enforcement:

(i) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact;

(ii) By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees;

(iii) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

**33-40-214. [SECTION 12] Date of implementation of the interstate commission for occupational therapy practice and associated rules, withdrawal and amendment.**

(a) The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the

commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) Any member state may withdraw from this compact by enacting a statute repealing the same. Under this subsection:

(i) A Member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute;

(ii) Withdrawal shall not affect the continuing requirement of the withdrawing state's occupational therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any occupational therapy licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

(e) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

**33-40-215. [SECTION 13] Construction and severability.**

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

**33-40-216. [SECTION 14] Binding effect of compact and other laws.**

(a) A licensee providing occupational therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(b) Nothing herein prevents the enforcement of any other law of a member

state that is not inconsistent with the compact.

(c) Any laws in a member state in conflict with the compact are superseded to the extent of the conflict.

(d) Any lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.

(e) All agreements between the commission and the member states are binding in accordance with their terms.

(f) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

**Section 2.** W.S. 7-19-106(a) by creating a new paragraph (xxxvi), 7-19-201(a) by creating a new paragraph (xxxi), 33-40-103(a), 33-40-106(a)(intro), 33-40-107(b), 33-40-108(a), (c) and (d), 33-40-109, 33-40-110(f)(intro), 33-40-111(a) and (b), 33-40-113(a)(intro), (b) and (c) and 33-40-115(a), (d)(i) and (ii) 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:

(xxxvi) The board of occupational therapy for purposes of obtaining background information on persons applying for a compact privilege under the Occupational Therapy Licensure Compact as provided in W.S. 33-40-201 through 33-40-216.

**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:

(xxxi) All persons applying for a compact privilege under the Occupational Therapy Licensure Compact as provided in W.S. 33-40-201 through 33-40-216.

**33-40-103. License required.**

(a) No person shall hold himself out as an occupational therapist, an occupational therapy assistant or as being able to practice occupational therapy in Wyoming unless he is licensed under this act or is otherwise authorized under the Occupational Therapy Licensure Compact under W.S. 33-40-202 through 33-40-216. An unlicensed person holding himself out as an occupational therapist or occupational therapist assistant by using additional or modifying words in his title, printed materials, advertisements or otherwise shall be deemed to be holding himself out as an occupational therapist or occupational therapist assistant.

**33-40-106. Requirements for licensure; continuing education.**

(a) An applicant applying for a license as an occupational therapist or occupational therapy assistant under this act, shall file a specified written application showing to the satisfaction of the board that the applicant:

**33-40-107. Examination for license of occupational therapists and occupational therapy assistants.**

(b) Each applicant for licensure under this act, shall be given a written examination on the basic and clinical sciences relating to occupational therapy, occupational therapy techniques and methods to determine the applicant's fitness to practice. The board shall designate the examination for occupational therapists and the examination for occupational therapy assistants and shall establish standards for acceptable performance.

**33-40-108. Waiver of requirements; temporary licenses.**

(a) The board shall grant a license under this act, to any person certified prior to July 1, 1992 as an occupational therapist registered (OTR) or as a certified occupational therapy assistant (COTA) by the American occupational therapy certification board (AOTCB).

(c) The board may establish provisions for a temporary license under this act so an applicant may practice occupational therapy without supervision or act as an occupational therapy assistant with supervision during processing of the license application.

(d) The board may establish provisions for a limited license to practice occupational therapy under supervision or act as an occupational therapy assistant with supervision to applicants under this act who are waiting to take the national certification examination or who are awaiting scores.

**33-40-109. Issuance of license.**

The board shall issue a license to any individual who meets the requirements of this act or shall issue a compact privilege to any individual who meets the requirements of the Occupational Therapy Licensure Compact under W.S. 33-40-202 through 33-40-216, upon payment of the prescribed license fee.

**33-40-110. Renewal of license; reentry.**

(f) The board shall establish by rule reentry procedures for the licensure of persons under this act who have previously practiced as an occupational therapist or occupational therapy assistant for not less than one (1) year, but who do not qualify for renewal of their license under subsection (a) of this section. The board's rules may:

**33-40-111. Foreign trained applicants; applicants from other states and territories.**

(a) Occupational therapists and occupational therapy assistants trained

outside of the United States and its possessions shall satisfy the examination requirements of W.S. 33-40-107 to be licensed under this act. The board shall require these applicants to meet the standards established in W.S. 33-40-106.

(b) The board shall, to the extent necessary, waive examination, education, and continuing education requirements and grant a license under this act 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 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.

**33-40-113. Suspension and revocation of license; refusal to renew.**

(a) In accordance with this act and after the hearing authorized by subsection (b) of this section, the board may deny a license or refuse to renew a license, may suspend or revoke a license, or may impose probationary conditions if the licensee or the applicant for a license has engaged in unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct shall mean the conduct defined in W.S. 33-40-102(a)(vi).

(b) A denial, refusal to renew, suspension, revocation or imposition of probationary conditions upon a license may be ordered by the board under this act after a hearing in the manner provided by the rules and regulations adopted by the board. An application for reinstatement may be made to the board one (1) year after the date of the revocation of a license. The board may accept or reject an application for reinstatement and may hold a hearing to consider the reinstatement. Any person aggrieved by any final action of the board may appeal to the district court under the provisions of the Wyoming Administrative Procedure Act, W.S. 16-3-101 through 16-3-115.

(c) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board under this act, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.

**33-40-115. Board of occupational therapy practice; powers and duties.**

(a) The board shall administer the provisions of this act and the Occupational



Therapy Licensure Compact under W.S. 33-40-202 through 33-40-216, and may investigate allegations of practices violating the provisions of this act or of the compact.

(d) The board may, with the approval and assistance of the attorney general, petition the district court in the name of the state of Wyoming to enjoin:

(i) Any person from continuing to violate W.S. 33-40-103 or section 4 of the Occupational Therapy Licensure Compact under W.S. 33-40-206;

(ii) Any person or other entity from advertising or claiming to provide occupational therapy services in this state when the services are not or will not be provided by a person licensed under this act or is otherwise authorized under the Occupational Therapy Licensure Compact under W.S. 33-40-202 through 33-40-216.

**Section 3.** This act is effective July 1, 2022.

Approved March 11, 2022.

## Chapter 55

### REPEAL OF SPECIFIED STATE BOARDS AND COMMISSIONS

Original Senate File No. 49

AN ACT relating to boards and commissions; repealing the palliative care advisory council, the governor's food safety council, the division advisory committees on underground water, the health benefits plan committee, the state employee compensation commission and the Wyoming public television council; providing conforming amendments; providing for rulemaking; 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.** W.S. 9-2-1012(g), 9-2-3207(b)(ii), 26-43-106(a), 35-1-240(a)(xxiii), 35-1-1201(a)(ii), 35-1-1204, 35-1-1205, 35-7-110(a)(xxxii), 35-7-115(a), 35-7-119(d), 35-7-121(f) and 35-7-123(a)(iii) and (b)(ii) are amended to read:

**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.**

(g) ~~The state employee compensation commission—department of administration and information~~ shall submit to the department and the joint appropriations committee within the time periods specified in subsection (a) of this section its recommendations regarding state employee compensation. The 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 department of administration and information.~~

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

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

(ii) Job content and classification. This process shall formally assign positions to classifications and determine pay grades in one (1) or more pay systems based on an evaluation of the content of jobs using quantitative point factors. At a minimum, these factors shall include knowledge, experience, skill problem solving, accountability and working conditions. These factors and their weights shall be established by the human resources division and reflect the relative importance of job content to the state and to the appropriate local, regional, national market or a combination of these markets as determined by the division. Establishing the value of compensation shall be primarily based on establishing the appropriate market value of the job. For positions for which a market value cannot readily be identified, the value of compensation shall be based on a fair and defensible method. Total compensation, including base salary, benefits, lump sum payments, allowances and other variable elements of compensation shall be targeted at a competitive level when compared to the appropriate labor markets to allow the state to attract and retain the quality and quantity of employees needed to fulfill service commitments to its citizens. The human resources division shall periodically audit and update the system to ensure that it reflects current labor market conditions and ~~at the request of the state employee compensation commission~~ shall review applicable department rules and regulations, or through assessing employee complaints analyze hiring difficulties and turnover statistics;

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

(a) Pool coverage shall be offered to eligible persons subject to the termination and disenrollment provisions of W.S 26-43-103(e). The commissioner shall establish by rule and regulation the pool coverage, its schedule of benefits,

exclusions and other limitations consistent with this act and taking into consideration the advice and recommendations of the board, ~~and the health benefits plan committee created pursuant to W.S. 26-2-132.~~ The commissioner and the board annually shall review the pool coverage, its schedule of benefits, exclusions and limitations and make changes to reflect the levels of health insurance coverage provided in this state.

**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:

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

ARTICLE 12  
PALLIATIVE CARE

**35-1-1201. Definitions.**

(a) As used in this article:

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

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

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

**35-1-1205. Sunset.**

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

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

(a) As used in this act:

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

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

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

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

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

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

(f) Any person conducting an inspection of an establishment for the department or any local health department shall demonstrate their qualifications by being a Wyoming or nationally registered environmental health specialist or sanitarian, a registered food safety specialist or hold an in-training status and be working toward registration, be standardized by the federal food and drug administration or meet qualifications set forth by the director, ~~in conjunction with the food safety council.~~ Only a registered environmental health specialist or a registered food safety specialist shall be authorized to recommend the summary suspension of an establishment license by a regulatory authority pursuant to W.S. 35-7-125.

**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;

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

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

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

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

**Section 4.** If this bill is enacted into law, any funds appropriated in 2022 Senate File 0001, section 2, section 057 for the Wyoming public television council are not effective. Any unexpended, unobligated funds remaining from the appropriation for the current fiscal biennium as enacted by 2020 Wyoming session laws, chapter 80, section 2, section 057 for the Wyoming public television council, as amended by 2021 Wyoming session laws, chapter 69, section 2, section 057 for the Wyoming public television council shall revert as provided by law upon the effective date of this act.

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

Approved March 11, 2022.

## Chapter 56

### K-3 READING ASSESSMENT AND INTERVENTION PROGRAM

#### Original Senate File No. 32

AN ACT relating to reading assessment and intervention; requiring approval of assessment and screening instruments; requiring parental or guardian notification; requiring professional development; requiring rulemaking; requiring studies; requiring reporting; providing for an appropriation; establishing payments for professional development expenses as specified; and providing for effective dates.

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

**Section 1.** W.S. 21-3-401(a) through (c), (d)(intro) and by creating a new subsection (e) is amended to read:

**21-3-401. Reading assessment and intervention.**

(a) Each school district shall select and implement a reading assessment and intervention program that uses an instrument identified by the state superintendent under subsection (d) of this section that screens for signs of ~~dyslexia and other~~ reading difficulties, ~~as early as possible including but not limited to dyslexia or other reading deficiencies, not less than three (3) times per year~~ in kindergarten through grade three (3) and that implements with fidelity an evidence based intervention program. The program shall include instruments identified by the state superintendent under subsection (d) of this section that monitor and measure reading progress and assess student reading skills and progress to provide data that informs any intervention. The assessment and intervention program shall be administered to all students in kindergarten through grade three (3). The program shall also include implementation of evidence based core curricula aligned to the uniform content and performance standards and evidenced based interventions to meet the needs of all students. The program shall be multi-tiered and shall include evidence based interventions to facilitate remediation of any reading difficulty as early as possible.

(b) As soon as practicable after the assessment or screening is conducted under the program established in subsection (a) of this section, each school district shall provide a copy of the screening results, including an explanation of the screening results, to the parent, guardian or other person having control of a student showing signs of reading difficulties, including but not limited to dyslexia or other reading deficiencies, or not showing appropriate reading competence under this section. Students not showing appropriate reading competence under this section shall be placed on an individualized reading plan to remedy the reading related difficulty utilizing an appropriate evidence based intervention program, which may include a group reading plan. The district shall provide a copy of a student's individualized reading plan to the student's parent, guardian or other person having control of the student. For students under an individualized education program (IEP) which addresses reading difficulties, the IEP shall be deemed sufficient to meet the requirements of this subsection and no additional plan shall be required.

(c) Each district shall annually report to the department of education on the progress of each of its schools toward achieving the goal of eighty-five percent (85%) of all students reading at grade level upon completion of the third grade. This report shall include cohort analysis for kindergarten through grade three (3) for those students identified by the screening instruments as having signs of reading difficulties, including but not limited to dyslexia or other reading deficiencies. The report shall include the percentage of students meeting or exceeding proficiency levels for the annual reporting period. The reporting shall also include the aggregate number of students identified by the screening instruments as having signs of ~~dyslexia or other~~ reading difficulties, including

but not limited to dyslexia or other reading deficiencies, in addition to listing the evidence based interventions implemented in each district by grade. This report shall include kindergarten through grade three (3) progress toward achieving the goal of eighty-five percent (85%) proficiency in the specific skills known to be predictive of grade three (3) reading proficiency and that are listed in subsection (d) of this section. Grade three (3) reading proficiency shall be determined by the grade three (3) statewide assessment administered pursuant to W.S. 21-2-304(a)(v). Each school not meeting the eighty-five percent (85%) goal specified under this subsection shall submit an improvement plan to the school district, and the school district shall submit an overall improvement plan to the department. At a minimum, each school and district improvement plan shall outline its general strategy for increasing reading proficiency for the next school year and shall specifically address the evidence based program of instruction, assessment and intervention being implemented, the specific training in those programs that reading teachers have received, the student-teacher ratio, the use of certified tutors and the use of instructional facilitators and paraprofessionals in kindergarten through grade three (3) trained in the delivery of the evidence based instruction and intervention program selected by the district.

(d) The state superintendent, in consultation with Wyoming school districts, professionals in the area of ~~dyslexia and other reading difficulties~~, including but not limited to dyslexia and other reading deficiencies, and other appropriate stakeholders, shall promulgate rules ~~and regulations~~ as necessary to assist each school district to administer its reading assessment and intervention program pursuant to this section and to assess the skills in paragraphs (i) through (v) of this subsection using a curriculum-independent assessment. The rules shall contain criteria to identify instruments that screen for signs of reading difficulties, including but not limited to dyslexia and other reading deficiencies, required under subsection (a) of this section. Based on the criteria incorporated by rule, the state superintendent shall identify instruments approved for use by school districts that monitor and measure reading progress and assess student reading skills and progress to provide data that informs any intervention required under subsection (a) of this section. The rules shall provide mechanisms for the state superintendent to directly support schools and school districts in meeting the goals of improvement plans developed pursuant to subsection (c) of this section including, but not limited to, professional development in evidence based literacy instruction and intervention and professional development in identifying the signs of ~~dyslexia and other reading difficulties~~, including but not limited to dyslexia and other reading deficiencies. To accomplish the purposes of this subsection, the department of education shall collect kindergarten through grade ~~two (2)~~ three (3) statewide longitudinal data from assessments selected and performed by each school district, which measures the following specific skills that evidence based research has concluded are predictive of

grade three (3) reading proficiency:

(e) Commencing with school year 2022-2023, each school district shall require each district employee providing instruction in grades kindergarten through three (3) within the district to have received or receive professional development in evidence based literacy instruction and intervention and in identifying the signs of reading difficulties, including but not limited to dyslexia and other reading deficiencies, using suitable materials reviewed and required pursuant to rule by the state superintendent. The rules required under subsection (d) of this section shall establish minimum reading assessment and intervention professional development requirements to be completed not less than once every three (3) years as required under this subsection for district employees providing instruction in grades kindergarten through three (3). The rules shall contain criteria to identify appropriate and suitable professional development materials for district employees in evidence based literacy instruction and intervention and in detection of reading difficulties, including but not limited to dyslexia and other reading deficiencies.

**Section 2.** Not later than September 1, 2023, the state superintendent shall report to the joint education interim committee on the professional development under W.S. 21-3-401(e) as created under section 1 of this act. The report shall include the amount expended by each school district for school year 2022-2023 on professional development associated with administering the K-3 reading assessment and intervention program under W.S. 21-3-401. The report shall specify expenditures from the amounts provided by the education resource block grant model for professional development, federal funds, or any other funds expended by the district for the purpose of providing professional development for the K-3 reading assessment and intervention program. The report shall also include the recommended minimum professional development requirements for district employees kindergarten through grade three (3) required under W.S. 21-3-401(e) as created under section 1 of this act.

**Section 3.** There is appropriated three hundred thousand dollars (\$300,000.00) from the school foundation program account to the department of education to provide payments to school districts for expenditures related to professional development for school year 2022-2023 required under W.S. 21-3-401(e), as created by section 1 of this act. The amount appropriated under this section shall only be for school district expenditures for professional development in excess of the amount provided for professional development for each school district within the education resource block grant model as defined in W.S. 21-13-101(a)(xiv). If the appropriation under this section is lower than the total amount reported by school districts in excess of the total amount provided for professional development by the education resource block grant model, the department of education shall reduce the amount for each school district on a prorated basis. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2024. 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 department of education's standard budget for the immediately succeeding fiscal biennium. Not later than September 1, 2022, the department of education shall report to the joint education interim committee related to the implementation of this section. School districts shall comply with reporting requirements of the department of education under this section.

**Section 4.**

(a) The state superintendent, in consultation with the state board of education, University of Wyoming, Wyoming school districts, professionals in the areas of reading difficulties, including but not limited to dyslexia and other reading deficiencies, and other appropriate stakeholders, shall conduct a study to identify instruments that screen for signs of reading difficulties, including but not limited to dyslexia and other reading deficiencies, and that monitor and measure reading progress and assess student reading skills and progress. The study shall identify characteristics of students with reading difficulties, including but not limited to dyslexia or other reading deficiencies that place the student at risk of not meeting the educational outcomes necessary to graduate from high school.

(b) Based on the longitudinal data collection required under W.S. 21-3-401(d), the study required under subsection (a) of this section shall include the aggregate number of students by grade and by district identified as showing signs of reading difficulties, including but not limited to dyslexia or other reading deficiencies, or not showing appropriate reading competence as measured by the district's screening or assessment instruments. The study shall also identify the aggregate number of students by grade and by district identified as showing signs of reading difficulties, including but not limited to dyslexia or other reading deficiencies, or not showing appropriate reading competence as measured by the district's screening or assessment instruments that are also identified as at-risk students under W.S. 21-13-309(m)(v)(A).

(c) The state superintendent shall provide updates on the study required by this section at each joint education interim committee meeting during the 2022 and 2023 interims. Not later than July 1, 2023, the state superintendent shall provide a final report to the joint education interim committee containing specific recommendations regarding the instruments required by subsection (a) of this section.

**Section 5.**

(a) Except as provided by subsection (b) of this section, this act is effective July 1, 2022.

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

Approved March 11, 2022.

**Chapter 57****DISPLAY OF STATE FLAG****Original Senate File No. 11**

AN ACT relating to a state flag; amending a condition relating to the display of an original Wyoming state flag; correcting a typographical error; directing the state historian to deliver this act; and providing for an effective date.

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

**Section 1.** 1945 Wyoming Session Laws, Chapter 96, Section 1 is amended to read:

**Section 1.** By Chapter 8, Session Laws of Wyoming, 1917, the Fourteenth Wyoming Legislature adopted the official design of its present State Flag and by Chapter 20, Session Laws of Wyoming, 1927, the Nineteenth Wyoming Legislature made provision for acquisition of six such flags and storage thereof with the State Historian. The original of such flags was formally presented to this State in a Joint Session of the Legislature on February 15, 1919, by the Daughters of the American Revolution, following conclusion of ~~is~~its state-wide competitive program under which designs for said flag had been received; the winning design, so adopted, was that submitted by Mrs. A.C. Keyes, now of Casper, Wyoming, ~~and then at that time~~ Miss Verna ~~Keyes~~Keays, of Buffalo, Wyoming, but through oversight, this State's resulting debt of gratitude to her has never been discharged; she has requested in lieu of any other reward or remuneration for service rendered, that one of the flags aforesaid be delivered to her as the property of, and to remain in the home or homes, of, herself and her heirs only, upon condition that it shall never be otherwise displayed unless Mrs. Keyes or her heirs undertakes to donate the flag for public display at a Wyoming state, county or municipal building. The State of Wyoming by and through its Twenty-

Eighth Legislature hereby grants such request and instructs said Historian to promptly deliver one such flag to Mrs. Keyes, all upon the terms and condition stated, together with one photostatic copy of this Act, as enrolled.

**Section 2.** The Sixty-Sixth Legislature hereby instructs the state historian to promptly deliver to the known heirs of Mrs. Verna Keyes one (1) copy of this act, amending 1945 Wyoming Session Laws, Chapter 96, Section 1.

**Section 3.** This act is effective July 1, 2022.

Approved March 11, 2022.

## Chapter 58

### COMMUNITY COLLEGE DISTRICT ELECTIONS

#### Original Senate File No. 43

AN ACT relating to community college district elections; amending the date of the first regular election of a community college district board; providing for the terms of members; clarifying provisions for the conduct of community college district elections; and providing for an effective date.

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

**Section 1.** W.S. 21-18-302(a), 21-18-304(a)(x), 21-18-309, 21-18-312(r) and 22-22-102(a) and (c) are amended to read:

**21-18-302. District board generally; quorum; organization; officers.**

(a) Within thirty (30) days after the election establishing the community college district and its initial board, and on or about December 1 each year thereafter, the board shall meet and organize by electing one (1) of its members as president, one (1) as treasurer, and one (1) as secretary. The president shall preside at all meetings of the board except that a temporary chairman may be selected by the board in his absence. The secretary shall keep the minutes and proceedings of all board meetings and the treasurer shall receive all funds payable to the district and disburse them on the order of the board.

**21-18-304. District board generally; duties.**

(a) The community college district board shall:

(x) Conduct elections held by the community college district for the regular election of board members, the issuance of bonds, the questions of mill levies and annexations and any other community college election appropriately within the jurisdiction of the district board, all in accordance with the election procedures set forth in this act;

**21-18-309. First regular election of board; fiscal year.**

The first regular election of a community college district board following

creation of a community college district shall not be held until the May election date authorized under W.S. 22-21-103 of the first fiscal year in which a special mill tax is levied and assessed against the taxable property of the district for the uses and purposes of the district date of the second succeeding general election that follows the election establishing the community college district and its initial board. The terms of the members elected at the first regular election shall begin as provided by W.S. 22-22-102(a) with the four (4) candidates receiving the highest number of votes serving four (4) year terms and the candidates receiving the next three (3) highest number of votes serving two (2) year terms. The fiscal year of each community college district shall begin on July 1 of each year and shall end on June 30 of the following year.

**21-18-312. Formation of districts; initial elections.**

(r) If the election for establishment carries, the ~~community college commission~~ county clerk shall notify by registered mail the seven (7) candidates who receive the highest number of votes in the entire election. The seven (7) candidates shall constitute the initial board of the community college district. Terms of office shall begin on the day immediately following the certification of the election and shall expire at 12:00 noon on the first day in December following the first regular election of board members under W.S. 21-18-309.

**22-22-102. Date of election of trustees; terms.**

(a) The election of members of the board of trustees of each school district and community college district shall be held at the regular polling places for each district on the Tuesday next following the first Monday in November in general election years, except as otherwise provided by law. Terms of office shall run for four (4) years beginning at 12:00 noon on the first day in December following the election, except as otherwise provided by law.

(c) Not more than a simple majority of members of the board of trustees of each school district and each community college district shall be elected at any election unless the election is to fill an unexpired term. This subsection shall not apply to the election of the initial board of a community college district or the first regular election of a community college district board.

**Section 2.** This act is effective July 1, 2022.

Approved March 11, 2022.

## Chapter 59

### COUNTY OPTIONAL PROPERTY TAX REFUND PROGRAM

Original Senate File No. 19

AN ACT relating to taxation and revenue; creating a county optional property tax refund program; and providing for an effective date.

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

**Section 1.** W.S. 39-13-109(c) by creating a new paragraph (vi) is amended to read:

**39-13-109. Taxpayer remedies.**

(c) Refunds. The following shall apply:

(vi) Each county shall have the option to implement a county-optional property tax refund program which, is in addition to the program established under paragraph (v) of this subsection, adoption of rules as required by subparagraph (H) of this paragraph. The following shall apply to a county-optional property tax refund program implemented under this paragraph:

(A) On or before the first Monday in June, an applicant may apply to the county treasurer for a property tax refund from property taxes paid on or before the first Monday in June for the preceding calendar year upon the applicant's principal residence including the land upon which the residence is located. An applicant shall have been a resident of this state for not less than five (5) years before applying for a refund under this paragraph. The affidavit shall include information as required by rule of the county on a form approved by the county. The tax refund granted shall be as provided by subparagraph (E) of this paragraph;

(B) The applicant shall attest that the property for which the applicant applies for a refund under this paragraph was occupied for more than nine (9) months of the preceding calendar year for which the applicant applies for a refund;

(C) Except as provided in subparagraph (D) of this paragraph, any person in the participating county shall qualify for a refund in the amount specified under this paragraph if any ad valorem tax due upon the person's principal residence in the county for the preceding calendar year was timely paid and if the person's gross income including the total household income of which the person is a member does not exceed an amount as determined by the county, which shall not exceed three-fourths (3/4) of the median gross household income for the county, as determined annually by the economic analysis division of the department of administration and information. As used in this subparagraph "gross income" shall have the same meaning as defined by department rules promulgated under paragraph (v) of this subsection. Gross income shall be verified by federal income tax returns, which shall accompany the application for refund, if federal income tax returns were required and filed, or by whatever other means necessary as determined by the county through rules;

(D) No person shall qualify for a refund under this paragraph unless the person has total household assets not to exceed an amount as determined by the county which shall not exceed an amount as provided in subparagraph (v)(B)

of this subsection and as defined by the department through rules promulgated under subparagraph (v)(B) of this subsection;

(E) The tax refund for qualifying persons shall be in the form of a refund of any ad valorem tax due and timely paid upon the person's principal residence for the preceding calendar year in the amount specified in this paragraph. A refund granted under this paragraph shall not exceed a percentage of the applicant's prior year's property tax as determined by the county subject to this paragraph, which shall not exceed one-half (1/2) of the applicant's prior year's property tax. In no instance shall the amount of the refund exceed one-half (1/2) of the median residential property tax liability for the applicant's county as determined annually by the department of revenue. The county shall issue all refunds due under this paragraph on or before September 30 of the year in which application is made for the refund;

(F) A refund granted under this paragraph shall be funded only from the revenues of the county opting to implement that county's county-optional property tax refund program;

(G) Nothing in this paragraph shall be construed to prohibit or affect requirements for property to be listed, valued and assessed by the county assessor pursuant to law. Each year a county opting to implement a county-optional property tax refund program shall publicize in a manner reasonably designed to notify all residents of the county the provisions of this paragraph and the method by which eligible persons may obtain a refund;

(H) A county implementing a county-optional property tax refund program under this paragraph shall promulgate rules necessary to implement this paragraph.

**Section 2.** This act is effective July 1, 2022.

Approved March 11, 2022.

## Chapter 60

### FEDERAL EMERGENCY COVID-19 RELIEF FUNDING-LIMITATIONS

#### Original Senate File No. 98

AN ACT relating to the emergency expenses of government; limiting expenditure of COVID-19 relief funds; amending a sunset date for emergency programs; providing an appropriation; specifying applicability; specifying conflict of law provisions; and providing for an effective date.

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

**Section 1.** 2021 Wyoming Session Laws, Chapter 166, Section 4(a)(vi), Section 5(a) and (b)(intro), Section 6(d) and Section 7 is amended to read:

#### **Section 4.**

(a) The legislature finds that:

(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 for~~ the period beginning September 1, 2021 and ending March 26, 2022, the governor is authorized by the terms of this act to implement program as specified to expend these funds.

#### **Section 5.**

(a) To carry out the expenditure of federal funds authorized by subsection (b) of this section through March 26, 2022, 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~~ March 26, 2022 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. This appropriation shall lapse on March 26, 2022. 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:

#### **Section 6.**

(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). Through March 26, 2022, 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.

**Section 7.** Except as provided in this section, 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. After March 26, 2022, amounts authorized for expenditure by legislative appropriation of federal funds provided to the state from the American Rescue Plan Act, P.L. 117-2, shall not be revised, changed, redistributed or increased by the governor except pursuant to legislative enactment.

**Section 2.**

(a) On March 27, 2022, there is appropriated from any unexpended, unobligated American Rescue Plan Act funds fifty million dollars (\$50,000,000.00) to the office of the governor for purposes of responding to the COVID-19 public health emergency and that are consistent with the terms of the American Rescue Plan Act or any subsequent federal legislation that is enacted which expands the allowable purposes of American Rescue Plan Act funds.

(b) Expenditures under this section shall be reported to the legislature through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b).

(c) As used in this section, “American Rescue Plan Act funds” means funds appropriated or disbursed to the state of Wyoming under title VI of the federal Social Security Act, as created by section 9901 of the American Rescue Plan Act of 2021, P.L. 117-2.

(d) The appropriation in subsection (a) of this section shall not be effective if



2022 Senate File 0066 is enacted into law.

**Section 3.**

(a) Beginning March 27, 2022 and ending December 31, 2026, any American Rescue Plan Act capital project funds that the state applies for and receives, and which are not otherwise appropriated in the 2022 legislative budget session, are appropriated to the office of the governor for purposes that are consistent with the terms of the American Rescue Plan Act or any subsequent federal legislation that is enacted which expands the allowable purposes of American Rescue Plan Act capital project funds.

(b) As used in this section, “American Rescue Plan Act capital project funds” means any unexpended, unobligated funds allocated to the state of Wyoming from the American Rescue Plan Act of 2021, P.L. 117-2, Section 604 and that were appropriated in 2021 Wyoming Session Laws, Chapter 166, Section 5(b), as amended by this act.

**Section 4.** Nothing in this act shall modify or impair any existing contract or obligation of the state that is executed or incurred on or before March 26, 2022.

**Section 5.** To the extent any provision of this act conflicts with any provision of 2022 Senate File 0066, as enacted into law, the provisions of this act shall control.

**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.

Became law without signature March 15, 2022.

## Chapter 61

### COUNTY ROAD MAINTENANCE FUND AMENDMENTS

#### Original Senate File No. 18

AN ACT relating to highways; increasing the threshold to require competitive bidding for county road construction and maintenance; amending the nominating associations for members of the Wyoming county road standards committee; limiting spending on motor graders from a county road construction and maintenance fund; and providing for an effective date.

