

**SESSION
LAWS
OF
WYOMING**

**2023
General Session**

**SESSION LAWS
OF THE
STATE OF WYOMING
PASSED BY THE
SIXTY-SEVENTH LEGISLATURE
2023 GENERAL SESSION**

**CONVENED AT CHEYENNE, January 10, 2023
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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 Note however that if a section is both repealed and amended by operation of more than one chapter, the repealer is controlling and the section is repealed.

Legislative Service Office



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**AMENDMENTS
TO THE
CONSTITUTION
OF THE
STATE OF WYOMING**

CONSTITUTIONAL AMENDMENT

Ratified by the electors at the General Election held on November 16, 2022.

CONSTITUTIONAL AMENDMENT NO. A

A JOINT RESOLUTION proposing to amend the Wyoming Constitution to allow local government entities to invest in stocks and equities upon a two-thirds vote of both houses of the legislature; and providing a ballot statement.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING, two-thirds of all the members of the two houses, voting separately, concurring therein:

Section 1. The following proposal to amend Wyoming Constitution, Article 16, Section 6(a)(ii) by creating a new subparagraph (C) is proposed for submission to the electors of the State of Wyoming at the next general election for approval or rejection to become valid as a part of the Constitution if ratified by a majority of the electors at the election:

Article 16, Section 6. Loan of credit; donations prohibited; investment of funds; works of internal improvement.

(a) Neither the state nor any county, city, township, town, school district, or any other political subdivision, shall:

(ii) Subscribe to or become the owner of the capital stock of any association or corporation, except that:

(C) The legislature may provide by law for the investment of county, city, township, town, school district, or any other political subdivision's funds in the capital stock of any association or corporation and may designate which of these funds may be invested. The legislature may prescribe different investment conditions for each type and class of political subdivision and for each type of fund. Any legislation establishing or increasing the percentage of any fund that may be invested under this subparagraph shall be passed only by a two-thirds (2/3) vote of all the members of each of the two (2) houses voting separately.

Section 2. That the Secretary of State shall endorse the following statement on the proposed amendment:

The Wyoming Constitution allows the state to invest state funds in equities such as the stock of corporations, but does not allow the funds of counties, cities and other political subdivisions to be invested in equities. The adoption of this amendment would allow the funds of counties, cities and other political subdivisions to be invested in equities to the extent and in the manner the legislature may allow by law. Any law authorizing the investment of specified political subdivision funds in equities would require a two-thirds vote of both houses of the legislature.

LAWS
PASSED BY THE
SIXTY-SEVENTH
WYOMING LEGISLATURE
2023 GENERAL SESSION

Chapter 1

TREATMENT COURTS-TRANSFER TO JUDICIAL BRANCH

Original Senate File No. 23

AN ACT relating to courts; transferring responsibility and oversight of the court supervised treatment programs from the department of health to the Wyoming supreme court; specifying terms and conditions of the transfer; amending application approval and expense requirements for treatment programs; making conforming amendments; renumbering provisions; requiring reports; providing for rulemaking; and providing for effective dates.

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

Section 1. W.S. 5-12-101, 7-13-304(d), 7-13-407(a)(i), 7-13-421(h)(ii), 7-16-205(a)(v), 7-18-114(a)(iv), 7-19-106(a)(ix), 9-2-102(a)(iii), 14-3-429(d)(iv), 14-6-247(a)(xiv) and 14-6-429(d)(viii) are amended to read:

5-12-101. Short title; court supervised treatment.

(a) This act shall be known as and may be cited as the “Court Supervised Treatment Programs Act.”

(b) Any district, juvenile, circuit, municipal or tribal court judge or circuit court magistrate may act as a participating judge in a court supervised treatment program established pursuant to ~~W.S. 7-13-1601 through 7-13-1615~~ this act.

7-13-304. Imposition or modification of conditions; performance of work by defendant.

(d) As a condition of probation or suspension of sentence, the court may require a defendant to complete successfully a court supervised treatment program qualified under W.S. ~~7-13-1601 through 7-13-1615~~ 5-12-101 through 5-12-118, a 24/7 sobriety program under W.S. 7-13-1701 through 7-13-1710, or both.

7-13-407. Duties of probation and parole agents.

(a) Under direction and supervision of the director, probation and parole agents shall:

(i) Except as otherwise directed by the director, devote full time to the performance of their duties in carrying out the provisions of W.S. ~~5-12-101 through 5-12-118~~, 7-9-104, 7-9-107, 7-13-303, 7-13-401 through 7-13-424, 7-13-1101 through 7-13-1105, ~~7-13-1601 through 7-13-1615~~, 7-13-1801 through 7-13-1803 and 35-7-1043;

7-13-421. Restitution as condition of parole.

(h) The board may require payment of the following obligations as conditions of parole if it finds the parolee is reasonably capable of making the payments, taking into account the factors enumerated in W.S. 7-9-106(a)(iii):

(ii) Court ordered fines, reimbursement for the services of the public defender or court appointed counsel, the surcharge imposed under W.S. 1-40-119 and the surcharge imposed under W.S. ~~7-13-1616~~ 5-12-118;

7-16-205. Disposition of earnings; confidentiality of amount.

(a) Payment for services performed by any prisoner under W.S. 7-16-202 shall be deposited in the trust and agency account at the institution and shall be disbursed for the purposes provided in this subsection and in the order specified:

(v) Court ordered restitution, fines, sanctions and reimbursement for the services of public defender or court appointed counsel, the surcharge imposed under W.S. 1-40-119, victims compensation obligations under W.S. 1-40-112(g) and the surcharge imposed under W.S. ~~7-13-1616~~ 5-12-118;

7-18-114. Record and disbursement of wages; exemption from process; confidentiality of amount.

(a) Wages earned by an inmate, parolee or offender while in an adult community corrections program shall be retained and accounted for by the program operator and shall be disbursed for the purposes provided in this subsection and in the order specified:

(iv) Court ordered restitution, fines, sanctions and reimbursement for the services of public defender or court appointed counsel, the surcharge imposed under W.S. 1-40-119, victims compensation obligations under W.S. 1-40-112(g) and the surcharge imposed under W.S. ~~7-13-1616~~ 5-12-118;

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:

(ix) Court supervised treatment program staff solely for the purposes of utilizing the information pursuant to the Court Supervised Treatment

Programs Act in ~~title 7, chapter 13, article 6~~ title 5, chapter 12 of the Wyoming statutes;

9-2-102. Department of health; duties and responsibilities; state grants.

(a) The department of health is the state mental health authority, the developmental disabilities authority and the substance abuse authority. The department through its divisions has the following duties and responsibilities to:

(iii) Establish minimum standards and approve policies and procedures for the establishment and operation of community-based mental health, substance abuse and developmental disabilities programs receiving state support. The department through its mental health division and its substance abuse division shall annually withhold not less than five percent (5%) of all amounts provided in each contract with a community-based mental health; or substance abuse ~~or drug court~~ program or provider and shall not release the funds withheld to the individual program or provider until the respective division and the individual program or provider enter into a written agreement that provides for performance and outcome measures. If the respective division and an individual program or provider do not enter into a mutually agreed upon set of performance and outcome measures, the funds withheld under this paragraph shall revert to the budget reserve account at the end of the biennium in which the funds were withheld;

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

(d) As a part of any order of disposition and the terms and conditions thereof, the court may:

(iv) Require the child's parents or guardian and the child to participate in a court supervised treatment program qualified under W.S. ~~7-13-1601 through 7-13-1615~~ 5-12-101 through 5-12-118, provided the court supervised treatment program accepts the child's parents or guardian and the child for participation in its program.

14-6-247. Sanctions common to all levels.

(a) For a child at any sanction level, the juvenile court may:

(xiv) Require the child or the child's parents or guardian and the child to participate in a court supervised treatment program qualified under W.S. ~~7-13-1601 through 7-13-1615~~ 5-12-101 through 5-12-118, provided the court supervised treatment program accepts the child's parents or guardian and the child for participation in its program.

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

(d) As a part of any order of disposition and the terms and conditions thereof,

the court may:

(viii) Require the child's parents or guardian and the child to participate in a court supervised treatment program qualified under W.S. ~~7-13-1601 through 7-13-1615~~ 5-12-101 through 5-12-118, provided the court supervised treatment program accepts the child's parents or guardian and the child for participation in its program.

Section 2. W.S. 7-13-1602 as 5-12-104, 7-13-1605 as 5-12-107, 7-13-1606 through 7-13-1608 as 5-12-108 through 5-12-110, 7-13-1613 as 5-12-115 and 7-13-1616 as 5-12-118 are amended and renumbered to read:

~~7-13-1602~~ 5-12-104. Definitions.

(a) As used in this act:

(i) "Account" means the court supervised treatment account created by W.S. ~~7-13-1605(a)~~ 5-12-107(a);

(ii) "Applicant" means the governing body of a city, town or county, a tribal government of either the Northern Arapaho or Eastern Shoshone tribes of the Wind River Indian Reservation or a nonprofit organization recognized under 26 U.S.C. 501(c)(3);

(iii) "Continuum of care" means a seamless and coordinated course of substance abuse education and treatment designed to meet the needs of drug offenders as they move through the criminal justice system and beyond, maximizing self-sufficiency;

(iv) "Department" means the Wyoming department of health;

(v) "Dual diagnosis" means substance abuse and a co-occurring mental health disorder;

(vi) "Participant" means a substance offender or any other person as provided in title 14 of the Wyoming statutes who has been referred to and accepted into a program;

(vii) "Participating judge" means the district, juvenile, circuit, municipal or tribal court judge or magistrate acting as part of a program team;

(viii) "Program" or "court supervised treatment program" means a local court supervised treatment program that complies with rules and regulations adopted by the ~~department~~ Wyoming supreme court;

(ix) "Program coordinator" means the person responsible for coordinating the establishment, operation, evaluation and integrity of a program;

(x) "Program team" means the team created pursuant to W.S. ~~7-13-1609(a)~~ 5-12-111(a);

(xi) "Recidivism" means any subsequent criminal charge;

(xii) "Referring judge" means the district, juvenile, circuit, municipal or

tribal court judge or magistrate who refers a substance offender or any other person as provided in title 14 of the Wyoming statutes to a program;

(xiii) “Staffing” means the meeting of a program team before a participant’s entry into the program, and during the participant’s participation in the program, to plan a coordinated response to the participant’s behaviors and needs;

(xiv) “Substance” means alcohol, any controlled substance as defined in W.S. 35-7-1002(a)(iv), any substance used for mind altering purpose or over-the-counter medications and inhalants which are used in a manner not intended by the manufacturer;

(xv) “Substance abuse assessment” means as defined in W.S. 7-13-1301(a)(v);

(xvi) “Substance abuse treatment” means treatment designed to provide education and therapy directed toward ending substance abuse and preventing its return;

(xvii) “Substance offender” means a person charged with a substance related offense or an offense in which substance abuse is determined from the evidence to have been a significant factor in the commission of the offense;

(xviii) “This act” means ~~W.S. 7-13-1601 through 7-13-1616~~ 5-12-101 through 5-12-118.

~~7-13-1605-5-12-107~~. Establishment of court supervised program account; rules and regulations; panel created; program funding.

(a) There is created a court supervised treatment program account. All interest earned on funds within this account shall be deposited in the account. ~~The department supreme court~~ shall oversee and provide funding for programs from the court supervised treatment program account. Funds within the account shall be expended by the ~~department supreme court~~ for the purposes of this act upon legislative appropriation provided, however, that surcharges deposited in the account pursuant to ~~W.S. 7-13-1616(e)-5-12-118(e)~~ shall be distributed to programs by the ~~department supreme court~~ semiannually. ~~Department expenses under this act shall not exceed ten percent (10%) of the total amount of funding provided by the department for programs in any fiscal biennium.~~

(b) ~~The department supreme court~~ shall determine whether an application for a program meets the qualifications specified in ~~W.S. 7-13-1606(b) 5-12-118(b)~~ and the rules and regulations promulgated by the ~~department supreme court~~ pursuant to subsection (c) of this section.

(c) ~~Except as otherwise provided in this subsection, the department supreme court~~ shall promulgate rules and regulations necessary to implement this act, including establishing standards consistent with the key components of

drug courts defined by the United States department of justice or such similar rules as may be adopted by the ~~department supreme court~~. The department of health, in consultation with the supreme court, shall promulgate rules for certification and accreditation requirements for treatment personnel. The rules promulgated by the supreme court shall:

(i) Specify funding formulas for funding from the account which formula shall include provisions requiring local contribution to the cost of a program;

(ii) Require participants to contribute financially to their own program;

(iii) Establish program requirements, operational standards and protocols for programs, program team and staff training requirements, program data collection and maintenance, ~~certification requirements for treatment personnel,~~ and incentive and sanction limitations.

(d) ~~A panel, consisting of the attorney general, the directors of the department of health, department of family services and department of corrections, the chairman of the governor's advisory board on substance abuse and violent crimes and the state public defender, or their designees,~~ The supreme court shall make the final determination whether an application for a court supervised treatment program meets the qualifications of this act and shall determine the funding amount for each successful applicant. ~~The panel~~ supreme court may deny an application for a new program if the funding for the new program would substantially affect funding levels for existing programs.

(e) In addition to those funds deposited in the account created by this section, the ~~department supreme court~~ may accept, and shall deposit to the account, any gifts, contributions, donations, grants or federal funds specifically given to the ~~department supreme court~~ for the benefit of programs in Wyoming.

(f) Nothing in this act shall prohibit a program from obtaining or providing supplemental funding. All supplemental funds received by a program shall be reported to the ~~department supreme court~~.

7-13-1606-5-12-108. Establishment of court supervised treatment programs.

(a) Any court supervised treatment program that meets the qualifications specified in this section and the ~~department's supreme court's~~ rules and regulations may apply for funding from the account on a form developed by the ~~department supreme court~~.

(b) The applicant shall be the contracting agent for all its program contracts. All program employees of a program shall be employees of the applicant that was awarded a grant under this section, but referring judges, participating judges, other judicial branch personnel and department of corrections personnel shall not be program employees. All program funds and grants shall be managed by the applicant to whom a grant is awarded pursuant to the provisions of a

contract between the ~~department~~ supreme court and the applicant.

(c) All program billing shall be the responsibility of the applicant.

(d) The application shall identify participating judges and contain a plan for the participation of judges. The plan shall be consistent with rules adopted by ~~the department~~ and the supreme court.

(e) The application shall specify the treatment services to be provided by the program and shall identify the treatment providers.

(f) The application shall include other information that may be required by the ~~department~~ supreme court.

7-13-1607-5-12-109. Participation in court supervised treatment program; conditions; extended probation.

(a) No substance offender may participate in a program unless the substance offender, in a Wyoming district, juvenile, circuit, municipal or tribal court, has been charged with an offense; and:

(i) Has entered an admission, or a guilty or nolo contendere plea;

(ii) Has entered a guilty plea pursuant to W.S. 7-13-301;

(iii) Has signed a consent decree under title 14 of the Wyoming statutes;

or

(iv) Is on parole under the provisions of W.S. 7-13-401 et seq.

(b) Any district, juvenile, circuit, municipal or tribal court judge, or magistrate, may refer substance offenders for participation in a program. The referring judge may act as a participating judge in a program as authorized by this act and by rules adopted by the supreme court. A substance offender who is a defendant in a criminal action or a respondent in a juvenile court action may be referred for participation in a program if:

(i) A substance abuse assessment reveals that the person is in need of treatment;

(ii) The referring judge has reason to believe that participation in a program will benefit the person by addressing his substance abuse;

(iii) In a juvenile court case, the referring judge has reason to believe that participation by the child's parent or guardian will be in the best interest of the child; or

(iv) The person's case is processed pursuant to subsection (a) of this section.

(c) Participation in a program shall only be with the consent of the referring judge and the participant, and acceptance of the participant by the program team in accordance with a written agreement between the participant and the program team. The agreement shall include the participant's consent to release

of medical and other records relevant to his treatment history and assessment that meets the requirements of 42 U.S.C. 290dd-2(b) or 42 C.F.R. part 2.31, as applicable. Prior to a participant's entry into a written agreement, the participating judge shall inform the participant that he may be subject to a term of probation that exceeds the maximum term of imprisonment established for the particular offense charged, as provided in W.S. 5-9-134 and ~~7-13-1614~~ 5-12-116.

(d) Nothing in this act shall confer a right or an expectation of a right to participate in a program, nor does this act obligate a program team to accept any proposed participant. Neither the establishment of a program nor anything herein contained shall be construed as limiting the discretion of a prosecuting attorney in regard to the prosecution of any criminal or juvenile case. Consent to participation in a program under subsection (c) of this section shall only be required from the referring judge and participant.

~~7-13-1608~~ 5-12-110. **Incentives and sanctions; extended probation.**

(a) The participating judge may grant reasonable incentives under the written agreement under W.S. ~~7-13-1607(c)~~ 5-12-109(c) if he finds that since the last staffing, the participant:

- (i) Is performing satisfactorily in the program;
- (ii) Is benefiting from the program; and
- (iii) Has not violated any term or condition of the agreement.

(b) The participating judge may impose reasonable sanctions under the written agreement, including but not limited to, expulsion from the program, incarceration for a period not to exceed thirty (30) days if the participant is an adult, or detention for a period not to exceed thirty (30) days if the participant is a juvenile, if the participating judge finds that since the last staffing the participant:

- (i) Is not performing satisfactorily in the program;
 - (ii) Is not benefiting from the program;
 - (iii) Has engaged in conduct rendering the participant unsuitable for the program;
 - (iv) Has otherwise violated any term or condition of the written agreement;
- or

- (v) Is unable to participate in the program.

(c) To ensure due process of law, expulsion from the program shall be at the discretion of the participating judge, following a hearing, based on the recommendation of the program team. Expulsion shall not occur without the participant first being notified of the reasons for the proposed expulsion and given an opportunity to be heard by the program team and the participating judge.

~~7-13-1613~~ 5-12-115. Participant information and progress statistics.

(a) Participants may be required to provide access to the following information, the collection and maintenance of which by the program team shall be in a standardized format pursuant to ~~department~~ rules and regulations of the supreme court:

(i) Gender, race, ethnicity, marital status and child custody and support obligations;

(ii) Criminal history;

(iii) Substance abuse history, including substances of choice and prior treatment;

(iv) Employment, education and income history;

(v) Number and health of children born to female participants;

(vi) Incidents of recidivism occurring before, during and after successful completion of a program, or failed participation in a program.

(b) Programs shall maintain and report to the ~~department~~ supreme court the following information pursuant to ~~department~~ supreme court rules and regulations, none of which shall identify the participants:

(i) The number of participants screened for eligibility, the number of eligible persons who were, and who were not, admitted to the program and their case dispositions;

(ii) The costs of operation and sources of funding of the program.

~~7-13-1616~~ 5-12-118. Surcharge to be assessed in certain criminal cases; paid to account.

(a) In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, or is convicted of, any offense under W.S. 31-5-233 or 35-7-1001 through 35-7-1057 may be assessed a surcharge of not more than fifty dollars (\$50.00).

(b) The surcharge may be imposed upon any defendant for whom prosecution, trial or sentence is deferred under W.S. 7-13-301 and 7-13-302 or 35-7-1037 or who participates in any other diversion agreement for an offense specified in subsection (a) of this section.

(c) The court may waive the surcharge if the person is unable to pay the surcharge or for any other good cause shown. The court shall consider all other financial obligations imposed on the defendant and set the surcharge so as not to create an undue financial burden on the defendant.