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

**Section 1.** W.S. 24-2-110(a), (f)(i) through (iv) and by creating a new subsection (j) is amended to read:

**24-2-110. Cooperation with counties in construction and maintenance of county roads; allocation of costs.**

(a) The board of county commissioners of each county shall establish a separate road construction and maintenance fund solely for the construction

and maintenance of county roads, bridges and culverts. Work using funds from the road construction and maintenance fund of a county shall be performed under contract awarded after competitive bidding if the estimated cost of the work exceeds ~~fifty thousand dollars (\$50,000.00)~~ seventy-five thousand dollars (\$75,000.00). All work shall be performed under the immediate control and supervision of the board of county commissioners or its authorized representative and in accordance with county road standards as established by the Wyoming county road standards committee. The road construction and maintenance fund program is a supplement to federal aid, primary and secondary road programs in each county. The term "construction and maintenance" as used in this section means construction, reconstruction, surveys, mapping, right-of-way costs, bridges, culverts, general road maintenance and fencing. The county shall use existing grades, bridges and other physical items or facilities in order to minimize or avoid more costly relocation.

(f) There is created a Wyoming county road standards committee appointed by the governor consisting of:

(i) Three (3) members nominated by ~~the~~ an association representing Wyoming county commissioners, association, one (1) of whom shall be a registered professional engineer;

(ii) Two (2) members nominated by ~~the~~ an association representing Wyoming association of consulting engineers and surveyors;

(iii) One (1) member nominated by ~~the~~ an association representing Wyoming highway construction contractors, association, and

(iv) One (1) member nominated by ~~the~~ an association representing Wyoming association of county engineers and road superintendents.

(j) Of all funds credited to a county road construction and maintenance fund established pursuant to this section, a county may designate per year not more than one hundred thousand dollars (\$100,000.00) of its unobligated share of the prior fiscal year's county gasoline license tax allocation toward purchase or lease of motor graders.

**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 15, 2022.

**Chapter 62****2022 LARGE PROJECT FUNDING****Original Senate File No. 48**

AN ACT relating to the Wyoming Wildlife and Natural Resource Funding Act; providing for funding of large projects under that act; specifying large projects approved for funding in 2022; specifying conditions for large project funding; authorizing distributions from the Wyoming wildlife and natural resource trust income account for approved large projects; providing for the reversion of funds; repealing statutes previously authorizing large projects that are completed; and providing for an effective date.

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

**Section 1.**

(a) As used in this section:

(i) “Board” means the Wyoming wildlife and natural resource trust account board created by W.S. 9-15-104;

(ii) “Income account” means the Wyoming wildlife and natural resource trust income account created by W.S. 9-15-103(b).

(b) Pursuant to the authority granted under W.S. 9-15-104(k) and subject to each recipient’s certification under W.S. 9-15-103(r), authorization is granted for funding of the projects provided for in this section.

(c) Northeast Forest Health:

(i) Project sponsor: Crook County Conservation District;

(ii) Project purpose: Removal of encroaching conifers and other species from forest understory, and chemical and mechanical treatment of invasive annual grasses on a portion of approximately three hundred fifty thousand (350,000) acres of native forest in Crook and Weston counties in order to:

(A) Improve and maintain existing habitats for mule deer, white-tailed deer, elk, turkey and neotropical migrant songbirds endemic to the Black Hills;

(B) Improve and maintain the economic viability of ponderosa pine woodlands;

(C) Reduce or eliminate the potential for catastrophic wildfire.

(iii) Project description: Invasive species elimination;

(iv) Total project budget: one million three hundred eight thousand eight hundred dollars (\$1,308,800.00);

(v) Project grant: The board is authorized to grant to the sponsor four hundred thousand dollars (\$400,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board four hundred thousand dollars (\$400,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(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 fifteen (15) miles of Interstate 25 between the towns of Buffalo and Kaycee in Johnson county in order to:
  - (A) Allow for safe deer movement across the interstate highway to increase connectivity and maintain populations for an important herd of mule deer;
  - (B) Reduce and eliminate the potential for catastrophic collisions that impact human life, wildlife and property damage.
- (iii) Project description: Highway crossing construction;
- (iv) Total project budget: five million fifty thousand dollars (\$5,050,000.00);
- (v) Project grant: The board is authorized to grant to the sponsor one million three hundred eighty-five thousand dollars (\$1,385,000.00) for the purposes specified in this subsection;
- (vi) Appropriation: There is appropriated from the income account to the board five hundred thousand dollars (\$500,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(e) Killdeer Wetlands II:

- (i) Project Sponsor: Green River Greenbelt Task Force;
- (ii) Project purpose: Modification and retrofit of a stream channel and diversion structures on the Green River within the town of Green River in Sweetwater county in order to:
  - (A) Maintain fish passage for native species;
  - (B) Reduce the potential for catastrophic flooding;
  - (C) Enhance the values from natural native wetland habitats.
- (iii) Project description: River restoration;
- (iv) Total project budget: one million one hundred eighty-three thousand dollars (\$1,183,000.00);
- (v) Project grant: The board is authorized to grant three hundred fifty thousand dollars (\$350,000.00) to the sponsor for the purposes specified in this subsection;
- (vi) Appropriation: There is appropriated from the income account to the board two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(f) South Pass Aspen III:

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

(ii) Project purpose: Restoration of aspen woodlands through removal of encroaching conifers by mechanical, chemical and prescribed fire treatment on approximately seventeen thousand five hundred (17,500) acres in Fremont county in order to:

(A) Maintain habitats and seasonal movement opportunities for mule deer, elk, antelope and other species;

(B) Reduce or eliminate the potential for catastrophic wildfire;

(C) Increase the productivity of rangelands for wildlife and livestock.

(iii) Project description: Aspen enhancement;

(iv) Total project budget: two million five hundred fifty-nine thousand five hundred dollars (\$2,559,500.00);

(v) Project grant: The board is authorized to grant to the sponsor nine hundred ninety-five thousand dollars (\$995,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board three hundred thousand dollars (\$300,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(g) Henry's Fork Fish Passage:

(i) Project sponsor: Trout Unlimited;

(ii) Project purpose: modification and retrofit of stream channel and diversion structures on the Henry's Fork river in southern Wyoming in order to:

(A) Maintain fish passage for native species;

(B) Reduce the potential for catastrophic flooding;

(C) Enhance the values from natural native wetland habitats;

(D) Improve irrigation delivery and efficiency of water use.

(iii) Project description: river restoration;

(iv) Total project budget: seven hundred fifty-two thousand two hundred fifteen dollars (\$752,215.00);

(v) Project grant: The board is authorized to grant two hundred ninety-six thousand dollars (\$296,000.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred ninety-six thousand dollars (\$296,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(h) Unexpended and unobligated funds appropriated under this section shall revert to the income account on June 30, 2026.

**Section 2.** W.S. 9-15-907 is repealed.

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

Approved March 15, 2022.

## Chapter 63

### PREDATOR CONTROL

Original Senate File No. 10

AN ACT relating to agriculture; specifying that the department of agriculture shall coordinate efforts and may contract for predator control; allowing the animal damage management board to contract directly for predator services; and providing for an effective date.

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

**Section 1.** W.S. 11-6-104(a), 11-6-206 and 11-6-304(b)(vii) are amended to read:

**11-6-104. Department to coordinate control efforts; centralized and coordinated rodent and predator control plan authorized; release of information restricted.**

(a) The department shall coordinate control efforts and may contract among agencies and counties for predator control under this chapter. The department may establish and implement a cooperative and coordinated plan for rodent and predator control. It may cooperate with federal agencies in the control of rodents, predatory animals and predacious birds, as defined in W.S. 23-1-101, which are destructive to livestock, game and poultry, or are detrimental to feed and foodstuffs, crops and forage production and human health. The department may promulgate necessary rules and regulations to carry out the purposes of this section.

**11-6-206. District boards; powers generally.**

Each predator management district board may adopt rules and regulations necessary for carrying out the purpose and provisions of this article. Each board may appoint employees and assistants as necessary and fix their compensation. Each board may work through the department to coordinate predator control including contracting for predator control services or may directly enter into cooperative agreements with boards of county commissioners, other predator management districts, the animal damage management board, federal or state agencies or other organizations or associations for the purpose of controlling predatory animals and predacious birds. Each board is authorized to pay bounties for predatory animals and predacious birds.

**11-6-304. Animal damage management board responsibilities; animal damage management policy; rules; methods to manage predatory animals, predacious birds, depredating animals and rabid wildlife; manner of calling meetings; frequency.**

(b) In its deliberations the ADMB shall:

(vii) Develop memorandums of understanding between the Wyoming department of agriculture and the Wyoming game and fish commission and the United States department of agriculture, animal and plant health inspection service, wildlife services (USDA/APHIS/WS) to accommodate funding sources and administrative guidelines for the program and may contract directly with federal or state agencies, boards of county commissioners, predator management districts or other organizations or associations to coordinate predator control services;

**Section 2.** This act is effective July 1, 2022.

Approved March 15, 2022.

## Chapter 64

### DISTRICT JUDGE POSITIONS-AUTHORIZATION AND FUNDING

#### Original Senate File No. 26

AN ACT relating to the judiciary; providing for an additional district court judge in the third judicial district; providing for an additional district court judge in the seventh judicial district; authorizing an additional district judge position in the sixth judicial district; specifying conditions for the authorization to be effective; providing appropriations; authorizing additional positions; and providing for an effective date.

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

**Section 1.** W.S. 5-3-102(a) is amended to read:

**5-3-102. Number of judges; distribution among districts; concurrent jurisdiction; judicial conference to adopt rules.**

(a) There shall be two (2) judges of the district court in the second, fourth, fifth and eighth judicial districts, three (3) judges of the district court in the ~~third, sixth, seventh~~ and ninth judicial districts and four (4) judges of the district court in the first, third and seventh ~~judicial district-districts~~. In the second judicial district, one (1) judge shall reside in Albany county and one (1) shall reside in Carbon county. In the third judicial district two (2) judges shall reside in Sweetwater county. In the fourth judicial district, one (1) judge shall reside in Sheridan county and one (1) shall reside in Johnson county. In the ninth judicial district one (1) judge shall reside in Fremont county, one (1) judge shall reside in Teton county and one (1) judge shall reside in Sublette county. All district judges in the state shall have concurrent jurisdiction throughout

the state and for purposes of assignment, shall have concurrent jurisdiction throughout the state with all circuit court judges.

**Section 2.**

(a) There is appropriated from the general fund one million one hundred seventeen thousand six hundred dollars (\$1,117,600.00) to the third judicial district court for the biennium beginning July 1, 2022 and ending June 30, 2024. This appropriation shall only be expended for salaries, benefits, office equipment, supplies and fees necessary to implement the office of the third judicial district court judge in the third judicial district authorized in section 1 of this act. 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, 2024.

(b) There are authorized four (4) full-time equivalent positions, one (1) of which shall be the judge authorized in section 1 of this act, for the third judicial district court for personnel necessary to staff and support the additional district judge for the third judicial district authorized by this act for the biennium beginning July 1, 2022 and ending June 30, 2024.

(c) Suitable facilities for the additional district judge for the third judicial district authorized in this act shall be provided in the third judicial district. Suitable facilities shall include a suitable courtroom to accommodate a twelve (12) person jury, offices and other necessary auxiliary facilities.

**Section 3.**

(a) There is appropriated from the general fund one million one hundred seventeen thousand six hundred dollars (\$1,117,600.00) to the seventh judicial district court for the biennium beginning July 1, 2022 and ending June 30, 2024. This appropriation shall only be expended for salaries, benefits, office equipment, supplies and fees necessary to implement the office of the seventh judicial district court judge in the seventh judicial district authorized in section 1 of this act. 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, 2024.

(b) There are authorized four (4) full-time equivalent positions, one (1) of which shall be the judge authorized in section 1 of this act, for the seventh judicial district court for personnel necessary to staff and support the additional district judge for the seventh judicial district authorized by this act for the biennium beginning July 1, 2022 and ending June 30, 2024.

(c) Suitable facilities for the additional district judge for the seventh judicial district authorized in this section shall be provided in the seventh judicial district. Suitable facilities shall include a suitable courtroom to accommodate a twelve (12) person jury, offices and other necessary auxiliary facilities.



**Section 4.**

(a) The sixth judicial district shall be authorized an additional district judge position beyond those authorized under W.S. 5-3-102(a) upon completion of all of the following:

(i) Certification by the chief justice of the Wyoming supreme court that adequate and suitable facilities in the sixth judicial district have been completed and are ready for occupancy for the additional district court judge. Adequate facilities shall include a suitable courtroom to accommodate a twelve (12) person jury, offices and other necessary auxiliary facilities. The courtroom, offices and other auxiliary facilities shall be in addition to those existing for district court purposes in the sixth judicial district as of July 1, 2022;

(ii) Delivery of the certification to the joint appropriations committee and the joint judiciary interim committee. Upon receipt of the certification, either committee may sponsor any legislation necessary to implement the additional district court judge position, to make any necessary appropriations and to authorize any necessary additional support positions; and

(iii) Enactment into law of legislation authorizing the filling of the additional district court judge position.

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

Approved March 15, 2022.

**Chapter 65****NAME CHANGE-DURATION OF RESIDENCY REQUIREMENT**

Original Senate File No. 77

AN ACT relating to petitions for name changes; amending residency requirement to petition for a name change; and providing for an effective date.

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

**Section 1.** W.S. 1-25-102 is amended to read:

**1-25-102. Residence requirement.**

A person petitioning for a change of name shall have been a bona fide resident of ~~the county in which the petition is filed~~ Wyoming for at least ~~two (2) years~~ six (6) months immediately preceding filing the petition.

**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 15, 2022.

## Chapter 66

### CODIFYING THE INSTITUTIONAL LAND FUND

Original Senate File No. 73

AN ACT relating to public funds; codifying the institutional land revenue fund; directing expenditures from the fund; and providing for an effective date.

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

**Section 1.** W.S. 9-4-305 by creating a new subsection (d) is amended to read:

**9-4-305. Disposition of state land revenue.**

(d) The institutional land revenue fund created in 2013 Wyoming Session Laws, Chapter 155, Section 2 is hereby continued and codified and shall consist of funds from transactions involving institutional lands under W.S. 9-2-2005(g), 9-2-2006(e) and 9-2-2012(e) for which disposition is not otherwise provided for by state or federal law or the conveyance instrument. The state auditor shall account for funds deposited in the account attributable to each department. Funds in the account attributable to each individual department shall not be commingled. The state treasurer shall invest funds within the fund and shall deposit the earnings from fund investments to the general fund. Funds in the account shall only be appropriated:

(i) Upon further action of the legislature; and

(ii) To support major maintenance, capital construction for institutions of the department to which the funds are attributable and reasonable administrative expenses.

**Section 2.** 2013 Wyoming Session Laws, Chapter 155, Section 2, is repealed.

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

Approved March 15, 2022.

## Chapter 67

### LOCAL GOVERNMENT LIABILITY POOL AMENDMENTS

Original Senate File No. 53

AN ACT relating to the local government insurance program; clarifying program payment limits related to health care provider liability; correcting an incorrect citation; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 1-42-202(d)(i) and (e) is amended to read:

**1-42-202. Local government self-insurance program; creation; authorized payments.**

(d) Claims against participating local governments and their public employees, or a judicial officer exercising the authority vested in him, arising under 42 U.S.C. 1983 or other federal statutes, shall be defended and indemnification paid subject to the following conditions:

(i) Public employees of participating local governments, other than peace officers, shall be defended and, to the extent provided by paragraph ~~(v)~~ (iii) of this subsection, indemnified against any claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the scope of duty;

(e) For any claim brought under the Wyoming Governmental Claims Act the program shall be limited in liability to payment of no more than the amounts specified in paragraphs (i) and (ii) of this subsection. Participating local governments shall be responsible for the amount of any adjudicated claims and expenses in excess of:

(i) One million dollars (\$1,000,000.00) for any claim brought under W.S. 1-39-110(b) for any one (1) occurrence plus loss adjustment expenses; or

(ii) Five hundred thousand dollars (\$500,000.00) for any other claim brought under the Wyoming Governmental Claims Act for any one (1) occurrence plus loss adjustment expenses. Participating local governments shall be responsible for the amount of any adjudicated claims and expenses in excess of this amount.

**Section 2.** This act shall apply to all claims made under the local government self-insurance program for acts occurring on or after July 1, 2022.

**Section 3.** This act is effective July 1, 2022.

Approved March 15, 2022.

## Chapter 68

### RADIOACTIVE MATERIALS TRANSPORT FEE

Original Senate File No. 3

AN ACT relating to commercial vehicle fees; providing for a single emergency response fee for the transportation of radioactive materials; increasing the fee; specifying the proper deposit of the fee; striking a duplicate fee and duplicative language; and providing for an effective date.

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

**Section 1.** W.S. 31-18-407(a) and 37-14-103(a) are amended to read:

**31-18-407. Emergency response fee; radioactive materials transport permit.**

(a) ~~In addition to any other fees and taxes provided by law, an emergency response fee of two hundred dollars (\$200.00) shall apply to each package of radioactive waste transported through this state in accordance with W.S. 37-14-103. The department of transportation shall collect this the emergency response fee based on assessed under W.S. 37-14-103(a) when it issues a permit issued by the department which is not inconsistent with federal law for each package of radioactive materials transported through this state. The department shall promulgate rules on issuing and revoking permits which that are not inconsistent with federal law. The department shall promulgate rules on quarterly reporting and payment of fees, retention of records and audit requirements. ~~All~~ The emergency response fees fee collected under this subsection pursuant to W.S. 37-14-103(a) shall be deposited ~~in the general fund as provided in W.S. 37-14-103(a).~~~~

**37-14-103. Emergency response fee.**

(a) In addition to any other fees and taxes provided by law, an emergency response fee of ~~two hundred dollars (\$200.00)~~ four hundred fifty dollars (\$450.00) shall apply to each package of radioactive materials transported through this state. The department of transportation shall collect this fee ~~based on a permit issued by the department which is not inconsistent with federal law. The department shall promulgate rules on issuing and revoking permits which are not inconsistent with federal law. The department shall promulgate rules on quarterly reporting and payment of fees, retention of records and audit requirements when it issues a permit under W.S. 31-18-407(a).~~ collected by the department of transportation pursuant to this subsection and W.S. 31-18-407(a) shall be deposited in a separate account to be used for the payment of costs associated with training for and conducting emergency response procedures related to the transportation of radioactive materials.

**Section 2.** This act is effective July 1, 2022.

Approved March 15, 2022.

## Chapter 69

### EPINEPHRINE AND NALOXONE ADMINISTRATION AUTHORITY

Original Senate File No. 101

AN ACT relating to public health and safety; amending and renaming the Emergency Administration of Opiate Antagonist Act; clarifying that the Act applies to the University of Wyoming and Wyoming community colleges; providing for prescription and administration of epinephrine through the use of epinephrine auto-injectors as specified; granting immunity from criminal or civil liability for specified conduct; making a technical correction; making conforming amendments; providing rulemaking authority; and providing for an effective date.

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

**Section 1.** W.S. 33-24-158, 35-4-901, 35-4-902(a)(vi), (vii) and by creating a new paragraph (viii), 35-4-903 through 35-4-905 and 35-4-906(a) through (e) are amended to read:

**33-24-158. Prescription of epinephrine auto-injector or opiate antagonist by pharmacist.**

(a) A pharmacist licensed under this act may prescribe an opiate antagonist in accordance with the ~~Emergency Administration of Opiate Antagonist Act~~ Emergency Administration of Medical Treatment Act.

(b) The board, in cooperation with the Wyoming state board of medicine, shall adopt rules specifying the requirements a pharmacist shall meet in order to prescribe an epinephrine auto-injector or an opiate antagonist.

ARTICLE 9

EMERGENCY ADMINISTRATION OF MEDICAL TREATMENT ACT

**35-4-901. Short title.**

This article may be cited as the “~~Emergency Administration of Opiate Antagonist Medical Treatment Act~~.”

**35-4-902. Definitions.**

(a) As used in this article:

(vi) “Entity” means any person as defined in W.S. 8-1-102(a)(vi), and includes the University of Wyoming and Wyoming community colleges, who employs persons who, in the course of their official duties or business, may encounter a person experiencing anaphylaxis or an opioid related drug overdose;

(vii) “Opioid” or “opiate” means an opiumlike compound that binds to one (1) or more of the major opioid receptors in the body.

(viii) “Epinephrine auto-injector” means an automatic injectable device that administers the drug epinephrine to a person experiencing anaphylaxis and includes epipens or any other device under a different brand name used for emergency epinephrine delivery for the treatment of anaphylaxis and which device is approved by the United States food and drug administration.

**35-4-903. Prescription of epinephrine auto-injector or opiate antagonist.**

(a) A practitioner or a pharmacist acting in good faith and exercising reasonable care may, without a prescriber-patient relationship, prescribe an epinephrine auto-injector or an opiate antagonist to:

(i) A person at risk of experiencing anaphylaxis or an opiate related drug overdose;

(ii) A person in a position to assist a person at risk of experiencing anaphylaxis or an opiate related drug overdose;

(iii) A person who, in the course of the person's official duties or business, may encounter a person experiencing anaphylaxis or an opiate related drug overdose.

(b) A practitioner or pharmacist who prescribes an epinephrine auto-injector or an opiate antagonist under this article shall provide education to the person to whom the epinephrine auto-injector or opiate antagonist is prescribed, which shall include written instruction on how to:

(i) Recognize anaphylaxis or an opiate related drug overdose;

(ii) Respond appropriately to an anaphylaxis or opiate related drug overdose event, including how to administer epinephrine through use of an epinephrine auto-injector or administer an opiate antagonist;

(iii) Ensure that a person to whom epinephrine or an opiate antagonist has been administered receives, as soon as possible, additional medical care and a medical evaluation.

**35-4-904. Standing order for epinephrine auto-injector or opiate antagonist; anaphylaxis and drug overdose treatment policy; rules.**

(a) A practitioner acting in good faith and exercising reasonable care may prescribe by a standing order an epinephrine auto-injector or an opiate antagonist to an entity that, in the course of the entity's official duties or business, may be in a position to assist a person experiencing anaphylaxis or an opiate related drug overdose.

(b) An entity prescribed an epinephrine auto-injector or an opiate antagonist by standing order shall establish an anaphylaxis or a drug overdose treatment policy in accordance with rules adopted by the department of health. The anaphylaxis or drug overdose treatment policy shall:

(i) Provide for the designation of individuals to receive training and instructional materials on how to recognize and respond to anaphylaxis or an opiate related drug overdose and ensure that a person to whom epinephrine or an opiate antagonist has been administered receives additional medical care and a medical evaluation;

(ii) Provide for reporting to the department of health, in the manner and form prescribed by the department, all anaphylaxis events or opiate related drug overdoses for which epinephrine or an opiate antagonist is administered under this article.

(c) The Wyoming state board of medicine and the Wyoming state board of nursing may adopt rules as necessary to implement and administer prescription of an epinephrine auto-injector or an opiate antagonist by a standing order.

**35-4-905. Voluntary participation.**

This article does not establish a duty or standard of care for a person to prescribe

or administer epinephrine, through use of an epinephrine auto-injector, or an opiate antagonist.

**35-4-906. Administration of an epinephrine auto-injector or opiate antagonist; immunity from liability; exemption from unprofessional conduct; relation to other law.**

(a) A person acting in good faith may administer epinephrine through use of an epinephrine auto-injector or an opiate antagonist to another person who appears to be experiencing anaphylaxis or an opiate related drug overdose.

(b) A person who administers epinephrine through use of an epinephrine auto-injector or an opiate antagonist pursuant to this article is personally immune from civil or criminal liability for any act or omission resulting in damage or injury.

(c) A practitioner or pharmacist who prescribes an epinephrine auto-injector or opiate antagonist pursuant to this article is personally immune from civil or criminal liability for any act or omission resulting in damage or injury.

(d) An entity that establishes a anaphylaxis or drug overdose treatment policy pursuant to this article is immune from civil or criminal liability for any act or omission related to the administration of epinephrine through use of an epinephrine auto-injector or an opiate antagonist resulting in damage or injury.

(e) Prescribing an epinephrine auto-injector or opiate antagonist by a practitioner or pharmacist pursuant to this article shall not constitute unprofessional conduct.

**Section 2.** This act is effective July 1, 2022.

Approved March 15, 2022.

## Chapter 70

### ELECTRIC VEHICLE CHARGING STATIONS-REGULATION EXEMPTION

Original Senate File No. 35

AN ACT relating to public utilities; specifying that the retail sale of electricity for charging electric vehicles is not subject to public utility provisions as specified; making conforming amendments to regulation exceptions; and providing for an effective date.

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

**Section 1.** W.S. 37-1-101(a)(vi)(H)(VII) and by creating a new subdivision (X) is amended to read:

#### **37-1-101. Definitions.**

(a) As used in chapters 1, 2, 3, 12, 17 and 18 of this title:

(vi) “Public utility” means and includes every person that owns, operates, leases, controls or has power to operate, lease or control:

(H) None of the provisions of this chapter shall apply to:

(VII) The retail sale of compressed natural gas for use as motor vehicle fuel by a ~~company which person that~~ is not otherwise regulated under this title;

(X) The retail sale of electricity for charging electric vehicles by a person that is not otherwise regulated under this title.

**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 15, 2022.

## Chapter 71

### CHILD CARE FACILITY CERTIFICATION EXEMPTION

Original Senate File No. 85

AN ACT relating to children; exempting specified after school programs from child care facility certification requirements; and providing for an effective date.

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

**Section 1.** W.S. 14-4-102(b) by creating a new paragraph (x) is amended to read:

**14-4-102. Certification required; exceptions.**

(b) W.S. 14-4-101 through 14-4-111 do not apply to:

(x) After school programs that:

(A) Operate primarily when school is not in session including before and after school and during summer months;

(B) Exclusively serve children required to attend school under W.S. 21-4-102;

(C) Are organized to promote childhood learning, child and youth development, educational, enrichment, recreational or character-building activities; and

(D) Adhere to all local applicable health, safety and fire codes or regulations.

**Section 2.** This act is effective July 1, 2022.

Approved March 15, 2022



## Chapter 72

### DRIVER'S LICENSE RENEWAL OR EXTENSION-EXCEPTION

Original Senate File No. 92

AN ACT relating to motor vehicles; authorizing the department of transportation to renew or defer the expiration of a driver's license for a person whose public employment requires physical presence outside of Wyoming or a person on active duty in the armed forces; extending the authorization to the person's spouse or dependent; and providing for an effective date.

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

**Section 1.** W.S. 31-7-119(c) is amended to read:

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

(c) Notwithstanding subsection (f) of this section, the division may defer for successive five (5) year periods the expiration of or renew the license of a licensee who is on active duty in the armed forces of the United States for successive five (5) year periods or of a licensee employed by a federal, state or local government agency, where the federal, state or local government agency requires the licensee's physical presence in another state or foreign country, upon terms and conditions as it the division may prescribe. The division may similarly defer the expiration of or renew the license of the spouse or dependent child of the person in the armed forces or the federal, state or local government agency if residing with that person.

**Section 2.** This act is effective September 1, 2022.

Approved March 15, 2022.

## Chapter 73

### CRIMINAL RECORD DISSEMINATION-MILITARY DEPARTMENT

Original Senate File No. 40

AN ACT relating to criminal procedure; authorizing the release of military member criminal history record information as specified; requiring military member fingerprinting as specified; and providing for an effective date.

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

**Section 1.** W.S. 7-19-106(a)(xv) and 7-19-201(a)(viii) 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:

(xv) The military department for purposes of obtaining criminal history record information on prospective employees, ~~or~~ volunteers or

military members serving in active duty or in the Wyoming national guard. The dissemination of criminal history record information as defined in W.S. 7-19-103(a)(ii) and authorized by this paragraph shall only occur if required by the department as a condition for employment with the department, for training, deployment or mobilization decisions or for security clearance matters;

**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:

(viii) ~~Prospective employees of or volunteers with the Wyoming military department or active duty or Wyoming national guard military members if the department requires prospective employees or volunteers, or both, to submit to fingerprinting in order to obtain state and national criminal history record information as a condition for a position employment with the department, for training, deployment or mobilization decisions or for security clearance matters;~~

**Section 2.** This act is effective July 1, 2022.

Approved March 15, 2022.

## Chapter 74

### SUPPLEMENTAL WATER DEVELOPMENT FUNDING

Original Senate File No. 82

AN ACT relating to water development; providing appropriations; and providing for an effective date.

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

**Section 1.**

(a) The following sums of money are appropriated from the legislative stabilization reserve account to the following accounts for the purposes specified. The governor is authorized to direct up to:

(i) Twenty-five million dollars (\$25,000,000.00) to water development account I created by W.S. 41-2-124(a)(i) for the purpose of acquiring water storage capacity in Fontenelle reservoir. The Wyoming water development office is hereby authorized to negotiate a purchase agreement with the bureau of reclamation to acquire water storage capacity in Fontenelle reservoir. No funds shall be expended from this appropriation until the negotiated purchase agreement is approved by the Wyoming water development commission and the governor and the legislature authorizes the purchase of water storage capacity as a water development program construction project;

(ii) Twenty-one million eight hundred ten thousand dollars (\$21,810,000.00) to water development account II created by W.S. 41-2-124(a)(ii) for the Goshen irrigation district tunnels 1 and 2 rehabilitation water development project. No funds shall be expended from this appropriation until the legislature authorizes the project as a water development program construction project;

(iii) Thirty million dollars (\$30,000,000.00) to water development account II created by W.S. 41-2-124(a)(ii) for the purpose of the LaPrele dam rehabilitation water development project. No funds shall be expended from this appropriation until the legislature authorizes the project as a water development program construction project.

(b) Funds appropriated under subsection (a) of this section shall not be transferred or expended for any other purpose. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) or 9-4-207, unexpended, unobligated legislative stabilization reserve account funds appropriated under subsection (a) of this section shall revert on July 1, 2032 to the legislative stabilization reserve account from which they were appropriated.

**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 15, 2022.

## Chapter 75

### SAGE GROUSE GAME BIRD FARMS-NO CERTIFICATION EXPIRATION-2

Original Senate File No. 61

AN ACT relating to game and fish; extending the expiration date on certifications for greater sage grouse game bird farms; and providing for an effective date.

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

**Section 1.** W.S. 23-5-111(j) is amended to read:

**23-5-111. Game bird farm-certification to raise greater sage grouse; authorization; requirements; limitations.**

(j) Commission rules may provide for the forfeiture to the state or for other disposition of greater sage grouse at any facility whose certification under this section has been revoked. Certifications under this section shall expire as of ~~December 31, 2022~~ December 31, 2027. Commission rules shall provide for disposition of all greater sage grouse held by a licensee pursuant to this section as of that date. No licensee shall be entitled to any reimbursement from or other claim against the state for any greater sage grouse owned by the licensee at the expiration or revocation of a certification and all certifications issued pursuant to this section shall so provide.

**Section 2.** This act is effective July 1, 2022.

Approved March 15, 2022.

## Chapter 76

### EXAMINATION OF BOOKS OF CERTAIN DISTRICTS AND ENTITIES

#### Original House Bill No. 56

AN ACT relating to the department of audit examination of books of special districts and certain specified entities; clarifying audit and reporting requirements for special districts and other specified entities; clarifying the dissolution process for non-compliance; clarifying recreation boards of trustees; and providing for an effective date.

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

**Section 1.** W.S. 9-1-507(a)(iii)(intro), (v)(intro), (vii) and (j)(ii), 16-12-202(a)(xii) and 35-28-101(a)(vi) are amended to read:

**9-1-507. Examination of books of state institutions, agencies and certain districts and entities; independent audit authorized; guidelines.**

(a) The director of the state department of audit shall:

(iii) Require state institutions, state agencies, the entities described in W.S. 16-4-125(c), special districts and other entities specified in W.S. 16-12-202(a) and incorporated cities and towns with a population of less than four thousand (4,000) inhabitants to file with the department such reports of the books and accounts of the institution, agency, district or entity as the director deems necessary. The director shall promulgate rules under which special districts and entities described in W.S. 16-4-125(c) or other entities specified in W.S. 16-12-202(a) shall prepare and file an annual report of their books and records with the department of audit. These rules shall apply to special districts which are subject to administration by the courts as provided in subsection (e) of this section. These rules shall provide for different levels of oversight, at the expense of the district, depending upon the higher of the total revenues received or expenditures made by the district during the fiscal year under review subject to the following limitations:

(v) Perform an audit or specified procedures of any books and records of any state institution, state agency, incorporated city or town with a population of less than four thousand (4,000) inhabitants or any special district or entity described in W.S. 16-4-125(c) or other entities specified in W.S. 16-12-202(a) whenever the director feels the audit or procedures are necessary. In lieu of performing such audit or procedures, the director may accept an audit or specified procedures performed by a certified public accountant. Specified procedures shall include procedures conducted under one (1) of the following standards:

(vii) ~~Require each county, city and town, special district and joint powers board—counties, cities, towns and special districts and entities described in W.S. 16-4-125(c) or other entities specified in W.S. 16-12-202(a) in this state to report to the department revenues received and expenditures made each fiscal year. The reports shall be made not later than September 30 for the prior fiscal year. The format of the reports required by this paragraph shall be established by the department of audit by rule. Not later than December 31 of each year, the department shall provide a copy of the report on special districts and entities described in W.S. 16-4-125(c) that receive funding from a municipality as defined by W.S. 16-4-102(a)(xiv) or other entities specified in W.S. 16-12-202(a) under this paragraph to the board of county commissioners for each special district and other entity located in that county;~~

(j) The director of the department of audit shall certify:

(ii) ~~To the board of county commissioners and to the special district or entity described in W.S. 16-4-125(c) that receives funding from a municipality as defined by W.S. 16-4-102(a)(xiv) or other entities specified in W.S. 16-12-202(a) by October 5 of each year any special district or other entity in the county, no matter how formed, ~~which has that~~ failed to comply with paragraph (a)(vii) of this section. If, by November 30 of that same year, the district or other entity has failed to comply with paragraph (a)(vii) of this section, the director of the department of audit shall file notice with the county commissioners, the county treasurer and the county clerk. The county commissioners shall place a public notice in a newspaper of general circulation in the county indicating the special district or other entity is in danger of being dissolved due to failure to comply with the legal reporting requirements. The county commissioners shall assess the special district or other entity the cost of the public notice. The county treasurer shall withhold any further distribution of money to the district until the department certifies to the county treasurer that the district or other entity has complied with all reporting requirements. If the special district or other entity fails to file the required report on or before December 30 of that same year, the county commissioners shall seek to dissolve the special district or other entity in accordance with the process described by W.S. 22-29-401 et seq. This paragraph shall apply in addition to any other provision for dissolution in the principal act for a special district or other entity.~~

**16-12-202. Applicability to special districts and other specified entities; general provisions.**

(a) This chapter applies to the following entities unless otherwise specified:

(xii) ~~Recreation districts—boards of trustees appointed pursuant to W.S. 18-9-201;~~

**35-28-101. Definitions.**

(a) As used in this act:

(vi) "Person" means municipalities, recreation districts, boards of trustees, counties, state agencies, individuals, corporations, partnerships, enterprises or associations;

**Section 2.** This act is effective July 1, 2022.

Approved March 15, 2022.

## Chapter 77

### LIQUOR LICENSES-AIRPORT EXEMPTION

Original House Bill No. 55

AN ACT relating to alcoholic beverages; exempting specified airports from liquor license limitations; authorizing a commercial service airport to retain its retail liquor license when contracting specified services; and providing for an effective date.

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

**Section 1.** W.S. 12-4-201(d)(ii), (iii) and by creating a new paragraph (iv), (f) (ii) and by creating a new subsection (m) is amended to read:

**12-4-201. Retail liquor licenses and malt beverage permits; population formulas; fees.**

(d) The number of retail liquor licenses issued shall be based on the following population formula:

(ii) Not more than one (1) additional license for each additional five hundred (500) population or major fraction thereof in incorporated cities or towns up to a population of nine thousand five hundred (9,500); ~~and~~

(iii) Not more than one (1) additional license for each additional full three thousand (3,000) population over nine thousand five hundred (9,500); ~~and~~

(iv) Retail liquor licenses issued to commercial service airports in incorporated cities or towns shall be exempt from the number restrictions in paragraphs (i) through (iii) of this subsection.

(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:

(ii) No more than three (3) retail liquor licenses issued for locations within five (5) miles of the corporate limits of a city or town. Retail liquor licenses issued to commercial service airports in a county shall be exempt from this paragraph; and

(m) A commercial service airport holding a retail liquor license may contract for or otherwise subcontract any food and beverage services provided at the airport to another individual or entity without transferring the retail liquor license held by the airport under this section.

**Section 2.** This act is effective July 1, 2022.

Approved March 15, 2022.

## Chapter 78

### HUNTING LICENSE APPLICATION FUNDS

Original House Bill No. 72

AN ACT relating to game and fish; providing an option for unsuccessful applicants to contribute a portion of refunded application fees as specified; and providing for an effective date.

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

**Section 1.** W.S. 23-2-101 by creating a new subsection (r) is amended to read:

**23-2-101. Fees; restrictions; nonresident application fee; nonresident licenses; verification of residency required; donation of refunded application fees.**

(r) An applicant may elect to provide that any fee paid under this section that is refundable if the applicant is unsuccessful, or portions of the fee as provided in this subsection, be retained and deposited by the department in the Wyoming wildlife and natural resource trust income account created by W.S. 9-15-103(b) or the game and fish access account created by W.S. 23-1-501(h), as determined by the applicant. The department shall provide information on the application form that the applicant may elect at the time of application to make a contribution to one (1) or both of the accounts specified under this subsection if the applicant is unsuccessful. The department shall allow the applicant to contribute the entire amount of the fee or select a portion of the fee to contribute as specified by the department, not to exceed the amount of the fee. Any administrative expenses incurred by the department for donations into the account created by W.S. 9-15-103(b) shall be reimbursed to the department by the Wyoming wildlife and natural resource trust income account.

**Section 2.** This act is effective July 1, 2022.

Approved March 15, 2022.

## Chapter 79

### MONTHLY AD VALOREM TAX REVISIONS-ENFORCEMENT

Original House Bill No. 89

AN ACT relating to mineral production; allowing for regulation of oil and gas production until unpaid taxes are paid; making conforming changes; and providing for an effective date.

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

**Section 1.** W.S. 30-5-104(d) by creating a new paragraph (x), 39-13-113(e)(intro) and 39-14-208(d) by creating a new paragraph (vi) are amended to read:

**30-5-104. Oil and gas conservation commission; powers and duties; investigations; rules and regulations.**

(d) The commission has authority:

(x) After notice and hearing, to order wells shut in and sealed and to prohibit drilling upon written notice from the department of revenue that an owner or operator owes taxes that are more than one hundred twenty (120) days delinquent under W.S. 39-13-113 or 39-14-207(a)(iv) or (v). The commission shall remove any regulation of shutting in or sealing wells or prohibition on drilling issued under this paragraph upon written notice from the department of revenue that the delinquent unpaid taxes have been paid.

**39-13-113. Monthly payment of ad valorem tax on gross product of mineral production.**

(e) Failure to make payments at the time they are due and payable under this section shall subject the taxpayer to the enforcement provisions of W.S. 30-5-104(d)(x) and 39-13-108 and shall also be subject to enforcement as follows:

**39-14-208. Enforcement.**

(d) Penalties. The following shall apply:

(vi) Failure to make severance tax payments at the time they are due and payable under W.S. 39-14-207(a)(iv) and (v) shall subject the taxpayer to enforcement by the oil and gas conservation commission under W.S. 30-5-104(d)(x).

**Section 2.** This act is effective July 1, 2022.

Approved March 15, 2022.

## Chapter 80

### DRIVING WHILE LICENSE SUSPENDED-ENHANCEMENT AMENDMENT

Original House Bill No. 71

AN ACT relating to driver's licenses; amending enhancement provision for subsequent violations of driving while license cancelled, suspended or revoked to include similar laws of other jurisdictions; and providing for an effective date.

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

**Section 1.** W.S. 31-7-134(c) is amended to read:



**31-7-134. Driving while license cancelled, suspended or revoked.**

(c) A person convicted of a subsequent violation of subsection (a) of this section or other substantially similar law of any other jurisdiction for driving during the same period of cancellation, suspension or revocation giving rise to the previous conviction, or a person convicted of driving during a period of cancellation, suspension or revocation arising from a previous conviction under W.S. 31-5-229 or 31-5-233 or other substantially similar law of any other jurisdiction, is guilty of a misdemeanor and shall be imprisoned for not less than seven (7) days nor more than six (6) months and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least seven (7) days in jail. In addition, the person shall be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00). Notwithstanding any other provision of law, any person under the age of twenty-one (21) years convicted of being in control of a vehicle in this state with an alcohol concentration of between two one-hundredths of one percent (0.02%) and the amount specified in W.S. 31-5-233(b)(i) shall not be punished by imprisonment of at least seven (7) days in jail as otherwise provided under this section, but shall have his license administratively suspended for thirty (30) days.

**Section 2.** This act is effective July 1, 2022.

Approved March 15, 2022.

## Chapter 81

### ELECTION REPORTING REQUIREMENTS

#### Original House Bill No. 49

AN ACT relating to elections; providing a definition of organization; requiring organizations to file a statement of formation as specified; increasing the threshold for an independent expenditure or electioneering communication requiring an itemized statement; increasing and adding penalties for failure to file as specified; making conforming amendments; adding a penalty of perjury; and providing for an effective date.

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

**Section 1.** W.S. 22-25-101 by creating a new subsection (c), by renumbering (c) as (d) and by creating a new paragraph (iv), 22-25-102(a), (e), (f), (h) and (k)(intro), 22-25-106(a)(iv), (h)(intro), (vi) and by creating a new subsection (k), 22-25-107(a)(i) and 22-25-108(f) are amended to read:

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

(c) Any organization that receives contributions or expends funds totaling in aggregate more than one thousand dollars (\$1,000.00) for the purpose of causing independent expenditures or electioneering communications to be made shall file a statement of formation for the purpose of filing campaign

reports in accordance with W.S. 22-25-106(h). Any organization that has not previously filed a statement of formation that is required by this subsection shall file a statement of formation within ten (10) days of causing or intending to cause the independent expenditure or electioneering communication to be made in any primary, general or special election or within twenty-four (24) hours if the independent expenditure or electioneering communication is made within ten (10) days of any primary, general or special election. The statement of formation as referenced in this subsection shall be filed in those offices as provided by W.S. 22-25-107 and shall list the:

- (i) Name and mailing address of the organization;
- (ii) Name and mailing address of the organization's chairman and treasurer, if applicable, or the organization's designee;
- (iii) Date the organization formed; and
- (iv) Purpose of the organization.

~~(c)~~(d) As used in this chapter:

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

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

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

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

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

(I) The candidate would represent if elected; or

(II) Affected by the ballot proposition.

(ii) "Electioneering communication" does not mean:

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

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

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

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

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

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

(B) Adoption or defeat of a ballot proposition.

(iv) “Organization”, as used in this chapter, means any corporation, partnership, trade union, professional association or civic, fraternal or religious group or other profit or nonprofit entity or any other entity influencing an election, except a political party, political action committee or candidate’s campaign committee.

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

(a) ~~Except as otherwise provided in this section, no organization of any kind including a corporation, partnership, trade union, professional association or civic, fraternal or religious group or other profit or nonprofit entity except a political party, political action committee or candidate’s campaign committee, organized under W.S. 22-25-101, directly or indirectly through any officer, member, director or employee, shall contribute funds, other items of value or election assistance directly to any candidate or candidate’s campaign committee or to any political party or political action committee which directly coordinates with a candidate or a candidate’s campaign committee. The secretary of state shall promulgate rules to define direct coordination as prohibited by this section. No person shall solicit or receive a payment or contribution from an organization prohibited from making contributions under this subsection.~~

(e) ~~Any corporation, person or organization violating violation of~~ the provisions of subsection (a), (b), (c), (j), (m) or (n) of this section is subject

to a civil penalty up to five thousand dollars (\$5,000.00) and costs including a reasonable attorney's fee for a first violation and up to ten thousand dollars (\$10,000.00) and costs including a reasonable attorney's fee for a second or subsequent violation which shall be imposed in a court of competent jurisdiction. The amount of penalty imposed shall be in such amount as will deter future actions of a similar nature. An action to impose the civil penalty may be prosecuted by and in the name of any candidate adversely affected by the transgression, any political party, any county attorney, any district attorney or the attorney general. Proceeds of the penalty collected shall be paid to the state treasurer and credited as provided in W.S. 8-1-109.

(f) Direct contributions from any ~~organization entity~~ affiliated with a political party do not violate subsection (a) of this section. These contributions shall be a matter of internal party governance. Contributions to political parties are not subject to the limits of subsection (c) of this section provided the contributions are available to use as the appropriate party authorities choose and are not exclusively dedicated to any particular candidate. Contributions donated to a political party which are designated by the donor to be used only for a particular candidate and no other purpose are subject to the limitations of subsection (c) and of this section.

(h) No ~~organization, of any kind, as specified in subsection (a) of this section, political party, political action committee or candidate's campaign committee~~ shall solicit or obtain contributions for any of the purposes specified in subsection (a) of this section from an individual on an automatic basis, including but not limited to a payroll deduction plan or reverse checkoff method, unless the individual who is contributing affirmatively consents in writing to the contribution. Nothing in this subsection shall be construed to authorize contributions otherwise prohibited under this election code.

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

**22-25-106. Filing of campaign reports.**

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

(iv) Reports under this subsection shall set forth the full and complete record of contributions including cash, goods or services and actual and promised expenditures, including all identifiable expenses as set forth in W.S. 22-25-103. For purposes of this section, a contribution is reportable when it is known and in the possession of, or the service has been furnished to, the person or ~~organization entity~~ required to submit a statement of contributions and expenditures. The date of each contribution of one hundred dollars (\$100.00)

or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. All contributions under one hundred dollars (\$100.00) shall be reported but need not be itemized. Should the accumulation of contributions from a person exceed the one hundred dollar (\$100.00) threshold, all contributions from that person shall be itemized. Contributions, expenditures and obligations itemized in a statement filed by a political action committee, a candidate's campaign committee or by a political party central committee need not be itemized in a candidate's statement;

(h) An organization that expends in excess of ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) in any primary, general or special election to cause an independent expenditure or electioneering communication to be made shall file an itemized statement of contributions and expenditures with the appropriate filing office under W.S. 22-25-107. The statement shall:

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

(k) Reports or statements filed under this section shall be filed under penalty of perjury.

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

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

(i) Any candidate for a municipal, county, judicial, school or college board office and any political action committee or candidate's campaign committee supporting such a candidate and any political action committee or organization supporting or opposing a municipal initiative or referendum or ballot proposition within the county, or any organization that causes an independent expenditure or electioneering communication to be made within the county, shall file with the county clerk;

**22-25-108. Failure of persons to file reports; notice; penalties; reconsideration.**

(f) The appropriate filing office or the county attorney, for reports required to be filed with the county clerk, shall issue a final order imposing the civil penalty specified in this subsection against any person failing to comply with W.S. 22-25-106 twenty-one (21) days from the date the notice was sent under subsection (b) of this section. The final order shall be sent to the person at their address of record and shall notify the person of the right to request reconsideration of the order as provided in subsection (h) of this section. The filing office or county attorney shall impose the following civil penalty in the final order after giving due consideration to the willfulness of the failure to file, the person's level of experience with reporting requirements under this act,

efforts made to obscure the identity of the person required to file and any other factor evidencing an intent to evade reporting requirements under this act:

(i) Up to five hundred dollars (\$500.00) per day beginning on the date of the final order and ending when the report is filed for a failure to file a report with the secretary of state;

(ii) Up to two hundred dollars (\$200.00) per day beginning on the date of the final order and ending when the report is filed for a failure to file a report with the county clerk.

**Section 2.** This act is effective April 1, 2022.

Approved March 15, 2022.

## Chapter 82

### TRIBAL REFERENCE AMENDMENTS

#### Original House Bill No. 10

AN ACT relating to the tribes of the Wind River Indian Reservation; specifying the definition and rule of construction for the cooperative tribal governing body; clarifying statutory references to either or both tribes; correcting references from the obsolete joint business council to the cooperative tribal governing body; standardizing references to either tribe or the cooperative tribal governing body; modifying foreign language references in title 21 to include world languages; correcting references to the Wind River Indian Reservation; repealing the obsolete Wyoming Indian Affairs Council; and providing for an effective date.

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

**Section 1.** W.S. 5-1-111(a)(intro), 8-1-103(a) by creating a new paragraph (x), 8-7-101, 9-12-1201(a)(i), 9-12-1501(c)(ii)(B), 14-3-107(a), 14-3-108(a), 16-1-101, 16-1-103(a)(i), 16-1-104(a), 21-2-802(a)(ii)(A), 21-3-110(a)(ii)(A), 21-4-601(a), (b), (c)(ii), (iii) and (d), 21-7-601(b)(i)(A) and (e), 21-9-101(b)(i)(K) and (g), 21-16-1307(b)(vii)(C), (d)(vi)(A) and (e)(iii)(A), 21-22-106(a)(i), 22-1-102(a)(xliv), 24-12-102(c)(i)(intro) and (A), 35-25-205(a)(iii), 35-25-301(b)(iii), 36-8-301, 36-8-302, 36-8-307(a), 41-2-114(a)(intro), (iv)(F) and (v)(D) and 41-2-117(a)(i)(intro) are amended to read:

**5-1-111. Full faith and credit for tribal acts and records.**

(a) The judicial records, orders and judgments of the courts of the Eastern Shoshone and Northern Arapaho Tribes of the Wind River Indian Reservation shall have the same full faith and credit in the courts of this state as do the judicial records, orders and judgments of any other governmental entity, unless at least one (1) of the following conditions is shown not to be met:

**8-1-103. Rules of construction for statutes.**

(a) The construction of all statutes of this state shall be by the following rules, unless that construction is plainly contrary to the intent of the legislature:

(x) Reference to the “cooperative tribal governing body” means the inter-

tribal council of the Eastern Shoshone and Northern Arapaho tribes or its official successor joint governing body. If the cooperative tribal governing body is a party to a cooperative agreement or contract with the state or a political subdivision under the laws of this state, a successor joint tribal governing body or each tribe as an individual sovereign shall remain a party to the agreement or contract unless specified otherwise in the agreement or contract.

**8-7-101. Tribal identification cards.**

An identification card issued by the governing body of the Eastern Shoshone ~~Tribes of Wyoming~~ or Northern ~~Arapahoe~~ ~~Arapaho~~ ~~Tribes of Wyoming~~ that includes the requirements of W.S. 31-8-102(a)(i) through (vi) and (ix) shall be considered a valid form of identification for all purposes for which an identification card issued under W.S. 31-8-101 may be used.

**9-12-1201. Definitions.**

(a) As used in this article:

(i) “Agency” means a branch, agency, department, board, instrumentality or institution of the state of Wyoming, a county, a municipal corporation, a school district, a community college district, the University of Wyoming, the ~~joint business council of the Eastern Shoshone and Northern Arapaho Indian tribes cooperative tribal governing body~~, the ~~business council of the Eastern Shoshone Indian Tribe~~, the ~~business council of the Northern Arapaho Indian Tribe~~, a joint powers board formed pursuant to this act or a special district specifically involved in providing facilities or functions enumerated in W.S. 16-1-104(c);

**9-12-1501. Broadband development program established; purposes; eligibility; definitions.**

(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:

(B) A tribal government of either the Eastern Shoshone or Northern Arapaho ~~or Eastern Shoshone~~ tribes of the Wind River Indian Reservation or the cooperative tribal governing body; or

**14-3-107. Performing body-art on persons who have not reached the age of majority; penalties; definition.**

(a) No person shall knowingly perform body-art upon or under the skin of a person who has not reached the age of majority, except with the consent of the person’s parent or legal guardian who is present at the time the body-art procedure is performed upon the person. The person performing the body-art procedure shall demand proof of age prior to administering the body-art procedure upon the person. A motor vehicle driver’s license, a registration card

issued under the federal Selective Service Act, an identification card issued to a member of the armed forces, a valid United States passport, a tribal identification card issued by the governing body of the Eastern Shoshone ~~Tribe of Wyoming~~ or the Northern ~~Arapahoe-Arapaho Tribe of Wyoming~~ or an identification card issued by the department of transportation is prima facie evidence of the age and identity of the person. Proof that the person performing the body-art procedure demanded, was shown and acted in reasonable reliance upon the information contained in any one (1) of the above documents as identification and proof of age is a defense to any criminal prosecution under this section.

**14-3-108. Use of ultraviolet tanning devices by persons who have not reached the age of majority; presence required; consent required; penalty.**

(a) No person other than the minor's parent or legal guardian shall knowingly allow a minor who has not reached fifteen (15) years of age to use an ultraviolet tanning device, unless the minor's parent or legal guardian consents in writing to the use and is present the entire time of use. No person shall knowingly allow a minor age fifteen (15) years to the age of majority to use an ultraviolet tanning device, except with written consent obtained from the minor's parent or legal guardian. Any person other than the minor's parent or legal guardian allowing the use of an ultraviolet tanning device by a minor shall demand proof of age prior to allowing the use of an ultraviolet tanning device. A motor vehicle driver's license, a registration card issued under the federal Selective Service Act, an identification card issued to a member of the armed forces, a valid United States passport, a tribal identification card issued by the governing body of the Eastern Shoshone ~~Tribe of Wyoming~~ or the Northern ~~Arapahoe-Arapaho Tribe of Wyoming~~ or an identification card issued by the department of transportation is prima facie evidence of the age and identity under this section. Proof that the person allowing the use of the ultraviolet tanning device demanded, was shown and acted in reasonable reliance upon the information contained in any one (1) of the above documents as identification and proof of age is a defense to any criminal prosecution under this section.

**16-1-101. Authority to cooperate.**

In exercising, performing or carrying out any power, privilege, authority, duty or function legally vested in any one (1) or more of them by Wyoming law, the state of Wyoming, and any one (1) or more of its counties, municipal corporations, school districts, special districts, public institutions, agencies, boards, commissions and political subdivisions, and any officer or legal representative of any one (1) or more of them, may cooperate with and assist each other, and like entities or authorities of other states, the United States and the Eastern Shoshone and Northern Arapaho tribes of the Wind River Indian Reservation. Cooperation may be informal or subject to resolution, ordinance or other appropriate action, and may be embodied in a written agreement specifying purposes, duration, means of financing, methods of



operations, termination, acquisition and disposition of property, employment of executive and subordinate agents, reciprocation of governmental immunity protections or other limitations of liability pursuant to W.S. 16-1-104(f) and other appropriate provisions.

**16-1-103. Definitions.**

(a) As used in this act:

(i) "Agencies" means Wyoming counties, municipal corporations, school districts, community college districts, the ~~joint business council of the Eastern Shoshone and Northern Arapaho Indian tribes cooperative tribal governing body~~, the business council of the Eastern Shoshone ~~Indian Tribe~~, the business council of the Northern Arapaho ~~Indian Tribe~~, joint powers boards formed pursuant to this act or special districts specifically involved in providing facilities or functions enumerated in W.S. 16-1-104(c);

**16-1-104. Joint powers, functions and facilities; city-county airport board; eligible senior citizen centers; cooperative public transportation programs.**

(a) Any power, privilege or authority exercised or capable of being exercised by an agency may be exercised and enjoyed jointly with any other agency having a similar power, privilege or authority. No cost shall be incurred, debt accrued, nor money expended by any contracting party, which will be in excess of limits prescribed by law. If the ~~joint business council of the Eastern Shoshone and Northern Arapaho Indian tribes cooperative tribal governing body~~, the business council of the Eastern Shoshone ~~Indian Tribe~~ or the business council of the Northern Arapaho ~~Indian Tribe~~ participates in a joint powers board under this act with political subdivisions and special districts of Wyoming, the powers of the ~~joint business council cooperative tribal governing body~~, the powers of the business council of the Eastern Shoshone ~~Indian Tribe~~, the powers of the business council of the Northern Arapaho ~~Indian Tribe~~, Wyoming political subdivisions and Wyoming special districts are neither increased ~~or nor~~ decreased by that participation. Rather the participation of the ~~joint business council cooperative tribal governing body~~, the business council of the Eastern Shoshone ~~Indian Tribe~~ or the business council of the Northern Arapaho ~~Indian Tribe~~ is intended to facilitate implementation of programs and projects designed to more effectively benefit Wyoming's citizens.

**21-2-802. Powers and duties; teacher certification; suspension and revocation; certification fees; disposition of collected fees; required data submissions to department of education.**

(a) The board shall promulgate rules and regulations:

(ii) In addition to paragraph (a)(i) of this section, the board shall by rule and regulation provide for:

(A) Certification of teachers of the ~~Arapahoe and Shoshoni language~~

Arapaho, Shoshone, or both, languages and in its discretion, the board may make other exceptions as to both teachers and administrators it determines necessary and proper in special circumstances;

**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 world~~ languages, science, social studies, mathematics, or other), vocal music, instrumental music, elementary music, secondary art, elementary art, secondary physical education, elementary physical education, 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;

**21-4-601. Education programs on the Wind River Indian Reservation.**

(a) The legislature finds that, through education programs provided by the Eastern Shoshone and ~~Tribe~~, the Northern Arapaho ~~Indian Tribes~~ ~~Tribe~~, or the cooperative tribal governing body to school age Indian children residing on the Wind River Indian Reservation, the state can address conditions of unemployment, poverty and lack of adequate job skills which exist on the reservation. Maintenance of these education programs unique to Indian students is of mutual benefit to the tribes and the state, reducing future financial needs of those students as tribal members and as Wyoming residents for public education, job services, substance abuse services and income supplements.

(b) Subject to amounts appropriated by the legislature, the state superintendent of public instruction shall enter into negotiations with the individual ~~or joint~~ business councils of the Eastern Shoshone and Northern Arapaho ~~Indian tribes~~ or the cooperative tribal governing body to determine the appropriate contractual arrangements for the provision of education programs and services addressing Indian students at risk of failure in school and other programs and services essential to the success and welfare of these students as specified under subsection (a) of this section. Contractual arrangements entered into under this subsection shall include a requirement that the expenditure of contractual amounts, as verified annually in writing, is for programs tied to improvement of student performance on the statewide assessment. For purposes of this section, the state superintendent shall include an amount within his biennial budget request which is computed in accordance with subsection (c) of this section to provide a per student amount that when nonstate funding sources are considered, is comparable to per student amounts provided for public schools under the Wyoming education resource block grant model.

(c) To arrive at a biennial funding amount for purposes of subsection (b) of this section, an estimate shall be computed as follows:

(ii) Multiply the per student amount determined under paragraph (i) of this subsection by the number of students enrolled in education programs and services provided by the ~~joint business council~~ cooperative tribal governing body or each individual tribe pursuant to subsection (a) of this section;

(iii) Subtract from the amount computed under paragraph (ii) of this subsection all Federal Bureau of Indian Affairs funds for K-12 programs received by the ~~joint business council~~ cooperative tribal governing body or each individual tribe for education programs and services provided under subsection (a) of this section.

(d) The ~~joint cooperative tribal governing body or each individual~~ business council of the Eastern Shoshone and the Northern Arapaho Indian Tribes shall annually report to the governor and the state superintendent of public instruction on the expenditure of contractual amounts as required under subsection (b) of this section.

**21-7-601. Wyoming teacher shortage loan repayment program; eligibility criteria; procedures; program reporting.**

(b) To qualify for a loan under this section, the applicant shall first:

(i) Be enrolled in good standing in a teacher education program at the University of Wyoming leading to:

(A) Certification as a special education, math, science or ~~foreign-world~~ language teacher; or

(e) A recipient of a loan under this section may repay the loan without cash payment by teaching at least fifty percent (50%) of his working hours as a

teacher in special education, math, science, ~~foreign-world~~ language, reading or English as a second language as a certified teacher in a Wyoming public school as provided in subsection (f) of this section. To qualify as repayment under this subsection, work shall be performed within the minimum amount of time necessary to repay the loan, plus two (2) years, which shall begin with the calendar month following the month in which the student completed the academic program.

**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:

(K) ~~Foreign-World~~ cultures and languages;

(g) Not later than the 2002-2003 school year, all school districts shall provide instruction in ~~foreign-world~~ languages to students in kindergarten through grade 2 in accordance with standards promulgated by the state board.

**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:

(C) ~~Foreign-World~~ language – instruction in ~~foreign-world~~ language, which shall be taken in grades nine (9) through twelve (12). Instruction in the native language of the Eastern Shoshone or the Northern Arapaho ~~Indian~~ tribes, or instruction in American sign language may be taken in fulfillment of this subparagraph.