(d) The surcharge shall be paid within ten (10) days of imposition. Failure to comply with the provisions for payment of the surcharge is punishable as contempt of court. Contempt or other proceedings, including proceedings under W.S. 6-10-105, if applicable, to collect the surcharge may be initiated by

the district attorney or by the court on its own motion.

(e) The proceeds from the surcharge imposed by this section shall be remitted promptly by the clerk of the court to the ~~department~~ supreme court for deposit in the account.

Section 3. W.S. 7-13-1603, 7-13-1604, 7-13-1609, 7-13-1610, 7-13-1611, 7-13-1612, 7-13-1614 and 7-13-1615 are renumbered as 5-12-105, 5-12-106, 5-12-111, 5-12-112, 5-12-113, 5-12-114, 5-12-116 and 5-12-117.

Section 4. W.S. 7-13-1601 is repealed.

Section 5.

(a) The court supervised treatment program established in title 7, chapter 13, article 16 of the Wyoming statutes, as renumbered by this act, shall be transferred from the department of health to the supreme court on July 1, 2024. All property, equipment, obligations and unexpended funds of the court supervised treatment unit (unit 2503) of the department of health shall be transferred to the supreme court on July 1, 2024, except as otherwise provided in this section.

(b) Nothing in this act shall be construed to impair existing contracts, agreements or other obligations of the court supervised treatment program that the department of health entered into on the program's behalf before July 1, 2024. The supreme court shall, to the greatest extent authorized by law and upon assuming responsibility for the court supervised treatment program, fulfill existing agreements, contracts and other obligations of the court supervised treatment program entered into before July 1, 2024. For any existing agreement, contract or other obligation that the supreme court cannot assume lawfully, the department of health shall retain those agreements, contracts and other obligations.

(c) Any unexpended, unobligated funds appropriated and any positions allocated to the court supervised treatment unit of the department of health as of July 1, 2024 shall be transferred to the supreme court on July 1, 2024. For purposes of this subsection, any funds appropriated and any positions allocated to the court supervised treatment unit of the department of health during the 2024 budget session of the legislature shall be transferred to the supreme court on July 1, 2024.

Section 6.

(a) The supreme court shall promulgate all rules necessary to implement and manage the court supervised treatment program.

(b) Beginning with the effective date of this section until July 1, 2024, the department of health shall consult with the supreme court regarding any agreement, contract or other obligation the department of health seeks to enter into on behalf of the court supervised treatment program.

(c) Not later than August 1, 2023, the supreme court and the department of health shall report to the joint judiciary committee on a plan for transferring the court supervised treatment program and its functions and responsibilities to the supreme court. The report shall include any recommendations for legislation the supreme court or the department of health determine is necessary to effectuate the transfer of the court supervised treatment program to the supreme court. The committee shall sponsor any necessary legislation to correct or improve the outcome of any issue identified in the report submitted under this subsection.

Section 7.

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

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

Approved February 15, 2023.

Chapter 2

COMMUNITY COLLEGE FUNDING-DISTANCE EDUCATION CREDIT HOURS

Original House Bill No. 29

AN ACT relating to community college funding; modifying the definition of distance education for community colleges; eliminating the full-time weighted equivalency for distance education class credit hours for calculations in the community college funding allocation model; and providing for an effective date.

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

Section 1. W.S. 21-18-102(a)(xvii) is amended to read:

21-18-102. Definitions.

(a) As used in this act:

(xvii) “Distance education class” means a class in which the instructor and a majority of students are physically separated by time or space, and a communications source other than face to face in class instruction is used to provide synchronous or asynchronous instruction. A class which qualifies as a distance education class shall ~~not~~ be considered a level one, level two or level three class as determined by the content of the course;

Section 2. W.S. 21-18-102(a)(xviii)(A) is repealed.

Section 3. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 3

COMMUNITY COLLEGE CAPITAL CONSTRUCTION

Original House Bill No. 28

AN ACT relating to the duties of the Wyoming community college commission; increasing the minimum estimated cost of community college capital construction projects which require approval of the community college commission; and providing for an effective date.

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

Section 1. W.S. 21-18-202(d)(v)(intro), (A) and (B) is amended to read:

21-18-202. Powers and duties of the commission.

(d) The commission shall perform the following approval functions:

(v) Approve all new capital construction projects in excess of ~~one hundred thousand dollars (\$100,000.00)~~ two hundred fifty thousand dollars (\$250,000.00) for which state funds are or could be eventually applied. “New capital construction projects” include:

(A) New construction, renovation and capital renewal in excess of ~~one hundred thousand (\$100,000.00)~~ two hundred fifty thousand dollars (\$250,000.00) market value which is not necessary maintenance or repair;

(B) The acquisition of real property in excess of ~~one hundred thousand dollars (\$100,000.00)~~ two hundred fifty thousand dollars (\$250,000.00) market value whether by purchase or exchange; and

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

Approved February 15, 2023.

Chapter 4

PEACE OFFICER RETIREMENT AND REHIRING

Original House Bill No. 45

AN ACT relating to administration of the government; allowing rehiring of persons who have retired under the Wyoming State Highway Patrol, Game and Fish Warden and Criminal Investigator Retirement Act; repealing the mandatory retirement age under the Wyoming State Highway Patrol, Game and Fish Warden and Criminal Investigator Retirement Act; and providing for an effective date.

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

Section 1. W.S. 9-3-616 is amended to read:

9-3-616. Applicability of portions of Wyoming Retirement Act.

(a) Requirements for eligibility for:

(i) Disability retirement under this article, either related or not related to official duties as an employee, shall be in accordance with the disability provisions outlined in the Wyoming Retirement Act;

(ii) Rehiring an employee retired under this article shall be in accordance with the Wyoming Retirement Act at W.S. 9-3-415(g) through (j).

Section 2. W.S. 9-3-607(d) is repealed.

Section 3. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 5

BENEFITS FOR SPOUSES OF LAW ENFORCEMENT MEMBERS

Original Senate File No. 18

AN ACT relating to administration of the government; amending death benefits for the law enforcement retirement plan and the state highway patrol, game and fish warden and criminal investigator retirement plan; conforming provisions; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 9-3-432(j) and by creating a new subsection (p), 9-3-613, 9-3-614 and 9-3-615(a)(intro) are amended to read:

9-3-432. Law enforcement officers; contributions; benefit eligibility; service and disability benefits; death benefits; benefit options.

(j) Notwithstanding W.S. 9-3-421, any surviving spouse of an officer:

(i) Who dies in the scope of employment shall receive a monthly death benefit payment equal to the greater of sixty-two and one-half percent (62.5%) of the officer's salary at the time of death or two and one-half percent (2.5%) of the officer's salary multiplied by the years of the officer's service credit, as determined under W.S. 9-3-417, plus six percent (6%) of that salary for each child under age eighteen (18), not to exceed one hundred percent (100%) of the officer's salary;

(ii) ~~Any surviving spouse of an officer~~ Who dies outside of the scope of employment but before receiving retirement benefits under this section shall receive a monthly nonduty death benefit payment equal to fifty percent (50%) of the officer's salary, at the time of death, plus six percent (6%) of that salary for each child under age eighteen (18), not to exceed one hundred percent (100%) of the officer's salary;

(iii) ~~Notwithstanding any other provision in this subsection, any~~

~~surviving spouse of any officer~~ Who retired under W.S. 15-5-301 through 15-5-314 shall, notwithstanding any other provision in this subsection, receive a monthly pension equal to two-thirds (2/3) of the pension the retired law enforcement officer was receiving at the time of ~~his~~ the officer's death, plus ~~sixty dollars (\$60.00)~~ six percent (6%) of the officer's salary for each child under age eighteen (18), not to exceed one hundred percent (100%) of the officer's salary.

(p) As used in subsection (j) of this section, the officer's salary for purposes of determining death benefit payments shall be equal to the greater of:

(i) The officer's highest average salary at the time of death, as defined in subsection (e) of this section; or

(ii) The officer's final actual salary at the time of death, which means the gross salary paid to the officer during the last full month of credited service.

9-3-613. Payment on death; duty related.

(a) If a member of the retirement program dies as a result of any activity related to official duties as an employee prior to retirement under this article, a monthly death benefit equal to ~~fifty percent (50%)~~ the greater of sixty-two and one-half percent (62.5%) of the member's final actual salary at time of death or two and one-half percent (2.5%) of the member's salary multiplied by the years of the member's service credit, as determined under W.S. 9-3-417, shall be paid to the surviving spouse.

(b) In addition ~~to the benefits provided under subsection (a) of this section~~, an additional amount equal to ~~five percent (5%)~~ six percent (6%) of the final actual member's salary shall be paid as a benefit for each unmarried child under the age of eighteen (18) years, provided the total death benefit paid to the surviving spouse and children in accordance with this section shall not exceed one hundred percent (100%) of the employee's final actual salary.

(c) A member's salary for purposes of determining death benefit payments under this section shall be equal to the greater of:

(i) The member's highest average salary at the time of death, as defined in W.S. 9-3-602(a)(xvi); or

(ii) The member's final actual salary at the time of death as defined in W.S. 9-3-602(a)(vi).

9-3-614. Payment on death; not duty-related death of retired member.

(a) If a member dies prior to retirement and ~~his~~ the member's death is not related to ~~his~~ the member's official duties as an employee, a monthly nonduty death benefit shall be paid to the surviving spouse, equal to ~~two percent (2%) of the member's final actual salary at time of death for each year of credited service~~. The maximum nonduty death benefit payable to the spouse shall not exceed ~~fifty percent (50%) of the member's final actual salary~~.

(b) In addition to the benefits provided under subsection (a) of this section, an additional amount equal to ~~five percent (5%)~~ six percent (6%) of the ~~final actual member's~~ salary shall be paid as a benefit for each unmarried child under the age of eighteen (18) years. The total nonduty death benefit paid to the surviving spouse and children in accordance with this subsection shall not exceed ~~sixty percent (60%)~~ one hundred percent (100%) of the employee's ~~final actual~~ salary.

~~(b)~~(c) If a retired member of the retirement program dies, the spouse of the deceased member shall receive a benefit equal to fifty percent (50%) of the retirement allowance paid in accordance with W.S. 9-3-607 through 9-3-614. In determining the benefit to be paid to the spouse, no reduction due to social security shall be taken into account. In addition, an amount equal to ~~five percent (5%)~~ six percent (6%) of the ~~final actual member's~~ salary shall be paid as a benefit for each unmarried child under the age of eighteen (18) years. The total benefit paid to the surviving spouse and children on the death of the retired member in accordance with this subsection shall not exceed ~~sixty percent (60%)~~ one hundred percent (100%) of the employee's ~~final actual~~ salary.

(d) As used in this section, the member's salary for purposes of determining death benefit payments means as provided in W.S. 9-3-613(c).

9-3-615. Election of coverage under Wyoming Retirement Act.

(a) Subject to uniform rules and regulations the retirement board prescribes, instead of the service allowance provided in this article and instead of the benefit specified in W.S. ~~9-3-614(b)~~ 9-3-614(c), a member of the retirement program may elect one (1) of the following forms of service retirement benefits which shall be the actuarial equivalent of the benefit to which he would otherwise be entitled:

Section 2.

(a) This act shall apply to the distribution of all benefits for the death of members subject to this act made on or after the effective date of this act.

(b) Nothing in this act shall be construed to modify or impair existing contracts, benefits or other obligations arising or awarded before the effective date of this act.

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

Approved February 15, 2023.

Chapter 6**COAL-FIRED FACILITY CLOSURES LITIGATION FUNDING-
AMENDMENTS****Original House Bill No. 69**

AN ACT relating to the administration of government; continuing the coal-fired facility closures litigation funding account; amending permissible purposes and uses for the coal-fired facility closures litigation funding account for commencing and prosecuting lawsuits against states relating to coal exportation and coal-fired electric generation facilities; making conforming amendments; requiring reports; and providing for an effective date.

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

Section 1.

(a) The account created by 2021 Wyoming Session Laws, Chapter 112, Section 2 is continued. Any funds in the account on the effective date of this act shall remain in the account. Funds shall not be transferred or expended for any purpose other than administering and enforcing the provisions of this section. The funds in the account shall be continuously appropriated to the office of the governor for the purposes of funding any litigation expenses incurred in accordance with this section. Any unexpended, unobligated funds remaining in the account shall revert as provided by law on June 30, 2026.

(b) The governor may expend funds from the account under subsection (a) of this section for the purposes of intervening in, defending, commencing or prosecuting lawsuits against the federal government and its agencies, other states or other states' agencies and local governments that enact and enforce laws or regulations, or other actions by the federal government, other states, local governments or third parties, that impermissibly impede Wyoming's ability to export coal, that cause the early retirement of coal-fired electric generation facilities located in Wyoming, that result in the decreased use of Wyoming coal or the closure of coal-fired electric generation facilities that use Wyoming coal.

(c) On or before October 1, 2023 and each year thereafter until October 1, 2026, the governor and the attorney general shall report to the joint appropriations committee and the joint minerals, business and economic development interim committee on:

(i) The expenditure of any funds in the account to challenge laws or other actions authorized in accordance with this section;

(ii) The status of any litigation initiated, intervened in, defended, prosecuted or concluded using the funds in the account under subsection (a) of this section. The governor and attorney general may present the information required by this paragraph in executive session.

Section 2. 2021 Wyoming Session Laws, Chapter 112 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 February 15, 2023.

Chapter 7

THEFT-PENALTY FOR FIFTH OR SUBSEQUENT OFFENSE

Original House Bill No. 112

AN ACT relating to crimes and offenses; establishing separate felony penalties for fifth or subsequent theft offenses; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 6-3-402(c)(intro) and by creating a new subsection (j) is amended to read:

6-3-402. Theft; penalties.

(c) Except as provided in ~~subsection~~ subsections (g) and (j) of this section, theft is:

(j) Any person convicted of a fifth or subsequent offense for theft, shoplifting, larceny, wrongful taking of property, wrongful disposal of property or livestock rustling, any other theft offense under this section, any theft offense under a municipal ordinance or any theft offense pursuant to a substantially similar law of another jurisdiction separately brought and tried shall be guilty of a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

Section 2. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 8

FINANCIAL EXPLOITATION OF VULNERABLE ADULTS

Original Senate File No. 24

AN ACT relating to banks, banking and finance; requiring financial institutions to report financial exploitation of vulnerable adults as specified; authorizing discretionary reporting of suspected financial exploitation of vulnerable adults to third parties; allowing temporary holds on transactions; providing immunity; requiring disclosure of financial records; providing definitions; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 13-1-701 through 13-1-706 are created to read:

ARTICLE 7

PROTECTION OF VULNERABLE ADULTS

13-1-701. Definitions.

(a) As used in this article:

- (i) “Agent” means as defined in W.S. 17-4-102(a)(ii);
- (ii) “Department” means the department of family services;
- (iii) “Financial exploitation” means:

(A) The wrongful or unauthorized taking, withholding, appropriation or use of the money, assets or other property or the identifying information of a person; or

(B) An act or omission by a person, including through the use of a power of attorney on behalf of, or as the conservator or guardian of, another person, to:

(I) Obtain control, through deception, intimidation, fraud or undue influence, over the other person’s money, assets or other property to deprive the other person of the ownership, use, benefit or possession of the property; or

(II) Convert the money, assets or other property of the other person to deprive the other person of the ownership, use, benefit or possession of the property.

(iv) “Financial institution” means as defined by W.S. 13-1-401(a)(ii) and, for purposes of this article, shall include broker-dealers as defined in W.S. 17-4-102(a)(iv) and investment advisers as defined in W.S. 17-4-102(a)(xv);

(v) “Investment adviser representative” means as defined in W.S. 17-4-102(a)(xvi);

(vi) “Qualified person” means any agent, investment adviser representative or person who serves in a supervisory, compliance or legal capacity for a financial institution;

(vii) “Vulnerable adult” means as defined by W.S. 35-20-102(a)(xviii).

13-1-702. Reporting financial exploitation of vulnerable adults.

(a) If a qualified person has cause to believe that financial exploitation of a vulnerable adult has occurred, is occurring or has been attempted, the qualified person shall notify the financial institution of the suspected financial exploitation.

(b) If a financial institution is notified of suspected financial exploitation under subsection (a) of this section or otherwise has cause to believe that financial exploitation of a vulnerable adult has occurred, is occurring or has been attempted, the financial institution shall assess the suspected financial

exploitation and, if warranted, submit a report to the department containing the same information under W.S. 35-20-103(b). The financial institution shall submit the report required by this subsection not later than the earlier of:

(i) The date the financial institution completes its assessment of the suspected financial exploitation; or

(ii) Five (5) business days after the date the financial institution is notified of the suspected financial exploitation under subsection (a) of this section or otherwise has cause to believe that the financial exploitation of a vulnerable adult has occurred, is occurring or has been attempted.

(c) A financial institution that submits a report to the department of suspected financial exploitation of a vulnerable adult under subsection (b) of this section is not required to make an additional report of suspected abuse, neglect or exploitation under W.S. 35-20-103 for the same conduct constituting the reported suspected financial exploitation.

(d) Each financial institution shall adopt internal policies, programs, plans or procedures for:

(i) The qualified persons of the financial institution to make the notifications required under subsection (a) of this section; and

(ii) The financial institution to conduct the assessment and submit the report required under subsection (b) of this section.

(e) The policies, programs, plans or procedures adopted under subsection (d) of this section may authorize the financial institution to report the suspected financial exploitation of a vulnerable adult to any appropriate state or federal agency in addition to the department, including any appropriate law enforcement agency.

13-1-703. Notifying third parties of suspected financial exploitation of vulnerable adults.

If a financial institution submits a report of suspected financial exploitation of a vulnerable adult to the department under this article, the financial institution may, at the time the financial institution submits the report, also notify a third party reasonably associated with the vulnerable adult of the suspected financial exploitation of the vulnerable adult, unless the financial institution suspects the third party of financial exploitation of the vulnerable adult.

13-1-704. Temporary hold on transactions.

(a) Notwithstanding any other state law, a financial institution:

(i) May place a hold on any transaction that involves an account of a vulnerable adult or that contains the vulnerable adult's assets or property if the financial institution:

(A) Submits a report of suspected financial exploitation of the vulnerable

adult to the department as required under this article; and

(B) Has cause to believe the transaction is related to the suspected financial exploitation alleged in the report.

(ii) Shall place a hold on any transaction involving an account of a vulnerable adult if the hold is requested by the department or a law enforcement agency.

(b) Subject to subsection (c) of this section, a hold placed on any transaction under subsection (a) of this section shall not exceed five (5) business days after the date the hold is placed.

(c) A financial institution may extend a hold placed on any transaction under subsection (a) of this section for a period not to exceed thirty (30) business days after the expiration of the period prescribed by subsection (b) of this section if requested by a state or federal agency or a law enforcement agency investigating the suspected financial exploitation of a vulnerable adult. The financial institution may also petition a court to extend a hold placed on any transaction under subsection (a) of this section beyond the period prescribed by subsection (b) of this section. A court may enter an order extending a hold or providing other relief.

(d) Each financial institution shall adopt internal policies, programs, plans or procedures for placing a hold on a transaction involving an account of a vulnerable adult under this section.

13-1-705. Immunity.

(a) A qualified person who provides notification under W.S. 13-1-702(a), a financial institution that submits a report under W.S. 13-1-702(b) or provides notification to a third party under W.S. 13-1-703 and a qualified person or financial institution that testifies or otherwise participates in a judicial proceeding arising from a notification or report under this article is immune from any civil liability arising from the notification, report, testimony or participation in the judicial proceeding, unless the qualified person or financial institution acted in bad faith or with a malicious purpose.