(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:

(A) ~~Foreign-World~~ language – two (2) sequenced years of the same ~~foreign-world~~ language which need not be taken consecutively, at least one (1) of which shall be taken in grades nine (9) through twelve (12), or two (2)

sequenced years of instruction in the ~~native language of the Eastern Shoshone or the Northern Arapahoe~~ Arapaho languages, or two (2) sequenced years of instruction in American sign language, either of which need not be taken consecutively but at least one (1) year of which is taken in grades nine (9) through twelve (12); or

(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:

(iii) Effective school year 2015-2016 and each school year thereafter, and in lieu of paragraph (ii) of this subsection, instruction in one (1) of the following:

(A) ~~Foreign World~~ language – two (2) sequenced years of the same ~~foreign world~~ language which need not be taken consecutively, at least one (1) of which shall be taken in grades nine (9) through twelve (12), or two (2) sequenced years of instruction in the ~~native language of the Eastern Shoshone or the Northern Arapahoe~~ Arapaho languages, or two (2) sequenced years of instruction in American sign language, either of which need not be taken consecutively but at least one (1) year of which is taken in grades nine (9) through twelve (12); or

**21-22-106. Distribution of trust funds available to public schools; innovative program grants; criteria.**

(a) Revenues available to the department of education from the separate account under W.S. 21-22-102 shall be annually distributed to school districts as innovative program grants to fund programs providing innovation in or improvement to public education through the creation of new, different and improved educational opportunities in elementary or secondary schools, including:

(i) Curriculum development activities such as initiatives in ~~foreign world~~ languages, mathematics, social studies, English and the sciences, programs to develop critical or creative thinking, programs involving the private sector and programs providing parental and family training;

**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:

(xlv) “Tribal clerk” means an official designated by the Eastern Shoshone Tribe and an official designated by the Northern Arapaho Tribe or an official

designated by the cooperative tribal governing body of the Wind River Indian Reservation acting pursuant to a cooperative agreement entered into by a county and the respective tribe pursuant to W.S. 16-1-101, which agreement provides for the official to provide services as a registry agent under the direct supervision and control of the county clerk;

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

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

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

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

**35-25-205. Breast and cervical cancer programs.**

(a) The breast and cervical cancer program within the department is authorized to obtain private and federal grant funds and to seek appropriations for:

(iii) Implementation of the program known as the native sisters program for outreach to members of the Eastern Shoshone and Northern Arapaho tribes, provided that any grants or contracts entered into pursuant to this paragraph shall contain any restrictions necessary to comply with Article 16, Section 6 of the Wyoming Constitution.

**35-25-301. Diabetes care planning; reports to the legislature.**

(b) The department of health shall track for statistical and trending analysis the following:

(iii) A description of the level of coordination existing between the department, other agencies and Eastern Shoshone and Northern Arapaho tribes on activities, programmatic activities and messaging on managing, treating or preventing all forms of diabetes and its complications;

**36-8-301. Acceptance of Big Horn Hot Springs.**

The state of Wyoming hereby accepts the lands granted by the act of congress of 1897 ceding to the state one (1) square mile in the northeast portion of the

historic Shoshone Indian Reservation upon which is located the Big Horn Hot Springs and assents to all of the provisions of said act ceding the same.

**36-8-302. Name of park.**

From and after the passage of this act, the land managed by the department as of July 1, 2010 in the northeast portion of the historic Shoshone Indian Reservation, upon which is located the Big Horn Hot Springs, is hereby declared to be and shall hereafter be known as the "Hot Springs State Park". The department shall by rule specify the legal description of the state park.

**36-8-307. Control of use of lands; transfer of control to the Wyoming department of state parks and cultural resources.**

(a) The lands granted by the act of congress approved on the seventh day of June, A.D. 1897, ceding to the state of Wyoming certain lands in the northeastern portion of the historic Shoshone Indian Reservation upon which are located the Big Horn Hot Springs, are placed under control of the state board of charities and reform or its successor and are forever set aside for the treatment and care of diseases and for sanitary and charitable purposes.

**41-2-114. Development of water projects; rehabilitation of water projects.**

(a) The commission shall, on the basis of the state water plan or as otherwise directed by the legislature and after consultation with and advice from state agencies and officials, other appropriate agencies and officials, the ~~joint business council of the Eastern Shoshone and Northern Arapaho Indian tribes cooperative tribal governing body~~, the business council of the Eastern Shoshone ~~Indian Tribe~~, the business council of the Northern Arapaho ~~Indian Tribe~~ and members of the public, identify and select potential projects to be studied for inclusion in the Wyoming water development program pursuant to the following schedule:

(iv) Level III construction and operation plans shall proceed as authorized and approved by the legislature under the immediate direction and control of the commission. Preference in the marketing of hydroelectric power from any such project shall be given to utilities serving Wyoming municipalities and to rural electric cooperatives where economical and permissible under federal law. Pursuant to legislative authorization for water development projects and prior to completion of Level III construction the commission may:

(F) Contract with, contribute to or receive contributions from any legal subdivision of the state, special district, the ~~joint business council of the Eastern Shoshone and Northern Arapaho Indian tribes cooperative tribal governing body~~, the business council of the Eastern Shoshone ~~Indian Tribe~~, the business council of the Northern Arapaho ~~Indian Tribe~~, private corporation or person for the construction, operation, management and maintenance of any project or any interest in any facility or function of a project.

(v) After completion of Level III construction, the commission:

(D) May contract with, contribute to or receive contributions from any legal subdivision of the state, special district, the ~~joint business council of the Eastern Shoshone and Northern Arapaho Indian tribes cooperative tribal governing body~~, the business council of the Eastern Shoshone ~~Indian Tribe~~, the business council of the Northern Arapaho ~~Indian Tribe~~, private corporation or person for the operation, management and maintenance of any project or any interest in any facility or function of a project.

**41-2-117. Wyoming water development commission; membership; removal; terms.**

(a) The Wyoming water development commission is created to consist of ten (10) members. The membership shall include:

(i) Nine (9) persons, two (2) shall be residents appointed from each water division of the state as defined in W.S. 41-3-501, at least one (1) will be a person having an adjudicated water right. One (1) resident of Wyoming shall be appointed at large and one (1) shall be an enrolled member of the ~~Arapahoe or Eastern Shoshone Indian or Northern Arapaho~~ tribes who is resident on the Wind River Indian Reservation:

**Section 2.** W.S. 9-12-601(h), 9-12-805 and 9-12-902(j) are amended to read:

**9-12-601. Wyoming business ready community program; purpose; creation; rulemaking.**

(h) The council may also enter into cooperative agreements with the Eastern Shoshone Tribe, ~~and the Northern Arapaho Tribe in order or the cooperative tribal governing body~~ to promote the purposes of this article.

**9-12-805. Tribal participation in community facilities program.**

The council may enter into cooperative agreements with the ~~business council of the Eastern Shoshone Indian Tribe, the business council of the Northern Arapaho Indian Tribe or the joint business council of the Eastern Shoshone and Northern Arapaho Indian tribes cooperative tribal governing body~~ to promote the purposes of the community facilities program and to allow those entities to participate in the program.

**9-12-902. Wyoming workforce housing infrastructure program; creation; rulemaking.**

(j) The council may also enter into cooperative agreements with the Eastern Shoshone Tribe, ~~and the Northern Arapaho Tribe in order or the cooperative tribal governing body~~ to promote the purposes of this article.

**Section 3.** Section 2 of this act shall not be effective if 2022 House Bill 0009 (22LSO-0098), which repeals W.S. 9-12-601(h), 9-12-805 and 9-12-902(j), is enacted into law.



**Section 4.** W.S. 8-1-103(a)(x) as created in Section 1 of this act shall supersede and replace W.S. 8-1-103(a)(x) as created in Section 1 of 2022 House Bill 0009 (22LSO-0098) if both bills are enacted into law.

**Section 5.** W.S. 9-2-1901 through 9-2-1905 are repealed.

**Section 6.** This act is effective July 1, 2022.

Approved March 15, 2022.

## Chapter 83

### MOBILE HOME AND VEHICLE TITLES AND TRANSFERS

#### Original House Bill No. 44

AN ACT relating to motor vehicles; modifying provisions related to the issuance and transfer of titles and duplicate titles; requiring a county treasurer to issue an excise tax receipt; authorizing transfer of interest in a mobile home by a single co-owner as specified; conforming a provision; and providing for an effective date.

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

**Section 1.** W.S. 31-2-103(d), 31-2-104(m)(intro) and (ii), 31-2-105(a), 31-2-501(b), 31-2-504 by creating a new subsection (d), 31-2-505, 39-15-107(b)(i) and 39-16-107(b)(ii) are amended to read:

**31-2-103. Contents of application; signature; vehicle identification number; issuance of certificate.**

(d) Upon receipt of an application and payment of fees any county clerk shall, if satisfied that the applicant is the owner of the vehicle for which application for certificate of title is made, issue a paper certificate of title or electronic certificate of title, if available, upon a form or electronic format, approved by and provided at cost to the county clerk by the department in the name of the owner bearing the signature and seal of the county clerk's office. The county clerk shall not deliver a certificate of title issued under this section until presentation of a receipt for payment of sales or use tax pursuant to W.S. 39-15-107(b) or 39-16-107(b) or presentation of a county treasurer receipt noting a valid exemption from paying the sales or use tax. If a lien is filed with respect to the vehicle, the county clerk shall, within three (3) business days, deliver a copy of the filed lien and a copy of the issued title to the financial institution and if available, such delivery may be made electronically. Each paper certificate of title or electronic version, shall bear a document control number with county designation and certificate of title number. The title shall be completely filled out giving a description of the vehicle including factory price in a manner prescribed by the department, indicate all encumbrances or liens on the vehicle and indicate the date of issue. Certificates of title shall contain forms for assignment of title or interest and warranty thereof by the owner with

space for notation of liens and encumbrances at the time of transfer on the reverse side and contain space for the notarization of the seller's signature for a sale or transfer of title. Certificates of title are valid for the vehicle so long as the vehicle is owned or held by the person in whose name the title was issued. A certificate of title is prima facie proof of ownership of the vehicle for which the certificate was issued.

**31-2-104. Transfer of ownership.**

(m) If a ~~motor~~ vehicle is held by two (2) or more persons, any person identified as an owner on the certificate of title shall have the right to transfer all interest in the vehicle without the signature of any other owner on the title unless:

(ii) The title states the vehicle is held by ~~co-owners~~ co-owners in the conjunctive, by the use of the word "and" or other similar language, in which event transfer shall require the signature of each ~~co-owner~~ co-owner;

**31-2-105. Duplicate titles; affidavit of vehicle ownership.**

(a) Upon loss of a certificate of title, the owner may apply to the county clerk issuing the original title for a duplicate title. For purposes of applying for a duplicate title, "owner" means any one (1) person listed as owner on the face of the title. The applicant shall file an affidavit describing the loss with the county clerk. Upon payment of fees the county clerk shall issue a duplicate certificate of title corresponding to the original certificate and containing the following notation prominently displayed in capital letters on the face of the certificate: "THIS IS A DUPLICATE CERTIFICATE OF TITLE AND MAY BE SUBJECT TO THE RIGHTS OF A PERSON OR PERSONS UNDER THE ORIGINAL CERTIFICATE".

**31-2-501. Definitions; application required.**

(b) Except as provided by W.S. 31-2-502, ~~every~~ any owner of a mobile home located in this state for which no Wyoming certificate of title has been issued to the owner, or the transferee upon transfer of ownership of a mobile home, shall apply for a certificate of title at the office of a county clerk within forty-five (45) days of the date the mobile home became subject to this act, or upon a transfer, within forty-five (45) days of the date of transfer.

**31-2-504. Transfer of ownership.**

(d) If a mobile home is held by two (2) or more persons, any person identified as an owner on the certificate of title shall have the right to transfer all interest in the mobile home without the signature of any other owner on the title unless:

(i) The title states the mobile home is held in joint tenancy with right of survivorship or tenancy by the entirety;

(ii) The title states the mobile home is held by co-owners in the conjunctive, by the use of the word "and" or other similar language, in which event transfer shall require the signature of each co-owner;

(iii) A transfer of all interests in the mobile home by an owner without the signature of any other owner is otherwise prohibited by law.

**31-2-505. Duplicate titles.**

Upon loss of a certificate of title, the owner may apply to the county clerk issuing the original title for a duplicate title. For purposes of applying for a duplicate title, “owner” means any one (1) person listed as owner on the face of the title. The applicant shall file an affidavit describing the loss with the county clerk. Upon payment of fees the county clerk shall issue a duplicate certificate of title corresponding to the original certificate and containing the following notation prominently displayed in capital letters on the face of the certificate: “THIS IS A DUPLICATE CERTIFICATE OF TITLE AND MAY BE SUBJECT TO THE RIGHTS OF A PERSON OR PERSONS UNDER THE ORIGINAL CERTIFICATE”.

**39-15-107. Compliance; collection procedures.**

(b) Payment. The following shall apply:

(i) Except as provided by paragraph (viii) of this subsection, no vendor shall collect taxes imposed by this article upon the sale of motor vehicles, house trailers, trailer coaches, trailers or semitrailers. The taxes imposed shall be collected by the county treasurer prior to the first registration in Wyoming and not upon subsequent registration by the same applicant. The county treasurer shall provide the applicant a receipt specifying the amount of sales tax collected and noting any valid exemption from sales tax. The county treasurer shall collect and remit to the department the tax in effect in the county of the owner’s principal residence;

**39-16-107. Compliance; collection procedures.**

(b) Payment. The following shall apply:

(ii) Except as provided by paragraph (iv) of this subsection, no vendor shall collect the taxes imposed by this article upon the sale of motor vehicles, house trailers, trailer coaches, trailers or semitrailers as defined by W.S. 31-1-101. The taxes imposed shall be collected by the county treasurer prior to the first registration in Wyoming and not upon subsequent registration by the same owner. The county treasurer shall provide the applicant a receipt specifying the amount of use tax collected and noting any valid exemption from use tax. The county treasurer shall collect and remit to the department the tax in effect in the county of the owner’s principal residence. The tax shall not be collected if previously registered by the same nonresident owner in another state. The county treasurer may also collect the tax due and any interest, penalties or costs of collection through the use of a collection agency or by the filing of a civil action;

**Section 2.** This act is effective July 1, 2022.

Approved March 15, 2022.

## Chapter 84

### OMNIBUS WATER BILL-PLANNING

Original House Bill No. 73

AN ACT relating to water development projects; authorizing specified level I and level II studies; providing appropriations; requiring reports; providing for the reversion of unexpended funds; authorizing unobligated funds to be used to complete other designated projects as specified; providing an appropriation for the office of water programs; extending reversion and study dates; and providing for an effective date.

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

[2022-2023 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 study that are in excess of the actual amount necessary to complete the study may, subject to the review and recommendation of the select water committee, be expended by the commission to complete any other reconnaissance study listed in this section. Appropriated funds not expended or obligated prior to July 1, 2025 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 2024 legislative session:

[LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Clarks Fork Upper Shoshone Watershed Study	Park County	\$396,000
Dayton Water Master Plan	Sheridan County	\$167,000
Riverton Regional Water Master Plan	Fremont County	\$256,000
UW Water Research Program	Statewide	\$310,277
Total appropriation for Section 1		\$1,129,277

**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 study that are in excess of the actual amount necessary to complete the study may, subject to the review and recommendation of the select water committee, be expended by the commission to complete any other feasibility study listed in this section. Appropriated funds not expended or obligated prior to July 1, 2025 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 2024 legislative session:

[LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Cloud Seeding: Operations Hydrological Assessment Medicine Bow & Sierra Madre Mountain Ranges	Albany and Carbon Counties	\$300,000
Fontenelle Reservoir Storage	Lincoln and Sweetwater Counties	\$1,700,000
LaGrange Groundwater Supply & Improvements	Goshen County	\$725,000
Pavillion Groundwater Supply	Fremont County	\$687,000
Total appropriation for Section 2		\$3,412,000

**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 study that are in excess of the actual amount necessary to complete the study may, subject to the review and recommendation of the select water committee, be expended by the commission to complete any other reconnaissance study listed in this section. Appropriated funds not expended or obligated prior to July 1, 2025 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 2024 legislative session:

[LEVEL I RECONNAISSANCE STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Critical Aging Irrigation Infrastructure Assessment West Afton/Nield String	Statewide	\$500,000

Master Plan	Lincoln County	\$88,000
Total appropriation for Section 3		\$588,000

**Section 4.** LEVEL II FEASIBILITY STUDIES – REHABILITATION. The following sums of money are appropriated from water development account II, as created by W.S. 41-2-124(a)(ii), to the water development commission to be expended to conduct the following feasibility study as defined in W.S. 41-2-114. Appropriated funds not expended or obligated prior to July 1, 2025 shall revert to water development account II. The commission shall submit a report to the legislature on the following study prior to the 2024 legislative session:

[LEVEL II FEASIBILITY STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Dowlin Diversion Rehabilitation	Albany County	\$110,000
Total appropriation for Section 4		\$110,000

**Section 5.** There is appropriated one hundred seventy-five thousand dollars (\$175,000.00) to the water development commission from water development account I, as created by W.S. 41-2-124(a)(i), to fund the office of water programs established under W.S. 41-2-125 for the period beginning July 1, 2022 and ending June 30, 2024. 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, 2024.

**Section 6.** 2017 Wyoming Session Laws, Chapter 65, Section 5 is amended to read:

**Section 5.**

LEVEL II FEASIBILITY STUDIES – DAMS AND  
RESERVOIRS.

(a) The following sums of money are appropriated from water development account III, as created by W.S. 41-2-124(a)(iii), to the water development commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project ~~which that~~ 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 any other~~ feasibility study ~~for any other project~~ listed in this section. ~~Appropriated~~ Except as provided in subsection (b), appropriated funds not obligated prior to July 1, 2022 shall revert to water development account III. Except as provided in subsection (b), the commission shall submit a

report to the legislature on each of the following studies prior to the 2021 legislative session:

[LEVEL II FEASIBILITY STUDIES – DAMS AND RESERVOIRS]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Big Wind River Storage Study, Phase II	Fremont County	\$475,000
Greybull Valley ID Storage Enlargement, Phase II	Big Horn and Park Counties	\$500,000
Little Wind River Storage Study, Phase II	Fremont County	<del>\$475,000</del> <u>\$625,000</u>
New Fork Lake Dam Enlargement, Phase II	Sublette County	\$450,000
Stateline Dam Enlargement, Phase II	Uinta County	\$300,000 <sup>a1</sup>
West Fork Reservoir, Phase III	Carbon County	<u>\$6,220,000</u>
Total <u>2017</u> appropriation for Section 5		\$8,420,000
<u>Total 2022 appropriation for Section 5</u>		<u>\$150,000</u>

Footnotes:

(a)(1) Funds from this appropriation shall not be expended until the water development commission has accepted the Level II, Phase I Meeks Cabin Dam Enlargement study.

(b) Funds not obligated prior to July 1, 2027, for the Little Wind River Storage Study, Phase II and the West Fork Reservoir, Phase III studies, shall revert to water development account III. The commission shall submit a report to the legislature on each of these studies prior to the 2026 legislative session.

**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 March 15, 2022.

**Chapter 85****WATER STATE REVOLVING FUNDS AMENDMENTS****Original House Bill No. 107**

AN ACT relating to the state water pollution control revolving loan account, the state drinking water revolving loan account and the corrective action account; providing additional state match funding sources; requiring reimbursement of additional state match funding sources; authorizing the state loan and investment board to make grants; authorizing set-asides; and providing for an effective date.

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

**Section 1.** 16-1-201(a)(viii), 16-1-202(a) and (b), 16-1-205(b)(iv), (v) by creating a new paragraph (vi) and by creating a new subsection (e), 16-1-301(a) by creating a new paragraph (xx), 16-1-302(a) and (b), 16-1-305(b)(i)(C), by creating a new paragraph (iv) and by creating a new subsection (f) and 35-11-1424(a)(intro), (vi)(intro) and (vii) are amended to read:

**16-1-201. Definitions.**

(a) As used in this article:

(viii) "Title VI" means Title VI of the Federal Water Pollution Control Act, 33 U.S.C. §§ 1381 to 1387 (~~Cum. Supp. 1989~~) as amended;

**16-1-202. Account established; state match.**

(a) There is established the state water pollution control revolving loan account. All monies received from federal capitalization grants, excluding any set-aside authorized by Title VI, and all state matching funds shall be deposited in the account and shall be used only to provide financial assistance as authorized in this article.

(b) The twenty percent (20%) state matching funds for each federal capitalization grant payment to the account shall be paid from the corrective action account. If the available funds from the corrective action account are insufficient to provide the full twenty percent (20%) state match amount, the board may authorize additional match funding to be paid from the mineral royalty capital construction account created by W.S. 9-4-604. Funding received from the corrective action account and the mineral royalty capital construction account for state matching funds shall be reimbursed from eligible program funds to the account from which they were paid.

**16-1-205. Authorized projects; authorized financial assistance.**

(b) Financial assistance for the projects authorized in subsection (a) of this section may take the forms provided in Title VI including:

(iv) Security or a source of revenue for the payment of principal and interest on revenue or general obligation bonds issued by the state provided that the net proceeds of the sale of such bonds shall be deposited in the account;



and

(v) Loan guarantees for similar revolving accounts established by municipalities, counties or joint powers boards; ~~and~~

(vi) Grants and other forms of financial assistance.

(e) The board may authorize the use of any amount of the allowable percentage of the capitalization grant for any set-aside authorized by Title VI.

**16-1-301. Definitions.**

(a) As used in this article:

(xx) "Corrective action account" means as defined by W.S. 35-11-1415(a)(ii).

**16-1-302. Account established; state match.**

(a) There is established the state drinking water revolving loan account. All monies received from the federal capitalization grants, ~~exclusive of the four percent (4%) administration excluding any~~ set-aside ~~as authorized under section 1452(a) of by~~ the Safe Drinking Water Act (42 U.S.C. § 300j-12), and all state matching funds shall be deposited in the account and shall only be used to provide financial assistance as authorized by this article.

(b) The twenty percent (20%) state matching funds for each federal capitalization grant payment to the account ~~shall~~ may be paid fifty percent (50%) out of water development accounts I or II created by W.S. 41-2-124(a) and fifty percent (50%) from the federal mineral royalty capital construction account created by W.S. 9-4-604, up to the maximum amount available and authorized from those accounts. If the available and authorized funds from the federal mineral royalty capital construction account and water development accounts I or II are together insufficient to provide the full twenty percent (20%) state match amount, the board may authorize additional matching funds to be paid from the corrective action account or loaned from the mineral royalty capital construction account created by W.S. 9-4-604. Funding received from the corrective action account for state matching funds and any additional monies received from the mineral royalty capital construction account shall be reimbursed from eligible program funds to the account from which they were paid.

**16-1-305. Authorized projects; authorized financial assistance.**

(b) Financial assistance for the projects authorized in subsection (a) of this section may be in the forms authorized by the Safe Drinking Water Act including:

(i) Loans at or below market interest rates. Loans may be awarded only if:

(C) The loan is fully amortized not later than ~~twenty (20) thirty (30)~~ years after project completion or not later than ~~thirty (30) forty (40)~~ years for

disadvantaged communities providing the period of the loan does not exceed the design life of the project; and

(iv) Grants and other forms of financial assistance.

(f) The board may authorize the use of any amount of the allowable percentage of the capitalization grant for any set-aside authorized by the Safe Drinking Water Act.

**35-11-1424. Corrective action account created; use of monies; cost recovery.**

(a) There is created the corrective action account. This account is intended to provide for financial assurance coverage required by federal law and shall be used by the department to take corrective action in response to a release and to remediate orphan sites and solid waste landfills. The department shall use monies from the corrective action account as appropriated by the legislature for the administration of this article, W.S. 35-11-533 through 35-11-537 and 35-11-1701. Interest earned by this account shall be deposited in the general fund. Monies in the corrective action account ~~shall~~may also be used for the state drinking water and water pollution control revolving loan ~~account~~accounts pursuant to W.S. 16-1-201 through 16-1-207 and 16-1-301 through 16-1-308. Except as provided in subsection (p) of this section, and contingent on availability of money in the corrective action account, the director shall distribute monies in the corrective action account to the solid waste landfill remediation account created by W.S. 35-11-535 and the orphan site remediation account created pursuant to W.S. 35-11-1701 on July 1 of each specified year in an amount up to:

(vi) 2024 through 2028 – provided that in no event shall monies plus net accounts receivable in the corrective action account on July 1 of any year of this period be less than two million dollars (\$2,000,000.00), the director shall:

(vii) 2029 and each year thereafter-the director shall determine expected expenditures from the corrective action account for the underground storage tank program for the next fiscal year and retain monies equal to that amount in the corrective action account, with the remainder of the monies being divided and deposited at the director's discretion into the solid waste landfill remediation account and the orphan site remediation account, but in no event shall monies plus net accounts receivable in the corrective action account on July 1 of any year be less than two million dollars (\$2,000,000.00).

**Section 2.** This act is effective July 1, 2022.

Approved March 15, 2022.

**Chapter 86****MILITARY DEPARTMENT-DISCRIMINATION OR HARASSMENT  
GRIEVANCES****Original House Bill No. 53**

AN ACT relating to discrimination and harassment grievances involving the Wyoming national guard or military department; providing the Wyoming military department processes for reporting discrimination and sexual harassment; requiring agreements between the military department and the department of workforce services; specifying duties and powers of the department of workforce services and adjutant general; authorizing a position; appropriating funds; requiring rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 19-9-404 is created to read:

**19-9-404. Complaints of wrongs; Uniform Code of Military Justice Article 138-similar procedure.**

Any member of the Wyoming national guard who believes the member has been wronged by a commanding officer, and who, upon due application to that commanding officer, is refused redress may complain to any superior commissioned officer. The superior commissioned officer shall forward the complaint to the adjutant general. The adjutant general shall examine the complaint and take proper measures for redressing the wrong complained of and shall, as soon as possible, send to the appropriate governor a true statement of that complaint, with the measures taken to redress the complaint. The provisions of this section may be exercised in addition to or in lieu of the applicable procedures in W.S. 19-7-103(b)(xxv).

**Section 2.** W.S. 19-7-103(b) by creating a new paragraph (xxv), 27-9-102(b) and 27-9-104(a)(v) and by creating a new paragraph (viii) are amended to read:

**19-7-103. Adjutant general; appointment; rank; removal; duties and qualifications.**

(b) The adjutant general of Wyoming shall have powers and duties and be paid a salary as follows:

(xxv) He shall enter into agreements, exchange information and otherwise assist the department of workforce services to counsel, mediate, investigate and determine claims by members of the Wyoming national guard and employees of the military department under the federal laws enforced by the equal employment opportunity commission or under W.S. 27-9-105, as applicable. He shall promulgate rules that coordinate with the department of workforce services rules promulgated under W.S. 27-9-104(a)(viii) to accomplish the powers and duties in this paragraph and W.S. 27-9-104(a)(viii), consistent with equal employment opportunity commission rules and requirements and federal law. Nothing in this paragraph prevents a state employee of the military department claiming to be aggrieved by an employment practice specified as

discriminatory or unfair in W.S. 27-9-105 from filing with the department of workforce services a complaint in accordance with W.S. 27-9-106.

**27-9-102. Definitions.**

(b) “Employer” shall mean the state of Wyoming or any political subdivision or board, commission, department, institution or school district thereof, and every other person employing two (2) or more employees within the state; but it does not mean religious organizations or associations. “Employer” shall include those divisions of the Wyoming military department that are authorized by federal authority.

**27-9-104. Powers and duties of department of employment.**

(a) The department shall have the following powers and duties:

(v) For the purposes of all counseling, mediation or investigations the department shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any books, papers, documents or records ~~which that~~ the department deems relevant or material to the inquiry or determination;

(viii) To enter into agreements, exchange information and otherwise assist the Wyoming military department to counsel, mediate, investigate and determine claims by members of the Wyoming national guard and employees of the military department. As used in this paragraph, “claims” means claims under this chapter or claims under the federal laws enforced by the equal employment opportunity commission, as applicable. The department shall promulgate rules that coordinate with the military department rules promulgated under W.S. 19-7-103(b)(xxv) to accomplish the powers and duties in this paragraph and W.S. 19-7-103(b)(xxv), consistent with equal employment opportunity commission rules and requirements and federal law.

**Section 3.** Not later than July 1, 2022, the military department and the department of workforce services shall each promulgate rules necessary to implement this act.

**Section 4.**

(a) There is appropriated two hundred twenty-six thousand three hundred thirty-six dollars (\$226,336.00) from the general fund to the department of workforce services for salaries, benefits, training and any other necessary expenses for implementing W.S. 19-7-103(b)(xxv) as created by this act and the Wyoming Fair Employment Practices Act of 1965 as amended by this act. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2024. 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, 2024.

(b) One (1) full-time equivalent position is authorized to the department of workforce services to implement W.S. 19-7-103(b)(xxv) as created by this act and to implement the Wyoming Fair Employment Practices Act of 1965 as amended by this act. This position shall be authorized for the period beginning with the effective date of this section and ending June 30, 2024.

(c) It is the intent of the legislature that the position authorized in this section and the funding provided in this section shall be included in the department of workforce services' standard budget for the immediately succeeding fiscal biennium. The department of workforce services may include in an exception budget request for the 2024 fiscal year such funds and positions as it determines necessary to support the duties and responsibilities created by this act.

#### **Section 5.**

(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, 2022.

Approved March 15, 2022.

## **Chapter 87**

### **VEHICLE SERVICE CONTRACTS**

#### **Original House Bill No. 64**

AN ACT relating to the insurance code; amending the scope of service contracts; specifying that theft protection program warranties are not insurance; specifying that theft protection programs and theft protection program warranties are not service contracts; amending and creating definitions; and providing for an effective date.

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

**Section 1.** W.S. 26-1-104(a) by creating a new paragraph (viii), 26-49-101(d)(ii) and by creating a new paragraph (iv) and 26-49-102(a)(ix)(B), (C), by creating new subparagraphs (E) and (F) and by creating new paragraphs (xii) through (xv) are amended to read:

#### **26-1-104. Applicability of provisions.**

(a) This code does not apply to:

(viii) Theft protection program warranties, except as referred to in chapter 49 of this code. Theft protection program warranties shall not be considered insurance.

#### **26-49-101. Scope and purposes.**

(d) This article does not apply to:

(ii) To mechanical breakdown insurance organizations who maintain a license pursuant to W.S. 26-37-106; ~~or~~

(iv) Theft protection programs or their accompanying warranties except that theft protection programs and their accompanying warranties shall be subject to the enforcement provisions of W.S. 26-49-110.