(b) A financial institution that in good faith and with the exercise of reasonable care places or does not place a hold on any transaction under W.S. 13-1-704(a) is immune from any civil liability or disciplinary action resulting from that action or failure to act.

13-1-706. Records.

To the extent permitted by state and federal law, a financial institution shall provide, on request, access to or copies of records relevant to the suspected financial exploitation of a vulnerable adult to the department, a law enforcement agency or a district attorney's office, either as part of a report to the department, law enforcement agency or district attorney's office or at the request of the

department, law enforcement agency or district attorney's office in accordance with an investigation. Access to records of transactions provided under this section shall be limited to sixty (60) days before the first transaction suspected of involving financial exploitation to sixty (60) days after the last transaction suspected of involving financial exploitation.

Section 2. The department of family services 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 July 1, 2023.

(b) Sections 2 and 3 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved February 15, 2023.

Chapter 9

CHANCERY COURT JURISDICTION AMENDMENTS

Original House Bill No. 97

AN ACT relating to civil procedure; amending the jurisdiction for lawsuits related to government contracts filed under the Wyoming Governmental Claims Act to include the chancery court 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. 1-39-117(a) is amended to read:

1-39-117. Jurisdiction; appeals; venue; trial by jury; liability insurance.

(a) Original and exclusive jurisdiction for any claim filed in state court under this act shall be in the district courts of Wyoming except that claims or counterclaims in an action based on a contract entered into by a governmental entity may be brought in the chancery court if the contract provides that the chancery court shall be the venue for disputes arising under the contract and the claim or counterclaim is otherwise within the jurisdiction of the chancery court. Appeals may be taken as provided by law.

Section 2. This act shall apply to lawsuits filed on and after the effective date of this act.

Section 3. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 10**ENDANGERING CHILDREN-FENTANYL****Original House Bill No. 111**

AN ACT relating to crimes and offenses; adding fentanyl to the list of controlled substances that qualify as a child endangerment offense; clarifying the applicability of provisions; and providing for an effective date.

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

Section 1. W.S. 6-4-405(a) and (b) is amended to read:

6-4-405. Endangering children; controlled substances; penalty.

(a) ~~Notwithstanding W.S. 6-4-403(b)(iv),~~ Unless properly stored and pursuant to a valid practitioner's medication order or valid prescription, no person shall knowingly and willfully cause or permit any child to:

(i) Absorb, inhale or otherwise ingest any amount of methamphetamine or fentanyl;

(ii) Remain in a room, dwelling or vehicle where the person knows methamphetamine or fentanyl is being manufactured or sold; or

(iii) Enter and remain in a room, dwelling or vehicle that the person knows is being used to manufacture or store fentanyl or methamphetamines, or the hazardous waste created by the manufacture of fentanyl or methamphetamines.

(b) No person having the care or custody of a child shall knowingly and willfully permit the child to remain in a room, dwelling or vehicle where that person knows that illicit methamphetamine or illicit fentanyl is possessed, stored or ingested.

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

Approved February 15, 2023.

Chapter 11**VERIFYING THE VETERAN DESIGNATION ON A WY DRIVER'S LICENSE****Original House Bill No. 39**

AN ACT relating to motor vehicles; authorizing the department of transportation to accept specified documentation to verify honorable discharge of a veteran for the veteran designation on a Wyoming driver's license; amending the veteran designation on a Wyoming driver's license; and providing for an effective date.

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

Section 1. W.S. 31-7-111(b)(xii) and 31-7-141 are amended to read:

31-7-111. Application for license or permit generally.

(b) The application shall include:

(xii) ~~Certification by the Wyoming veterans' commission~~ Documentation issued by the armed forces of the United States that the applicant is an honorably discharged veteran of the armed forces of the United States, if the applicant wishes to have a veteran designation pursuant to W.S. 31-7-141;

31-7-141. Veteran designation.

Upon receiving the ~~certification~~ documentation required by W.S. 31-7-111(b)(xii), the department shall identify on the Wyoming driver's license or identification card that the person is an honorably discharged veteran of the armed forces of the United States. The identification shall be in the form of a "V" or "Veteran" printed on the face of the driver's license or identification card.

Section 2. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 12

SOLID WASTE CEASE AND TRANSFER PROGRAM FUNDING

Original House Bill No. 50

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	Big Horn County SWDD – North #2 (T)	\$1,900,000
6	Thermopolis, Town of (T)	\$2,000,000
7	Rawlins, City of (T)	\$ 780,000
8	Thermopolis, Town of (C)	\$2,500,000
9	Baggs SWDD (C)	\$2,250,000
10	Lingle, Town of (C)	\$ 350,000
11	Big Horn County SWDD–North #2 (C)	\$2,800,000
12	Newcastle, City of (C)	\$3,700,000
13	Lincoln County – Cokeville (C)	\$1,000,000
14	Uinta County Solid Waste – Bridger Valley (C)	\$4,000,000
15	LaGrange, Town of (C)	\$1,400,000
16	Moorcroft, Town of (C)	\$2,600,000
17	Upton, Town of (C)	\$1,500,000
18	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 by priority 1 in subsections (b) and (c) of this section to the joint minerals, business and economic development interim committee.

Section 2. 2022 Wyoming Session Laws, Chapter 11 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 February 15, 2023.

Chapter 13

COUNTY OFFICERS-BOND AMOUNTS AND SURETY REQUIREMENT

Original House Bill No. 10

AN ACT relating to county officers; increasing the amount of the bond that county officers are required to give as specified; eliminating a requirement for multiple sureties for county officers; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 5-3-208, 7-4-101 and 18-3-102(a)(i) and (iii) through (vi) are amended to read:

5-3-208. Amount of bond; conditions.

Each clerk upon entering on the duties of his office, shall give a bond in the penal sum of not less than ~~ten thousand dollars (\$10,000.00)~~ one hundred thousand dollars (\$100,000.00) to the county ~~with two (2) or more sufficient sureties~~ to be approved by the county commissioners conditioned upon the faithful performance of the duties of his office, the proper collection and turning over all fees and the proper payment of all moneys collected by him

and he shall from time to time give such additional bond as the judge of the court may require.

7-4-101. Election; oath; bond.

A coroner shall be elected in each county for a term of four (4) years. He shall take the oath prescribed by the constitution of the state and give bond to the state of Wyoming, in the penal sum of ~~one thousand dollars (\$1,000.00)~~ one hundred thousand dollars (\$100,000.00), with ~~a sufficient sureties~~ surety, to be approved by the board of county commissioners, conditioned that he will faithfully perform all duties required by law.

18-3-102. County officers required to execute bonds; amount; sureties; penalty.

(a) All county officers, except county attorneys, before assuming the duties of their office and within twenty (20) days after the commencement of the term for which they were elected or appointed, shall take, subscribe and file the oath of office, and execute and file their official bonds to the state of Wyoming to insure the honest and faithful performance of their duties, in the penal amounts specified and according to the following provisions:

(i) County assessor: a bond approved by the board of county commissioners of ~~five thousand dollars (\$5,000.00)~~ one hundred thousand dollars (\$100,000.00) with ~~at least two (2) sureties~~ a sufficient surety who ~~are residents~~ is a resident of the county or of a responsible surety company;

(iii) County clerk: a bond filed with the county treasurer of not less than ~~four thousand dollars (\$4,000.00)~~ one hundred thousand dollars (\$100,000.00) with ~~at least two (2) sureties~~ a sufficient surety;

(iv) County commissioners: a bond approved by the clerk of the district court of ~~one thousand dollars (\$1,000.00)~~ ten thousand dollars (\$10,000.00);

(v) County sheriff: a bond approved by the board of county commissioners of ~~four thousand dollars (\$4,000.00)~~ one hundred thousand dollars (\$100,000.00) with sufficient surety;

(vi) County surveyor: a bond of ~~one thousand dollars (\$1,000.00)~~ ten thousand dollars (\$10,000.00) with sufficient ~~sureties~~ surety;

Section 2. The provisions of this act shall apply to any clerk of district court, county assessor, county coroner, county clerk, county commissioner, county sheriff or county surveyor whose term of office commences on and after the effective date of this act.

Section 3. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 14

PRESUMPTIVE CHILD SUPPORT AMOUNTS-UPDATED TABLES

Original House Bill No. 12

AN ACT relating to child support; amending the presumptive child support amounts; and providing for an effective date.

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

Section 1. W.S. 20-2-304(a)(i) through (v) is amended to read:

20-2-304. Presumptive child support.

(a) Child support shall be expressed in a specific dollar amount. The following child support tables shall be used to determine the total child support obligation considering the combined income of both parents. The appropriate table is based upon the number of children for whom the parents share joint legal responsibility and for whom support is being sought. After the combined net income of both parents is determined it shall be used in the first column of the tables to find the appropriate line from which the total child support obligation of both parents can be computed from the third column. The child support obligation computed from the third column of the tables shall be divided between the parents in proportion to the net income of each. The noncustodial parent's share of the joint child support obligation shall be paid to the custodial parent through the clerk as defined by W.S. 20-6-102(a)(x):

(i) One (1) child:

Net Monthly Income of Both Parents	Percentage of Income Allocated For One Child	Base Support Plus Marginal Percentage
\$846.00	22.0	\$186.00 + 21.3% over \$846.00
\$2,961.00	21.5	\$637.00 + 14.3% over \$2,961.00
\$4,652.00	18.9	\$879.00 + 11.8% over \$4,652.00
\$5,498.00	17.8	\$979.00 + 10.2% over \$5,498.00
\$7,613.00	15.7	\$1,195.00 + 9.3% over \$7,613.00
\$10,151.00	14.1	\$1,431.00 + 7.5% over \$10,151.00
\$12,900.00	12.7	\$1,638.00 + 5.9% of anything over \$12,900.00
<u>\$1,000.00</u>	<u>23.0</u>	<u>\$230.00 + 23.0% over \$1,000.00</u>
<u>\$2,000.00</u>	<u>23.0</u>	<u>\$461.00 + 23.0% over \$2,000.00</u>
<u>\$3,200.00</u>	<u>23.0</u>	<u>\$737.00 + 20.1% over \$3,200.00</u>

<u>\$4,000.00</u>	<u>22.5</u>	<u>\$898.00 + 13.4% over \$4,000.00</u>
<u>\$4,500.00</u>	<u>21.4</u>	<u>\$965.00 + 11.8% over \$4,500.00</u>
<u>\$8,000.00</u>	<u>17.2</u>	<u>\$1,379.00 + 11.1% over \$8,000.00</u>
<u>\$15,000.00</u>	<u>14.4</u>	<u>\$2,157.00 + 10.3% of anything over \$15,000.00</u>

(ii) Two (2) children:

Net Monthly Income of Both Parents	Percentage of Income Allocated For Two Children	Base Support Plus Marginal Percentage
<u>\$846.00</u>	<u>32.9</u>	<u>\$278.00 + 32.8% over \$846.00</u>
<u>\$2,961.00</u>	<u>32.8</u>	<u>\$971.00 + 20.7% over \$2,961.00</u>
<u>\$4,652.00</u>	<u>28.4</u>	<u>\$1,321.00 + 17.4% over \$4,652.00</u>
<u>\$5,498.00</u>	<u>26.7</u>	<u>\$1,468.00 + 15.2% over \$5,498.00</u>
<u>\$7,613.00</u>	<u>23.5</u>	<u>\$1,789.00 + 14.3% over \$7,613.00</u>
<u>\$10,151.00</u>	<u>21.2</u>	<u>\$2,152.00 + 10.4% over \$10,151.00</u>
<u>\$12,900.00</u>	<u>18.9</u>	<u>\$2,438.00 + 9.5% of anything over \$12,900.00</u>
<u>\$1,000.00</u>	<u>35.1</u>	<u>\$351.00 + 35.1% over \$1,000.00</u>
<u>\$2,000.00</u>	<u>35.1</u>	<u>\$702.00 + 33.9% over \$2,000.00</u>
<u>\$3,200.00</u>	<u>34.6</u>	<u>\$1,108.00 + 31.0% over \$3,200.00</u>
<u>\$4,000.00</u>	<u>33.9</u>	<u>\$1,356.00 + 19.6% over \$4,000.00</u>
<u>\$4,500.00</u>	<u>32.3</u>	<u>\$1,454.00 + 17.0% over \$4,500.00</u>
<u>\$8,000.00</u>	<u>25.6</u>	<u>\$2,048.00 + 16.0% over \$8,000.00</u>
<u>\$15,000.00</u>	<u>21.1</u>	<u>\$3,171.00 + 15.3% of anything over \$15,000.00</u>

(iii) Three (3) children:

Net Monthly Income of Both Parents	Percentage of Income Allocated For Three Children	Base Support Plus Marginal Percentage
<u>\$846.00</u>	<u>40.2</u>	<u>\$340.00 + 39.4% over \$846.00</u>
<u>\$2,961.00</u>	<u>39.6</u>	<u>\$1,173.00 + 23.9% over \$2,961.00</u>
<u>\$4,652.00</u>	<u>33.9</u>	<u>\$1,577.00 + 20.9% over \$4,652.00</u>
<u>\$5,498.00</u>	<u>31.9</u>	<u>\$1,754.00 + 17.9% over \$5,498.00</u>

\$7,613.00	28.0	\$2,132.00 + 16.8% over \$7,613.00
\$10,151.00	25.2	\$2,558.00 + 11.6% over \$10,151.00
\$12,900.00	22.3	\$2,877.00 + 11.6% of anything over \$12,900.00
\$1,000.00	42.4	\$424.00 + 42.4% over \$1,000.00
\$2,000.00	42.4	\$848.00 + 40.4% over \$2,000.00
\$3,200.00	41.7	\$1,334.00 + 36.5% over \$3,200.00
\$4,000.00	40.6	\$1,626.00 + 22.8% over \$4,000.00
\$4,500.00	38.7	\$1,740.00 + 19.2% over \$4,500.00
\$8,000.00	30.2	\$2,412.00 + 18.4% over \$8,000.00
\$15,000.00	24.7	\$3,698.00 + 18.1% of anything over \$15,000.00

(iv) Four (4) children:

Net Monthly Income of Both Parents	Percentage of Income Allocated For Four Children	Base Support Plus Marginal Percentage
\$846.00	44.9	\$380.00 + 43.9% over \$846.00
\$2,961.00	44.2	\$1,309.00 + 26.8% over \$2,961.00
\$4,652.00	37.9	\$1,763.00 + 22.9% over \$4,652.00
\$5,498.00	35.6	\$1,957.00 + 20.1% over \$5,498.00
\$7,613.00	31.3	\$2,383.00 + 18.5% over \$7,613.00
\$10,151.00	28.1	\$2,852.00 + 13.1% over \$10,151.00
\$12,900.00	24.9	\$3,212.00 + 13.0 % of anything over \$12,900.00
\$1,000.00	47.4	\$474.00 + 47.4% over \$1,000.00
\$2,000.00	47.4	\$948.00 + 45.2% over \$2,000.00
\$3,200.00	46.6	\$1,490.00 + 40.8% over \$3,200.00
\$4,000.00	45.4	\$1,816.00 + 25.5% over \$4,000.00
\$4,500.00	43.2	\$1,943.00 + 21.5% over \$4,500.00
\$8,000.00	33.7	\$2,694.00 + 20.5% over \$8,000.00
\$15,000.00	27.5	\$4,130.00 + 20.2% of anything over \$15,000.00

(v) Five (5) or more children:

Net Monthly Income of Both Parents	Percentage of Income Allocated For Five Children	Base Support Plus Marginal Percentage
\$846.00	49.4	\$418.00 + 48.3% over \$846.00
\$2,961.00	48.6	\$1,439.00 + 29.6% over \$2,961.00
\$4,652.00	41.7	\$1,940.00 + 24.8% over \$4,652.00
\$5,498.00	39.1	\$2,150.00 + 22.2% over \$5,498.00
\$7,613.00	34.4	\$2,619.00 + 20.4% over \$7,613.00
\$10,151.00	30.9	\$3,137.00 + 14.5% over \$10,151.00
\$12,900.00	27.4	\$3,535.00 + 14.3% of anything over \$12,900.00
<u>\$1,000.00</u>	<u>52.1</u>	<u>\$521.00 + 52.1% over \$1,000.00</u>
<u>\$2,000.00</u>	<u>52.1</u>	<u>\$1,042.00 + 49.7% over \$2,000.00</u>
<u>\$3,200.00</u>	<u>51.2</u>	<u>\$1,639.00 + 44.8% over \$3,200.00</u>
<u>\$4,000.00</u>	<u>49.9</u>	<u>\$1,997.00 + 28.0% over \$4,000.00</u>
<u>\$4,500.00</u>	<u>47.5</u>	<u>\$2,137.00 + 23.6% over \$4,500.00</u>
<u>\$8,000.00</u>	<u>37.0</u>	<u>\$2,964.00 + 22.6% over \$8,000.00</u>
<u>\$15,000.00</u>	<u>30.3</u>	<u>\$4,543.00 + 22.2% of anything over \$15,000.00</u>

Section 2. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 15

SCHOOL FACILITIES-APPROPRIATIONS

Original House Bill No. 26

AN ACT relating to appropriations for K-12 school facilities; modifying the required budget recommendation from the select committee on school facilities; clarifying the legislature's ability to appropriate one (1) sum for design and construction for each project; clarifying reporting requirements; and providing for an effective date.

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

Section 1. W.S. 21-15-119(c) and 28-11-301(c)(iv) are amended to read:

21-15-119. Commission budget and funding recommendations.

(c) Budgets submitted by the commission under subsection (a) of this section

~~and recommended by the select committee on school facilities under W.S. 28-11-301 shall be attached to specified projects for the applicable budget period, which projects shall be referred to as planning and shall separately identify amounts for design phase projects and construction phase projects. With the approval of the governor, the department may transfer up to fifteen percent (15%) of the total funds appropriated between project phases. Any modification of appropriation expenditures between project phases shall be reported to the select committee in accordance with W.S. 28-11-301(c)(iv). Additionally, the commission may for any budget period specify amounts within its budget which are recommended to cover inflation, unanticipated costs, off-site infrastructure costs and other such contingency or special project costs provided the additional costs are reported and approved in accordance with W.S. 28-11-301(c)(iv). Nothing in this subsection shall prohibit the legislature from making one (1) appropriation for both the design and construction phases for a project.~~

28-11-301. Appointment of members; powers and duties; related duties of school facilities commission.

(c) The state construction department shall:

(iv) Using accepted accounting standards, account for all funds appropriated by the legislature for each fiscal period and not less than four (4) times during each fiscal year, report expenditures of appropriated amounts and separately identify and report any expenditures which are modified from those amounts specified within the proposed budget submitted to the select committee under W.S. 21-15-119. Any ~~such~~ modification of expenditures of legislative appropriations pursuant to W.S. 21-15-119(c) shall be separately identified and reported to the select committee, shall be executed only upon the express approval and authorization of the school facilities commission, shall be within the sole authority of the commission and shall not be delegated by the commission.

Section 2. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 16

DEFINITION OF HOME-BASED EDUCATIONAL PROGRAM

Original House Bill No. 70

AN ACT relating to education; modifying the definition of home-based educational program; and providing for an effective date.

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

Section 1. W.S. 21-4-101(a)(v) is amended to read:

21-4-101. Definitions.