**26-49-102. Definitions.**

(a) As used in this article:

(ix) "Service contract" means a contract or agreement for a separately stated consideration for a specific duration to perform the repair, replacement or maintenance of property or indemnification for repair, replacement or maintenance, for the operational or structural failure due to a defect in materials or workmanship or normal wear and tear, with or without additional provision for incidental payment or indemnity under limited circumstances, including, but not limited to, towing, rental and emergency road service. Service contracts may provide for the repair, replacement or maintenance of property for damage resulting from power surges and accidental damage from handling. "Service contract" also includes a contract or agreement for one (1) or more of the following:

(B) ~~The repair or replacement of tires or wheels damaged as a result of coming into contact with ordinary road hazards, including, but not limited to, potholes, curbs, rocks, wood debris, metal parts, glass, plastic or composite scraps. A contract or agreement meeting the definition set forth in this subparagraph in which the party obligated to perform is either a tire or wheel manufacturer or a motor vehicle manufacturer is exempt from the requirements of this chapter;~~

~~(C) The repair of small windshield chips or cracks but which expressly excludes in or the replacement of the entire windshield as a result of damage caused by road hazards;~~

~~(E) The replacement of a motor vehicle key or key fob in the event that the key or key fob becomes inoperable, lost or stolen;~~

~~(F) In conjunction with a motor vehicle leased for use, the repair, replacement or maintenance of property or indemnification for repair, replacement or maintenance due to excess wear and use, damage to items such as tires, paint cracks or chips, interior stains, rips or scratches, exterior dents or scratches, windshield cracks or chips, missing interior or exterior parts or excess mileage that result in a lease-end charge, or any other charge for damage that is deemed as excess wear and use by a lessor under a motor vehicle lease, provided that any repair, replacement, maintenance or indemnification shall not exceed the purchase price of the vehicle.~~

(xii) "Incidental theft protection program payment" means expenses

specified in a theft protection program warranty that are incurred by the warranty holder due to the failure of the warranty holder's theft protection program to perform as provided in the theft protection program warranty. Incidental theft protection program payments may include insurance policy deductibles, rental vehicle charges, the difference between the actual value of the stolen vehicle at the time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction fees and mechanical inspection fees. Incidental theft protection program payments may be reimbursements in either a fixed amount specified in the theft protection program warranty or by use of a formula itemizing specific incidental theft protection program payments that may be due to the warranty holder;

(xiii) "Road hazard" means a hazard that is encountered while driving a motor vehicle and that may include, but is not limited to, potholes, rocks, wood debris, metal parts, glass, plastic, curbs or composite scraps;

(xiv) "Theft protection program" means a device or system that:

(A) Is installed on or applied to a motor vehicle and designed to prevent the theft of the vehicle or, if the vehicle is stolen, aid in the recovery of the vehicle;

(B) Includes a theft protection program warranty;

(C) May include but is not limited to:

(I) An alarm system;

(II) A body part marking product;

(III) A steering lock;

(IV) A window etch product;

(V) A pedal or ignition lock;

(VI) A fuel or ignition kill switch;

(VII) An electronic, radio or satellite tracking device.

(xv) "Theft protection program warranty" means a written agreement by a warrantor that provides if the theft protection program fails to prevent loss or damage to a motor vehicle from theft, the warrantor will pay to or on behalf of the warranty holder specified incidental theft protection program payments as a result of the failure of the theft protection program to perform pursuant to the terms of the theft protection program warranty.

**Section 2.** This act is effective July 1, 2022.

Approved March 15, 2022.

**Chapter 88****ABORTION PROHIBITION-SUPREME COURT DECISION****Original House Bill No. 92**

AN ACT relating to abortion; limiting the circumstances under which an abortion may be performed; limiting the use of appropriated funds; providing a delayed effective date pending certification by the governor of actions of the United States supreme court; requiring reports; and providing for an effective date.

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

**Section 1.** W.S. 35-6-102 and 35-6-117 are amended to read:

**35-6-102. Abortion restrictions; exception.**

(a) An abortion shall not be performed after the embryo or fetus has reached viability except when necessary to preserve the woman from an imminent peril that substantially endangers her life or health, according to appropriate medical judgment. This subsection is repealed on the date that subsection (b) of this section becomes effective.

(b) An abortion shall not be performed except when necessary to preserve the woman from a serious risk of death or of substantial and irreversible physical impairment of a major bodily function, not including any psychological or emotional conditions, or the pregnancy is the result of incest as defined by W.S. 6-4-402 or sexual assault as defined by W.S. 6-2-301. This subsection shall be effective five (5) days after the date that the governor, on advice of the attorney general, certifies to the secretary of state that the supreme court of the United States has overruled Roe v. Wade, 410 U.S. 113 (1973) in a manner that would authorize the enforcement of this subsection or has otherwise issued a final decision related to abortion that would authorize the enforcement of this subsection in accordance with that decision and without violating any conditions, rights or restrictions recognized by the supreme court.

(c) For purposes of subsection (b) of this section the attorney general shall review any final decisions of the supreme court of the United States related to Roe v. Wade, 410 U.S. 113 (1973) or otherwise related to abortion to determine whether the enforcement of subsection (b) of this section would be fully authorized under that decision. The attorney general shall, within thirty (30) days of the date of the final decision of the supreme court, report the results of each review under this subsection to the joint judiciary interim committee and the governor who may, if applicable, certify the results of the review to the office of the secretary of state.

**35-6-117. Use of appropriated funds for abortion prohibited; exceptions.**

(a) No funds appropriated by the legislature of the state of Wyoming shall be used to pay for abortions except when the pregnancy is the result of incest as defined by W.S. 6-4-402 or sexual assault as defined by W.S. 6-2-301 if the



assault is reported to a law enforcement agency within five (5) days after the assault or within five (5) days after the time the victim is capable of reporting the assault, or when the life of the mother would be endangered if the unborn child was carried to full term. This subsection is repealed on the date that subsection (b) of this section becomes effective.

(b) No funds appropriated by the legislature of the state of Wyoming shall be used to pay for abortions except when necessary to preserve the woman from a serious risk of death or of substantial and irreversible physical impairment of a major bodily function, not including any psychological or emotional conditions, or the pregnancy is the result of incest as defined by W.S. 6-4-402 or sexual assault as defined by W.S. 6-2-301. This subsection is effective on the same date that W.S. 35-6-102(b) is effective.

### **Section 2.**

(a) After receiving certification from the governor that W.S. 35-6-102(b) is effective as provided in that subsection, the secretary of state shall report that fact to the management council of the legislature, the joint judiciary interim committee and the Wyoming state board of medicine and shall immediately publish the effective date of W.S. 35-6-102(b) and 35-6-117(b) on the website of the secretary of state's office, which effective date shall be five (5) days after the date that the secretary of state received the certification. The publication under this section shall also provide that W.S. 35-6-102(a) and 35-6-117(a) are repealed on that date.

(b) After receiving a report under subsection (a) of this section, the joint judiciary interim committee shall review the provisions of title 35, chapter 6 of the Wyoming statutes to determine if any additional revisions to the statutes are advisable and to develop any necessary legislation.

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

Approved March 15, 2022.

## **Chapter 89**

### **STATE LAND LEASES**

#### **Original House Bill No. 3**

AN ACT relating to state lands; specifying the preference for leases of state lands; conforming a related provision; and providing for an effective date.

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

**Section 1.** W.S. 36-5-105(b) and by creating a new subsection (h) and

36-5-108 are amended to read:

**36-5-105. Criteria for leasing; preferences; assignments, subleases or contracts; lands taken for war purposes; mineral lands excepted; agricultural lands.**

(b) ~~In leasing vacant lands, preference shall in all cases be given to applicants who are bona fide resident citizens of the state. No applicant shall be qualified to lease vacant lands unless that applicant is qualified under the provisions of W.S. 36-5-101, and to persons or legal entities authorized to transact business in the state, having has actual and necessary use for the land, has or can gain access to the land and who are the owners, lessees or lawful occupants of adjoining lands, who offer offers to pay an annual rental at not less than fair market value, as determined by the economic analysis pursuant to W.S. 36-5-101(b), for the same or similar use of the forage or other commodity available annually on the land for a period of ten (10) years and who has not been found to have significantly violated any laws or regulations related to state lands. Also in leasing vacant lands:~~

(i) Preference shall be given to applicants who are the owners, lessees or lawful occupants of adjoining lands, unless the board determines that the preference should not be recognized for good cause. The preference shall be administered as set forth in this paragraph:

(A) In instances where one (1) applicant is eligible for the preference and a competing bidder is not, the applicant eligible for the preference may elect to meet the highest bid of the applicants not eligible for the preference;

(B) When two (2) or more applicants are eligible for the preference, in determining to which applicant to award the lease, the director shall request a final bid from the applicants eligible for the preference in a manner as directed by the director to determine the successful applicant;

(C) When two (2) or more applicants are eligible for the preference and one (1) or more applicants are not eligible for the preference, those applicants who are eligible for the preference may elect to match the highest bid. If two (2) or more applicants who are eligible for the preference elect to meet the highest bid, the lease shall be awarded pursuant to subparagraph (B) of this paragraph.

(ii) Before accepting applications to lease vacant land, the director shall provide notice on the website of the office, directly to each adjoining private landowner as recorded within the county assessor's office and by any other means as prescribed by rule;

(iii) If the board determines good cause exists not to recognize a preference under paragraph (i) of this subsection, the board shall issue written notice to the applicant who is not being given a preference. The notice shall include the board's statement of good cause not to recognize the preference and the opportunity to request a hearing to appeal the determination in accordance

with the Wyoming Administrative Procedure Act. The board shall have the burden to demonstrate the good cause not to recognize the preference;

(iv) As used in this subsection:

(A) "Preference" means the elevated position of an applicant to participate in the vacant land bidding process as described in paragraph (i) of this subsection above applicants who are not the owners, lessees or lawful occupants of adjoining lands in good standing with the board;

(B) "Vacant land" means land not currently subject to a grazing and agricultural lease from the board.

(h) As used in subsection (c) of this section, "preferred right" means the right to renew a lease provided to an existing holder of a grazing and agricultural lease by the board if the existing lease holder is in compliance with subsection (c) of this section.

### **36-5-108. Even rental offers.**

If two (2) or more qualified applicants under W.S. 36-5-101 shall offer the same annual rental for the same lands, and such offers are the highest offers received and are equal to or above the minimum rental fixed by the board, and no ~~preference~~ preferred right exists in the old lessee, or if ~~such~~ the old lessee does not exercise ~~such preference~~ the preferred right, the director shall grant the lease to the applicant holding title to lands nearest to the lands applied for. When a ~~preference~~ preferred right exists in the old lessee under the provisions of this act, ~~he~~ the old lessee shall be given fifteen (15) days notice by registered mail, and if he fails or refuses to file his acceptance together with the balance of the rental due for the first year, within the time specified, the lease shall be awarded automatically to the applicant offering to pay the highest annual rental, or in the event of even offers, shall be disposed of as hereinbefore provided. As used in this section, "preferred right" means as defined in W.S. 36-5-105(h).

**Section 2.** This act is effective July 1, 2022.

Approved March 16, 2022.

## **Chapter 90**

### **GENERAL GOVERNMENT REPORTS**

#### **Original House Bill No. 146**

AN ACT relating to the administration of government; requiring studies and reports for the operations of government; and providing for effective dates.

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

**Section 1.** [Governor's Office-Infrastructure Grants] During the 2023-2024 fiscal biennium, the governor's office shall report quarterly to the

legislature through the joint appropriations committee on the use of any funds appropriated for purposes of securing infrastructure grants, including the result of expenditures and grants secured.

**Section 2.** [Governor's Office-Wyoming Innovation Partnership] The governor's office shall establish appropriate metrics to measure the intended outputs and outcomes of the Wyoming innovation partnership. The governor's office shall include a report of the established metrics and results within any biennial budget request submitted under W.S. 9-2-1013 during the 2023-2024 fiscal biennium in which the governor's office requests funding for the Wyoming innovation partnership.

**Section 3.** [State Treasurer's Office-Transactions] Effective beginning September 30, 2022 and ending July 1, 2024, not later than ninety (90) days after the end of each calendar quarter, the state treasurer's office shall provide a reconciliation of cash and investment earnings for all transactions conducted in the prior quarter to the joint appropriations committee and select committee on capital financing and investments.

**Section 4.** [State Treasurer's Office-Operational Audit Recommendations]

(a) Not later than October 1, 2022 and October 1, 2023, the state treasurer's office shall report to the joint appropriations committee and select committee on capital financing and investments on the advice of the investment funds committee on the following:

(i) The steps taken to respond to the recommendations in the operational audit of the investments and financial accounting within the state treasurer's office funded in 2020 Wyoming Session Laws, Chapter 80, Section 2, Section 060, footnote 2;

(ii) Each operational audit's recommendation and the implementation status of each recommendation.

**Section 5.** [State Treasurer's Office-Monthly Information Reports]

(a) During the period beginning July 1, 2022 and ending June 30, 2024, the state treasurer's office shall provide monthly information reports to the state loan and investment board and the legislature through the joint appropriations committee concerning the following:

(i) The monthly and fiscal year status of all distributions and transfers of state funds required by law to occur during the relevant 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 separately for 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 or taken to address the identified issues.

**Section 6.** [Wyoming Tourism Board-Quebec 01] Not later than June 30, 2024, the Wyoming tourism board shall report to the joint appropriations committee and joint travel, recreation, wildlife and cultural resources interim committee on the design, cost, location and improvements to interpretive updates and signage at the northeast and southeast Wyoming welcome centers and Quebec 01 state historic site.

**Section 7.** [Department of Corrections-Mental Health and Substance Use Disorder Programming] Not later than October 1, 2022 and October 1, 2023, the department of corrections shall report to the joint judiciary interim committee and joint appropriations committee on the use and results of any funds appropriated for purposes of mental health and substance use disorder programming in accordance with 2020 Wyoming Session Laws, Chapter 152.

**Section 8.** [Department of Corrections-Incentives and Alternative Sanctions] Not later than October 1, 2022 and October 1, 2023, the department of corrections shall report to the joint judiciary interim committee and joint appropriations committee on the use of any funds appropriated for purposes of incentives and alternative sanctions for probation and parole supervision in accordance with 2019 Wyoming Session Laws, Chapter 116.

**Section 9.** [Board of Equalization-Residential Property Appeals] Not later than September 1, 2022, the board of equalization shall report to the joint revenue interim committee on the number of appeals from the prior tax year which the board decided specific to residential property. As part of the report required under this section, the board shall note each appeal decided in favor of the county assessor and each appeal decided in favor of the residential property taxpayer.

**Section 10.** [University of Wyoming-General Education Requirements] Not later than June 1, 2022, the University of Wyoming shall report to the joint appropriations committee and the joint education interim committee on the general education requirements or other requirements for students seeking non-liberal arts degrees to take university studies courses or other general education courses outside of the students' majors. This report shall include all regulation and policy incentives and disincentives to students used by the university to take extra-major courses, including any impact on student registration and the effects these requirements, policies and other university actions have on student choice and the cost of education to students.

**Section 11.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2022.

(b) Sections 10 and 11 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 16, 2022.

## Chapter 91

### LOCAL GOVERNMENT DISTRIBUTIONS

#### Original House Bill No. 42

AN ACT relating to local government funding; providing funding to cities and towns; providing funding to counties; providing local government funding formulas and distributions; providing legislative intent; providing appropriations; and providing for an effective date.

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

#### Section 1.

(a) From the general fund there is appropriated one hundred five million dollars (\$105,000,000.00) to the office of state lands and investments to be allocated pursuant to the following and as further provided in this section:

(i) Two-thirds (2/3) of eighty-nine percent (89%) of the total amount appropriated, for direct distribution to cities and towns provided that five percent (5%) of the amount available under this paragraph shall only be distributed for direct distributions to cities and towns using the revenue challenged formula as provided in paragraph (b)(ii) of this section;

(ii) One-third (1/3) of eighty-nine percent (89%) of the total amount appropriated, for direct distribution to counties;

(iii) Five and one-half percent (5.5%) of the total amount appropriated, for direct distribution to cities and towns provided that five percent (5%) of the amount available under this paragraph shall only be distributed for direct distributions to cities and towns using the revenue challenged formula as provided in paragraph (b)(ii) of this section;

(iv) Five and one-half percent (5.5%) of the total amount appropriated, for direct distribution to counties.

#### [CITY AND TOWN DIRECT DISTRIBUTION ALLOCATIONS]

(b) Funds appropriated in paragraphs (a)(i) and (iii) of this section shall be distributed to cities and towns with one-half (1/2) of the amount available distributed in the first fiscal year of the biennium and one-half (1/2) of the amount available distributed in the second fiscal year of the biennium. Distributions in each fiscal year shall be made in equal amounts on August 15 and January 15 of each fiscal year as calculated prior to the August 15 distribution, subject to the following:

(i) Except as provided in paragraph (ii) of this subsection, from these distributions each municipality with a population of thirty-five (35) or less shall first receive fifteen thousand dollars (\$15,000.00) and each municipality with a population over thirty-five (35) shall first receive thirty-five thousand dollars (\$35,000.00). From the remainder, each municipality shall receive amounts in accordance with a municipal supplemental funding formula as provided in this paragraph. The municipal supplemental funding formula shall be calculated by the office of state lands and investments as follows:

(A) For each fiscal year calculate the per capita sales and use tax revenues available to each municipality using the sales and use tax distributions to each county attributable to fiscal year 2021 for distributions under this paragraph during fiscal year 2023 and the sales and use tax distributions to each county attributable to fiscal year 2022 for distributions under this paragraph during fiscal year 2024, including distributions to each municipality within that county, under W.S. 39-15-111 and 39-16-111, but excluding the distribution exclusively to counties under W.S. 39-15-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-15-104, and excluding the distribution exclusively to counties under W.S. 39-16-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-16-104;

(B) Calculate the inverse by dividing one (1) by the per capita sales and use tax determined under subparagraph (A) of this paragraph for each municipality;

(C) Calculate the normalized per capita sales and use tax number for each municipality by dividing the number determined under subparagraph (B) of this paragraph for the municipality by the total of all inverse per capita sales and use tax numbers calculated under subparagraph (B) of this paragraph;

(D) Multiply the normalized per capita sales and use tax number for each municipality by seventy-five percent (75%);

(E) For each fiscal year calculate the per capita assessed value for the prior tax year corresponding to the most recently completed calendar year for each municipality by dividing the total assessed valuation within the municipality by the population of the municipality;

(F) Calculate the inverse by dividing one (1) by the per capita assessed value determined under subparagraph (E) of this paragraph for each municipality;

(G) Calculate the normalized per capita assessed value number for each municipality by dividing the number determined under subparagraph (F) of this paragraph for the municipality by the total of all inverse per capita assessed value numbers calculated under subparagraph (F) of this paragraph;

(H) Multiply the normalized per capita assessed value number for each

municipality by twenty-five percent (25%);

(J) Multiply the sum of subparagraphs (D) and (H) of this paragraph by the population of the municipality;

(K) Calculate the normalized index for each municipality by dividing the number determined under subparagraph (J) of this paragraph for the municipality by the sum of all numbers calculated under subparagraph (J) of this paragraph;

(M) Determine the amount to distribute to each municipality by multiplying the normalized index number determined under subparagraph (K) of this paragraph by the amount remaining available for distribution under this paragraph.

(ii) From the amounts specified in paragraphs (a)(i) and (iii) of this section, each city or town shall receive amounts in accordance with a city and town revenue challenged formula as provided in this paragraph. The revenue challenged formula shall be calculated by the office of state lands and investments as follows:

(A) For each fiscal year, calculate the lowest quartile amount received by cities and towns on a per capita basis using amounts received under this section plus amounts distributed to each city and town using the sales and use tax distributions to each county attributable to fiscal year 2021 for distributions under this paragraph during fiscal year 2023 and the sales and use tax distributions to each county attributable to fiscal year 2022 for distributions under this paragraph during fiscal year 2024, including distributions to each municipality within that county, under W.S. 39-15-111 and 39-16-111, but excluding the distribution exclusively to counties under W.S. 39-15-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-15-104 and excluding the distribution exclusively to counties under W.S. 39-16-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-16-104;

(B) Determine each city or town that received a per capita amount that is less than the lowest quartile amount determined under subparagraph (A) of this paragraph;

(C) For each city or town that received a per capita amount that is less than the lowest quartile amount as provided in subparagraph (B) of this paragraph, determine the amount that would be necessary to increase the per capita amount distributed to that city or town to the lowest quartile amount determined under subparagraph (A) of this paragraph;

(D) Determine the amount to distribute to each city or town that received an amount that is less than the lowest quartile amount determined under subparagraph (A) of this paragraph by distributing the amount available under this paragraph on a pro rata basis, up to the lowest quartile amount,



based on the amounts determined under subparagraph (C) of this paragraph.

[COUNTY DIRECT DISTRIBUTION ALLOCATIONS]

(c) Funds appropriated in paragraphs (a)(ii) and (iv) of this section are to be distributed to counties with one-half (1/2) of the amount available distributed in the first fiscal year of the biennium and one-half (1/2) of the amount available distributed in the second fiscal year of the biennium. Distributions in each fiscal year shall be made in equal amounts on August 15 and January 15 of each fiscal year as calculated prior to the August 15 distribution. From these distributions each county shall receive the following:

(i) From these distributions each county with an assessed value for the prior tax year corresponding to the most recently completed calendar year of less than three hundred thousand dollars (\$300,000.00) per mill shall first receive an amount equal to three (3) times the difference between three hundred thousand dollars (\$300,000.00) and the actual value of one (1) mill within the county. From the remainder, each county shall receive amounts in accordance with a county supplemental funding formula as provided in this paragraph. The county supplemental funding formula shall be calculated by the office of state lands and investments as follows:

(A) For each fiscal year calculate the per capita sales and use tax revenues available to each county using the sales and use tax distributions to each county attributable to fiscal year 2021 for distributions under this subsection during fiscal year 2023 and the sales and use tax distributions to each county attributable to fiscal year 2022 for distributions under this subsection during fiscal year 2024, excluding distributions to each municipality within that county, under W.S. 39-15-111 and 39-16-111;

(B) Calculate the inverse by dividing one (1) by the per capita sales and use tax determined under subparagraph (A) of this paragraph for each county;

(C) Calculate the normalized per capita sales and use tax number for each county by dividing the number determined under subparagraph (B) of this paragraph for the county by the total of all inverse per capita sales and use tax numbers calculated under subparagraph (B) of this paragraph;

(D) Multiply the normalized per capita sales and use tax number determined under subparagraph (C) of this paragraph for each county by twenty-four percent (24%);

(E) For each fiscal year calculate the per capita assessed value for each county by dividing the total assessed valuation within the county for the prior tax year corresponding to the most recently completed calendar year by the population of the county;

(F) Calculate the inverse by dividing one (1) by the per capita assessed value determined under subparagraph (E) of this paragraph for each county;

(G) Calculate the normalized per capita assessed value number for each county by dividing the number determined under subparagraph (F) of this paragraph for the county by the total of all inverse per capita assessed value numbers calculated under subparagraph (F) of this paragraph;

(H) Multiply the normalized per capita assessed value number determined under subparagraph (G) of this paragraph for each county by seventy-six percent (76%);

(J) Calculate a cost of government index for each county, which shall be determined by multiplying six hundred twenty-eight (628) by the population of the county and then adding nine million nine hundred thousand (9,900,000) to the result;

(K) Calculate the normalized cost of government index number for each county by dividing the number determined under subparagraph (J) of this paragraph for the county by the total of all cost of government index numbers calculated under subparagraph (J) of this paragraph;

(M) Multiply the sum of subparagraphs (D) and (H) of this paragraph by the normalized cost of government index number determined in subparagraph (K) of this paragraph for each county;

(N) Calculate the normalized index for each county by dividing the number determined under subparagraph (M) of this paragraph for the county by the total of all numbers calculated under subparagraph (M) of this paragraph;

(O) Determine the amount to distribute to each county by multiplying the normalized index number determined under subparagraph (N) of this paragraph by the amount remaining available for distribution under this paragraph.

[CITY, TOWN AND COUNTY MODIFIED REVENUE CHALLENGED  
DISTRIBUTIONS]

**Section 2.**

(a) From the general fund there is appropriated fifteen million dollars (\$15,000,000.00) to the office of state lands and investments to be allocated in an identical manner as provided under Section 1 of this act except as follows:

(i) In lieu of five percent (5%) of the amount available under paragraph (a)(i) of section 1 for direct distributions to cities and towns using the revenue challenged formula as provided in paragraph (b)(ii) of section 1, ten percent (10%) of two-thirds ( $\frac{2}{3}$ ) of eighty-nine percent (89%) of the fifteen million dollars (\$15,000,000.00) appropriated under this section shall be distributed for direct distributions to cities and towns using the revenue challenged formula as provided in paragraph (b)(ii) of section 1 of this act;

(ii) In lieu of five percent (5%) of the amount available under paragraph (a)(iii) of section 1 for direct distributions to cities and towns using the

revenue challenged formula as provided in paragraph (b)(ii) of section 1, ten percent (10%) of five and one-half percent (5.5%) of the fifteen million dollars (\$15,000,000.00) appropriated under this section shall be distributed for direct distributions to cities and towns using the revenue challenged formula as provided in paragraph (b)(ii) of section 1 of this act;

(iii) In lieu of receiving an amount equal to three (3) times the difference between three hundred thousand dollars (\$300,000.00) and the actual value of one (1) mill within the county as provided in paragraph (c)(i) of section 1, each county with an assessed value for the prior tax year corresponding to the most recently completed calendar year of less than three hundred thousand dollars (\$300,000.00) per mill shall first receive an amount equal to the difference between three hundred thousand dollars (\$300,000.00) and the actual value of one (1) mill within the county. From the remainder of the amount available for direct distribution to counties, each county shall receive amounts in accordance with a county supplemental funding formula as provided in subparagraphs (c) (i)(A) through (O) of section 1 of this act.

### **Section 3.**

(a) For purposes of this act, population is to be determined by resort to the 2020 decennial federal census as reported by the economic analysis division within the department of administration and information.

(b) It is the intent of the legislature that the funds distributed under this act shall not be used for salary adjustments, additional personnel or increased personnel benefits.

(c) It is the intent of the legislature that the funds distributed under this act shall not be used for any compensation to the members of any board for which the board of county commissioners appoints members, unless compensation is otherwise required by law.

**Section 4.** This act is effective July 1, 2022.

Approved March 16, 2022.

## **Chapter 92**

### **DISSOLUTION OF COUNTY BOARDS-AUTHORITY**

**Original Senate File No. 27**

AN ACT relating to counties; authorizing the board of county commissioners to dissolve county-created boards as specified; specifying requirements for dissolution; amending the duties of county commissioners; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 18-3-525 is created to read:

**18-3-525. Dissolution of boards; procedure.**

(a) Each board of county commissioners may dissolve any board or district created under W.S. 18-10-103, 18-11-101 or chapter 9, article 1 of this title in accordance with the following:

(i) Before any dissolution authorized under this subsection, the board of county commissioners shall at a regular meeting disclose its intent to dissolve a specified board or district. Not later than thirty (30) days before the meeting required under this paragraph, the board of county commissioners shall provide written notice of the date, time and location of the meeting to the affected board or district, which notice shall include an explanation substantiating the reasons for the proposed dissolution. The affected board or district shall be provided sufficient opportunity at the meeting required under this paragraph to respond to the proposed dissolution;

(ii) Not later than one hundred twenty (120) days before the proposed dissolution, the board of county commissioners shall publish not less than two (2) times in the newspaper designated under W.S. 18-3-517 a plan to dissolve and terminate the board or district previously created. The plan shall provide for, at a minimum:

(A) Payment of all bonded and other indebtedness against the board or district;

(B) The disposition of assets in accordance with the following:

(I) Any surplus funds remaining to the credit of the board or district, after payment of the indebtedness of the board or district, shall be transferred to the county treasurer for disposition as provided in subdivision (II) of this subparagraph. If the assets of the board or district are insufficient, the board or district shall levy taxes, within the limits of the board's or district's authority, for the liquidation of the indebtedness;

(II) Any surplus funds remaining shall be disposed of as provided under one (1) of the following procedures, as selected by the county assessor:

(1) The funds may be offset against the portion of the levies of taxing units levied against the property values of property within the board or district to be dissolved. If the funds are offset as provided under this subdivision, the funds shall be distributed to each taxing unit in the amount of that taxing unit's offset;

(2) The amount may be credited to each property appearing on the tax roll within the dissolved district or board on the basis of current assessed value. If the surplus funds are distributed under this subdivision, the surplus funds shall be deposited in the unsegregated tax collections account established and distributed in the same manner as other funds in that account.

(C) Resolution or reassignment of all contracts, regulatory agreements

and other obligations to which the board or district is a party.

(iii) Not later than thirty (30) days before the proposed dissolution, the board of county commissioners shall hold a public meeting and provide an opportunity for public comment both at the meeting and in writing;

(iv) After public notice and an opportunity for public comment has been completed, the board of county commissioners may revise the plan for dissolution and shall disapprove or approve by resolution the plan for dissolution and termination of the created board or district.

(b) Upon approval and passage of a resolution dissolving the created board or district, the created board or district shall take all actions necessary to effectuate the plan for dissolution and termination and dissolve and terminate the board or district.

(c) Not later than ninety (90) days after the passage of a resolution dissolving the created board or district, the board or district shall terminate its existence.

**Section 2.** W.S. 18-3-504(a) by creating a new paragraph (viii) and by amending and renumbering (viii) as (x), 18-9-101(a) by creating a new paragraph (v) and by renumbering (v) as (vi) and 18-11-101 by creating a new subsection (c) are amended to read:

**18-3-504. Powers and duties generally.**

(a) Each board of county commissioners may:

(viii) Dissolve any board that the board of county commissioners has created under this article, W.S. 18-11-101 or under chapter 9, article 1 of this title in accordance with W.S. 18-3-525;

~~(viii)~~(x) Perform such other duties as prescribed by law;

**18-9-101. Authority of board of commissioners to acquire property, appoint board of trustees; purposes and uses; authority to levy taxes, issue bonds or incur indebtedness; county fair fund.**

(a) Each board of county commissioners may:

(v) Dissolve any board of trustees appointed under this subsection in accordance with W.S. 18-3-525;

~~(v)~~(vi) Perform such other acts necessary to carry out the provisions of this section.

**18-11-101. Solid waste disposal districts; creation.**

(c) The board of county commissioners may dissolve a solid waste disposal district established under subsection (a) of this section in accordance with W.S. 18-3-525.

**Section 3.** This act is effective July 1, 2022.

Approved March 16, 2022.