(a) For the purposes of this article:

(v) A home-based educational program means a program of educational instruction provided to a child by the child's parent or legal guardian or by a person designated by the parent or legal guardian; ~~An instructional program provided to more than one (1) family unit does not constitute a home-based educational program;~~

Section 2. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 17

WYOMING TELECOMMUNICATIONS ACT-SUNSET DATE

Original Senate File No. 2

AN ACT relating to telecommunications; extending the sunset date of the Wyoming Telecommunications Act; making conforming changes; and providing for an effective date.

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

Section 1. W.S. 37-15-101(b) and 37-15-501(h) are amended to read:

37-15-101. Short title; sunset.

(b) This chapter is repealed effective July 1, ~~2023~~2025.

37-15-501. Universal service fund created; contributions; administration.

(h) The price benchmark shall be thirty dollars (\$30.00) ~~until July 1, 2023~~ unless otherwise adjusted by the commission pursuant to this subsection. ~~On and after July 1, 2019,~~ The commission shall review the price benchmark one (1) time every four (4) years and, after review, shall adjust the benchmark as necessary to assure that it approximates one hundred thirty percent (130%) of the weighted statewide average essential local exchange service price. The commission may change the price benchmark at any time if, after notice and opportunity for a hearing, the commission determines that the price benchmark does not approximate one hundred thirty percent (130%) of the weighted statewide average essential local exchange service price and that the price benchmark should be adjusted by ten percent (10%) or more.

Section 2. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 18**NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM
AMENDMENTS****Original Senate File No. 4**

AN ACT relating to worker's compensation; amending the extrahazardous industries codes to conform with changes to the North American Industry Classification System manual; repealing a related law; and providing for an effective date.

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

Section 1. W.S. 27-14-108(a)(ii)(F)(I), (G)(II)(1)a., (III)(1)a., b., (IV), (J)(I), (S)(I)(1)c. and by creating a new subdivision d. is amended to read:

27-14-108. Extrahazardous industries, employments, occupations; enumeration; definitions; optional coverage.

(a) This act applies to the following, which shall be deemed extrahazardous employment:

(ii) Regardless of individual occupation, all workers employed in the following sectors, subsectors, industry groups and industries, as each is defined in the most recent edition of the North American Industry Classification System (NAICS) manual:

(F) Wholesale trade, sector 42:

(I) Subsector ~~422-424~~, wholesale trade, nondurable goods:

(1) Industry group ~~4225-4245~~, farm product raw materials, wholesale;

(2) Industry group ~~4226-4246~~, chemical and allied products, wholesale;

(3) Industry group ~~4227-4247~~, petroleum and petroleum products, wholesale;

(4) Industry group ~~4228-4248~~, beer, wine, and distilled alcoholic beverages, wholesale;

(5) Industry group ~~4229-4249~~, miscellaneous nondurable goods, wholesale.

(G) Retail trade, sector 44-45:

(II) Subsector 444, building materials and garden equipment and supplies:

(1) Industry group 4441, building materials and supplies dealers:

a. NAICS industry ~~44419-44418~~, other building materials.

(III) Subsector 445, food and beverage stores:

(1) Industry group 4452, specialty food stores:

- a. NAICS industry ~~44521-44524~~, meat ~~markets~~ retailers;
- b. NAICS industry ~~44522-44525~~, fish and seafood ~~markets~~ retailers;
- (IV) Subsector ~~447-457~~, gasoline stations and fuel dealers;
- (J) Information, sector 51:
 - (I) Subsector ~~511-513~~, publishing industries:
 - (1) Industry group ~~511-5131~~, newspaper, periodical, book and directory publishers.
 - (S) Public administration, sector 92:
 - (I) Subsector 922, justice, public order and safety activities:
 - (1) Industry group 9221, justice, public order and safety activities:
 - c. NAICS industry 92215, ~~fire protection, including firefighters while performing under the direction of a duly authorized officer in charge and engaged in competition at employer sanctioned training events, construction, maintenance or improvement of equipment or facilities utilized in fire protection activities, fundraising, civic affairs or other similar authorized activities.~~ parole offices and probation offices;
 - d. NAICS industry 92216, fire protection, including firefighters while performing under the direction of a duly authorized officer in charge and engaged in competition at employer sanctioned training events, construction, maintenance or improvement of equipment or facilities utilized in fire protection activities, fundraising, civic affairs or other similar authorized activities.

Section 2. W.S. 27-14-108(a)(ii)(G)(V) is repealed.

Section 3. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 19

PUBLIC WORKS APPRENTICESHIP PROGRAMS-REPEAL

Original Senate File No. 77

AN ACT relating to city, county, state and local powers; repealing statutes authorizing the use of apprenticeship programs on public works projects; repealing bid preferences for contractors who utilize the apprenticeship program; repealing reporting requirements; and providing for an effective date.

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

Section 1. W.S. 16-6-901 and 16-6-902 are repealed.

Section 2. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 20

BAR AND GRILL LIQUOR LICENSE PHASEOUT

Original Senate File No. 13

AN ACT relating to alcoholic beverages; amending bar and grill liquor license requirements; specifying sunset dates for bar and grill license population formulas; providing for rulemaking; and providing for effective dates.

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

Section 1. W.S. 12-1-101(a) by creating a new paragraph (xxvii) and 12-4-413(b)(intro) and by creating new paragraphs (v) and (vi), (c) by creating new paragraphs (ii) and (iii), (f) and by creating new subsections (g) through (k) are amended to read:

12-1-101. Definitions.

(a) As used in this title:

(xxvii) "Entertainment" means any activity designed to provide diversion or amusement, regardless of the age required for the activity. "Entertainment" shall not include adult entertainment as defined by the local licensing authority or gambling.

12-4-413. Bar and grill liquor license; authorized; requirements.

~~(b) The number of Bar and grill liquor licenses for cities and towns shall be based on the following population formula shall be issued as follows:~~

(v) Beginning July 1, 2023, the number of bar and grill liquor licenses for cities and towns shall be based on the following population formula:

(A) Not more than four (4) licenses in incorporated cities or towns with populations of seven thousand five hundred (7,500) or less;

(B) Not more than ten (10) licenses in incorporated cities with populations between seven thousand five hundred one (7,501) and twenty thousand (20,000);

(C) Not more than fourteen (14) licenses in incorporated cities with populations between twenty thousand one (20,001) and thirty thousand (30,000); and

(D) Not more than one (1) additional license for each additional five thousand (5,000) persons residing in incorporated cities over thirty thousand (30,000);

(E) This paragraph is repealed effective June 30, 2028.

(vi) Beginning July 1, 2028, the number of bar and grill liquor licenses for cities and towns shall be based on the following population formula:

(A) Not more than six (6) licenses in incorporated cities or towns with populations of seven thousand five hundred (7,500) or less;

(B) Not more than fourteen (14) licenses in incorporated cities with populations between seven thousand five hundred one (7,501) and twenty thousand (20,000);

(C) Not more than eighteen (18) licenses in incorporated cities with populations between twenty thousand one (20,001) and thirty thousand (30,000); and

(D) Not more than one (1) additional license for each additional three thousand (3,000) persons residing in incorporated cities over thirty thousand (30,000).

(c) Bar and grill liquor licenses may be granted by the county commissioners as the appropriate licensing authority in a county outside of incorporated cities and towns as follows:

(ii) Beginning July 1, 2023, four (4) licenses for each seven thousand five hundred (7,500) persons residing outside incorporated cities and towns. This paragraph is repealed effective June 30, 2028;

(iii) Beginning July 1, 2028, six (6) licenses for each seven thousand five hundred (7,500) persons residing outside incorporated cities and towns.

~~(f) Bar and grill liquor licenses shall be subject to the provisions of W.S. 12-4-408 and 12-4-410(c) to the same extent those provisions are applicable to restaurant liquor licenses. Bar and grill liquor licensees shall not sell alcoholic or malt beverages for off-premises consumption from the licensed building owned or leased by the licensee except as allowed under W.S. 12-4-410(e) this subsection. The following shall apply to sales of alcoholic and malt beverages:~~

(i) All sales of alcoholic and malt beverages authorized by a bar and grill liquor license shall cease at the time food sales and services cease or at the hours specified by W.S. 12-5-101(a) if food sales and services extend beyond the hours specified therein;

(ii) A bar and grill liquor licensee may permit a patron to remove one (1) partially consumed bottle of wine for off-premises consumption provided that the patron has purchased a full course meal and consumed a portion of the bottle of wine with the meal on the bar and grill premises. For purposes of this paragraph the term "full course meal" shall mean food which cannot conveniently be consumed while standing or walking. A partially consumed bottle of wine that is to be removed from the premises pursuant to this paragraph shall be securely sealed by the licensee or an agent of the licensee

and placed in a tamper-proof transparent bag which shall also be securely sealed prior to removal from the premises, so that it is visibly apparent that the resealed bottle of wine has not been tampered with. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine which is resealed in accordance with the provisions of this paragraph shall not be deemed an open container for purposes of W.S. 31-5-235.

(g) An applicant for a bar and grill liquor license shall satisfy the appropriate licensing authority that not less than sixty percent (60%) of revenue from the operation of the bar and grill to be licensed will be derived from food services, entertainment or a combination of food services and entertainment and not from the sale of alcoholic or malt beverages.

(h) When renewing a bar and grill liquor license, the appropriate licensing authority shall condition renewal upon a requirement that not less than sixty percent (60%) of gross sales from the preceding twelve (12) months operation of a licensed bar and grill be derived from food services, entertainment or a combination of food services and entertainment.

(j) The appropriate licensing authority shall consider the type, level and appropriateness of food services and entertainment sales proposed in each application when determining whether to issue or renew a bar and grill license.

(k) Upon application for license renewal, a license holder shall submit an annual report to the licensing authority on the sales of the licensed bar and grill. The report shall contain the annual gross sales figures of the bar and grill and shall separate the gross sales figures into the following three (3) categories:

- (i) Food service sales;
- (ii) Alcoholic and malt beverage sales;
- (iii) Entertainment sales.

Section 2. W.S. 12-4-413(b)(i) through (iv) and (c)(i) are repealed.

Section 3. The liquor division and the department of revenue shall promulgate any rules necessary to implement this act.

Section 4.

(a) Except as otherwise provided by subsection (b) of this section, this act is effective July 1, 2023.

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

Approved February 15, 2023

Chapter 21**PSYCHOLOGY INTERJURISDICTIONAL COMPACT****Original Senate File No. 26**

AN ACT relating to professional licensing; adopting the Psychology Interjurisdictional Compact; authorizing the temporary and telemedicine based provision of psychology services by psychologists not licensed to practice psychology in Wyoming; providing for participation in the compact; making conforming amendments; assigning duties to the Wyoming state board of psychology; authorizing the fingerprinting and background investigation of psychology license applicants and license renewals; and providing for an effective date.

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

Section 1. W.S. 33-27-201 and 33-27-202 are created to read:

ARTICLE 2**PSYCHOLOGY INTERJURISDICTIONAL COMPACT****33-27-201. Short title.**

This article shall be known and may be cited as the “Psychology Interjurisdictional Compact.”

33-27-202. Compact provisions generally.

The Psychology Interjurisdictional Compact is enacted into law and entered into on behalf of this state with all other states legally joining in the Compact in a form substantially as follows:

ARTICLE I**PURPOSE**

Whereas, states license psychologists in order to protect the public through verification of education, training and experience and ensure accountability for professional practice; and

Whereas, this Compact is intended to regulate the day to day practice of telepsychology (i.e. the provision of psychological services using telecommunication technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

Whereas, this Compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for thirty (30) days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;

Whereas, this Compact is intended to authorize State Psychology Regulatory Authorities to afford legal recognition, in a manner consistent with the terms of the Compact, to psychologists licensed in another state;

Whereas, this Compact recognizes that states have a vested interest in protecting the public’s health and safety through their licensing and regulation

of psychologists and that such state regulation will best protect public health and safety;

Whereas, this Compact does not apply when a psychologist is licensed in both the Home and Receiving States; and

Whereas, this Compact does not apply to permanent in-person, face-to-face practice; however, it does allow for authorization of temporary psychological practice.

Consistent with these principles, this Compact is designed to achieve the following purposes and objectives:

1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state where the psychologist is not licensed to practice psychology;
2. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;
3. Encourage the cooperation of Compact States in the areas of psychology licensure and regulation;
4. Facilitate the exchange of information between Compact States regarding psychologist licensure, adverse actions and disciplinary history;
5. Promote compliance with the laws governing psychological practice in each Compact State; and
6. Invest all Compact States with the authority to hold licensed psychologists accountable through the mutual recognition of Compact State licenses.

ARTICLE II DEFINITIONS

A. "Adverse Action" means any action taken by a State Psychology Regulatory Authority that finds a violation of a statute or regulation that is identified by the State Psychology Regulatory Authority as discipline and is a matter of public record;

B. "Association of State and Provincial Psychology Boards (ASPPB)" means the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada;

C. "Authority to Practice Interjurisdictional Telepsychology" means a licensed psychologist's authority to practice telepsychology, within the limits authorized under this Compact, in another Compact State;

D. "Bylaws" means those bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Article X of this Compact for its governance, or for directing and controlling its actions and conduct;

E. “Client/Patient” means the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision and/or consulting services;

F. “Commissioner” means the voting representative appointed by each State Psychology Regulatory Authority pursuant to Article X of this Compact;

G. “Compact State” means a state, the District of Columbia or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII, Section C of this Compact or been terminated pursuant to Article XII, Section B of this Compact;

H. “Coordinated Licensure Information System”, also referred to as “Coordinated Database”, means an integrated process for collecting, storing and sharing information on psychologists’ licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities;

I. “Confidentiality” means the principle that data or information is not made available or disclosed to unauthorized persons and/or processes;

J. “Day” means any part of a day in which psychological work is performed;

K. “Distant State” means the Compact State where a psychologist is physically present (not through the use of telecommunications technologies) to provide temporary in-person, face-to-face psychological services;

L. “E.Passport” means a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines;

M. “Executive Board” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission;

N. “Home State” means a Compact State where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one (1) Compact State and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact State where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one (1) Compact State and is practicing under the Temporary Authorization to Practice, the Home State is any Compact State where the psychologist is licensed;

O. “Identity History Summary” means a summary of information retained by the FBI, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization or military service;

P. “In-Person, Face-to-Face” means interactions in which the psychologist

and the client/patient are in the same physical space and that does not include interactions that may occur through the use of telecommunication technologies;

Q. “Interjurisdictional Practice Certificate (IPC)” means a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the State Psychology Regulatory Authority of intention to practice temporarily and verification of one’s qualifications for such practice;

R. “License” means authorization by a State Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization;

S. “Non-Compact State” means any State which is not at the time a Compact State;

T. “Psychologist” means an individual licensed for the independent practice of psychology;

U. “Psychology Interjurisdictional Compact Commission”, also referred to as “Commission”, means the national administration of which all Compact States are members;

V. “Receiving State” means a Compact State where the client/patient is physically located when the telepsychological services are delivered;

W. “Rule” means a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Article XI of this Compact that is of general applicability and that implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural or practice requirement of the Commission, and that has the force and effect of statutory law in a Compact State, and includes the amendment, repeal or suspension of an existing rule;

X. “Significant Investigatory Information” means:

1. Investigative information that a State Psychology Regulatory Authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

2. Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.

Y. “State” means a state, commonwealth, territory or possession of the United States or the District of Columbia;

Z. “State Psychology Regulatory Authority” means the Board, office or other agency with the legislative mandate to license and regulate the practice of psychology;

AA. “Telepsychology” means the provision of psychological services using telecommunication technologies;

BB. “Temporary Authorization to Practice” means a licensed psychologist’s authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this Compact, in another Compact State;

CC. “Temporary In-Person, Face-to-Face Practice” means where a psychologist is physically present (not through the use of telecommunications technologies) in the Distant State to provide for psychology services for thirty (30) days within a calendar year and based on notification to the Distant State.

ARTICLE III HOME STATE LICENSURE

A. The Home State shall be a Compact State where a psychologist is licensed to practice psychology.

B. A psychologist may hold one (1) or more Compact State licenses at a time. If the psychologist is licensed in more than one (1) Compact State, the Home State is the Compact State where the psychologist is physically present when the services are delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

C. Any Compact State may require a psychologist not previously licensed in a Compact State to obtain and retain a license to be authorized to practice in the Compact State under circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

D. Any Compact State may require a psychologist to obtain and retain a license to be authorized to practice in a Compact State under circumstances not authorized by Temporary Authorization to Practice under the terms of this Compact.

E. A Home State’s license authorizes a psychologist to practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:

1. Currently requires the psychologist to hold an active E.Passport;
2. Has a mechanism in place for receiving and investigating complaints about licensed persons;
3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation (FBI), or other designee with similar authority, no later than ten (10) years after

activation of the Compact; and

5. Complies with the Bylaws and Rules of the Commission.

F. A Home State's license grants Temporary Authorization to Practice to a psychologist in a Distant State only if the Compact State:

1. Currently requires the psychologist to hold an active Interjurisdictional Practice Certificate;

2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation (FBI), or other designee with similar authority, no later than ten (10) years after activation of the Compact; and

5. Complies with the Bylaws and Rules of the Commission.

ARTICLE IV

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

A. Compact States shall recognize the right of a psychologist, licensed in a Compact State in conformance with Article III of this Compact, to practice telepsychology in other Compact States (Receiving States) in which the psychologist is not licensed under the Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.

B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

b. A foreign college or university deemed to be equivalent to 1(a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

2. Hold a graduate degree in psychology that meets all of the following criteria:

- a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;
 - b. The psychology program must stand as a recognizable, coherent organizational entity within the institution;
 - c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
 - d. The program must consist of an integrated, organized sequence of study;
 - e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
 - f. The designated director of the program must be a psychologist and a member of the core faculty;
 - g. The program must have an identifiable body of students who are matriculated in that program for a degree;
 - h. The program must include supervised practicum, internship or field training appropriate to the practice of psychology;
 - i. The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study for doctoral degrees and a minimum of one (1) academic year of full-time graduate study for master's degrees;
 - j. The program includes an acceptable residency as defined by the Rules of the Commission.
3. Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State;
 4. Have no history of adverse action that violates the Rules of the Commission;
 5. Have no criminal record history reported on an Identity History Summary that violates the Rules of the Commission;
 6. Possess a current, active E.Passport;
 7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology, criminal background and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and
 8. Meet other criteria as defined by the Rules of the Commission.
- C. The Home State shall maintain authority over the license of any

psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.

D. A psychologist practicing in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology shall be subject to the Receiving State's scope of practice. A Receiving State may, in accordance with that state's due process law, limit or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and may take any other necessary actions under the Receiving State's applicable law to protect the health and safety of the Receiving State's citizens. If a Receiving State takes action, the state shall promptly notify the Home State and the Commission.

E. If a psychologist's license in any Home State, another Compact State or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State is restricted, suspended or otherwise limited, the psychologist's E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology.

ARTICLE V

COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

A. Compact States shall also recognize the right of a psychologist, licensed in a Compact State in conformance with Article III of this Compact, to practice temporarily in other Compact States (Distant States) in which the psychologist is not licensed, as provided in this Compact.

B. To exercise the Temporary Authorization to Practice under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State shall:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

b. A foreign college or university deemed to be equivalent to 1(a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

2. Hold a graduate degree in psychology that meets the following criteria:

a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

b. The psychology program must stand as a recognizable, coherent

organizational entity within the institution;

c. There must be clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

d. The program must consist of an integrated, organized sequence of study;

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

f. The designated director of the program must be a psychologist and a member of the core faculty;

g. The program must have an identifiable body of students who are matriculated in that program for a degree;

h. The program must include supervised practicum, internship or field training appropriate to the practice of psychology;

i. The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study for doctoral degrees and a minimum of one (1) academic year of full-time graduate study for master's degrees;

j. The program includes an acceptable residency as defined by the Rules of the Commission.

3. Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State;

4. No history of adverse action that violates the Rules of the Commission;

5. No criminal record history that violates the Rules of the Commission;

6. Possess a current, active Interjurisdictional Practice Certificate;

7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

8. Meet other criteria as defined by the Rules of the Commission.

C. A psychologist practicing in a Distant State under the Temporary Authorization to Practice shall practice within the scope of practice authorized by the Distant State.

D. A psychologist practicing in a Distant State under the Temporary Authorization to Practice will be subject to the Distant State's authority and law. A Distant State may, in accordance with that state's due process law, limit or revoke a psychologist's Temporary Authorization to Practice in the Distant State and may take any other necessary actions under the Distant State's applicable law to protect the health and safety of the Distant State's citizens. If a Distant State takes action, the state shall promptly notify the Home State and the Commission.

E. If a psychologist's license in any Home State or another Compact State or any Temporary Authorization to Practice in any Distant State is restricted, suspended or otherwise limited, the Interjurisdictional Practice Certificate shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact State under the Temporary Authorization to Practice.

ARTICLE VI

CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

A. A psychologist may practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate State Psychology Regulatory Authority, as defined in the Rules of the Commission, and under the following circumstances:

1. The psychologist initiates a client/patient contact in a Home State via telecommunications technologies with a client/patient in a Receiving State;
2. Other conditions regarding telepsychology as determined by Rules promulgated by the Commission.

ARTICLE VII

ADVERSE ACTIONS

A. A Home State shall have the power to impose adverse action against a psychologist's license issued by the Home State. A Distant State shall have the power to take adverse action on a psychologist's Temporary Authorization to Practice within that Distant State.

B. A Receiving State may take adverse action on a psychologist's Authority to Practice Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse action against a psychologist based on an adverse action taken by a Distant State regarding temporary in-person, face-to-face practice.

C. If a Home State takes adverse action against a psychologist's license, that psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's Temporary Authorization to Practice is terminated and the Interjurisdictional Practice Certificate is revoked.

1. All Home State disciplinary orders which constitute adverse action shall be reported to the Commission in accordance with the Rules promulgated by the Commission. A Compact State shall report adverse actions in accordance with the Rules of the Commission;

2. In the event adverse action is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the Rules of the Commission;

3. Other actions may be imposed as determined by the Rules promulgated by the Commission.

D. A Home State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a Receiving State as it would if such conduct had occurred by a licensee within the Home State. In such cases, the Home State's law shall control in determining any adverse action against a psychologist's license.

E. A Distant State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under Temporary Authorization to Practice which occurred in that Distant State as it would if such conduct had occurred by a licensee within the Home State. In such cases, Distant State's law shall control in determining any adverse action against a psychologist's Temporary Authorization to Practice.

F. Nothing in this Compact shall override a Compact State's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the Compact State's law. Compact States shall prohibit psychologists who enter any alternative programs from providing telepsychology services under the Authority to Practice Interjurisdictional Telepsychology or under the Temporary Authorization to Practice in any other Compact State during the term of the alternative program.

G. No other judicial or administrative remedies shall be available to a psychologist in the event a Compact State imposes an adverse action pursuant to subsection C above.

ARTICLE VIII

ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

A. In addition to any other powers granted under state law, a Compact State's Psychology Regulatory Authority shall have the authority under this Compact to:

1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact State's Psychology Regulatory Authority for the attendance and testimony of witnesses and/or the production of evidence from another Compact State shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing State Psychology Regulatory Authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the

witnesses and/or evidence are located; and

2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice;

3. During the course of any investigation, a psychologist may not change his/her Home State licensure. A Home State Psychology Regulatory Authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The Home State Psychology Regulatory Authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his/her Home State licensure. The Commission shall promptly notify the new Home State of any such decisions as provided in the Rules of the Commission. All information provided to the Commission or distributed by Compact States concerning the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The Commission may create additional rules for mandated or discretionary sharing of information by Compact States.

ARTICLE IX

COORDINATED LICENSURE INFORMATION SYSTEM

A. The Commission shall provide for the development and maintenance of a Coordinated Licensure Information System (Coordinated Database) and reporting system containing licensure and disciplinary action information on all psychologists individuals to whom this Compact is applicable in all Compact States as defined by the Rules of the Commission.

B. Notwithstanding any other provision of state law to the contrary, a Compact State shall submit a uniform data set to the Coordinated Database on all licensees as required by the Rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against a psychologist's license;
5. An indicator that a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice is revoked;
6. Non-confidential information related to alternative program participation information;
7. Any denial of application for licensure and the reasons for such denial;
and
8. Other information which may facilitate the administration of this Compact, as determined by the Rules of the Commission.

C. The Coordinated Database administrator shall promptly notify all Compact States of any adverse action taken against, or significant investigative information on, any licensee in a Compact State.

D. Compact States reporting information to the Coordinated Database may designate information that may not be shared with the public without the express permission of the Compact State reporting the information.

E. Any information submitted to the Coordinated Database that is subsequently required to be expunged by the law of the Compact State reporting the information shall be removed from the Coordinated Database.

ARTICLE X

ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

A. The Compact States hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.

1. The Commission is a body politic and an instrumentality of the Compact States;

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings;

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting and Meetings.

1. The Commission shall consist of one (1) voting representative appointed by each Compact State who shall serve as that state's Commissioner. The State Psychology Regulatory Authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the Compact State. This delegate shall be limited to:

a. The Executive Director, Executive Secretary or similar executive;

b. Current member of the State Psychology Regulatory Authority of a Compact State; or

c. Designee empowered with the appropriate authority to act on behalf of the Compact State.

2. Any Commissioner may be removed or suspended from office as provided by the law of the state from which the Commissioner is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compact State in which the vacancy exists.

3. Each Commissioner 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 Commissioner shall vote in person or by such other means as provided in the Bylaws. The Bylaws may provide for Commissioners' participation in meetings by telephone or other means of communication.

4. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the Bylaws.

5. 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 Article XI of this Compact.

6. The Commission may convene in a closed, non-public meeting if the Commission must discuss:

a. Non-compliance of a Compact State with its obligations under the Compact;

b. The employment, compensation, discipline or other personnel 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 against the Commission;

d. Negotiation of contracts for the purchase or sale of goods, services or real estate;

e. Accusation against any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information which 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 investigatory records compiled for law enforcement purposes;

i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee of the Commission charged with responsibility for investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal and state law.

7. 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. 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, of

any person participating in the meeting 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 only by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the Commissioners, prescribe Bylaws and/or Rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact, including but not limited to:

1. Establishing the fiscal year of the Commission;
2. Providing reasonable standards and procedures:
 - a. For the establishment and meetings of committees; and
 - b. Governing any general or specific delegation of any authority or function of the Commission.
3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance at such meetings of interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the Commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each Commissioner with no proxy votes allowed;
4. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;
5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar law of any Compact State, the Bylaws shall exclusively govern the personnel policies and programs of the Commission;
6. Promulgating a Code of Ethics to address permissible and prohibited activities of Commission members and employees;
7. Providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations;
8. The Commission shall publish its Bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compact States;

9. The Commission shall maintain its financial records in accordance with the Bylaws; and

10. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the Bylaws.

D. The Commission shall have the following powers:

1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rule shall have the force and effect of law and shall be binding in all Compact States;

2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Psychology Regulatory Authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a Compact State;

5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

9. To establish a budget and make expenditures;

10. To borrow money;

11. To appoint committees, including advisory committees comprised of Members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the Bylaws;

12. To provide and receive information from, and to cooperate with, law enforcement agencies;

13. To adopt and use an official seal; and

14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

E. The Executive Board. Persons elected pursuant to this paragraph shall serve as the Executive Board, which shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Board shall be comprised of six (6) members:

a. Five (5) voting members who are elected from the current membership of the Commission by the Commission;

b. One (1) ex-officio, nonvoting member from the recognized membership organization that shall be composed of State and Provincial Psychology Regulatory Authorities.

2. The ex-officio member shall have served as staff or member on a State Psychology Regulatory Authority and will be selected by its respective organization.

3. The Commission may remove any member of the Executive Board as provided in Bylaws.

4. The Executive Board shall meet at least annually.

5. The Executive Board 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 States such as annual dues, and any other applicable fees;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of member states and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in Rules or Bylaws.

F. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

3. The Commission may levy on and collect an annual assessment from each Compact 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 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 Compact States.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Compact States, except by and with the authority of the Compact State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its Bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense and Indemnification

1. The members, officers, Executive Director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, Executive Director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining 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.

3. The Commission shall indemnify and hold harmless any member,

officer, Executive Director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that 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.

ARTICLE XI RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the Compact States rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any Compact State.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least sixty (60) 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:

1. On the website of the Commission; and
2. On the website of each Compact States' Psychology Regulatory Authority or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and submit any written comments.

F. 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.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons who submit comments independently of each other;
2. A governmental subdivision or agency; or
3. A duly appointed person in an association that has at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time and date of the scheduled public hearing.

1. All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission or other designated commissioner in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. The Commission shall, by majority vote of all commissioners, 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.

K. 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.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided

in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the emergency rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety or welfare;
2. Prevent a loss of Commission or Compact State funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the Chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

ARTICLE XII

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. Oversight.

1. The Executive, Legislative and Judicial branches of state government in each Compact 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.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a Compact State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

3. 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.

1. If the Commission determines that a Compact 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 Compact States of the nature of the default, the proposed means of remedying the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to remedy the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the Compact States, and all rights, privileges and benefits conferred by this Compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other reasonable means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the Commission to the Governor, the majority and minority leaders of the defaulting state's legislature and each of the Compact States.

4. A Compact State which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

5. The Commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the Compact has its principal offices. The prevailing commissioner shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution.

1. Upon request by a Compact State, the Commission shall attempt to resolve disputes related to the Compact which arise among Compact States and between Compact and Non-Compact States.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the Commission.

D. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote of the Commissioners, the Commission may initiate

legal action in the United States District Court for the State of Georgia or the federal district where the Compact has its principal offices against a Compact 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 commissioner shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

ARTICLE XIII

DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

A. The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh Compact 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 which 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 which 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 Compact State may withdraw from this Compact by enacting a statute repealing the same.

1. A Compact State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Psychology Regulatory Authority 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 psychology licensure agreement or other cooperative arrangement between a Compact State and a Non-Compact State which does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Compact States. No amendment to this Compact shall become effective and binding upon any Compact State until it is enacted into the law of all Compact States.

ARTICLE XIV
CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining Compact States.

Section 2. W.S. 33-27-114 by creating a new subsection (h), 33-27-116(f) and by creating new subsections (p) through (r), 33-27-117 by creating new subsections (f) and (g), 33-27-118, 33-27-119(d) and (e), 33-27-120(b)(xvi), (xvii) and by creating a new paragraph (xviii) and (c), 33-27-122(a), (f), (h)(intro), (i) through (iii) and by creating a new subsection (j) and 33-27-123(a)(intro) and (viii) are amended to read:

33-27-114. Exemptions.

(h) Nothing in this act shall prevent a person from providing the psychological services authorized by the Psychology Interjurisdictional Compact, W.S. 33-27-202, if the person satisfies all the standards and conditions required by the compact and complies with all compact participation requirements imposed pursuant to rules adopted by the board.

33-27-116. Powers and duties of the board.

(f) The board shall establish reasonable fees ~~from~~for the issuance and renewal of licenses, certificates and its other services in its rules promulgated in accordance with the Wyoming Administrative Procedure Act as specified in W.S. 33-1-201.

(p) The board shall administer the provisions of the Psychology Interjurisdictional Compact pursuant to W.S. 33-27-201 and 33-27-202, including factoring the annual assessment required under the compact into its biennial budget, and may promulgate reasonable rules for the orderly administration of the compact. The board shall immediately advise the legislature's joint labor, health and social services interim committee if the board determines that any assessment levied against Wyoming pursuant to the Psychology Interjurisdictional Compact is excessive when compared to the benefits of compact participation or if any assessment is not proportionally adjusted to reflect the number of licensed psychologists in Wyoming compared to the number of licensed psychologists in other compact states.

(q) Pursuant to the Psychology Interjurisdictional Compact, W.S. 33-27-201 and 33-27-202, and consistent with W.S. 7-19-106(a)(xxviii) and 7-19-201(a)(xxv), the board shall require an identity history summary, as defined in the compact, for all applicants for licensure as a psychologist and shall require applicants to submit to a background investigation including fingerprints or the submission of other biometric data compliant with the requirements of the federal bureau of investigation or other designee with

similar authority.

(r) The board shall require every person licensed under this act who has not previously completed an identity history summary, as defined in the Psychology Interjurisdictional Compact, W.S. 33-27-201 and 33-27-202, including the required background investigation as provided for by the compact and consistent with W.S. 7-19-106(a)(xxviii), 7-19-201(a)(xxv) and 33-27-116(p), to do so as part of the person's next license renewal.

33-27-117. Requirements for licensure; psychology.

(f) Notwithstanding the licensure requirements provided by this section, the board shall extend authority to perform the psychological services authorized by the Psychology Interjurisdictional Compact, W.S. 33-27-202, to any person who satisfies all the conditions and standards required by the compact and who complies with all compact participation requirements imposed pursuant to rules adopted by the board.

(g) Persons providing psychological services pursuant to the Psychology Interjurisdictional Compact, W.S. 33-27-202, shall be required to obtain an E.Passport and an interjurisdictional practice certificate issued by the Association of State and Provincial Psychology Boards.

33-27-118. Limitation of practice.

The board shall ensure through rules and regulations and enforcement that those persons licensed or certified under this act, including persons providing psychological services pursuant to the Psychology Interjurisdictional Compact, W.S. 33-27-202, limit their practice to demonstrated areas of competence.

33-27-119. Practice without license.

(d) 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, nor shall any person provide psychological services under the Psychology Interjurisdictional Compact, W.S. 33-27-202, when the person's practice rights have been removed pursuant to the terms of the Psychology Interjurisdictional Compact. The board may suspend or revoke the license of any person under this subsection, and, if applicable, take all action consistent with the Psychology Interjurisdictional Compact. The board may issue a new license whenever it deems the issuance to be safe and just and, if applicable, when consistent with the terms of the Psychology Interjurisdictional Compact.

(e) The board on its own motion may investigate any evidence or allegation that appears to show that any person is or may be in violation of any provision of this act or the Psychology Interjurisdictional Compact, W.S. 33-27-202.

33-27-120. Grounds for denial, suspension or revocation of license and other disciplinary sanctions.

(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:

(xvi) Violation of the code of ethics adopted in the rules and regulations of the board; ~~or~~

(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; ~~or~~

(xviii) Providing psychology services under the Psychology Interjurisdictional Compact, W.S. 33-27-202, without satisfying the standards and conditions imposed by the compact or without complying with rules promulgated by the board related to providing psychological services under the compact.

(c) With respect to evidence of any conviction or the suspension or revocation of a license for the purposes of subsection (b) of this section, a certified copy of the record of conviction from the court entering the conviction, ~~or from the state suspending or revoking the license, or from the coordinated licensure information system operated under the Psychology Interjurisdictional Compact, W.S. 33-27-202,~~ shall be conclusive evidence thereof.

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, including a person providing psychological services pursuant to the Psychology Interjurisdictional Compact, W.S. 33-27-202, and anyone under his supervision is, or may be, in violation of this act, in violation of the Psychology Interjurisdictional Compact or in violation of any of the rules 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, the Psychology Interjurisdictional Compact, W.S. 33-27-202 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.

(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 the Psychology Interjurisdictional Compact, W.S. 33-27-202, or is guilty of any of the acts, offenses or conditions as enumerated by the board, the following actions may be taken:

(i) The board may revoke or suspend the license or ability to practice under the Psychology Interjurisdictional Compact, W.S. 33-27-202;

(ii) The board may suspend imposition of a revocation or suspension of a license or ability to practice under the Psychology Interjurisdictional Compact, W.S. 33-27-202;

(iii) The board may impose revocation or suspension of a license or ability to practice under the Psychology Interjurisdictional Compact, W.S. 33-27-202, 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;

(j) The board shall take all necessary action against a person violating the Psychology Interjurisdictional Compact, W.S. 33-27-202, as required by the compact.

33-27-123. Privileged communication.

(a) In judicial proceedings, whether civil, criminal, or juvenile, in legislative and administrative proceedings, in proceedings related to the Psychology Interjurisdictional Compact, W.S. 33-27-202, 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, the Psychology Interjurisdictional Compact, W.S. 33-27-202 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:

(viii) In the context of investigations and hearings brought by the patient or client and conducted by the board where violations of this act or the Psychology Interjurisdictional Compact, W.S. 33-27-202 are at issue. Information that is deemed to be of sensitive nature shall be inspected by the board in camera and the board shall determine whether or not the information shall become a part of the record and subject to public disclosure.

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

Approved February 15, 2023.

Chapter 22

NONRESIDENT WORKERS-VEHICLE REGISTRATION EXTENSION

Original Senate File No. 122

AN ACT relating to motor vehicles; extending the time period for the temporary registration of vehicles owned by nonresident persons employed in Wyoming; and providing for an effective date.

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

Section 1. W.S. 31-2-201(j) is amended to read:

31-2-201. Registration required; timelines.

(j) Any nonresident owner, lessee or operator of a vehicle that is not a commercial vehicle, who is employed in this state on a temporary or full-time basis may choose to purchase a temporary worker registration permit from the county treasurer in lieu of registering the vehicle pursuant to paragraph (a)(iv) of this section and paying the fees pursuant to W.S. 31-3-101, provided the vehicle displays a valid registration and license plate from another jurisdiction and is properly insured. Application for the temporary worker registration permit shall be made to the county treasurer in the manner and form prescribed by the department and shall be submitted with proof of valid insurance. The temporary worker registration permit shall bear a distinctive number assigned to the vehicle, an expiration date and at all times be prominently displayed and clearly visible on the vehicle in a manner prescribed by the department. Fees collected under this subsection shall be deposited in the county general fund. The fee for a temporary worker registration permit shall be fifty dollars (\$50.00) per each month of required registration, and shall not exceed ~~one hundred twenty (120)~~ one hundred eighty (180) days per vehicle.

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

Approved February 15, 2023.

Chapter 23

FUND BALANCE CALCULATIONS-FEDERAL ENCUMBRANCES EXCLUDED

Original Senate File No. 118

AN ACT relating to the administration of government; amending the inclusion of federal encumbrances for purposes of calculating fund balances of state funds; and providing for an effective date.

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

Section 1. W.S. 9-2-1002(a)(xxii)(B) is amended to read:

9-2-1002. Definitions; powers generally; duties of governor; provisions construed; cooperation with legislature and judiciary; divisions enumerated.

(a) As used in this act:

(xxii) “Fund balance,” “unappropriated fund balance” or “unobligated, unencumbered fund balance,” notwithstanding cash or fund balances reflected in the state of Wyoming’s comprehensive annual financial report, means:

(B) Less the fund balance reserved encumbrances, excluding encumbrances of federal funds, from the comparative balance sheet by fund report ~~which~~ that is run within five (5) days following the close of the prior fiscal year;

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

Approved February 15, 2023.

Chapter 24

STATE HELD DRAINAGE DISTRICT BONDS

Original Senate File No. 57

AN ACT relating to public funds; repealing provisions related to specified irrigation and drainage district bonds held by the state of Wyoming; providing an appropriation; extinguishing bond obligations; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 41-6-201 through 41-6-209 are repealed.