**Chapter 93****OMNIBUS WATER BILL-CONSTRUCTION****Original Senate File No. 80**

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 amounts and terms of appropriations for specified prior projects; 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:*

**Section 1.** W.S. 99-3-2701 through 99-3-2704 are created to read:

**ARTICLE 27****2022 CONSTRUCTION PROJECTS****99-3-2701. Definitions.**

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

**99-3-2702. General authorization.**

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

**99-3-2703. 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 and Sierra Madre Mountain Ranges 2023 (aerial):

(i) Project sponsor: The state of Wyoming;

(ii) Project purpose: To enhance the winter snowpack in the Medicine Bow and Sierra Madre mountain ranges;

(iii) Project description: Conduct an aerial operational winter snowpack augmentation program during the 2022-2023 season;

(iv) Total project budget: Eight hundred seventy-three thousand four hundred ninety dollars (\$873,490.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office eight hundred twenty-three thousand four hundred ninety dollars (\$823,490.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to water development account I on July 1, 2024;

(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 the 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 and Sierra Madre Mountain Ranges 2023 (ground based):

(i) Project sponsor: The state of Wyoming;

(ii) Project purpose: To enhance the winter snowpack in the Wind River and Sierra Madre mountain ranges;

(iii) Project description: Conduct a ground-based operational winter snowpack augmentation program during the 2022-2023 season;

(iv) Total project budget: eight hundred forty-four thousand five hundred eighty dollars (\$844,580.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office three hundred sixteen thousand dollars (\$316,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to water development account I on July 1, 2024;

(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 three hundred sixteen thousand dollars (\$316,000.00);

(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 – Crystal Bypass Pipeline 2022:

(i) Project sponsor: Cheyenne Board of Public Utilities;

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

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

(iv) Total project budget: three million eight hundred thousand dollars (\$3,800,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two million five hundred forty-six thousand dollars (\$2,546,000.00) or sixty-seven percent (67%) of these actual development costs, whichever is less;

(vi) Appropriation: Except as provided in this paragraph, there is appropriated from water development account I to the commission two million five hundred forty-six thousand dollars (\$2,546,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to water development account I on July 1, 2027. If the project is eligible for funding pursuant to the American Rescue Plan Act of 2021, P.L. No. 117-2, of any unexpended, unobligated funds received by the state of Wyoming through the Coronavirus State Fiscal Recovery Fund established under section 602 of title VI of the federal Social Security Act, as created by section 9901 of the American Rescue Plan Act of 2021, P.L. 117-2, which are not otherwise appropriated in the 2022 legislative budget session, up to two million five hundred forty-six thousand dollars (\$2,546,000.00) shall be expended for the purpose of this subsection before any expenditure of water development account I funds appropriated by this paragraph;

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

(e) Project – Evanston Transmission Pipeline 2022:

(i) Project sponsor: City of Evanston;

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

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

(iv) Total project budget: One million eight hundred twenty thousand dollars (\$1,820,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million two hundred nineteen thousand four hundred dollars (\$1,219,400.00) or sixty-seven percent (67%) of these actual development costs, whichever is less;

(vi) Appropriation: Except as provided in this paragraph, there is appropriated from water development account I to the commission one



million two hundred nineteen thousand four hundred dollars (\$1,219,400.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to water development account I on July 1, 2027. If the project is eligible for funding pursuant to the American Rescue Plan Act of 2021, P.L. No. 117-2, of any unexpended, unobligated funds received by the state of Wyoming through the Coronavirus State Fiscal Recovery Fund established under section 602 of title VI of the federal Social Security Act, as created by section 9901 of the American Rescue Plan Act of 2021, P.L. 117-2, which are not otherwise appropriated in the 2022 legislative budget session, up to one million two hundred nineteen thousand four hundred dollars (\$1,219,400.00) shall be expended for the purpose of this subsection before any expenditure of water development account I funds appropriated by this paragraph;

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

(f) Project – Gillette Regional Extensions Phase VI 2022:

(i) Project sponsor: City of Gillette;

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

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

(iv) Total project budget: one million six hundred eighty thousand dollars (\$1,680,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million one hundred twenty-five thousand six hundred dollars (\$1,125,600.00) or sixty-seven percent (67%) of these actual development costs, whichever is less;

(vi) Appropriation: Except as provided in this paragraph, there is appropriated from water development account I to the commission one million one hundred twenty-five thousand six hundred dollars (\$1,125,600.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to water development account I on July 1, 2027. If the project is eligible for funding pursuant to the American Rescue Plan Act of 2021, P.L. No. 117-2, of any unexpended, unobligated funds received by the state of Wyoming through the Coronavirus State Fiscal Recovery Fund established under section 602 of title VI of the federal Social Security Act, as created by section 9901 of the American Rescue Plan Act of 2021, P.L. 117-2, which are not otherwise appropriated in the 2022 legislative budget session, up to one million one

hundred twenty-five thousand six hundred dollars (\$1,125,600.00) shall be expended for the purpose of this subsection before any expenditure of water development account I funds appropriated by this paragraph;

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

(g) Project – Northwest Rural Water System Improvements 2022:

(i) Project sponsor: Northwest Rural Water District;

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

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

(iv) Total project budget: one million forty-five thousand dollars (\$1,045,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed seven hundred thousand one hundred fifty dollars (\$700,150.00) or sixty-seven percent (67%) of these actual development costs, whichever is less;

(vi) Appropriation: Except as provided in this paragraph, there is appropriated from water development account I to the commission seven hundred thousand one hundred fifty dollars (\$700,150.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to water development account I on July 1, 2027. If the project is eligible for funding pursuant to the American Rescue Plan Act of 2021, P.L. No. 117-2, of any unexpended, unobligated funds received by the state of Wyoming through the Coronavirus State Fiscal Recovery Fund established under section 602 of title VI of the federal Social Security Act, as created by section 9901 of the American Rescue Plan Act of 2021, P.L. 117-2, which are not otherwise appropriated in the 2022 legislative budget session, up to seven hundred thousand one hundred fifty dollars (\$700,150.00) shall be expended for the purpose of this subsection before any expenditure of water development account I funds appropriated by this paragraph;

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

**99-3-2704. Level III construction projects – rehabilitation.**

(a) Authorization is granted for the Level III rehabilitation construction projects identified in this section subject to the general conditions specified in W.S. 99-3-104, provided that W.S. 99-3-104(a)(iii) shall not apply to the projects identified in this section unless required by W.S. 41-2-121.

(b) Project – Big Horn Canal Adobe Check Structure 2022:

- (i) Project sponsor: Big Horn Canal Irrigation District;
- (ii) Project purpose: Agricultural water supply;
- (iii) Project description: Design and construction of a water control structure and appurtenances necessary to make the project function in the manner intended;
- (iv) Total project budget: two hundred thirty thousand dollars (\$230,000.00);
- (v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one hundred fifty-four thousand one hundred dollars (\$154,100.00) or sixty-seven percent (67%) of these actual development costs, whichever is less;
- (vi) Appropriation: There is appropriated from water development account II to the commission one hundred fifty-four thousand one hundred dollars (\$154,100.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to water development account II on July 1, 2027;
- (vii) Special Conditions: The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources.

(c) Project – Cottonwood Irrigation District Pipeline Replacement 2022:

- (i) Project sponsor: Cottonwood Irrigation District;
- (ii) Project purpose: Agricultural water supply;
- (iii) Project description: Design and construction of pipelines, structures and appurtenances necessary to make the project function in the manner intended;
- (iv) Total project budget: one million six hundred thousand dollars (\$1,600,000.00);
- (v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million seventy-two thousand dollars (\$1,072,000.00) or sixty-seven percent (67%) of these actual development costs, whichever is less;
- (vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed five hundred twenty-eight

thousand dollars (\$528,000.00) or thirty-three percent (33%) of these actual development costs, whichever is less, for a term of forty (40) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission one million six hundred thousand dollars (\$1,600,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to water development account II on July 1, 2027;

(viii) Special Conditions: The appropriation of funds for this project is contingent upon the transfer of funds to water development account II as described in section 3 of this act or transfer from another funding source.

(d) Project – Deaver ID Rehabilitation 2022:

(i) Project sponsor: Deaver Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: two million seven hundred twenty-two thousand seven hundred dollars (\$2,722,700.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed eight hundred sixteen thousand eight hundred ten dollars (\$816,810.00) or thirty percent (30%) of these actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission eight hundred sixteen thousand eight hundred ten dollars (\$816,810.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to water development account II on July 1, 2027;

(vii) Special Conditions: The sponsor is responsible for acquiring seventy percent (70%) of the total project budget from other sources.

(e) Project – Dry Creek Irrigation District Pipeline Replacement 2022:

(i) Project sponsor: Dry Creek Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

intended;

(iv) Total project budget: one million eight hundred fifty thousand dollars (\$1,850,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million two hundred thirty-nine thousand five hundred dollars (\$1,239,500.00) or sixty-seven percent (67%) of these actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed six hundred ten thousand five hundred dollars (\$610,500.00) or thirty-three percent (33%) of these actual development costs, whichever is less, for a term of twenty (20) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission one million eight hundred fifty thousand dollars (\$1,850,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to water development account II on July 1, 2027;

(viii) Special Conditions: The appropriation of funds for this project is contingent upon the transfer of funds to water development account II as described in section 3 of this act or transfer from another funding source.

(f) Project – Goshen ID 29.4 Pipeline Project Phase II 2022:

(i) Project sponsor: Goshen Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: four hundred eighty-five thousand three hundred forty dollars (\$485,340.00);

(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 ninety thousand dollars (\$290,000.00) 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 ninety thousand dollars (\$290,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to water development account II on July 1, 2027;

(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 or transfer from another funding source.

(g) Project – Goshen ID Tunnel Rehabilitation 2022:

(i) Project sponsor: Goshen Irrigation District;

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Engineering analysis, design and pre-construction of tunnels, structures and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: two million three hundred fifty thousand dollars (\$2,350,000.00). The sponsor's project budget is one million one hundred fifty-one thousand five hundred dollars (\$1,151,500.00) or forty-nine percent (49%) of the total project budget;

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the engineering analysis, design, permit procurement, project land procurement, and pre-construction engineering of the project an amount not to exceed seven hundred seventy-one thousand five hundred five dollars (\$771,505.00) or sixty-seven percent (67%) of these actual development costs within the sponsor's project budget, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement and pre-construction engineering of the project an amount not to exceed three hundred seventy-nine thousand nine hundred ninety-five dollars (\$379,995.00) or thirty-three percent (33%) of these actual development costs within the sponsor's project budget, whichever is less, for a term of twenty (20) years from the date the commission determines

that project benefits accrue to the sponsor or the commission determines the project is not likely to proceed to construction, at an annual interest rate of four percent (4%);

(vii) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement and pre-construction engineering of the project an amount not to exceed one million one hundred ninety-eight thousand five hundred dollars (\$1,198,500.00) or fifty-one percent (51%) of these actual development costs that are within the total project budget, whichever is less, for a term of twenty (20) years from the date the commission determines that project benefits accrue to the sponsor or the commission determines the project is not likely to proceed to construction, at an annual interest rate equal to the average prime interest rate as determined by the state treasurer in accordance with this paragraph, but not less than an annual interest rate of four percent (4%). To determine the average prime interest rate, the state treasurer shall average the prime interest rate for not less than seventy-five percent (75%) of the thirty (30) largest banks in the United States;

(viii) Appropriation: There is appropriated from water development account II to the commission two million three hundred fifty thousand dollars (\$2,350,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to water development account II on July 1, 2027;

(ix) Special Conditions: The appropriation of funds for this project is contingent upon the transfer of funds to water development account II as described in section 3 of this act or transfer from another funding source.

(h) Project – Highland Hanover ID System Improvements 2022:

(i) Project sponsor: Highland Hanover Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: four million six hundred eleven thousand dollars (\$4,611,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed three million eighty-nine thousand three hundred seventy dollars (\$3,089,370.00) or sixty-seven percent (67%) of these actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from

water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million five hundred twenty-one thousand six hundred thirty dollars (\$1,521,630.00) or thirty-three percent (33%) of these actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission four million six hundred eleven thousand dollars (\$4,611,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to water development account II on July 1, 2027.

(j) Project – Lovell Moncur Lateral Phase II 2022:

(i) Project sponsor: Lovell Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: one million four hundred forty-five thousand eight hundred twenty-five dollars (\$1,445,825.00);

(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 nine hundred ninety-one thousand dollars (\$991,000.00) 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 nine hundred ninety-one thousand dollars (\$991,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to water development account II on July 1, 2027;

(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 or transfer from another funding source.

(k) Project – Owl Creek Irrigation District System Improvements:

(i) Project sponsor: Owl Creek Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: seven million dollars (\$7,000,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four million six hundred ninety thousand dollars (\$4,690,000.00) or sixty-seven percent (67%) of these actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed three hundred fifty thousand dollars (\$350,000.00) or five percent (5%) of these actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission five million forty thousand dollars (\$5,040,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to water development account II on July 1, 2027;

(viii) Special Conditions: The sponsor is responsible for acquiring twenty-eight percent (28%) of the total project budget from other sources.

**Section 2.** W.S. 99-3-1603(f)(vii), 99-3-1903(g)(vii) and (k)(iv) through (vi), 99-3-1904(m)(iv) through (vi), 99-3-2203(b)(vi) and (e)(vi), 99-3-2205(c)(v), 99-3-2504(j)(iv) through (vii) and 99-3-2505(a)(iv) and (vii) are amended to read:

**99-3-1603. Level III construction projects – new development.**

(f) Project – GR/RS/SC Raw Water Reservoir:

(vii) Appropriation: There is appropriated from water development account I to the commission eight million two hundred eighty-two thousand

dollars (\$8,282,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2022-2023~~.

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

(g) Project – Laramie North Side Tank:

(vii) Appropriation: There is appropriated from water development account I to the commission eight million five hundred three thousand dollars (\$8,503,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2022-2024~~.

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

(iv) Total project budget: ~~Thirteen million three hundred twenty-six thousand dollars (\$13,326,000.00)~~ Fifteen million three hundred twenty-six thousand dollars (\$15,326,000.00);

(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 ~~six million six hundred sixty-three thousand dollars (\$6,663,000.00)~~ seven million six hundred sixty-three thousand dollars (\$7,663,000.00) 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 ~~six million six hundred sixty-three thousand dollars (\$6,663,000.00)~~ seven million six hundred sixty-three thousand dollars (\$7,663,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. The funds appropriated shall not lapse at the end of any fiscal period but shall carry over until expended or reverted by the legislature to water development account I;

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

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

(iv) Total project budget: ~~Six million three thousand five hundred ninety dollars (\$6,003,590.00)~~ Seven million three thousand five hundred ninety dollars (\$7,003,590.00);

(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 ~~three million one thousand seven hundred ninety-five dollars (\$3,001,795.00)~~ three million five hundred one thousand seven hundred ninety-five dollars (\$3,501,795.00) or fifty percent (50%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission ~~three million one thousand seven hundred ninety-five dollars (\$3,001,795.00)~~ three million five hundred one thousand seven hundred ninety-five dollars (\$3,501,795.00) or as much thereof as is necessary to carry out the purpose of this subsection. The funds appropriated shall not lapse at the end of any fiscal period but shall carry over until expended or reverted by the legislature to water development account II;

**99-3-2203. Level III construction projects – new development.**

(b) Project – Broken Wheel Ranch Water Supply 2017:

(vi) Appropriation: There is appropriated from water development account I to the commission six hundred thirteen thousand fifty dollars (\$613,050.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2022-2023~~;

(e) Project – Gillette Regional Extensions 2017:

(vi) Appropriation: There is appropriated from water development account I to the commission two million seven hundred fifty-three thousand seven hundred dollars (\$2,753,700.00) 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, ~~2022-2024~~;

**99-3-2205. Level III construction projects – dams and reservoirs.**

(c) Project – Middle Piney Reservoir:

(v) Appropriation: There is appropriated from water development account III to the commission for project land procurement, construction engineering and construction of the project fourteen million two hundred twenty-eight thousand dollars (\$14,228,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account III on July 1, ~~2022-2024~~;

**99-3-2504. Level III Construction Projects - rehabilitation.**

(j) Project – Laramie Valley Diversion Structure 2020:

(iv) Total project budget: ~~One million one hundred fifty thousand dollars (\$1,150,000.00)~~ One million eight hundred fifty thousand dollars (\$1,850,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~seven hundred seventy thousand five hundred dollars (\$770,500.00)~~ one million two hundred thirty-

nine thousand five hundred dollars (\$1,239,500.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~three hundred seventy-nine thousand five hundred dollars (\$379,500.00)~~ six hundred ten thousand five hundred dollars (\$610,500.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of twenty (20) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission ~~one million one hundred fifty thousand dollars (\$1,150,000.00)~~ one million eight hundred fifty thousand dollars (\$1,850,000.00) 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.

**99-3-2505. Sponsor's contingency fund.**

(a) Project – Sponsor's Contingency Funds – Account III:

(iv) Total project budget: ~~Ten million dollars (\$10,000,000.00)~~ Thirty-five million dollars (\$35,000,000.00);

(vii) Appropriation: There is appropriated from water development account III to the commission ~~ten million dollars (\$10,000,000.00)~~ thirty-five million dollars (\$35,000,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account III on July 1, 2030;

**Section 3.** The Wyoming water development commission is hereby authorized to transfer seven million dollars (\$7,000,000.00) 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).

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

Approved March 16, 2022.

**Chapter 94****EXPANDING NEXT GENERATION 911**

Original Senate File No. 41

AN ACT relating to the administration of government; amending the membership of the public safety communications commission; amending the duties of the public safety communications commission to include duties related to next generation 911 emergency communications systems; authorizing the use of funds collected under the Emergency Telephone Service Act for next generation 911 emergency communications systems; and providing for an effective date.

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

**Section 1.** W.S. 9-2-1102(a)(intro) and by creating new paragraphs (xviii) and (xix), 9-2-1104(a) by creating new paragraphs (viii) and (ix) and 16-9-105(b) are amended to read:

**9-2-1102. Commission; composition; appointment of members; removal; terms; officers; vacancies; meetings.**

(a) The commission shall consist of ~~eleven (11)~~ thirteen (13) voting members to be appointed by the governor and who may be removed by the governor as provided in W.S. 9-1-202. ~~The director of the Wyoming department of transportation, or his designee, shall serve as an ex officio nonvoting member of the commission. The eleven (11) voting members shall be appointed from each of the following associations and agencies from their membership:~~

(xviii) A member of the Wyoming chapter of the association of public safety communications officials or the national emergency number association;

(xix) The Wyoming office of homeland security.

**9-2-1104. Commission; powers and duties; advisory capacity to promote system development; public meetings; clerical and administrative support.**

(a) The commission shall:

(viii) Recommend guidelines and standards for the development, implementation and operation of next generation 911 emergency communications systems and interoperable public safety communications and data systems in the state, including strategies for improving Wyoming's current 911 system. As part of the recommendations developed under this paragraph, the commission may identify short-term and long-term technological and policy solutions that integrate existing legacy communications infrastructure into an interoperable system and may develop and submit recommendations for legislation or other state action to further develop and support next generation 911 operations in Wyoming;

(ix) Promulgate necessary rules and regulations governing next generation 911 system operation and participation.

**16-9-105. Agreements or contract for 911 emergency reporting systems;**

**use of funds collected.**

(b) Funds collected from the 911 emergency tax imposed pursuant to this act shall be spent solely to pay for public safety answering point and service suppliers' equipment and service costs, installation costs, maintenance costs, monthly recurring charges and other costs directly related to the continued operation of a 911 system including enhanced wireless 911 service and next generation 911 emergency communications systems. Funds may also be expended for personnel expenses necessarily incurred by a public safety answering point. "Personnel expenses necessarily incurred" means expenses incurred for persons employed to:

- (i) Take emergency telephone calls and dispatch them appropriately; ~~or~~
- (ii) Maintain the computer ~~data base~~ database of the public safety answering point; ~~or~~
- (iii) Integrate legacy communications infrastructure for 911 systems into interoperable next generation 911 emergency communications systems.

**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 16, 2022.

## Chapter 95

### WEED AND PEST-REORGANIZATION

#### Original Senate File No. 8

AN ACT relating to weed and pest control; providing that the department of agriculture shall administer weed and pest control functions on state lands; transferring related functions from the office of state lands and investments; making conforming statutory changes; providing appropriations; requiring rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 36-2-107(a) and 36-3-102 by creating a new subsection (d) are amended to read:

**36-2-107. Rules and regulations; general penalty for violations; enforcement.**

(a) The board shall have the power and authority to promulgate and adopt rules and regulations not inconsistent with the laws of the state, as it may from time to time deem necessary in the direction, control, disposition and care of all state lands, and to preserve the value of the land and to recognize the fiduciary duties of the state land office. Rules adopted under this subsection shall provide that weed and pest control on all state lands be coordinated with

and managed by the department of agriculture pursuant to the Wyoming Weed and Pest Control Act.

**36-3-102. Duties generally.**

(d) For any lands belonging to the state of Wyoming and under the control of the board of land commissioners, the director shall coordinate with the department of agriculture regarding weed and pest control needs and control efforts, which the department of agriculture shall manage pursuant to the Wyoming Weed and Pest Control Act.

**Section 2.**

(a) On July 1, 2022, the functions within the office of state lands and investments that administer weed and pest control programs shall be transferred to the department of agriculture. The authority in programs transferred to the department of agriculture by this act shall be under the control of the department of agriculture. For lands under the management of the office of state lands and investments, the department of agriculture shall coordinate with the office of state lands and investments regarding weed and pest control needs and control efforts.

(b) There is appropriated two hundred fifty-eight thousand dollars (\$258,000.00) from the school foundation program account to the department of agriculture for the period beginning July 1, 2022 and ending June 30, 2024 to be expended only for matching funds for grants for weed and pest control on state school lands. Except as otherwise provided in this subsection, funds from this appropriation shall only be expended after each grant applicant provides a match of at least one dollar (\$1.00) from any source for every one dollar (\$1.00) requested from this appropriation. The matching requirement of this subsection shall not be required if the applicant is the office of state lands and investments for weed and pest control on state school lands. It is the intent of the legislature that this appropriation be included in the department of agriculture's standard budget request for the immediately succeeding fiscal biennium.

(c) There is appropriated forty-two thousand dollars (\$42,000.00) from the general fund to the department of agriculture for the period beginning July 1, 2022 and ending June 30, 2024 to be expended only for matching funds for grants for weed and pest control on state lands that are not state school lands. Except as otherwise provided in this subsection, funds from this appropriation shall only be expended after each grant applicant provides a match of at least one dollar (\$1.00) from any source for every one dollar (\$1.00) requested from this appropriation. The matching requirement of this subsection shall not be required if the applicant is the office of state lands and investments for weed and pest control on state lands that are not state school lands. It is the intent of the legislature that this appropriation be included in the department of

agriculture's standard budget request for the immediately succeeding fiscal biennium.

**Section 3.**

(a) The office of state lands and investments shall amend any administrative rules and regulations as necessary to provide that weed and pest control on all state lands shall be managed by the department of agriculture.

(b) The department of agriculture shall promulgate any rules or regulations necessary to implement this act.

**Section 4.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2022.

(b) Sections 2 through 4 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 17, 2022.

## Chapter 96

### MINE RECLAMATION-DISPOSAL OF MATERIALS

#### Original House Bill No. 123

AN ACT relating to environmental quality; requiring the environmental quality council to establish rules for uses and disposal of inert material in non-coal mining sites as specified; providing definitions; and providing for effective dates.

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

**Section 1.** W.S. 35-11-103(d)(ii)(G) and (e) by creating a new paragraph (xxx) and 35-11-402(a) by creating a new paragraph (xv) are amended to read:

**35-11-103. Definitions.**

(d) Specific definitions applying to solid waste management:

(ii) "Solid waste management facility" means any facility for the transfer, treatment, processing, storage or disposal of solid waste, but does not include:

(G) Lands and facilities subject to W.S. 35-11-402(a)(xiii) or (xv).

(e) Specific definitions for land quality:

(xxx) "Inert material" means a material that is suitable as backfill into non-coal mining sites as determined by W.S. 35-11-402(a)(xv).

**35-11-402. Establishment of standards.**

(a) The council shall, upon recommendation by the advisory board through the administrator and the director, establish rules and regulations pursuant to



the following reclamation standards for the affected areas, including but not limited to:

(xv) Rules and regulations governing the use of inert material as backfill for non-coal mining sites as part of an approved reclamation plan. Rules promulgated under this paragraph shall, at a minimum, provide for:

(A) Minimum depth requirements for the burial of inert material to be buried below the surface and above any aquifers as defined in W.S. 35-11-103(h)(i). In setting depth requirements under this subparagraph, the council, administrator and director may consult standards for solid waste management facilities established by the solid and hazardous waste management division;

(B) Disposal fees to be remitted to the department by the operator who allows disposal of inert material in non-coal mining sites, which shall be ten percent (10%) of any revenues collected by the operator for the disposal of the inert material. The fees collected under this subparagraph shall be credited to the general fund;

(C) The incorporation or amendment of any rules pertaining to solid and hazardous waste necessary to allow for the disposal of inert material in non-coal mining sites to be reclaimed.

**Section 2.** The department of environmental quality and the environmental quality council shall promulgate all rules necessary to implement this act.

**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 March 17, 2022.

## Chapter 97

### WILD HORSE AND BURRO MANAGEMENT

#### Original House Bill No. 5

AN ACT relating to land management; requiring notice to federal land management agencies of the costs of wild horse grazing on state lands and requesting reimbursement; authorizing enforcement by writ of mandamus for removal of wild horses from nonfederal lands; providing for state management of wild horses and burros with tribes, federal land management agencies, other states and private entities; providing definitions; providing an appropriation; requiring reports; and providing for an effective date.

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

**Section 1.** W.S. 11-30-115(a) and by creating new subsections (c) through (f) is amended to read:

**11-30-115. Unlawful killing of wild horses and burros; federal management and invoicing; enforcement by writ of mandamus; state management with other agencies and tribes.**

(a) For purposes of this section:

(i) “Affected nonfederal lands” means state, municipal or county lands upon which the landowner has proof that wild horses have regularly grazed;

(ii) “Appropriate management level” or “AML” means the number of wild horses that the United States bureau of land management or United States forest service determines can exist in balance with other public land resources and uses. The AML is a range of low to maximum levels at which wild horse herd populations are consistent with the land’s capacity to support them;

(iii) “Herd management area” means lands under the supervision of the United States bureau of land management or United States forest service upon which populations of wild horses are managed according to the 1971 Wild Free-Roaming Horses and Burros Act, as amended, 16 U.S.C. § 1331 et seq.;

(iv) “Wild horse” means a horse, mare, filly or colt which is any unbranded and unclaimed and lives on state or horse or burro on public land lands.

(c) Upon the failure or refusal, as determined by the governor, of the United States bureau of land management or United States forest service to remove any wild horses claimed by the United States bureau of land management or United States forest service as belonging to a herd management area, which regularly stray from federal lands, the office of state lands and investments shall provide the United States secretary of the interior or United States secretary of agriculture, as applicable, with annual notice identifying the grazing cost for those wild horses and a request for reimbursement of those costs. To facilitate calculation of costs under this subsection the office of state lands and investments shall:

(i) Determine the total area of the herd management area plus adjacent affected nonfederal lands, and determine the percentage of the total area consisting of affected nonfederal lands;

(ii) Using annual wild horse data from the bureau of land management or forest service, as applicable, calculate the annual animal unit month amount of forage consumed by the wild horses in the applicable area;

(iii) Multiply the forage consumed as calculated under paragraph (ii) of this subsection by the percentage of affected nonfederal lands determined under paragraph (i) of this subsection and apply the rate for services rendered for each acre of affected nonfederal lands:

(A) For wild horse numbers up to the high appropriate management

levels, an amount equal to the land lease rate per animal unit month for Wyoming trust land grazing leases;

(B) For wild horse numbers in excess of the high appropriate management levels, an amount equal to three (3) times the land lease rate per animal unit month for Wyoming trust land grazing leases.

(d) Any reimbursement monies received from a federal land management agency in response to a notice of costs of wild horse grazing on affected nonfederal lands and request for reimbursement sent pursuant to subsection (c) of this section shall be deposited with the state treasurer and shall first be credited to the municipality or county in the proportionate share applicable in the notice of costs to municipal or county lands included in the total area of affected nonfederal lands pursuant to paragraph (c)(i) of this section and then the balance shall be deposited in the applicable permanent land income fund. A notice of costs sent pursuant to subsection (c) of this section shall not be construed to impose any collections responsibility or liability on the part of the state to a municipality or county.

(e) The attorney general may seek a writ of mandamus or take other appropriate action to compel the United States bureau of land management or United States forest service, as applicable, to take action to remove excess wild horses as required under federal law from nonfederal lands. Recognizing that wild horses roam without regard to political boundaries, the nonfederal lands for which a writ of mandamus is sought under this subsection may include private land.

(f) To manage wild horses in the state, including on the Wind River Indian Reservation, the governor is authorized to enter into cooperative agreements among state and local agencies and with the United States bureau of land management, the United States forest service, the Eastern Shoshone Tribe, the Northern Arapaho Tribe, an official cooperative tribal governing body, adjacent states, nongovernmental organizations or other private entities. A cooperative agreement under this subsection may provide for any cooperative undertaking to manage wild horses, including population reduction tactics, permanent and temporary fertility control techniques, expanding or increasing the number of wild horse training and adoption programs and other removal activities. Cooperative agreements shall address the long term management of wild horse populations that are in excess of high appropriate management levels. Any revenue generated as a result of general fund expenditures shall be remitted to the state as allowed by law. As used in this subsection:

(i) "Cooperative undertaking" includes an existing program, or a program created pursuant to this subsection, administered by a state agency or any party to the cooperative agreement;

(ii) "Wild horse training and adoption programs" includes programs with any state correctional facility under W.S. 25-13-104.

**Section 2.**

(a) There is appropriated five hundred thousand dollars (\$500,000.00) from the general fund to the office of the governor for state endeavors to manage wild horses in the state, including on the Wind River Indian Reservation, pursuant to cooperative agreements among state and local agencies and with the United States bureau of land management, the United States forest service, the Eastern Shoshone Tribe, the Northern Arapaho Tribe, a cooperative tribal governing body, adjacent states, nongovernmental organizations or other private entities, as provided in section 1 of this act. This appropriation shall not be transferred or expended for any other purpose. Any unobligated, unexpended funds remaining from this appropriation shall revert as provided by law on June 30, 2023. 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.

(b) Not later than October 1, 2022 and again on October 1, 2023, the governor shall report to the joint agriculture, state and public lands and water resources interim committee regarding expenditures, cooperative agreements and projects made or pursued pursuant to subsection (a) of this section.

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

Approved March 17, 2022.

**Chapter 98****STALKING AMENDMENTS**

Original Senate File No. 100

AN ACT relating to crimes and offenses; amending the crime of stalking to include a prohibition on using electronic devices to surveil another person as specified; and providing for an effective date.

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

**Section 1.** W.S. 6-2-506(b)(iii), by creating a new paragraph (iv) and by renumbering (iv) as (v) is amended to read:

**6-2-506. Stalking; penalty.**

(b) Unless otherwise provided by law, a person commits the crime of stalking if, with intent to harass another person, the person engages in a course of conduct reasonably likely to harass that person, including but not limited to any combination of the following:

(iii) Placing a person under surveillance by remaining present outside his or her school, place of employment, vehicle, other place occupied by the

person, or residence other than the residence of the defendant;~~or~~

(iv) Using any electronic, digital or global positioning system device or other electronic means to place another person under surveillance or to surveil another person's internet or wireless activity without authorization from the other person; or

~~(iv)~~(v) Otherwise engaging in a course of conduct that harasses another person.

**Section 2.** This act is effective July 1, 2022.

Approved March 21, 2022.

## Chapter 99

### SECOND AMENDMENT PROTECTION ACT

Original Senate File No. 102

AN ACT relating to the regulation of firearms, firearm accessories, magazines and ammunition and the protection of constitutional rights; providing a declaration of authority; prohibiting the enforcement of federal regulation of firearms by state officials; providing penalties; and providing for an effective date.

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

**Section 1.** W.S. 9-14-201 through 9-14-203 are created to read:

#### ARTICLE 2

#### SECOND AMENDMENT PROTECTION ACT

**9-14-201. Short title.**

This article shall be known and may be cited as the "Second Amendment Protection Act."

**9-14-202. Declaration of authority.**

(a) The Second Amendment Protection Act is enacted under the authority of the second and tenth amendments to the United States Constitution, article 1, section 24 of the Wyoming Constitution, Wyoming's agreement with the United States that the state adopted when it joined the Union under the United States Constitution's system of dual sovereignty, and Printz v. United States, 521 U.S. 898 (1997).

(b) The legislature further declares that the authority for W.S. 9-14-201 through 9-14-203 is provided by the findings in W.S. 6-8-406.

**9-14-203. Prohibiting the enforcement of federal regulation of firearms, firearm accessories, magazines and ammunition; penalties; defense of Wyoming citizens.**

(a) This state and all political subdivisions of this state are prohibited from using any personnel or funds appropriated by the legislature of the state of

Wyoming or any other source of funds that originated within the state of Wyoming to enforce, administer or cooperate with any unconstitutional act, law, treaty, executive order, rule or regulation of the United States government that infringes on or impedes the free exercise of individual rights guaranteed under the Second Amendment to the Constitution of the United States.

(b) Nothing in this act shall limit or restrict a public officer, as defined in W.S. 6-5-101(a)(v), from providing assistance to federal authorities for purposes not specifically identified in subsection (a) of this section. Nothing in this act shall be construed to prohibit Wyoming governmental entities from accepting federal funds for law enforcement purposes.

(c) Any public officer, as defined in W.S. 6-5-101(a)(v), who knowingly violates subsection (a) of this section is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than two thousand dollars (\$2,000.00), or both.

**Section 2.** This act is effective July 1, 2022.

Approved March 21, 2022.

## Chapter 100

### LANGUAGE PROFICIENCY-SEAL OF BILITERACY

#### Original Senate File No. 78

AN ACT relating to education; establishing Wyoming seals of biliteracy; creating state superintendent responsibilities; authorizing conferral of seals by school districts; requiring reporting; and providing for an effective date.

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

**Section 1.** W.S. 21-2-202(a) by creating a new paragraph (xl) and 21-3-111(a) by creating a new paragraph (xxiii) are amended to read:

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

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

(xl) Design and establish a Wyoming seal of biliteracy and an advanced distinction Wyoming seal of biliteracy for conferral by a school district to a graduating high school student who is proficient in English and one (1) or more world languages. The superintendent may establish a committee of language educators to identify or approve assessments and levels of proficiency on assessments as necessary to implement this paragraph. The superintendent shall develop policies as necessary regarding the use and appearance of the Wyoming seal of biliteracy and an advanced distinction Wyoming seal of biliteracy on student transcripts. "World language" as used in this paragraph means any language other than English and includes American Sign Language.

also known as ASL, classical languages and indigenous languages.

**21-3-111. Powers of boards of trustees.**

(a) The board of trustees in each school district within the state may:

(xxiii) Confer a Wyoming seal of biliteracy or an advanced distinction Wyoming seal of biliteracy upon a graduating high school student in accordance with W.S. 21-2-202(a)(xl). Not later than October 15 of each year, each school district shall report to the state superintendent the number of seals of biliteracy issued during the prior school year, the languages the students learned and the type of seal conferred.

**Section 2.** This act is effective July 1, 2022.

Approved March 21, 2022.

## Chapter 101

### CARBON STORAGE AND SEQUESTRATION-LIABILITY

Original Senate File No. 47

AN ACT relating to geologic sequestration of carbon dioxide; clarifying ownership of carbon dioxide injected into geologic sequestration sites; specifying the transfer of title and liability of injected carbon dioxide; providing definitions; renumbering current statutes; making conforming amendments; specifying applicability; requiring rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 35-11-318 and 35-11-319 are created to read:

**35-11-318. Title to sequestered and injected carbon dioxide; definitions.**

(a) As used in this section and in W.S. 35-11-319, “injector” means a person applying for or holding a permit or certificate for geologic sequestration of carbon dioxide under W.S. 35-11-313.

(b) An injector shall:

(i) Have title to any carbon dioxide the injector injects into and stores underground or within a unit area;

(ii) Hold title for any injected or stored carbon dioxide until the department issues a certificate of project completion as specified in W.S. 35-11-319.

(c) During any time the injector holds title to carbon dioxide under this section, the injector shall be liable for any damage the injected or stored carbon dioxide may cause, including damage caused by carbon dioxide that escapes or is released from where it is being stored underground.

**35-11-319. Certificate of project completion; release; transfer of title and custody.**

(a) After all carbon dioxide injections underground or into pore space are

completed as provided by a permit issued under W.S. 35-11-313 and upon application by the injector holding title to the carbon dioxide under W.S. 35-11-318, the department may issue a certificate of project completion. The department shall only issue a certificate upon satisfaction of the conditions imposed under subsections (b), (c) and (d) of this section and after providing public notice of the application, an opportunity for public comment and a public hearing on the application.

(b) A certificate of project completion shall not be issued until at least twenty (20) years after carbon dioxide injections end.

(c) A certificate of project completion shall not be issued until the injector with title to the carbon dioxide establishes to the satisfaction of the department that:

(i) The injector is in full compliance with all laws governing the injection and storage of the carbon dioxide;

(ii) The injector has addressed any pending claims regarding the injection and storage of the carbon dioxide;

(iii) The underground place or pore space where the carbon dioxide was injected or stored is expected to no longer expand vertically or horizontally and poses no threat to human health, human safety, the environment or underground sources of drinking water;

(iv) The stored or injected carbon dioxide is unlikely to cross any underground or pore space boundary and is not expected to endanger any underground source of drinking water or otherwise endanger human health, human safety or the environment;

(v) All wells, equipment and facilities to be used in maintaining and managing the stored carbon dioxide are in good condition and will retain mechanical integrity;

(vi) The injector has plugged any injection wells and has completed all reclamation required by the department.

(d) Upon the issuance of a certificate of project completion under subsection (a) of this section:

(i) In exchange for assuming responsibility and liability for the stored carbon dioxide as provided in this section, title to the stored or injected carbon dioxide, and any facilities used to inject or store the carbon dioxide, without payment of any compensation, shall be transferred to the state;

(ii) Title acquired by the state includes all rights, and interests in, and all responsibilities associated with, the stored or injected carbon dioxide;

(iii) Primary responsibility and liability for the stored or injected carbon dioxide shall be transferred to the state, provided that liability to the state



shall not result in the payment of any damages in excess of the balance of the Wyoming geologic sequestration special revenue account created by W.S. 35-11-320(a);

(iv) The injector and all persons who generated any injected or stored carbon dioxide shall be forever released from all regulatory requirements associated with the continued storage and maintenance of the injected carbon dioxide;

(v) Any bond or financial assurance submitted to the department under W.S. 35-11-313 through 35-11-317 shall be released;

(vi) The state, through the department, shall assume responsibility to manage and monitor the stored carbon dioxide until such time when the federal government assumes responsibility for the long-term monitoring and management of stored carbon dioxide.

**Section 2.** W.S. 30-5-104(d)(viii), 30-5-502(a), 34-1-153, 35-11-313(e), (f)(ii)(F), (vii) and by creating new subsections (n) and (o), 35-11-314(a) and (b)(intro) and 35-11-316(j) are amended to read:

**30-5-104. Oil and gas conservation commission; powers and duties; investigations; rules and regulations.**

(d) The commission has authority:

(viii) To issue orders allowing the unitization of pore space associated with geologic sequestration sites pursuant to W.S. 35-11-314 through ~~35-11-317~~ 35-11-320 and adopt such rules and regulations as necessary to effectuate the purposes of W.S. 35-11-314;

**30-5-502. Certification of carbon dioxide incidentally stored during enhanced recovery operations.**

(a) If there is production of oil, gas or both from enhanced recovery operations under a commission order entered pursuant to W.S. 30-5-110 utilizing the injection of carbon dioxide, the commission upon voluntary application by the unit operator, and after review of the operator's plan for accounting for the incidentally stored carbon dioxide, may enter an order recognizing the incidental storage of carbon dioxide occurring through the enhanced recovery operation and certifying the quantity of carbon dioxide being stored. An application or certification under this section does not subject the enhanced recovery operation to the requirements of W.S. 35-11-313 through ~~35-11-318~~ 35-11-320 or require the operator to obtain a permit under those sections.

**34-1-153. Ownership of material injected into geologic sequestration sites; liability for holding interests related to a sequestration site or giving consent to allow geologic sequestration activities.**

(a) All carbon dioxide, and other substances injected incidental to the injection of carbon dioxide, injected into any geologic sequestration site for

the purpose of geologic sequestration shall be presumed to be owned by the injector of such material subject to W.S. 35-11-318 and 35-11-319 and all rights, benefits, burdens and liabilities of such ownership shall belong to the injector. This presumption may be rebutted by a person claiming contrary ownership by a preponderance of the evidence in an action to establish ownership.

(b) Except as provided in W.S. 35-11-318 and 35-11-319, no owner of pore space, other person holding any right to control pore space or other surface or subsurface interest holder, shall be liable for the effects of injecting carbon dioxide for geologic sequestration purposes, or for the effects of injecting other substances for the purpose of geologic sequestration which substances are injected incidental to the injection of carbon dioxide, solely by virtue of their interest or by their having given consent to the injection.

**35-11-313. Carbon sequestration; permit requirements.**

(e) Permit requirements for geologic sequestration of carbon dioxide shall be as defined by department rules. The injector of the carbon dioxide shall apply for any permit required under this section.

(f) The administrator of the water quality division of the department of environmental quality, after receiving public comment and after consultation with the state geologist, the Wyoming oil and gas conservation commission and the advisory board created under this act, shall recommend to the director rules, regulations and standards for:

(ii) Requirements for the content of applications for geologic sequestration permits. Such applications shall include:

(F) A site and facilities description, including a description of the proposed geologic sequestration facilities and documentation sufficient to demonstrate that the applicant has all legal rights, including but not limited to the right to surface use, necessary to sequester carbon dioxide and associated constituents into the proposed geologic sequestration site. The department may issue a draft permit contingent on obtaining a unitization order pursuant to W.S. 35-11-314 through ~~35-11-317~~ 35-11-320;

(vii) Requirements for fees to be paid by all permittees of geologic sequestration sites and facilities, which may include a per ton injection fee or a closure fee, during the period of injection of carbon dioxide and associated constituents into subsurface geologic formations in Wyoming, which fees shall be deposited in the geologic sequestration special revenue account created by W.S. ~~35-11-318~~ 35-11-320 for use as provided therein.

(n) Upon issuing a permit, the department shall issue a certificate that includes a statement that the permit has been issued, a description of the area covered by the permit and any other information that the department deems appropriate. The injector shall file a copy of the certificate with the county clerk in the county or counties where the geologic sequestration site is located.

(o) The provisions of W.S. 35-11-318 and 35-11-319 shall apply to any certificate for sequestration of carbon dioxide under this section and to any unitization of geologic sequestration sites under W.S. 35-11-314 through 35-11-317.

**35-11-314. Unitization of geologic sequestration sites; purposes; definitions.**

(a) The purpose of W.S. 35-11-314 through ~~35-11-317~~ 35-11-319 is declared by the Wyoming legislature to be the protection of corresponding rights, compliance with environmental requirements and to facilitate the use and production of Wyoming energy resources.

(b) Except when context otherwise requires or when otherwise defined in this subsection, the terms used or defined in W.S. 35-11-103, shall have the same meaning when used in W.S. 35-11-314 through ~~35-11-317~~ 35-11-320. When used in W.S. 35-11-314 through ~~35-11-317~~ 35-11-320:

**35-11-316. Unitization of geologic sequestration sites; hearings on application, order; modifications.**

(j) No provision of W.S. 35-11-314 through ~~35-11-317~~ 35-11-319 shall be construed to confer on any person the right of eminent domain and no order for unitization issued under this section shall act so as to grant to any person the right of eminent domain.

**Section 3.** W.S. 35-11-318 is amended and renumbered as 35-11-320 to read:

**~~35-11-318~~ 35-11-320. Geologic sequestration special revenue account.**

(a) There is created the Wyoming geologic sequestration special revenue account. The account shall be administered by the director and all funds in the account shall be transmitted to the state treasurer for credit to the account 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. Any interest earned on the investment or deposit of monies into the fund shall remain in the fund and shall not be credited to the general fund. All funds in the account are continuously appropriated for use by the director consistent with this section.

(b) The account shall consist of all monies collected by the department to measure, monitor and verify Wyoming geologic sequestration sites following ~~site closure~~ project completion certification, release of all financial assurance instruments and termination of the permit. The department shall promulgate rules necessary to collect monies in an amount reasonably calculated to pay the costs of measuring, monitoring and verifying the sites.

(c) Funds in the account shall be used only for:

(i) The measurement testing, monitoring and verification long-term inspections of geologic sequestration sites;

(ii) Remediation of mechanical problems associated with remaining wells and infrastructure;

(iii) Plugging and abandoning monitoring wells;

(iv) All future claims associated with the release of carbon dioxide from the geologic sequestration sites following site closure project completion certification, release of all financial assurance instruments and termination of the permit.

(d) The existence, management and expenditure of funds from this account shall not constitute a waiver by the state of Wyoming of its immunity from suit, nor does it constitute an assumption of any liability by the state for geologic sequestration sites, ~~or the carbon dioxide and associated constituents injected into those sites.~~

**Section 4.** The provisions of this act shall apply to all holders of permits for geologic sequestration of carbon dioxide issued under W.S. 35-11-313 and to all orders of unitization of geologic sequestration sites under W.S. 35-11-314 through 35-11-317 before, on and after the effective date of this section.

**Section 5.**

(a) The department of environmental quality may take all actions necessary to implement the provisions of this act.

(b) The environmental quality council and the Wyoming oil and gas conservation commission shall promulgate all rules necessary to implement the provisions of this act.

(c) Not later than October 31, 2022, the department of environmental quality shall report to the joint minerals, business and economic development interim committee on the status of implementing this act, including whether further legislation is necessary to retain the state's primacy in regulating class VI injection wells and whether more time is necessary to implement this act in order to amend or retain any plan agreement for the state's regulation of class VI injection wells.

**Section 6.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2023.

(b) Sections 5 and 6 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 21, 2022.

**Chapter 102****SEVERANCE TAX REDUCTION-COAL****Original House Bill No. 105**

AN ACT relating to taxation and revenue; reducing the severance tax rate for surface coal; conforming related tax distribution provisions; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 39-14-104(a)(intro) and (v) and 39-14-111(a) are amended to read:

**39-14-104. Tax rate.**

(a) The total severance tax rate for surface coal shall be ~~seven percent (7%)~~ six and one-half percent (6.5%). This rate comprises one and one-half percent (1.5%) imposed by Wyoming constitution article 15, section 19, and ~~five and one-half percent (5.5%)~~ five percent (5%) imposed statutorily. The tax shall be distributed as provided in W.S. 39-14-111 and is imposed as follows:

(v) One percent (1%), ~~plus~~

**39-14-111. Distribution.**

(a) As provided by W.S. 39-14-104(a), the total severance tax rate for surface coal shall be ~~seven percent (7%)~~ six and one-half percent (6.5%). As provided by W.S. 39-14-104(b), the total severance tax rate for underground coal shall be three and three-quarters percent (3.75%). A one and one-half percent (1.5%) tax imposed by W.S. 39-14-104(a)(i) and a one and one-half percent (1.5%) tax imposed by W.S. 39-14-104(b)(i) shall be deposited into the permanent Wyoming mineral trust fund. All other taxes imposed by W.S. 39-14-104(a) and (b) shall be deposited into the severance tax distribution account.

**Section 2.** W.S. 39-14-104(a)(vi) is repealed.

**Section 3.** This act shall apply to surface coal produced on or after the effective date of this act.

**Section 4.** This act is effective July 1, 2022.

Approved March 21, 2022.

**Chapter 103****NUCLEAR POWER GENERATION AND STORAGE-AMENDMENTS****Original House Bill No. 131**

AN ACT relating to environmental quality; amending and repealing requirements and conditions for legislative approval of the siting of high-level radioactive waste storage facilities as specified; amending provisions for small modular nuclear reactors to apply to advanced nuclear reactors; specifying duties and requirements for advanced nuclear reactors; defining terms; amending definitions, requirements

and exemptions related to cost recovery for specified electric generation facilities; amending exemptions for the nuclear electricity production tax; making conforming amendments; repealing nuclear reactor requirements as specified; requiring rulemaking; and providing for an effective date.

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

**Section 1.** W.S. 35-11-1506(e)(i) and by creating new paragraphs (vi) and (vii), 35-11-2101(b), (d)(iii)(intro), (e) and by creating new subsections (f) and (g), 37-2-134(a)(ii), 37-3-117 by creating a new subsection (f) and 39-23-105(c) are amended to read:

**35-11-1506. Legislative approval of the siting of high-level radioactive waste storage facilities; conditions.**

(e) The legislature hereby authorizes the siting of temporary high-level radioactive waste storage facilities within this state subject to the following:

(i) A facility ~~shall only be~~ is authorized if:

(A) It is operated on the site of and to store the high-level radioactive waste or spent nuclear fuel produced by a nuclear power generation facility operating within the state;

(B) The facility has received a license to construct and operate from the United States nuclear regulatory commission;

(C) The report required under paragraph (vi) of this subsection has been submitted; and

(D) The operator of the facility is in compliance with paragraph (vii) of this subsection.

(vi) Not later than thirty (30) days before construction of a nuclear electric generation facility commences, the operator of the facility shall submit a report to the department that includes:

(A) The number of jobs that will be created in the planning, permitting, licensing, site analysis and preparation, purchasing, construction, transportation, operation and decommissioning of the facility and what number of those jobs would be filled by Wyoming residents;

(B) Local and state taxes that are estimated to be generated by all aspects of the construction, operation and decommissioning of the facility;

(C) All benefits and impacts that will accrue to the state and the local community where the facility will be located, including benefits from job training, education, communication systems, monitoring and security systems.

(vii) The operator of each facility shall send to the department copies of all publicly available reports, notifications and violations sent to or from the United States nuclear regulatory commission or the operator of the facility as soon as practicable but not later than five (5) days after the operator sends or receives the report. The operator shall also transmit all information required

under this subsection to emergency management departments of the local governments where the facility is located and shall make the information available on a public website.

## ARTICLE 21

### ADVANCED NUCLEAR REACTORS

#### **35-11-2101. Advanced nuclear reactors; requirements.**

(b) Any person operating ~~a small modular~~ an advanced nuclear reactor in the state of Wyoming in accordance with this section shall not store spent nuclear fuel or high-level radioactive waste from the ~~small modular~~ advanced nuclear reactor on the site of the ~~small modular~~ advanced nuclear reactor without first meeting all of the requirements of the United States Nuclear Regulatory Commission.

(d) As used in this section:

(iii) “~~Small modular~~ Advanced nuclear reactor” means a nuclear reactor, including any necessary ancillary facilities or structures, that is an improvement over nuclear reactors placed in service before January 1, 2021 and has a license issued by the United States nuclear regulatory commission;

(e) The provisions of the Industrial Development Information and Siting Act, W.S. 35-12-101 through 35-12-119, shall apply only to the extent that those provisions do not interfere with, contradict or duplicate any requirements of the United States Nuclear Regulatory Commission.

(f) Not less than thirty (30) days before construction of an advanced nuclear reactor commences and if no report is required to be submitted under W.S. 35-11-1506(e)(vi), the operator of the advanced nuclear reactor shall submit a report to the department that includes:

(i) The number of jobs that will be created in the planning, licensing, site analysis, preparation, purchasing, construction, transportation, operation and decommissioning of the advanced nuclear reactor and what number of those jobs would be filled by Wyoming residents;

(ii) Local and state taxes that are estimated to be generated by all aspects of the construction, operation and decommissioning of the advanced nuclear reactor;

(iii) All benefits and impacts that will accrue to the state and local community where the advanced nuclear reactor will be located, including benefits from job training, education, communications systems, monitoring and security systems.

(g) The operator of each advanced nuclear reactor shall send to the department copies of all publicly available reports, notifications and violations sent to or from the United States nuclear regulatory commission or the operator of the advanced nuclear reactor as soon as practicable but not later than five (5) days

after the operator sends or receives the report. The operator shall also transmit all information required under this subsection to emergency management departments of the local governments where the facility is located and shall make the information available on a public website.

**37-2-134. Electric generation facility closures; presumption; commission review.**

(a) As used in this section:

(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:

(A) An electric generation facility that is closed in order to facilitate a conversion to, or replacement with, an advanced nuclear reactor that is operated in accordance with W.S. 35-11-2101;

(B) Any closure mandated by federal law; or

(C) Any closure resulting from federal environmental requirements to where it is no longer cost effective for the facility to continue operating.;

**37-3-117. Limitation for recovery of costs associated with electric generation built to replace retiring coal-fired generation facility; exemption.**

(f) The requirements of this section shall not apply to an electric public utility that replaces a coal-fired electric generation facility with an advanced nuclear reactor that is operated in the state of Wyoming in accordance with W.S. 35-11-2101.

**39-23-105. Exemptions.**

(c) Except as otherwise provided in this subsection, no tax shall be imposed on any test or demonstration small modular advanced nuclear reactor licensed and operated in accordance with W.S. 35-11-2101(b) and 35-11-431 through 35-11-433 35-11-2101. Beginning July 1, 2035, a taxpayer shall only qualify for the exemption authorized under this subsection for any month that not less than eighty percent (80%) of the advanced nuclear reactor’s uranium used for producing electricity was sourced from uranium mines located in the United States. The burden shall be on the taxpayer to establish entitlement to the exemption authorized under this subsection. Not later than June 1 of each year, the department of revenue shall report to the joint revenue interim committee on the amount of taxes that were exempted under this subsection during the prior tax year.

**Section 2.** W.S. 35-11-1506(e)(ii) through (v) and 35-11-2101(a) and (d)(iii)(A) through (C) are repealed.

**Section 3.** The department of environmental quality and environmental quality council shall promulgate all rules necessary to implement the provisions



of this act.

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

Approved March 21, 2022.

## Chapter 104

### UNDERGROUND WATER CONTESTED CASE HEARINGS

#### Original House Bill No. 136

AN ACT relating to underground water; clarifying the burden of proof in underground water contested case hearings; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 41-3-932(c) is amended to read:

**41-3-932. Public notice of application or petition; hearing before state engineer and control area advisory board; cost.**

(c) The application or petition shall be granted and the permit issued only if the state engineer finds, after receiving the advice of the control area advisory board, that there are unappropriated waters in the proposed source, that the proposed means of diversion or construction is adequate, that the location of the proposed well or other work does not conflict with any well spacing or well distribution regulation; and that the proposed use would not be detrimental to the public interest. In any contested case hearing conducted under this section, the applicant or petitioner shall bear the burden of proof. If the state engineer finds that the application or petition is incomplete or otherwise defective, he shall return the application or petition for correction. If the correction is not made within ninety (90) days, the application or petition shall be rejected.

**Section 2.** This act shall apply to any petition to amend an existing water right or an application to appropriate underground water filed in W.S. 41-3-932 on and after the effective date of this act.

**Section 3.** This act is effective July 1, 2022.

Approved March 21, 2022.

## Chapter 105

### REVENUE BONDS FOR AGRICULTURAL ENDEAVORS

#### Original Senate File No. 9

AN ACT relating to revenue bonds; authorizing the Wyoming business council to issue revenue bonds as specified for agriculture processing projects; specifying that municipal, county and joint powers board industrial development projects and purposes include agricultural and agricultural-related projects; limiting bond eligibility; requiring rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 9-12-109(b) by creating a new paragraph (vi) and by creating new subsections (e) through (n), 15-1-701(a)(ii) and (b) and 15-1-702 by creating a new subsection (d) are amended to read:

**9-12-109. Promotion of agriculture; financing of agriculture processing projects; revenue bonds.**

(b) The council shall meet not fewer than two (2) times per year to solicit input from industry groups, the department of agriculture and the Wyoming governor's office to:

(vi) Issue and have outstanding bonds to finance, construct, develop, maintain or operate agriculture processing projects for international, in-state and interstate sales, which bonds shall not exceed per project an amount of fifty million dollars (\$50,000,000.00). The principal amount of any bonds that have been retired, redeemed, defeased or refunded by the council need not be taken into account in computing compliance with the maximum amounts of bonds authorized to be issued under this paragraph. The exercise of the powers granted by this paragraph constitutes the performance of an essential governmental function. Any bonds issued under this paragraph and the income therefrom shall be free from taxation of every kind by the state, municipalities and political subdivisions of the state. Neither the state nor any political subdivision of the state or local governmental entity shall use any public funds to invest in or purchase any bonds issued under this section. Revenue bonds under this paragraph shall not be issued until information on each bond to be issued, and information pertaining to the project for which the bond would be issued, is provided to the state loan and investment board. The state loan and investment board may review and may object to the council on any bond if the bond may be considered a general obligation of the state or any political subdivision of the state. Any objection by a majority of the members of the state loan and investment board shall prevent issuance of the bond. Revenue bonds under this paragraph shall be issued according to subsections (e) through (n) of this section.

(e) In addition to the powers otherwise granted to the council and subject to the limits under paragraph (b)(vi) of this section, the council may issue bonds in principal amounts the council determines necessary to provide sufficient funds

for achieving its purposes under paragraph (b)(vi) of this section, including the reduction of principal, the payment of interest, the establishment of reserves, the costs of administration and for the purpose of defraying all other associated costs. The council may enter into contracts to insure the payment of principal and interest, for interest rate exchange contracts and for financial guarantees to lower the cost of its borrowing. All bonds issued under this subsection:

(i) Are negotiable instruments under the laws of this state unless expressly provided to the contrary on the face of the bonds;

(ii) Are payable solely out of special funds consisting of all or part of the council's revenues, receipts, monies and assets, as designated in the proceedings under which the bonds are authorized;

(iii) Shall bear interest at fixed or variable rates, be executed and delivered at times and in denominations, be of terms and maturities, be in registered form as to principal and interest or principal alone, and bear manual or facsimile signatures and seals as the council determines;

(iv) Are not general obligations of this state nor of any political subdivision of this state. The bonds shall recite on their face that they do not constitute obligations of the state or any political subdivisions of the state;

(v) May be payable in installments and may bear maturities not exceeding forty (40) years from the date issued as the council determines;

(vi) Together with interest may be payable at a time or place whether within or outside the state, as the council determines;

(vii) May contain an option to redeem all or any part as may be specified. The price of redemption, the terms and conditions and the procedure of notice shall be set forth by the council and may appear on the face of the bonds;

(viii) May be sold at, above or below par value, at public or private sale, in a manner and from time to time as determined by the council. The council may pay legal fees, expenses, premiums and commissions that it finds necessary or advantageous to this state in connection with the issuance and sale;

(ix) Are legal investments that may be used as collateral for insurance companies, banks, savings and loan associations, investment companies, trustees and other fiduciaries that may properly and legally invest funds in their control or belonging to them in bonds of the council;

(x) May contain other provisions not inconsistent with this subsection.

(f) The principal and interest on any revenue bonds that the council issues shall be secured by a pledge of revenues from the operation of the agriculture processing project financed, by a first mortgage on the facilities, by guarantees and pledges of the entity owning the project, or of the parent corporation owning the entity, or by any combination thereof or other security as the council may determine to be reasonable and prudent. The guarantees and pledges

shall be no less favorable to the council than those granted other lenders of the same class. The council may require additional payments, as negotiated, to bondholders to be made either in a lump sum at the time of retirement of the bonds or annually from the time of retirement of the bonds until project use is terminated or may require additional incentives from the owner of the project to prospective bondholders so long as the incentives are not contrary to the Wyoming constitution. The council may require such other security for repayment of the bonds as it deems necessary.

(g) Each pledge, agreement, mortgage or other instrument made for the benefit or security of any revenue bonds of the council is valid and binding from the time when made. The revenues, receipts, monies and assets pledged are immediately subject to the lien of the pledge without delivery or further act. The lien is valid and binding against persons having claims of any kind against the council whether or not the persons have actual notice of the lien. The resolution or the indenture or other instrument by which a pledge is created need not be recorded or filed.

(h) The state pledges to the holders of any revenue bonds issued under subsection (e) of this section that the state will not limit or alter the rights vested in the council to fulfill the terms of agreements made with the holders, or in any way impair the rights and remedies of the holders until the bonds together with the interest, with interest on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the holders are fully met and discharged. The council is authorized to include this pledge of the state in any agreement with the holders of the bonds.

(j) In addition to the powers otherwise granted to the council, in relation to revenue bonds under subsection (e) of this section, the council shall have the power to:

(i) Provide for the issuance of bonds to refund any bonds of the council then outstanding, including for the payment of any redemption premium and any interest or premium accrued or to accrue to, the earliest or subsequent date of redemption, purchase or maturity of the bonds;

(ii) Acquire, purchase, make prepayments for, finance, hold, use, lease, license, sell, transfer and dispose of an undivided or other interest in any agriculture processing project within or without the state of Wyoming to facilitate the financing, construction, development, maintenance or operation of agriculture processing projects in this state;

(iii) Enter into loan or other agreements with respect to one (1) or more agriculture processing projects upon terms and conditions the council considers advisable;

(iv) Make and execute agreements, contracts and other instruments

necessary or convenient in the exercise of its powers and functions, including contracts with any individual, firm, corporation, governmental agency or other entity.