Section 2.

(a) Pursuant to Article 3, Section 40 of the Wyoming Constitution, the legislature determines that any outstanding debt owed to the state on the bonds specified in this subsection is uncollectible. The state treasurer shall take all

actions necessary to discharge and extinguish the following debts, including any outstanding principal and interest, as an asset or account receivable of the state of Wyoming:

(i) The Lovell drainage district bond purchased December 23, 1932 and issued pursuant to the provisions of Wyoming revised statutes 1931, chapter 122, articles 8 and 9;

(ii) The north bench district bond no. 2 dated July 1, 1935.

(b) There is appropriated twenty-four thousand dollars (\$24,000.00) from the general fund to the common school account within the permanent land fund to restore the loss of corpus of that fund as a result of discharging and extinguishing the principal due on the Lovell drainage district bond specified in paragraph (a)(i) of this section.

Section 3.

(a) Except as specifically provided in section 2 of this act, nothing in this act shall be construed to:

(i) Modify or impair existing contracts, loans or bond purchases of the state of Wyoming executed before the effective date of this act;

(ii) Release or in any way diminish the liability or obligation of any person, individual, partnership, corporation, joint stock company or any other association or entity, whether public or private, held or owned by the state of Wyoming.

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

Approved February 15, 2023.

Chapter 25

LIVESTOCK INFECTIOUS DISEASE CONTROL-TRIBAL INCLUSION

Original Senate File No. 28

AN ACT relating to agriculture; specifying participation in livestock contagious and infectious reportable disease testing and containment programs and reimbursements to include all producers in the state including producers on the Wind River Indian Reservation as specified; providing for cooperative agreements with the Eastern Shoshone and Northern Arapaho Tribes; expanding the governor's authority to negotiate on brucellosis containment; and providing for an effective date.

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

Section 1. W.S. 11-19-101 by creating a new subsection (d), 11-19-214, 11-19-405(a) and 11-19-406 are amended to read:

11-19-101. Duties of state veterinarian generally; failure to comply with provisions; penalty.

(d) The state veterinarian may provide contagious and infectious reportable disease testing, containment and reimbursement services under this chapter to any livestock producer in Wyoming, including on the Wind River Indian Reservation who agrees to comply with the applicable program requirements, rules and any orders or regulations issued pursuant to the testing results or program requirements. Services on the Wind River Indian Reservation under this subsection may also be provided pursuant to a cooperative agreement entered into by the Wyoming livestock board, in consultation with the state veterinarian, and the Eastern Shoshone Tribe, the Northern Arapaho Tribe or the cooperative tribal governing body. The testing, containment and reimbursement services provided under this subsection shall not apply to bison designated as wildlife pursuant to W.S. 11-20-101(a)(iv).

11-19-214. Disposition of diseased livestock.

All livestock animals in Wyoming, including those belonging to a producer on the Wind River Indian Reservation who receives services pursuant to W.S. 11-19-101(d), found to be affected with or exposed to tuberculosis may be disposed on the origin premises or transported under the direction of the state veterinarian directly to an approved slaughter facility, rendering facility or veterinary diagnostic laboratory in accordance with federal regulations. Producers may be eligible for indemnification as provided in W.S. 11-19-106 for any livestock animal ordered disposed pursuant to this section.

11-19-405. Control of brucellosis; governor authorized to negotiate with federal agencies.

(a) ~~In order~~ To preserve the brucellosis-free status of this state, the governor shall enter into negotiations with any relevant parties including appropriate federal agencies and tribes of the regions adjacent to Wyoming on steps necessary to ensure brucellosis is not passed from wildlife to livestock.

11-19-406. Sale of diseased cattle or domestic bison.

All cattle or domestic bison in Wyoming, including those belonging to a producer on the Wind River Indian Reservation who receives services pursuant to W.S. 11-19-101(d), lawfully found to be affected with brucellosis, including all sexually intact cattle or domestic bison that are part of a herd found to be affected with brucellosis, may be shipped or transported under the direction of the state veterinarian to livestock markets and sold for immediate slaughter or transferred to an approved slaughter facility or veterinary diagnostic laboratory in accordance with federal regulations. Payments under this section shall not be made by the state for any sexually intact female cattle or bison which are over twelve (12) months old and which are not official calthood vaccinates as provided in board rule and regulation. Producers may be eligible for

indemnification in accordance with W.S. 11-19-106 for any livestock ordered disposed pursuant to this section.

Section 2. This act is effective July 1, 2023.

Approved February 15, 2023

Chapter 26

DEFINING AIRCRAFT FOR PURPOSES OF HUNTING PROHIBITIONS

Original Senate File No. 33

AN ACT relating to game and fish; providing a definition of “aircraft” for purposes of the prohibition on the use of aircraft for hunting and other purposes as specified; and providing for an effective date.

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

Section 1. W.S. 23-3-306(a) is amended to read:

23-3-306. Use of aircraft, automobiles, motorized and snow vehicles and artificial light for hunting or fishing prohibited; exceptions; penalties.

(a) No person shall harass, pursue, hunt, shoot, or kill any Wyoming wildlife except predatory animals with, from, or by use of any aircraft, automotive vehicle, trailer, motor-propelled wheeled vehicle, or vehicle designed for travel over snow. No person shall use any aircraft, to aid in the taking of any Wyoming wildlife, except predatory animals, whether by spotting or locating the wildlife, communicating with any person attempting to take the wildlife, or by providing other aid to any person taking the wildlife. Nothing in this subsection shall apply to the use of any aircraft by governmental agencies, their employees, contractors or designees performing any lawful duties. The commission may exempt handicapped hunters from any provision of this subsection. For purposes of this section “aircraft” means any machine or device capable of atmospheric flight including but not limited to an airplane, helicopter, glider, dirigible or unmanned aerial vehicle.

Section 2. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 27**INVESTMENT FUNDS COMMITTEE-SELECTION PANEL
AMENDMENTS****Original Senate File No. 36**

AN ACT relating to the investment of state funds; specifying procedures and deadlines for the investment funds committee and the selection panel of the investment funds committee; and providing for an effective date.

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

Section 1. W.S. 9-4-720(c) and 9-4-721(a) and (b) are amended to read:

9-4-720. Investment funds committee created; duties.

(c) The voting members appointed by a selection panel shall serve a three (3) year term. The voting members are eligible for reappointment. Terms of appointment for voting members shall commence on March 1 of the year of appointment. Any appointed voting member of the committee may be removed by the selection panel at any time or may be removed by the governor for malfeasance or misconduct in office. If an appointed voting position on the committee becomes vacant for any reason, the selection panel shall, not later than sixty (60) days after the position becomes vacant, appoint a member in accordance with W.S. 9-4-721 to fill the position for the remainder of the unexpired term. Appointed voting members of the investment funds committee shall be confirmed by the senate. The selection panel may fill any vacancy occurring between sessions of the legislature by temporary appointment.

9-4-721. Investment funds committee; selection panel.

(a) There is created the selection panel to appoint voting members to the investment funds committee as provided in W.S. 9-4-720. The panel consists of five (5) members composed of one (1) member appointed by each of the members of the board. Each selection panel member shall possess financial knowledge and experience to qualify them for the position. Once appointed, a selection panel member shall serve for the term of office of the board member who appointed them but may be removed by the appointing board member. Upon the temporary appointment or election of a board member or upon a vacancy by the selection panel member that the board member is responsible for appointing, the board member shall appoint a selection panel member not later than sixty (60) days after assuming the office for which the board member was appointed or elected.

(b) The selection panel shall elect a chairman from among its members. The selection panel shall research and interview candidates for the investment funds committee. The selection panel shall solicit nominations for candidates for the investment funds committee from the state treasurer's office, other members of the investment funds committee, other appropriate entities and the board.

Interested persons may apply directly to the panel. A member of the selection panel who seeks to be a candidate for the investment funds committee shall resign from the selection panel before seeking a nomination to the investment funds committee.

Section 2. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 28

MILITARY LEAVE FOR STATE EMPLOYEES

Original Senate File No. 15

AN ACT relating to defense forces and affairs; striking the one-year employment requirement for a leave of absence for military duty for state employees; and providing for an effective date.

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

Section 1. W.S. 19-11-108(b) is amended to read:

19-11-108. Leave of absence for state, city or county officers and employees; training programs.

(b) Subject to the conditions prescribed in paragraphs (c)(i) through (v) of this section, any officer or employee of the state or any political subdivision, municipal corporation or public agency of the state ~~who has been employed for one (1) year and~~ who is a member of the national guard of any state or any other component of the military forces of a state, a member of the reserve forces of the United States or who is inducted into the military service of the United States, is entitled to leave of absence from his public office or employment without pay but without loss of seniority, status, efficiency rating, vacation, sick leave or other benefits while he is engaged in active military training or service ordered or authorized by proper authority pursuant to law exceeding fifteen (15) days in any calendar year. Such leave is in addition to any other military leave or vacation time to which the officer or employee may be entitled by law if the required military service is satisfactorily performed, which is presumed unless the contrary is established.

Section 2. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 29

OFF-ROAD RECREATIONAL VEHICLES-SAFETY AND INSURANCE

Original Senate File No. 17

AN ACT relating to motor vehicles; requiring specified insurance and safety equipment for off-road recreational vehicles when operated on a public road right-of-way, street, road or highway; providing an exception; and providing for an effective date.

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

Section 1. W.S. 31-5-952(e), 31-5-953(c), 31-5-954(a) and 31-5-1601(a)(i), (iv) and by creating a new paragraph (vi) are amended to read:

31-5-952. Horns and warning devices.

(e) This section applies to motorcycles, motor-driven cycles, multipurpose vehicles, mopeds and off-road recreational vehicles as defined by W.S. 31-1-101(a)(xv)(K)(II) that are registered pursuant to W.S. 31-2-232 and off-road recreational vehicles as defined by W.S. 31-1-101(a)(xv)(K) that are operated pursuant to W.S. 31-5-1601.

31-5-953. Mufflers.

(c) This section applies to motorcycles, motor-driven cycles, multipurpose vehicles, mopeds and off-road recreational ~~vehicle-vehicles~~ vehicles as defined by W.S. 31-1-101(a)(xv)(K)(II) that ~~is-are~~ registered pursuant to W.S. 31-2-232 and off-road recreational vehicles as defined by W.S. 31-1-101(a)(xv)(K) that are operated pursuant to W.S. 31-5-1601.

31-5-954. Mirrors.

(a) ~~On or before January 1, 1986,~~ Every motor vehicle including motorcycles, motor-driven cycles, multipurpose vehicles, mopeds and off-road recreational vehicles as defined by W.S. 31-1-101(a)(xv)(K)(II) that are registered pursuant to W.S. 31-2-232 and off-road recreational vehicles as defined by W.S. 31-1-101(a)(xv)(K) that are operated pursuant to W.S. 31-5-1601 shall be equipped with a mirror mounted on the left side of the vehicle and so located as to reflect to the driver a view of the highway to the rear of the vehicle.

31-5-1601. Operation on highways.

(a) An off-road recreational vehicle may be operated upon any public road rights-of-way, streets, roads or highways within Wyoming subject to the following conditions:

(i) Off-road recreational vehicles may be operated on main-traveled roadways only upon that portion of a public road right-of-way, street, road or highway designated open by the state, local or federal agency with jurisdiction over the roadway and designated a Wyoming off-road recreational vehicle trail pursuant to W.S. 31-2-701 through 31-2-707 by the department of state parks and cultural resources. No portion of a public road right-of-way, street, road

or highway shall be designated as a Wyoming off-road recreational vehicle trail by the department without the consent of the state, local or federal agency with jurisdiction over the roadway. Off-road recreational vehicles operated upon roadways designated as trails shall be subject ~~only~~ to the user registration fee prescribed by W.S. 31-2-703 and proof of liability insurance with limits not less than twenty-five thousand dollars (\$25,000.00) and shall not be deemed a motorcycle as defined in W.S. 31-1-101(a)(xv)(E)(I) and 31-5-102(a)(xxii). Nothing in this paragraph shall be deemed to authorize the department to acquire or expand any public road right-of-way in order to accommodate the operation of off-road recreational vehicles;

(iv) The off-road recreational vehicle shall be equipped with an adequate braking device that may be operated either by hand or foot, a horn pursuant to W.S. 31-5-952(a), a muffler pursuant to W.S. 31-5-953(c) and a mirror pursuant to W.S. 31-5-954(a); and

(vi) This section does not apply to off-road recreational vehicles operated on public road rights-of-way, streets or highways for agricultural operations pursuant to W.S. 31-5-124(a)(i).

Section 2. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 30

WYOMING NATIONAL GUARD PROFESSIONAL MALPRACTICE LIABILITY

Original Senate File No. 14

AN ACT relating to Wyoming national guard; extending Wyoming national guard malpractice indemnity to other professionals serving as members of the Wyoming national guard; and providing for an effective date.

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

Section 1. W.S. 19-9-402 is amended to read:

19-9-402. Malpractice liability for professionals serving with the Wyoming national guard.

The state shall defend, hold harmless and indemnify any ~~attorney or doctor of medicine serving as a member of the Wyoming national guard~~ who possesses a license or credentials to practice a profession and who meets the requirements of the Wyoming national guard for the practice of the profession from any financial loss arising out of any claim, demand, suit or judgment in any court by reason of any alleged malpractice of the professional, if the professional was acting in the discharge of ~~his~~ the professional's military duties at the time that

the alleged malpractice was committed, regardless of the actual military status of the professional when the act is alleged to have occurred.

Section 2. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 31

MEDICAL MALPRACTICE STATUTORY UPDATE

Original Senate File No. 5

AN ACT relating to the insurance code; granting the insurance commissioner discretion to require reporting of medical malpractice claims; specifying the amount of notice to be given to insurers when reports are required; and providing for an effective date.

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

Section 1. W.S. 26-3-124(a)(intro) and by creating a new subsection (d) is amended to read:

26-3-124. Annual statement; reporting of claims against health care providers; confidentiality; abstract of statistics.

(a) At the discretion of the commissioner and after notice provided under subsection (d) of this section, any insurer writing coverage for health care malpractice in this state, by March 1 of each year, shall may be required to file with the commissioner a report of all claims against a health care provider and a report of all awards or settlements given in cases against health care providers. The report shall contain the following information only for the preceding calendar year:

(d) The commissioner shall give insurers not less than three (3) months notice if the information in subsection (a) of this section will be required to be reported to the commissioner.

Section 2. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 32

INSURANCE REBATING MODERNIZATION

Original Senate File No. 6

AN ACT relating to the insurance code; authorizing specified insurance rebates; clarifying language in the unfair insurance discrimination and insurance rebate statutes; authorizing rulemaking; and providing for an effective date.

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

Section 1. W.S. 26-9-212(d), 26-13-109(a)(intro), (ii)(intro), (A) and (B) and 26-13-110(a)(i), (ii)(intro), (A), (iii) and by creating new paragraphs (iv) and (v), by creating a new subsections (b) through (f) are amended to read:

26-9-212. Commissions.

(d) An insurer or insurance producer may pay or assign commissions, brokerages or other valuable consideration to an insurance agency or to persons who do not sell, solicit or negotiate insurance in this state, unless the payment would violate W.S. 26-13-109 or 26-13-110, or 26-13-112.

26-13-109. Unfair discrimination prohibited.

(a) No person shall make or permit any unfair discrimination between individuals current or prospective insureds or insured risks:

(ii) Of the same class, having similar insuring or risk characteristics and of essentially the same hazard in:

(A) The amount of premium, policy fees or rates charged for any policy or contract of disability insurance;

(B) The dividends or benefits payable thereunder;

26-13-110. Rebates.

(a) Except as otherwise provided by law, no person shall:

(i) Knowingly permit or Authorize, offer to make or make any contract of life insurance, life annuity or disability insurance; or agreement as to that contract other than as expressed in the contract issued thereon;

(ii) Pay, allow or give or offer to pay, allow, or give, receive or accept in any manner as inducement to the purchase of insurance or annuity or renewal of insurance:

(A) Any rebate, discount, credit or reduction of premiums payable on the contract;

(iii) In any manner give, sell or purchase or offer or agree to give, sell, purchase or allow as inducement to the insurance or annuity or in connection therewith, and whether or not to be specified in the policy or contract, any agreement of any form or nature promising:

(iv) Offer or provide insurance as an inducement to the purchase of another policy or use the words "free", "no cost" or similar wording in an advertisement;

(v) Unfairly discriminate against a customer when offering or declining to offer any of the items authorized by subsection (c) of this section.

(b) Nothing in W.S. 26-13-109 or subsection (a) of this section shall prohibit any of the following practices:

(i) Paying bonuses to customers or abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, provided that any bonuses or abatement of premiums are fair and equitable to customers and are in the insurer and its customers' best interests;

(ii) Making allowances to customers who have continuously made premium payments directly to the office of an insurer in an amount which fairly represents the saving in collection expense;

(iii) Readjustment of the premium rate for a group insurance policy based on the loss or expense experienced by the insurer, which may be made retroactive only for that policy year;

(iv) Reduction of premium rates for policies of large amount, but not exceeding savings in issuance and administration expenses reasonably attributable to those policies as compared with policies of a similar plan issued in smaller amounts;

(v) Reduction in premium rates for life or disability insurance policies on annuity contracts on salary savings, payroll deduction, preauthorized check, bank draft or similar plans in amounts reasonably commensurate with the savings made by the use of those plans;

(vi) Allowing or returning to an insurer's participating customers, members or subscribers dividends, savings or unabsorbed premium deposits;

(vii) The payment of commissions or other compensation to licensed producers;

(viii) The selling or offering for sale, contemporaneously with life insurance, of mutual fund shares or face amount certificates of regulated investment companies under offerings with the securities and exchange commission if the shares or face amount certificates and the life insurance may be purchased independently, at the same price as and upon the same terms and conditions as if purchased contemporaneously;

(ix) The offer or provision by insurers, producers or their affiliates of a product or service at no cost or a reduced cost when the product or service is not specified in the policy of insurance and the product or service:

(A) Relates to the insurance coverage;

(B) Is primarily designed to satisfy one (1) or more of the following:

(I) Provide loss mitigation or loss control;

(II) Reduce claim costs or claim settlement costs;

(III) Provide education about liability risks or risk of loss to persons or property;

(IV) Monitor or assess risk, identify sources of risk or develop strategies for eliminating or reducing risk;

(V) Enhance health;

(VI) Enhance financial wellness through items such as education or financial planning services;

(VII) Provide post-loss services;

(VIII) Incentivize behavioral changes to improve the health or reduce the risk of death or disability of a customer; or

(IX) Assist in the administration of retirement benefit insurance coverage.

(C) The cost to the insurer or producer offering the product or service to any given customer is reasonable in comparison to that customer's premiums or insurance coverage for the policy class;

(D) The insurer or producer ensures that the customer is provided with contact information to assist the customer with questions regarding the product or service;

(E) The availability of offered products or services shall be based on documented objective criteria, which shall be maintained by the insurer or producer and produced upon request by the department. If the insurer or producer does not have sufficient evidence, but has a good-faith belief that the offered products or services meet the criteria, the insurer or producer may provide the products or services as part of a pilot or testing program for no more than one (1) year. The department shall be notified of any pilot or testing program prior to launching. The program may proceed unless the department objects within thirty (30) days of notice.