(k) The council may assess and collect fees that are nonrefundable from applicants seeking to obtain council financing of an agriculture processing project in total amounts not to exceed fifty thousand dollars (\$50,000.00), which shall be credited to the state general fund. The council shall require that any entity receiving financing under subsection (e) of this section shall:

(i) Be headquartered in Wyoming and organized under the laws of the state of Wyoming;

(ii) Fall within the United States small business administration small business size standards for its industry classification code, effective August 19, 2019;

(iii) Maintain records and accounts relating to the receipt and disbursements of loan proceeds and make the records available to the state auditor for inspection.

(m) The council shall maintain such records and accounts of revenues and expenditures in relation to revenue bonds under subsection (e) of this section as required by the director of the state department of audit. The director of the state department of audit shall conduct an annual financial and legal compliance audit of the accounts of the council and file copies of the audit with the governor and the legislature.

(n) The sole recourse of any party contracting with the council in relation to revenue bonds under subsection (e) of this section shall be against the council, and there shall be no cause of action against the state, or any county, municipality or other political subdivision of the state.

#### **15-1-701. Definitions; vesting of powers and privileges.**

(a) As used in this article:

(ii) "Project" means any land, building, pollution control facility or other improvement and all necessary and appurtenant real and personal properties, whether or not in existence, suitable for manufacturing, industrial, commercial or business enterprises, ~~or for health care facilities or for manufacturing, processing or assembling agricultural or agricultural-related products.~~ Project "Project" may also mean an undivided interest as a tenant in common in an electrical generating facility or in pollution control facilities in connection therewith. Project "Project" may also mean an energy improvements program;

(b) In order to facilitate and promote the local health and general welfare, the sound economic growth of the state of Wyoming, the development of its natural resources, the protection of its natural environment, the expansion of agricultural and agricultural-related industries, the provision of health care

services, energy improvements and to promote employment opportunities for the citizens of Wyoming by creating or encouraging the expansion of manufacturing, industrial plants, processing facilities and all kinds of business, which contribute payrolls and tax base to the state of Wyoming, and by attracting to and encouraging the location or the expansion within this state of such plants, facilities and businesses, all of which are hereby declared to be and constitute public purposes, the counties and municipalities of the state of Wyoming are vested with the powers and privileges hereafter set forth in this article.

**15-1-702. Powers of municipalities and counties; limitations.**

(d) When issued for agricultural and agricultural-related projects, a municipality, county or joint powers board shall only issue bonds under this article to an entity that:

(i) Is headquartered in Wyoming and organized under the laws of the state of Wyoming; and

(ii) Falls within the United States small business administration small business size standards for its industry classification code, effective August 19, 2019.

**Section 2.**

(a) The Wyoming business council shall promulgate rules as necessary to implement this act.

(b) Municipalities, counties or joint powers boards shall amend any rules or regulations as necessary to implement this act.

**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 March 22, 2022.

## Chapter 106

### WILDFIRES ONE-CALL AMENDMENT

Original Senate File No. 86

AN ACT relating to public utilities; requiring firefighters to notify the notification center as soon as practical regarding emergency wildfire excavations; exempting emergency excavations from liability for damages or injuries; amending a definition; and providing for an effective date.

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

**Section 1.** W.S. 37-12-301(b)(ii) and 37-12-302(e) and (f) are amended to read:

**37-12-301. Short title; definitions.**

(b) As used in this act:

(ii) “Emergency” means a sudden, unforeseen occurrence, including a loss of communications, which demands immediate action to protect the health, safety and welfare of the public and to prevent loss of life, health, property or essential public services and advance notice to the notification center prior to excavation is impracticable under the circumstances. “Emergency” shall include, but is not limited to, ruptures and leakage of pipelines, explosions, fires and similar instances where immediate action is necessary to prevent loss of life or significant damage to underground facilities or the environment;

**37-12-302. Notices; exceptions; penalty.**

(e) Emergency excavations are exempt from the time constraints of the provisions of subsections (c) and (d) of this section. If an emergency excavation is undertaken to suppress wildfires, the excavator shall notify the notification center as soon as practical. The excavator and operator shall not be required to mark the area being excavated for wildfire suppression.

(f) If information required pursuant to subsection (d) of this section is not provided within the time specified therein, or if the information provided fails to identify the location of the underground facilities in accordance with subsection (d) of this section or when engaging in an emergency excavation, then any excavator damaging or injuring underground facilities shall not be liable for such damage or injury except when failing to utilize reasonable care. However, if information required pursuant to subsection (d) of this section is provided within the time specified therein, and if the information provided sufficiently identifies the location of the underground facilities in accordance with subsection (d) of this section, then any excavator damaging or injuring underground facilities shall be liable for all damage or injury to persons or property.

**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 22, 2022.

**Chapter 107****DISPOSITION OF WATER RIGHTS****Original House Bill No. 2**

AN ACT relating to the subdivision of land and water rights; requiring written documentation from the state engineer or state board of control on the disposition of water rights when subdividing land; requiring notice of the proposed disposition to other appropriators; making conforming amendments; providing applicability; and providing for an effective date.

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

**Section 1.** W.S. 15-1-415 by creating a new subsection (e), 18-5-306(a)(intro), (xi)(intro), (A)(I) through (III), by creating a new subdivision (IV) and (B) through (E) and 18-5-316(b)(intro), (ix)(intro), (A) (I) through (III), by creating a new subdivision (IV), (B) and (C) are amended to read:

**15-1-415. Additions to cities or towns by subdividing landowners; plat requirements; filing and effect thereof; controlling layout of streets.**

(e) With respect to any water rights appurtenant to lands to be subdivided in accordance with this section and prior to certification and approval of the map or plat the governing body shall require the owner to submit to the governing body the following:

(i) The intended disposition of the water rights, by:

(A) Written documentation from the state engineer or the state board of control that the owner submitted to the state engineer or the state board of control all documents necessary to voluntarily abandon the water rights, cancel any unadjudicated permits or eliminate applicable lands from any unadjudicated permits. The owner shall notify any purchasers of this action;

(B) Written documentation from the state board of control that the owner submitted to the state board of control all documents necessary to change the use or place of use to provide for beneficial use of the water rights outside the subdivision, which may include a transfer to the city or town for use within its municipal water service boundaries;

(C) A plan, accompanied by written documentation from the state engineer approving the plan, for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include written documentation from the state board of control that the owner submitted to the state board of control all documents necessary to change the use, place of use or point of diversion or means of conveyance in accordance with W.S. 41-3-103, 41-3-104 or 41-3-114; or

(D) Written documentation from the state board of control that it has accepted an authorization to detach water rights appurtenant to the lands to be



subdivided in accordance with rules and regulations promulgated by the state board of control.

(ii) If the subdivision is located within lands served by or crossed by a ditch, irrigation works or other water conveyance system, evidence that the owner submitted the subdivision map or plat to the public entity, company, association or appropriators responsible for the ditch, irrigations works or other water conveyance system for review and recommendations at least sixty (60) days prior to the submittal of the map or plat to the governing body. Upon receipt of the subdivision map or plat, the public entity, company, association or appropriators shall notify the owner if and how the subdivision will create a significant additional burden or risk of liability;

(iii) Evidence that the owner will specifically state on all offers and solicitations relative to the subdivision the owner's intent to comply with this paragraph and that the owner does not warrant to a purchaser that the purchaser shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. The owner shall further state that Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river;

(iv) If the subdivision is located within the boundaries of an irrigation district that is subject to the provisions of title 41, chapter 7 of the Wyoming statutes, the map or plat shall be accompanied by recommendations from the irrigation district regarding any changes to the attached water rights and the irrigation district's easements. If there is a conflict with the irrigation district's recommendations, the owner shall certify that it met with and made a good faith effort to resolve any conflicts with the irrigation district; and

(v) If the subdivision will create a significant additional burden or risk of liability to the public entity, company, association or appropriators responsible for the ditch, irrigation works or other water conveyance system, the owner shall provide an adequate and responsible plan to reduce or eliminate the additional burden or risk of liability and evidence that the owner submitted the plan to the public entity, company, association or appropriators for review and recommendation regarding the adequacy of the plan.

**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 including~~ 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:

(xi) With respect to any water rights appurtenant to lands to be subdivided

in accordance with this chapter and prior to final approval of the subdivision permit, the subdivider shall provide the following:

(A) The intended disposition of the water rights, by:

(I) ~~Evidence~~ Written documentation from the state engineer or the state board of control that the subdivider ~~has submitted to the state engineer the documentation or the state board of control all documents necessary to relinquish voluntarily abandon~~ the water rights, ~~and has notified cancel any unadjudicated permits or eliminate applicable lands from any unadjudicated permits. The subdivider shall notify any purchasers and the board of this action;~~

(II) ~~Evidence~~ Written documentation from the state board of control that the subdivider has submitted to the ~~state engineer the documentation state board of control all documents~~ necessary to change the use; ~~or~~ place of use ~~or~~ point of diversion to provide for beneficial use of the water rights outside the subdivision; ~~or~~

(III) A plan, ~~a copy of which was submitted to and approved by the state engineer prior to the final approval of the subdivision application accompanied by written documentation from the state engineer approving the plan,~~ for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include written documentation from the state board of control that the subdivider submitted to the state board of control all appropriate applications for documents necessary to change of the use, change of place of use or change in point of diversion or means of conveyance in accordance with W.S. 41-3-103, 41-3-104 or 41-3-114; ~~or~~

(IV) Written documentation from the state board of control that it has accepted an authorization to detach water rights appurtenant to the lands to be subdivided in accordance with rules and regulations promulgated by the state board of control.

(B) If the subdivision is located within lands; served by or crossed by a ditch, irrigation company or association ~~or by an unorganized ditch works or other water conveyance system,~~ evidence that the subdivider submitted the plan has been submitted, to the public entity, company, association or appropriators responsible for the ditch, irrigation works or other water conveyance system for review and recommendation at least sixty (60) days prior to the submittal of the application for the subdivision permit to the ~~company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations board. Upon receipt of the plan, the public entity, company, association or appropriators shall notify the subdivider if and how the subdivision will create a significant additional burden or risk of liability;~~

(C) Evidence that the subdivider will specifically state on all offers and solicitations relative to the subdivision ~~his~~ the subdivider's intent to comply

with this paragraph and that the ~~seller-subdivider~~ does not warrant to a purchaser that ~~he-the purchaser~~ shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. ~~He-The subdivider~~ shall further state that ~~the~~ Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river;

(D) If the subdivision is located within the boundaries of an irrigation district that is subject to the provisions of title 41, chapter 7 of the Wyoming statutes, the application shall include ~~a review and~~ recommendations from the irrigation district regarding any changes to the attached water rights and the irrigation district's easements. If there is a conflict with the irrigation district's recommendations, the ~~applicant-subdivider~~ shall certify that it ~~has met with~~ and made a good faith effort to resolve any conflicts with the irrigation district; and

(E) If the subdivision will create a significant additional burden or risk of liability to the ~~irrigation district-public entity~~, company, association or ~~remaining appropriators including appropriators on an unorganized responsible for the ditch, irrigation works or other water conveyance system~~, the ~~applicant-subdivider~~ shall provide an adequate and responsible plan to reduce or eliminate the additional burden or risk of liability and evidence that the subdivider submitted the plan to the public entity, company, association or appropriators for review and recommendation regarding the adequacy of the plan.

**18-5-316. Requirements for large acreage subdivision permits.**

(b) The board may require, ~~any or all of and with respect to paragraph (ix) of this subsection shall require~~, the following information to be submitted with an application for a subdivision permit pursuant to this section:

(ix) With respect to any water rights appurtenant to lands to be subdivided in accordance with this section and prior to final approval of the subdivision permit, the subdivider shall provide the following:

(A) The intended disposition of the water rights by:

(I) ~~Evidence~~ Written documentation from the state board of control that the subdivider ~~has submitted to the state engineer the documentation board of control all documents necessary to relinquish voluntarily abandon the water rights, and has notified cancel any unadjudicated permits or eliminate applicable lands from any unadjudicated permits. The subdivider shall notify any purchasers and the board of this action;~~

(II) ~~Evidence~~ Written documentation from the state board of control that the subdivider ~~has submitted to the state engineer the documentation board of control all documents necessary to change the use; or place of use or point of diversion to provide for beneficial use of the water rights outside the~~

subdivision; ~~or~~

(III) A plan, ~~a copy of which was submitted to and approved by the state engineer prior to the final approval of the subdivision application accompanied by written documentation from the state engineer approving the plan,~~ for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include written documentation from the state board of control that the subdivider submitted to the state board of control all appropriate applications for documents necessary to change of the use, change of place of use or change in point of diversion or means of conveyance in accordance with W.S. 41-3-103, 41-3-104 or 41-3-114; ~~or~~

(IV) Written documentation from the state board of control that it accepted an authorization to detach water rights appurtenant to the lands to be subdivided in accordance with rules and regulations promulgated by the state board of control.

(B) If the subdivision is located within ~~an irrigation district or within~~ lands; served by ~~or crossed by~~ a ditch, irrigation company ~~or association or by an unorganized ditch works or other water conveyance system,~~ evidence that the subdivider submitted the plan has been submitted to the district board public entity, company, or association; or the remaining appropriators in the case of an unorganized responsible for the ditch, irrigation works or other water conveyance system for their review and recommendations at least sixty (60) days prior to the submittal of the application for the subdivision permit to the board; and

(C) Evidence that the subdivider will specifically state on all offers relative to the subdivision ~~his the subdivider's~~ intent to comply with this paragraph and that the ~~seller subdivider~~ does not warrant to a purchaser that ~~he the purchaser~~ shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. ~~He~~ The subdivider shall further state that ~~the~~ Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river.

**Section 2.** The requirements in this act shall apply to subdivision applications filed on and after 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 March 22, 2022.

## Chapter 108

### REPEALING EXEMPTION FOR ONE-WAY PAGERS

Original House Bill No. 21

AN ACT relating to sales tax exemptions; repealing the sales tax exemption for the sale of the service of transmitting radio waves to a one-way paging unit; and providing for an effective date.

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

**Section 1.** W.S. 39-15-105(a)(viii)(K) is repealed.

**Section 2.** This act is effective July 1, 2022.

Approved March 8, 2022.

## Chapter 109

### COUNTY AND DISTRICT ATTORNEYS-SALARY AMENDMENTS

Original House Bill No. 63

AN ACT relating to the administration of government; amending the salary for county attorneys and county and prosecuting attorneys; amending the salary for district attorneys; amending the state contribution to counties for the salaries of county and prosecuting attorneys; and providing for an effective date.

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

**Section 1.** W.S. 9-1-802(d) and 18-3-107(a)(ii)(C), by creating a new subparagraph (D) and (f) are amended to read:

**9-1-802. Election; term; qualifications; full-time; private practice prohibited; exception; salary; vacancies.**

(d) ~~Until January 3, 2011, each district attorney shall receive an annual salary of ninety-four thousand five hundred dollars (\$94,500.00). From and after January 3, 2011 until January 2, 2023, each district attorney shall receive an annual salary of not less than one hundred thousand dollars (\$100,000.00). From and after January 2, 2023, each district attorney shall receive an annual salary not greater than the salary authorized for a circuit court judge in W.S. 5-1-110 as determined by the legislature.~~

**18-3-107. Annual salaries of certain officers; additional compensation prohibited; exception as to traveling and other expenses; compensation of county commissioner; appointment and salaries of deputies, clerks, stenographers and other assistants.**

(a) County officers shall be paid as follows:

(ii) Full-time county attorneys and full-time county and prosecuting attorneys shall receive as annual salaries:

(C) From and after January 1, 2009 through January 1, 2023, and to the

extent permitted under the constitution and statutory law, not less than thirty-five thousand dollars (\$35,000.00) nor more than the salary authorized for a district attorney under W.S. 9-1-802(d);

(D) From and after January 2, 2023 and to the extent permitted under the constitution and statutory law, not less than thirty-five thousand dollars (\$35,000.00) nor more than the salary authorized for a circuit court judge under W.S. 5-1-110.

(f) Subject to legislative appropriation, the state will pay a portion of each county and prosecuting attorney and assistant county and prosecuting attorney's salary as provided in this subsection. The state will pay fifty thousand dollars (\$50,000.00) or fifty percent (50%) of the salary of the county and prosecuting attorney, whichever is less, per year to each qualifying county. The state will pay thirty thousand dollars (\$30,000.00) or fifty percent (50%) of the salary of each assistant to the county and prosecuting attorney, whichever is less, per year. Payments under this section shall be made annually on or before June 30. In any fiscal year in which the legislative appropriation is insufficient to make all payments authorized by this subsection, the state treasurer shall provide a reduced payment by multiplying the payment authorized under this subsection by a fraction, the numerator of which is equal to the remaining legislative appropriation for the program for the biennial budget period and the denominator of which is equal to the total payments to be made under this subsection for the current fiscal year.

**Section 2.** W.S. 18-3-107(a)(ii)(B) is repealed.

**Section 3.** This act is effective July 1, 2022.

Approved March 25, 2022.

## Chapter 110

### COUNTY OFFICERS-SALARIES

Original House Bill No. 91

AN ACT relating to counties; amending the salaries of specified county officers; repealing obsolete salary language; and providing for an effective date.

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

**Section 1.** W.S. 18-3-107(a)(i) by creating a new subparagraph (D) is amended to read:

**18-3-107. Annual salaries of certain officers; additional compensation prohibited; exception as to traveling and other expenses; compensation of county commissioner; appointment and salaries of deputies, clerks, stenographers and other assistants.**

(a) County officers shall be paid as follows:

(i) The county assessor, part-time county and prosecuting attorneys, part-time county attorneys, county clerk, clerk of district court, county sheriff and county treasurer in their respective counties shall receive as annual salaries:

(D) From and after January 2, 2023 not more than the salary authorized for a circuit court judge in W.S. 5-1-110.

**Section 2.** W.S. 18-3-107(a)(i)(B) is repealed.

**Section 3.** This act is effective July 1, 2022.

Approved March 25, 2022.

## Chapter 111

### STATE OFFICIALS SALARY

#### Original House Bill No. 96

AN ACT relating to state elected officials' salaries; increasing the salaries for state elected officials following the 2022 general election; providing for current salaries; providing appropriations; and providing for an effective date.

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

**Section 1.** W.S. 9-3-101(a)(i) through (v) is amended to read:

**9-3-101. Salaries; amount; date of payment.**

(a) Salaries for clerk of the supreme court and district court reporters shall be determined by the supreme court as authorized by legislative appropriations. Subject to constitutional limitations the following state officers and members of the judiciary shall receive the salaries indicated by the figures following their respective titles:

- (i) Governor ~~\$105,000.00~~ \$140,000.00;
- (ii) Secretary of state ~~\$92,000.00~~ \$125,000.00;
- (iii) State auditor ~~\$92,000.00~~ \$125,000.00;
- (iv) State treasurer ~~\$92,000.00~~ \$125,000.00;
- (v) Superintendent of public instruction ~~\$92,000.00~~ \$125,000.00.

**Section 2.**

(a) The amended salaries provided for in section 1 of this act shall begin upon the swearing into office of the elected official following the 2022 general election. Until that time the following annual salary schedule shall apply:

- (i) Governor \$105,000.00;
- (ii) Secretary of state \$92,000.00;

- (iii) State auditor \$92,000.00;
- (iv) State treasurer \$92,000.00;
- (v) Superintendent of public instruction \$92,000.00.

**Section 3.**

(a) There is appropriated the following amounts from the general fund to the specified entities to provide the salary increases to the state elected officials provided by section 1 of this act for the period beginning January 1, 2023 and ending June 30, 2024:

- (i) Governor's office, sixty-five thousand dollars (\$65,000.00);
- (ii) Secretary of state's office, sixty-one thousand dollars (\$61,000.00);
- (iii) State treasurer's office, sixty-one thousand dollars (\$61,000.00);
- (iv) State auditor's office, sixty-one thousand dollars (\$61,000.00);
- (v) Wyoming department of education, sixty-one thousand dollars (\$61,000.00).

**Section 4.** This act is effective July 1, 2022.

Became law without signature March 25, 2022.

## Chapter 112

### REDISTRICTING OF THE LEGISLATURE

#### Original House Bill No. 100

AN ACT relating to state legislative districts; providing definitions; providing legislative findings; providing a plan for state legislative districts based upon the 2020 census; providing for election of the senate; and providing for an effective date.

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

**Section 1.** W.S. 28-2-116 through 28-2-119 are repealed and recreated as 28-2-116 through 28-2-119 to read:

**28-2-116. Legislative districts generally; definitions; legislative findings.**

(a) As used in W.S. 28-2-116 through 28-2-119:

(i) "Census block" means a geographic area of the state of Wyoming specified by the United States bureau of the census in accordance with the 2020 decennial census and identified uniquely by census block number;

(ii) "Voter tabulation district" or "VTD" means a geographic area of the state of Wyoming specified by the United States bureau of the census in accordance with the 2020 decennial census and identified by Wyoming VTD name and number;



- (iii) “This act” means W.S. 28-2-116 through 28-2-119.
- (b) As used in W.S. 28-2-118 and 28-2-119 unless the context otherwise requires:
- (i) “Blocks” designates the entire census block as numbered by the United States bureau of the census for the 2020 decennial census within the named VTD and county is a part of the legislative district;
- (ii) “(Name of) County” designates either that the entire named Wyoming county is within the legislative district or that a portion of the named Wyoming county as specified is within the legislative district;
- (iii) “District (number)” designates the legislative district number assigned to a house or senate legislative district from which a legislator is elected under this act;
- (iv) “VTD” designates either that the entire voter tabulation district as named by the United States bureau of the census for the 2020 decennial census within the named county is a part of the legislative district or that a portion of the named voter tabulation district within the named county as specified is a part of the legislative district.
- (c) W.S. 28-2-118 creates legislative districts for the Wyoming senate and W.S. 28-2-119 creates legislative districts for the Wyoming house of representatives.
- (d) The secretary of state shall maintain and make available for public inspection in a hardcopy or electronic format, or both, during regular business hours:
- (i) The United States P.L. 94-171 data for the 2020 decennial census received by that office from the United States bureau of the census; and
- (ii) The list and geographic description of the legislative districts for the Wyoming senate as printed in “Attachment B” as referenced in W.S. 28-2-119(c) and enacted into law and the list and geographic description of the legislative districts for the Wyoming house of representatives as printed in “Attachment A” referenced in W.S. 28-2-119(b) and enacted into law.
- (e) The legislature finds that:
- (i) The deviations in population between legislative districts in this act are required to recognize county boundaries, communities of interest, common economic interests and historical representative practices in Wyoming;
- (ii) This act further recognizes the difficulties in representation caused by geographic boundaries and the rural nature of Wyoming;
- (iii) This act keeps whole more political subdivisions than other redistricting plans considered by the Wyoming legislature;
- (iv) Through keeping political subdivisions and communities of interest as whole as possible, this act provides for effective and efficient election

administration;

(v) The residents of Sheridan county school district number three are a community of interest with the residents of Johnson county through shared institutions and political history. The residents of Sheridan county school district number three typically conduct their business in Johnson county and have a shared economic interest with Johnson county. The residents of Sheridan county school district three have a shared educational interest with Johnson county. These connections and communities of interest between residents of Sheridan county school district three and Johnson county do not exist between the residents of Sheridan county school district three and Campbell county;

(vi) The factors listed in this subsection that create population deviations among legislative districts in this act are all legitimate considerations reasonably incident to the effectuation of a rational state policy.

**28-2-117. Effective date of changes in legislative districts; election of holdover senators.**

(a) Changes in all legislative districts are effective for the 2022 general election cycle and the sixty-seventh legislature.

(b) Members for senate districts designated as odd-numbered districts in W.S. 28-2-118(b) shall be elected for a term of four (4) years at the 2022 general election. As provided in subsection (c) of this section, no election shall be held in 2022 for senate districts designated as even-numbered districts in W.S. 28-2-118(b) for which members were elected at the 2020 general election and nothing in this act shall affect the terms of those members. Members for senate districts designated as even-numbered districts in W.S. 28-2-118(b), shall be elected for a term of four (4) years at the 2024 general election.

(c) A member elected in the 2020 general election for a senate district designated as an even-numbered district in W.S. 28-2-118(b) who has been removed from the district as a result of district boundary changes made by this act may continue to serve the remainder of the member's term for the district from which the member was elected.

(d) Nothing in this act otherwise affects the terms of members of the sixty-sixth legislature.

**28-2-118. Senate legislative districts; list of nested house districts formed to create senate districts.**

(a) Subsection (b) of this section creates legislative districts for the Wyoming senate consisting of the numbered legislative districts contained therein. There shall be one (1) senator elected from each legislative district as specified in subsection (b) of this section. If the senate district is listed with two (2) house districts in subsection (b) of this section, those senate districts shall consist of the entirety of the geographic area of the two (2) house districts listed in subsection (b) of this section for each senate district and as fully described in

“Attachment A.” All senate districts are fully described in “Attachment B.”

- (b) Senate districts shall be organized as follows:
- (i) Senate District 1 – House Districts 1 and 52;
  - (ii) Senate District 2 – House Districts 6 and 62;
  - (iii) Senate District 3 – House Districts 2 and 5;
  - (iv) Senate Districts 4 – House Districts 7 and 8;
  - (v) Senate District 5 – House Districts 12 and 42;
  - (vi) Senate District 6 – House Districts 4 and 10;
  - (vii) Senate District 7 – House Districts 9 and 41;
  - (viii) Senate District 8 – House Districts 11 and 44;
  - (ix) Senate District 9 – House Districts 13 and 45;
  - (x) Senate District 10 – House Districts 14 and 46;
  - (xi) Senate District 11 – House Districts 15 and 47;
  - (xii) Senate District 12 – House Districts 17 and 48;
  - (xiii) Senate District 13 – House Districts 39 and 60;
  - (xiv) Senate District 14 – House Districts 18 and 20;
  - (xv) Senate District 15 – House Districts 19 and 49;
  - (xvi) Senate District 16 – House Districts 21 and 22;
  - (xvii) Senate District 17 – House Districts 16 and 23;
  - (xviii) Senate District 18 – House Districts 24 and 50;
  - (xix) Senate District 19 – House Districts 25 and 26;
  - (xx) Senate District 20 – House Districts 27 and 28;
  - (xxi) Senate District 21;
  - (xxii) Senate District 22;
  - (xxiii) Senate District 23 – House Districts 3 and 31;
  - (xxiv) Senate District 24 – House Districts 32 and 53;
  - (xxv) Senate District 25 – House Districts 33 and 54;
  - (xxvi) Senate District 26 – House Districts 34 and 55;
  - (xxvii) Senate District 27 – House Districts 35 and 36;
  - (xxviii) Senate District 28 – House Districts 56 and 57;
  - (xxix) Senate District 29 – House Districts 37 and 59;
  - (xxx) Senate District 30 – House Districts 38 and 58; and
  - (xxxi) Senate District 31 – House Districts 43 and 61.

(c) See Attachment B.

**28-2-119. House legislative districts; lists of census blocks for split voter tabulation districts in the house of representatives.**

(a) Subsection (b) of this section creates legislative districts for the Wyoming house of representatives consisting of the numbered legislative districts contained therein. There shall be one (1) representative elected from each legislative district as specified in subsection (b) of this section. The area within a county, voter tabulation district or census block as provided in paragraphs (i) through (iii) of this subsection is determined using the United States bureau of the census topologically integrated geographic encoding and referencing data base (TIGER®). Each numbered legislative district in subsection (b) of this section consists of the combined geographic area within the:

(i) Entire specified county, if the county alone is listed with no geographic subdivision listed below it;

(ii) Voter tabulation district, if any are listed below the specified county; and

(iii) Census block, if any are listed below the specified voter tabulation district. A census block listed below a voter tabulation district indicates a split voter tabulation district.

(b) See Attachment A.

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

ATTACHMENT A

ATTACHMENT "A" CONSISTS OF THE LISTS OF COUNTIES, VOTER TABULATION DISTRICTS AND CENSUS BLOCKS WHICH MAKE UP THE GEOGRAPHIC AREAS OF THE SIXTY-TWO (62) SINGLE MEMBER HOUSE DISTRICTS CREATED BY THIS ACT. ATTACHMENT "A" IS NOT REPRODUCED IN THE 2022 SESSION LAWS BUT IS AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE WYOMING SECRETARY OF STATE PURSUANT TO W.S. 28-2-116.

ATTACHMENT B

ATTACHMENT "B" CONSISTS OF THE LISTS OF COUNTIES, VOTER TABULATION DISTRICTS AND CENSUS BLOCKS WHICH MAKE UP THE GEOGRAPHIC AREAS OF THE THIRTY-ONE (31) SINGLE MEMBER SENATE DISTRICTS CREATED BY THIS ACT. ATTACHMENT "B" IS NOT REPRODUCED IN THE 2022 SESSION LAWS BUT IS AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE WYOMING SECRETARY OF STATE PURSUANT TO W.S. 28-2-116.

Became law without signature March 25, 2022.

**Original House Resolution No. 1**

A JOINT RESOLUTION proposing to amend the Wyoming Constitution by amending the retirement age requirements for Wyoming supreme court justices and district court judges.

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 the Wyoming Constitution, Article 5, Section 5 is proposed for submission to the electors of the State of Wyoming at the next general election for approval or rejection to become valid as a part of the Constitution if ratified by a majority of the electors at the election:

**Article 5, Section 5. Voluntary retirement and compensation of justices and judges.**

Subject to the further provisions of this section, the legislature shall provide for the voluntary retirement and compensation of justices and judges of the supreme court and district courts, and may do so for any other courts, on account of length of service, age and disability, and for their reassignment to active duty where and when needed. The office of every such justice and judge shall become vacant when the incumbent reaches the age of ~~seventy (70)~~ seventy-five (75) years, as the legislature may prescribe; ~~but, in the case of an incumbent whose term of office includes the effective date of this amendment, this provision shall not prevent him from serving the remainder of said term nor be applicable to him before his period or periods of judicial service shall have reached a total of six (6) years.~~ The legislature may also provide for benefits for dependents of justices and judges.

**Section 2.** That the Secretary of State shall endorse the following statement on the proposed amendment:

Currently, the Wyoming Constitution requires Wyoming Supreme Court justices and district court judges to retire upon reaching the age of seventy (70). This amendment increases the mandatory retirement age of Supreme Court justices and district court judges from age seventy (70) to age seventy-five (75).

The Constitution also currently provides an exception to the mandatory requirement to retire upon reaching age seventy (70) for justices and judges who had not yet completed six (6) years of judicial service as of December 12, 1972. The proposed amendment would remove the now-obsolete six (6) year service guarantee.

Approved March 8, 2022.

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