(c) Unless prohibited by paragraphs (a)(ii) and (iii) of this section, an insurer or producer may:

(i) Offer or give non-cash gifts, items or services to customers in connection with the marketing, sale, purchase or retention of contracts of insurance, provided that the cost of the gifts, items or services are not included in any amounts charged to another person or entity. The customer shall not be required to purchase, continue to purchase or renew a policy in exchange for the gift, item or service. The total value of the gift, item or service per customer per calendar year shall not exceed:

(A) One hundred dollars (\$100.00) or five percent (5%), but not to exceed one thousand dollars (\$1,000.00), of the written premium for current customers; or

(B) One hundred dollars (\$100.00) or five percent (5%), but not to exceed one thousand dollars (\$1,000.00), of the quoted premium for prospective customers.

(ii) Conduct raffles or drawings for prizes to the extent permitted by state law at no cost to entrants. The drawing or raffle shall not obligate participants

to purchase insurance and shall be open to the public. The customer shall not be required to purchase or renew a policy in exchange for entrance into the raffle or drawing. The total value of each raffle or drawing shall not exceed one hundred dollars (\$100.00).

(d) Any person who provides any gift, item, service or prize under subsection (c) of this section shall retain records which shall be considered records of transactions under W.S. 26-9-228 and which shall be provided for inspection upon request of the commissioner. These records shall include but are not limited to receipts of purchase, dates of transaction and names of customers.

(e) The commissioner may adopt rules and regulations when implementing the permitted practices set forth in this section to ensure consumer protection.

(f) As used in this section:

(i) "Insurance" means as defined by W.S. 26-1-102(a)(xv) and also includes suretyship;

(ii) "Policy" means as defined by W.S. 26-1-102(a)(xxi) and also includes bond;

(iii) "Customer" means a policyholder, potential policyholder, certificate holder, potential certificate holder, insured, potential insured or applicant.

Section 2. W.S. 26-13-109(a)(i) and (b), 26-13-111 and 26-13-112 are repealed.

Section 3. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 33

TAX ADMINISTRATION REVISIONS

Original Senate File No. 63

AN ACT relating to taxation and revenue; clarifying the administration of certain taxes by the department of revenue; providing that the department of revenue may credit or waive interest related to mine product taxes; providing that any assessment or levy of sales and use taxes resulting from an audit or review shall be issued within a specified time of the audit or review; and providing for an effective date.

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

Section 1. W.S. 39-14-108(c) by creating a new paragraph (v), 39-14-208(c) by creating a new paragraph (v), 39-14-308(c) by creating a new paragraph (v), 39-14-408(c) by creating a new paragraph (v), 39-14-508(c) by creating a new paragraph (v), 39-14-608(c) by creating a new paragraph (v), 39-14-708(c) by creating a new paragraph (v), 39-15-108(a) by creating a new paragraph (vi) and 39-16-108(a) by creating a new paragraph (vi) are amended to read:

39-14-108. Enforcement.

(c) Interest. The following shall apply:

(v) The department may credit or waive any interest on severance tax imposed by this subsection as part of a settlement or for any other good cause.

39-14-208. Enforcement.

(c) Interest. The following shall apply:

(v) The department may credit or waive any interest on severance tax imposed by this subsection as part of a settlement or for any other good cause.

39-14-308. Enforcement.

(c) Interest. The following shall apply:

(v) The department may credit or waive any interest on severance tax imposed by this subsection as part of a settlement or for any other good cause.

39-14-408. Enforcement.

(c) Interest. The following shall apply:

(v) The department may credit or waive any interest on severance tax imposed by this subsection as part of a settlement or for any other good cause.

39-14-508. Enforcement.

(c) Interest. The following shall apply:

(v) The department may credit or waive any interest on severance tax imposed by this subsection as part of a settlement or for any other good cause.

39-14-608. Enforcement.

(c) Interest. The following shall apply:

(v) The department may credit or waive any interest on severance tax imposed by this subsection as part of a settlement or for any other good cause.

39-14-708. Enforcement.

(c) Interest. The following shall apply:

(v) The department may credit or waive any interest on severance tax imposed by this subsection as part of a settlement or for any other good cause.

39-15-108. Enforcement.

(a) Audits. To assess credits and deficiencies against taxpayers and vendors, the department is authorized to rely on final audit findings made by the department of audit, taxpayer information, vendor information or department review subject to the following conditions:

(vi) Any assessment or levy, including the assessment of a penalty and interest, if any, resulting from final audit findings or department review shall be issued not later than one (1) year following the completion of the audit or

review.

39-16-108. Enforcement.

(a) Audits. To assess credits and deficiencies against taxpayers and vendors, the department is authorized to rely on final audit findings made by the department of audit, taxpayer information, vendor information or department review subject to the following conditions:

(vi) Any assessment or levy, including the assessment of a penalty and interest, if any, resulting from final audit findings or department review shall be issued not later than one (1) year following the completion of the audit or review.

Section 2. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 34

STATE PARKS ACCOUNT-AGENCY EXPENDITURE AUTHORITY

Original Senate File No. 59

AN ACT relating to state lands; increasing the expenditure authority of the department of state parks and cultural resources for funds in the state parks account; providing conforming amendments; and providing for an effective date.

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

Section 1. W.S. 36-4-121(h) is amended to read:

36-4-121. Permits to use state parks, recreation areas and historic sites.

(h) The funds received by the department from the sale of the permits shall be deposited into an account within the special revenue fund, hereby created as the state parks account, and, except as otherwise provided by this subsection, may be expended by the department for capital construction projects, major maintenance, and site interpretation such as exhibits, signage and displays as approved by the legislature. Interest on funds in the account shall accrue to the account. Not more than ~~thirty percent (30%)~~ sixty percent (60%) of the funds in the account in any fiscal year may also be expended, with legislative approval, for maintenance and operational costs of outdoor recreation areas and facilities provided that no amount shall be expended for additional full-time employees or increases in salaries or overtime pay for full-time employees. ~~For fiscal years 2022 and 2023 only, not more than sixty percent (60%) of the funds in the account may be expended, with legislative approval, for maintenance and operational costs associated with outdoor recreation areas and facilities provided that no amount shall be expended for additional full-time employees or increases in salaries or overtime pay for full-time employees.~~

Section 2. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 35

DRIVER'S LICENSE AND ID CARD PHOTO QUALITY

Original Senate File No. 20

AN ACT relating to driver's licenses and identification cards; striking the requirement for the photograph on the driver's license and identification card to be in color; authorizing rulemaking; and providing for an effective date.

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

Section 1. W.S. 31-7-115(a)(iii)(D) and 31-8-102(a)(vi) are amended to read:

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

(a) Upon the satisfactory completion of any required examination, the division shall issue to every qualifying applicant a driver's license, and:

(iii) The driver's license shall include, but not be limited to, the following information:

(D) A full facial digital ~~color~~ photograph of the licensee;

31-8-102. Contents.

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

(vi) The registrant's full facial digital ~~color~~ photograph;

Section 2. The department of transportation shall adopt any rules necessary to implement the provisions of this act and the requirements of the REAL ID Act.

Section 3. This act is effective July 1, 2023.

Approved February 15, 2023.

Chapter 36

STATE INVESTMENTS-COMPENSATION AND RELOCATION AMENDMENTS

Original House Bill No. 24

AN ACT relating to the administration of government; amending performance compensation payment limits for senior analysts and analysts employed by the state treasurer and the Wyoming retirement system; authorizing relocation expenses for investment staff hired by the state treasurer and the Wyoming

retirement system; establishing maximum compensation amounts for investment staff employed by the state treasurer and the Wyoming retirement system; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 9-1-409(e)(ix)(D) and by creating new subsections (h) and (j) and 9-3-406(a)(ix)(D) and by creating new subsections (e) and (f) are amended to read:

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

(e) The state treasurer may implement and administer a performance compensation plan in accordance with this subsection. The plan shall:

(ix) Include a limit for total payments to an individual employee for performance compensation earned in any one (1) investment period in an amount not to exceed the following:

(D) ~~Twenty-five percent (25%)~~ Thirty-five percent (35%) of a senior analyst's or analyst's base salary.

(h) The state treasurer may reimburse the actual moving expenses of employees specified in paragraph (ii) of this subsection when the employee is moving to begin employment with the state treasurer's office and for the benefit of the state of Wyoming in accordance with the following:

(i) The reimbursement provided to any one (1) employee under this subsection shall not exceed the employee's actual moving expenses or ten thousand dollars (\$10,000.00), whichever is less;

(ii) The reimbursement shall only be provided to employees hired to fill the position of chief investment officer, senior investment officer, investment officer, senior analyst or analyst;

(iii) The reimbursement shall only be provided to employees who are relocating to live and establish residency in Wyoming. Reimbursement shall be repaid in full if the employee does not retain residency for two (2) years and the employee does not remain employed by the state treasurer's office or the Wyoming retirement system.

(j) Beginning on July 1, 2023 and thereafter, the maximum annual salary to be paid for each investment staff position classification, as determined by the state treasurer, shall be as follows:

(i) Three hundred thousand dollars (\$300,000.00) for the chief investment officer;

(ii) Two hundred twenty-six thousand eight hundred dollars (\$226,800.00) for a senior investment officer;

(iii) One hundred fifty-eight thousand four hundred dollars (\$158,400.00) for an investment officer;

(iv) One hundred eleven thousand six hundred dollars (\$111,600.00) for a senior analyst;

(v) Eighty-four thousand dollars (\$84,000.00) for an analyst.

9-3-406. Retirement board; employment and compensation of director, consulting actuary and assistants; director designated secretary; compensation of members; quorum; seal.

(a) The board shall employ a director and a consulting actuary and other professional and clerical assistants necessary for the administration of the retirement system and the Wyoming deferred compensation program established under W.S. 9-3-501 through 9-3-508. The compensation of employees shall be fixed by the board, subject to confirmation and approval by the human resources division and together with all other necessary expenses of the board shall be paid by vouchers drawn on the state treasurer of Wyoming. The director shall also serve, without additional compensation, as secretary of the board. The board shall have the authority to obtain the financial and criminal background history of an employee or employment applicant of the Wyoming retirement system in accordance with W.S. 7-19-106 and 7-19-201. In fixing compensation of employees the board may implement and administer a performance compensation plan in accordance with this subsection. The plan shall:

(ix) Include a limit for total payments to an individual employee for performance compensation earned in any one (1) investment period in an amount not to exceed the following:

(D) ~~Twenty-five percent (25%)~~ Thirty-five percent (35%) of a senior analyst's or analyst's base salary.

(e) The board may reimburse the actual moving expenses of employees specified in paragraph (ii) of this subsection when the employee is moving to begin employment with the Wyoming retirement system and for the benefit of the state of Wyoming in accordance with the following:

(i) The reimbursement provided to any one (1) employee under this subsection shall not exceed the employee's actual moving expenses or ten thousand dollars (\$10,000.00), whichever is less;

(ii) The reimbursement shall only be provided to employees hired to fill the position of chief investment officer, senior investment officer, investment officer, senior analyst or analyst;

(iii) The reimbursement shall only be provided to employees who are relocating to live and establish residency in Wyoming. Reimbursement shall be repaid in full if the employee does not retain residency for two (2) years and the employee does not remain employed by the Wyoming retirement system or the state treasurer's office.

(f) Beginning on July 1, 2023 and thereafter, the maximum annual salary to

be paid for each investment staff position classification, as determined by the board, shall be as follows:

(i) Three hundred thousand dollars (\$300,000.00) for the chief investment officer;

(ii) Two hundred twenty-six thousand eight hundred dollars (\$226,800.00) for a senior investment officer;

(iii) One hundred fifty-eight thousand four hundred dollars (\$158,400.00) for an investment officer;

(iv) One hundred eleven thousand six hundred dollars (\$111,600.00) for a senior analyst;

(v) Eighty-four thousand dollars (\$84,000.00) for an analyst.

Section 2.

(a) There is appropriated three hundred ninety-five thousand two hundred seventy-six dollars (\$395,276.00) from funds that would otherwise be deposited to the general fund from investment earnings to the state treasurer's office for purposes of this act. This appropriation 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.

(b) There is appropriated two hundred eighty-four thousand six hundred sixty-four dollars (\$284,664.00) from the retirement account created by W.S. 9-3-407(a) to the Wyoming retirement system for purposes of this act. This appropriation 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.

Section 3. This act is effective July 1, 2023.

Became law without signature February 17, 2023.

Chapter 37

DAY-CARE CERTIFICATION REQUIREMENT AMENDMENTS

Original House Bill No. 35

AN ACT relating to child care facilities; providing an exception to child care facility certification for specified part-time day-care facilities; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 14-4-102(b) by creating a new paragraph (xi) is amended to read:

14-4-102. Certification required; exceptions.

(b) W.S. 14-4-101 through 14-4-111 do not apply to:

(xi) Part-time day-care facilities enrolling fewer than eight (8) minors who are all over thirty-six (36) months old or fewer than ten (10) minors who are all over forty-eight (48) months old if the facility:

(A) Does not administer medications to the minors;

(B) Does not prepare food for the minors;

(C) Requires the minors to be trained and able to use a toilet and not wear diapers;

(D) Limits the minors to no more than ten (10) hours of day-care attendance each week;

(E) Adheres to all applicable local health, safety and fire codes or regulations;

(F) Requires all employees, including the day-care director or owner, to complete the following:

(I) A central registry of abuse and neglect of children and vulnerable adults screening through the department of family services;

(II) A national sex offender registry screening and a Wyoming state sex offender registry screening;

(III) First aid and cardiopulmonary resuscitation training and certification. The employees and director or owner shall maintain current certification under this subdivision.

(G) Upon enrollment of a child, discloses to the parents or guardians that the facility is not licensed and does not adhere to the regulations of the Wyoming department of family services pursuant to W.S. 14-4-104.

Section 2. The department of family services shall promulgate rules necessary to implement this act.

Section 3.

(a) Except as otherwise provided by subsection (b) of this section, this act is effective July 1, 2023.

(b) Sections 2 and 3 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved February 18, 2023.

Chapter 38

DEFENDANT MENTAL ILLNESS EXAMINATIONS-AMENDMENTS

Original House Bill No. 82

AN ACT relating to criminal procedure; specifying that orders for examination of mentally ill criminal defendants charged with misdemeanors shall not occur at the state hospital on an inpatient basis; and providing for an effective date.

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

Section 1. W.S. 7-11-303(b) is amended to read:

7-11-303. Examination of accused to determine fitness to proceed; reports; commitment; defenses and objections.

(b) The court shall order an examination of the accused by a designated examiner. If the accused is charged with at least one (1) felony offense, the order may include, but is not limited to, an examination of the accused at the Wyoming state hospital on an inpatient or outpatient basis, at a local mental health center on an inpatient or outpatient basis, or at his place of detention. If the accused is charged only with misdemeanor offenses, the order may include, but is not limited to, an examination of the accused at a local mental health center on an inpatient or outpatient basis, at his place of detention or at the Wyoming state hospital on an outpatient basis, unless an outpatient examination indicates that an inpatient examination is warranted. In selecting the examination site, the court may consider proximity to the court, availability of an examiner, and the necessity for security precautions. If the order provides for commitment of the accused to a designated facility, the commitment shall continue no longer than a thirty (30) day period for the study of the mental condition of the accused. The prosecuting attorney and counsel for the accused shall cooperate in providing the relevant information and materials to the designated examiner, and the court may order as necessary that relevant information be provided to the examiner.

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

Approved February 18, 2023.

Chapter 39

DRIVERS LICENSE VETERANS DESIGNATION REPLACING DD FORM 214

Original House Bill No. 160

AN ACT relating to defense forces and affairs; authorizing veterans to present their driver's licenses or identification cards as proof of their veteran status as specified; and providing for an effective date.

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

Section 1. W.S. 19-14-113 is created to read:

19-14-113. Veteran designation on driver's license.

(a) Except as provided by subsection (b) of this section, if a person has a veteran designation on their Wyoming driver's license or identification card pursuant to W.S. 31-7-141, any local government entity as defined by W.S. 9-2-3219(a)(vi) shall allow the person to present their Wyoming driver's license or identification card instead of a military form DD 214 as proof of their status as a veteran.

(b) At the request of the military department or if information other than the person's status as a veteran is required, the military department or other local government entity may ask for further documentation including a military form DD 214.

Section 2. This act is effective July 1, 2023.

Approved February 18, 2023.

Chapter 40

UNLAWFUL TRESPASS SIGNAGE-TAKING OF WILDLIFE

Original House Bill No. 147

AN ACT relating to game and fish; amending the crime of interference with lawful taking of wildlife; prohibiting acts that restrict access to or use of state or federal land as specified; providing an exception; specifying applicability; and providing for effective dates.

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

Section 1. W.S. 23-3-405(a) by creating a new paragraph (iii) and (g) by creating a new paragraph (iii) is amended to read:

23-3-405. Interference with lawful taking of wildlife prohibited; penalties; damages; injunction.

(a) No person shall with the intent to prevent or hinder the lawful taking of any wildlife:

(iii) Knowingly and without authorization post or maintain in place signs

that restrict access to or use of state or federal land on which the lawful taking of or the process of lawfully taking any wildlife is permitted. For purposes of this subsection, “knowingly” means the person has received prior notice from a peace officer that the sign is located on state or federal land.

(g) This section shall:

(iii) Not interfere with any landowner’s right to prevent trespass on the landowner’s private property.

Section 2. This act is effective July 1, 2023.

Approved February 18, 2023.

Chapter 41

STATE INDIAN CHILD WELFARE ACT TASK FORCE

Original House Bill No. 19

AN ACT relating to children; creating the state Indian Child Welfare Act task force; specifying members and duties of the task force; requiring a report; providing a termination date for the task force; providing appropriations; and providing for an effective date.

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

Section 1.

(a) There is created the state Indian Child Welfare Act task force to consist of the following:

(i) The director of the department of family services or the director’s designee;

(ii) One (1) county or prosecuting attorney in Wyoming, appointed by the governor;

(iii) One (1) private attorney who practices predominantly family law in Wyoming and is familiar with the federal Indian Child Welfare Act of 1978, appointed by the governor;

(iv) Two (2) persons appointed by the governor upon the recommendation of the Eastern Shoshone business council;

(v) Two (2) persons appointed by the governor upon the recommendation of the Northern Arapaho business council;

(vi) Two (2) members of the Wyoming house of representatives, appointed by the speaker of the house. The speaker of the house shall designate from one (1) of the members appointed under this paragraph a cochairperson of the task force;

(vii) Two (2) members of the Wyoming senate, appointed by the president

of the senate. The president of the senate shall designate from one (1) of the members appointed under this paragraph a cochairperson of the task force.

(b) The task force shall study the federal Indian Child Welfare Act of 1978, P.L. 95-608, 25 U.S.C. §§ 1901-1963, other states' Indian child welfare laws and existing protections and provisions for Indian children throughout Wyoming statutes.

(c) The task force shall meet as necessary and shall consult with national experts in child welfare and Indian Child Welfare Act protections and procedures.

(d) The task force shall develop legislative recommendations to incorporate the protections and procedures of the federal Indian Child Welfare Act of 1978 into state law. Not later than July 1, 2024, the task force shall report its determinations and any recommendations to the select committee on tribal relations, the joint judiciary interim committee and the governor.

(e) The legislative members of the task force shall receive salary, per diem and travel expenses in the manner and amount prescribed by W.S. 28-5-101. Task force members who are not legislators and are not government employees shall receive salary, per diem and mileage in the amount provided for members of the Wyoming legislature under W.S. 28-5-101. Task force members who are government employees or officials shall be considered to be acting within the scope of regular employment when conducting the official business of the task force and shall receive their regular pay without additional compensation except they shall receive mileage and per diem as provided for other members of the task force under this subsection if they are not reimbursed by their employer.

(f) The task force shall be staffed by the legislative service office.

(g) The task force shall terminate December 31, 2024.

Section 2.

(a) There is appropriated forty thousand dollars (\$40,000.00) from the general fund to the governor's office for the purpose of providing salary, mileage and per diem to nonlegislative members of the state Indian Child Welfare Act task force as authorized by section 1 of this act. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2025. 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, 2025.

(b) There is appropriated forty thousand dollars (\$40,000.00) from the general fund to the legislative service office for the purpose of providing salary, mileage and per diem to legislative members of the state Indian Child Welfare Act task force as authorized by section 1 of this act and for other expenses of

the state Indian Child Welfare Act task force authorized by law or policy of the legislature. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2025. 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, 2025.

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

Approved February 18, 2023.

Chapter 42

APPRENTICESHIP AND JOB TRAINING PROMOTION IN SCHOOLS

Original Senate File No. 78

AN ACT relating to education, labor and employment; requiring the department of workforce services to provide information to secondary students in Wyoming on apprenticeship and on-the-job training programs; specifying duties of school boards of trustees; requiring a report; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 9-2-2602(b)(vii), by creating a new paragraph (ix) and by creating a new subsection (e) and 21-3-110(a) by creating a new paragraph (xl) are amended to read:

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

(b) The director shall:

(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~~

(ix) Provide information and guidance to the board of trustees in each school district regarding the availability of registered apprenticeship programs, student learner agreements and on-the-job training available to students for pay, school credit or both, including:

(A) The rights and responsibilities of school districts, employers, student learners and student employees participating in apprenticeship programs, student learner agreements or on-the-job training under state and federal law; and

(B) Available local, state and federal financial assistance for placement of students in apprenticeship programs, student learner agreements or on-the-job training programs.

(e) Not later than October 1 of each year, the department shall report to the joint minerals, business and economic development interim committee and the joint education interim committee on the provision of information to boards of trustees in each school district as required under paragraph (b)(ix) of this section. The report shall include information on efforts each school district has taken to link the program opportunities specified in paragraph (b)(ix) of this section to the provision of school credit to students for completing those program opportunities. Information about available apprenticeships, student learner agreements and on-the-job training opportunities in each school district shall be made available on the school district's website.

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

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

(xl) Upon receipt of the information that the department of workforce services is required to provide under W.S. 9-2-2602(b)(ix) and not later than sixty (60) days after July 1, 2023:

(A) Establish guidelines to implement student training and employment programs in schools in the district;

(B) Take all necessary steps to provide appropriate school credit to students who complete student training and employment programs offered in the district and comply with the guidelines established pursuant to subparagraph (A) of this paragraph;

(C) Annually give to each high school student in the district information on apprenticeships, student learner agreements and on-the-job training opportunities;

(D) Provide information as requested by the department of workforce services to ensure compliance with reports required under W.S. 9-2-2602(e).

Section 2. The department of workforce services shall promulgate all rules necessary to implement this act.

Section 3. The information regarding student apprenticeships, student learner agreements and on-the-job training opportunities required under this act shall be provided to each school district board of trustees beginning with the 2022-2023 school year.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2023.

(b) Sections 2, 3 and 4 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved February 18, 2023.

Chapter 43

SKILL BASED AMUSEMENT GAMES-AUTHORIZED LOCATIONS

Original Senate File No. 41

AN ACT relating to gaming; limiting where skill based amusement games can be located; allowing previously authorized skill based amusement games to continue operating as specified; and providing for an effective date.

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

Section 1. W.S. 11-25-102(a)(xvi) and by creating a new paragraph (xxi) and 11-25-303(d) and by creating a new subsection (e) are amended to read:

11-25-102. Definitions.

(a) As used in this act:

(xvi) “Establishment” means a single physical place of business that operates as a truck stop, smoke shop or that is licensed or permitted to sell alcoholic liquor or malt beverages under W.S. 12-2-203(g), 12-4-201, 12-4-301, 12-4-401, 12-4-407, 12-4-413, 12-4-414 or 12-4-415;

(xxi) “Truck stop” means a business premises that is:

(A) Equipped with diesel islands used for fueling commercial motor vehicles and that sells on average one hundred twenty-five thousand (125,000) gallons of diesel or biodiesel fuel each month based on the previous twelve (12) months of sales; and

(B) Located on a parcel of land of not less than two (2) acres that is either owned or leased by the business and which includes a convenience store with parking spaces dedicated to commercial motor vehicle use.

(xxii) “Smoke shop” means a retailer as defined in W.S. 14-3-301(a)(iii) that derives fifty percent (50%) or more of its gross annual revenue from nicotine products as defined by W.S. 14-3-301(a)(vi).

11-25-303. Restrictions on operation of skill based amusement games.

(d) Skill based amusement games shall only be located for play at an establishment, except as provided in subsection (e) of this section. An operator shall not locate a skill based amusement game in an area of the establishment into which a person under the age of twenty-one (21) years may enter. An operator shall conspicuously mark each area of the establishment containing a skill based amusement game as an age restricted area. The operator shall not allow a person under the age of twenty-one (21) years to play a skill based amusement game.

(e) Any operator who, before September 14, 2022 had a skill based amusement game located at a place of business that does not meet the definition of “establishment” in W.S. 11-25-102(a)(xvi) on April 1, 2023 shall be authorized

to continue operating skill based amusement games if the operator otherwise meets the requirements to operate a skill based amusement game.

Section 2. This act is effective April 1, 2023.

Approved February 18, 2023.

Chapter 44

SOLID WASTE DISPOSAL DISTRICTS-CONSOLIDATION

Original Senate File No. 176

AN ACT relating to counties; authorizing two (2) or more existing solid waste disposal districts to consolidate; specifying procedures, terms and conditions for the consolidation of solid waste disposal districts; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 18-11-106 is created to read:

18-11-106. Consolidation of solid waste disposal districts; procedures.

(a) Two (2) or more solid waste disposal districts may consolidate into one (1) solid waste disposal district. Subject to subsection (b) of this section, the following shall apply to any consolidation of two (2) or more solid waste disposal districts:

(i) Consolidation of solid waste disposal districts may be initiated:

(A) In accordance with W.S. 22-29-304(a); or

(B) By resolution of the board of county commissioners in the county or counties where the districts are located, provided that each solid waste disposal board involved in the proposed consolidation first approve the consolidation and no election shall be required to consolidate solid waste disposal districts located in the same county upon entry of a resolution by the board of county commissioners.

(ii) Any consolidation under this section shall not enlarge or otherwise alter the existing boundaries of the solid waste disposal districts to be consolidated under this section;

(iii) Solid waste disposal districts located in different counties may be consolidated, provided that:

(A) Each solid waste disposal board involved in the proposed consolidation shall first approve the consolidation before the consolidation is submitted to each board of county commissioners. Each board of county commissioners in the counties where the solid waste disposal districts are located first approve the proposed consolidation before the consolidation is submitted to the voters of each county for approval;

(B) The number of directors of the consolidated district shall not exceed nine (9) residents of the district. Directors shall be appointed in accordance with W.S. 18-11-102(a). The number of directors appointed from each county shall be in the proportion that the population of the district's residents from each county bears to the total population of the consolidated district.

(iv) No taxes in excess of the limit specified in W.S. 18-11-103(a) shall be levied in the consolidated solid waste disposal district.

(b) Unless in conflict with a provision of this section, the provisions of the Special District Elections Act of 1994 providing for the consolidation of special districts shall apply to the consolidation of solid waste disposal districts under this section.

Section 2. W.S. 18-11-101(a) and (c) and 18-11-105 are amended to read:

18-11-101. Solid waste disposal districts; creation.

(a) Each board of county commissioners may establish by resolution one (1) or more solid waste disposal districts composed of any portion of the county. Solid waste disposal districts consolidated under W.S. 18-11-106 may be composed of any portion of two (2) or more counties in accordance with W.S. 18-11-106. Areas may be added to or subtracted from an existing district in the same manner.

(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. For solid waste disposal districts consolidated under W.S. 18-11-106 that consist of two (2) or more counties, each board of county commissioners in the counties where the consolidated solid waste disposal district is located shall complete the steps required in W.S. 18-3-525 before the solid waste disposal district may be dissolved under this subsection.

18-11-105. Procedures.

The Wyoming Administrative Procedure Act is applicable to all proceedings under W.S. 18-11-101 through ~~18-11-105~~ 18-11-106 except establishing or changing the boundaries of a solid waste disposal district.

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

Approved February 18, 2023.

Chapter 45

MISSING PERSON ALERT SYSTEMS

Original House Bill No. 18

AN ACT relating to missing person alert systems; amending duties for the office of homeland security and highway patrol for emergency alert communications networks; amending state cooperation with federal, tribal and local law enforcement for alert systems; providing a definition; and providing for an effective date.

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

Section 1. W.S. 19-13-105(c)(vii) and 24-12-102(c) and by creating a new subsection (d) are amended to read:

19-13-105. Homeland security program.

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

(vii) Shall assist and coordinate with local, state, tribal and federal law enforcement agencies to employ the integrated public alert and warning system or successor system to notify residents of imminent threat by natural disaster or manmade event or to aid in the safe recovery of missing or endangered persons, which adheres to United States department of justice criteria. The director shall also assist local, state, tribal and federal law enforcement agencies integrate additional missing persons alert communications networks that enable and help facilitate search efforts for an adult at risk or other missing person of an age, needs or circumstances that may fall outside the scope of the America's missing: broadcast emergency response alert criteria. As used in this paragraph "adult at risk" means an adult who has a developmental disability, who suffers from Alzheimer's disease or dementia, or who suffers from or could, without access to medication, suffer from cognitive impairment if the impairment would likely render the adult incapable of getting to a familiar location without assistance.

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 operate and integrate additional missing persons alert communications networks that enable and help facilitate search efforts for an adult at risk or other missing person of an age, needs or circumstances that may fall outside the scope of the America's missing: broadcast emergency response alert 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~~ systems were used,

the age, race and gender of the abducted person, whether the abduction was thwarted and whether ~~the~~an alert system assisted in resolving the abduction. In addition:

(i) If the Eastern Shoshone Tribe, the Northern Arapaho and Eastern Shoshone tribes~~Tribe or the cooperative tribal governing body~~:

(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, or operate or seek to operate an additional missing persons alert communications network also operated by the state, the Wyoming office of homeland security and state highway patrol shall assist and coordinate with any tribal agency in establishing, integrating or operating that system;

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

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

(d) As used in this section “adult at risk” means an adult who has a developmental disability, who suffers from Alzheimer’s disease or dementia, or who suffers from or could, without access to medication, suffer from cognitive impairment if the impairment would likely render the adult incapable of getting to a familiar location without assistance.

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

Approved February 21, 2023.

Chapter 46

SOURCE MATERIAL ASSOCIATED WITH MINING-AGREEMENT

Original House Bill No. 61

AN ACT relating to environmental quality; authorizing the governor to begin negotiations with the nuclear regulatory commission to seek an agreement for the state to assume regulation of source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content; authorizing the governor to negotiate and enter into a final agreement with the nuclear regulatory commission; providing definitions; providing for the department of environmental quality to administer the agreement; providing rulemaking authority; requiring the department of environmental quality to adopt fees as specified; making conforming amendments; providing an appropriation; authorizing positions; and providing for an effective date.

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

Section 1. W.S. 35-11-2001(a) through (c) and (e), 35-11-2002(a) and 35-11-2003(a), (d) and (f) are amended to read:

35-11-2001. Authorization to negotiate transfer of certain nuclear regulatory functions to the state; scope of regulated material.

(a) The governor, on behalf of the state, is authorized to contact the nuclear regulatory commission to express the intent of the state of Wyoming to enter into an agreement under section 274 of the Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended, with the nuclear regulatory commission providing for the assumption by the state of regulatory authority over source material involved in uranium or thorium recovery or milling and byproduct material, as defined in section 11e.(2) of the Atomic Energy Act of 1954, 42 U.S.C. § 2014(e)(2), as amended. The governor, on behalf of the state, is also authorized to contact the nuclear regulatory commission to express the intent of the state of Wyoming to enter into an agreement under section 274 of the Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended, with the nuclear regulatory commission providing for the assumption by the state of source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content. For the purposes of this agreement, the term “mineral resources” means any host rock, ore, material or waste associated with mining or milling that contains a recoverable mineral. The nuclear regulatory commission shall maintain regulatory authority over all other source material, section 11e.(1), (3) and (4) byproduct material and special nuclear material as defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2014, as amended, and the activities reserved under section 274 of the Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended.

(b) The department shall serve as the lead agency for the regulation of (1) source material involved in uranium or thorium recovery or milling and the associated byproduct material and (2) the source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content. The department is authorized to enforce the requirements of the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., as amended, under the agreement reached between the state and the nuclear regulatory commission as provided in subsection (a) of this section and in section 274 of the Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended.

(c) The governor, through the department, is authorized to negotiate all aspects of ~~a potential~~ the agreement under this section between the state of Wyoming and the nuclear regulatory commission. The governor is authorized to enter into a final agreement with the nuclear regulatory commission for the regulation of (1) source material involved in uranium or thorium recovery or milling and the associated byproduct material and (2) the source material recovered from any mineral resources processed primarily for purposes other

than obtaining the source material content.

(e) The categories of materials governed by this article, as agreed upon by the nuclear regulatory commission and the state, are (1) source material involved in uranium or thorium recovery or milling and the associated byproduct material, as defined in section 11e.(2) of the Atomic Energy Act of 1954, 42 U.S.C. § 2014(e)(2), as amended and (2) source material as defined in section 11z. of the Atomic Energy Act of 1954, 42 U.S.C. § 2014(z) recovered from any mineral resources processed primarily for purposes other than obtaining the source material content. This article does not govern independent or commercial laboratory facilities that possess, use or accept source material or byproduct material. The nuclear regulatory commission shall retain regulatory authority over independent or commercial laboratory facilities.

35-11-2002. Authority of department to enforce article; rulemaking.

(a) Except as provided in this act, no person shall acquire, own, possess, transfer, offer or receive for transport or use any (1) source material involved in uranium or thorium recovery or milling and the associated byproduct material or (2) source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content without having been granted a license therefore from the department or the nuclear regulatory commission. The department is authorized to regulate and penalize any unlicensed activities involving (1) source material involved in uranium or thorium recovery or milling and the associated byproduct material or (2) source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content.

35-11-2003. Licensure; license requirements; enforcement actions.

(a) The director is authorized to issue licenses to implement the requirements of the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., as amended. Licenses issued under this section shall also authorize the possession and use of (1) source materials involved in uranium or thorium recovery or milling and the associated byproduct material or (2) source material recovered from any mineral resources primarily for purposes other than obtaining the source material content as provided in this article. The director is further authorized to enforce license provisions in accordance with this article. The department shall recognize existing and effective licenses issued by the nuclear regulatory commission. The department shall also recognize licenses issued by other agreement states only for (1) source material involved in uranium or thorium recovery or milling or the associated byproduct material or (2) the source material recovered from any mineral resources primarily for purposes other than obtaining the source material content.

(d) The department shall inspect a licensee's operation to ensure compliance with license conditions, as determined necessary by the administrator of the

land quality division to protect public health and safety. The department shall also inspect proposed facilities and proposed expansion of existing facilities to ensure that unauthorized construction is not occurring. Licensees, permittees and applicants for a license or permit shall obtain and grant the department access to inspect their facilities, source material involved in uranium or thorium recovery or milling and the associated byproduct material or the source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content at such times and frequencies as determined necessary by the department to protect public health and safety.

(f) The director is authorized to suspend licenses, impound (1) source material involved in uranium or thorium recovery or milling and the associated byproduct material and (2) the source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content and conduct enforcement actions in accordance with this article, article 9 of this chapter and rules and regulations promulgated under this act. The director is authorized to suspend licenses and conduct enforcement actions in accordance with department rules and regulations and this article. In cases of an imminent threat to public health and safety, the director is authorized to issue an emergency order immediately suspending a license and any associated activity as provided in W.S. 35-11-115. The director is authorized to suspend or revoke a license for repeated or continued noncompliance with program requirements pursuant to its rules and regulations and this article. The director is also authorized to seek injunctive relief and impose civil or administrative monetary penalties as provided by law.

Section 2.

(a) Upon commencement of negotiations as authorized in W.S. 35-11-2001(a) as provided in section 1 of this act, the department of environmental quality shall adopt a fee structure for licenses for source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content in accordance with W.S. 35-11-2005.

(b) The environmental quality council, upon recommendation from the director, shall promulgate rules and regulations for the regulation of source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content.

Section 3. The department of environmental quality is authorized up to two (2) additional full-time positions for the period beginning with the effective date of this act and ending June 30, 2026 for purposes of implementing this act. It is the intent of the legislature that the department of environmental quality include these full-time positions in its 2026-2027 standard budget request.

Section 4. There is appropriated one million eight hundred forty

thousand dollars (\$1,840,000.00) from the general fund to the department of environmental quality for the period beginning with the effective date of this act and ending June 30, 2026 to be expended only for purposes of entering into an agreement with the nuclear regulatory commission as authorized by W.S. 35-11-2001(a), as provided by section 1 of this act, and for establishing a program to assume regulatory authority over source material recovered from any mineral resources processed for purposes other than obtaining the source material content. 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, 2026. It is the intent of the legislature that this appropriation be included in the standard budget of the department of environmental quality for the 2026-2027 fiscal biennium through a general fund appropriation.

Section 5. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved February 21, 2023.

Chapter 47

EXCUSED ABSENCE-STATE FAIR EVENTS

Original House Bill No. 175

AN ACT relating to student attendance; modifying the duties of local boards of trustees; modifying excused absences for events associated with the state fair; and providing for an effective date.

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

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

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

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

(xxxix) Define “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 programming or competitions sponsored by nationally recognized organizations and clubs that promote youth agricultural education, the annual state fair held under W.S. 11-10-101 as an exhibitor or events associated with participation in the annual state fair shall be considered as participating in a district cocurricular activity program and the student’s absence shall be defined by the board as

an excused absence. Nothing in this paragraph shall prohibit a school district from requesting verification of the reasons for an absence.

Section 2. This act is effective July 1, 2023.

Approved February 21, 2023.

Chapter 48

ARMED FORCES-AMENDMENTS

Original House Bill No. 57

AN ACT relating to defense forces and affairs; adopting uniform definitions of armed forces and uniformed services to align with federal law; expanding uniformed service members entitled to participate in programs under state law; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 8-1-102(a) by creating new paragraphs (xxi) and (xxii), 19-11-103(a)(xi), 19-11-108(a), (b) and (e), 19-11-112(b), 19-11-122(a), 19-11-202, 19-13-102(a)(ii), 19-14-106(a)(i), (ii)(A) and (B), 19-14-111(d)(ii), 20-2-205(f)(iv), 21-17-105(f), 21-17-122(d), 21-24-102(a)(xviii), 23-1-705(e)(iii), 33-1-116(a)(ii), 33-1-117(a)(v), 33-36-103(g), 33-47-103(a)(iii), 35-9-621(k), 39-13-105(a)(ii) through (iv), (vi), (d) and (f) and 42-4-120(n)(intro) are amended to read:

8-1-102. Definitions.

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

(xxi) "Armed forces" means the army, navy, air force, marine corps, space force and coast guard;

(xxii) "Uniformed services" means all of the following:

(A) The armed forces;

(B) The commissioned corps of the national oceanic and atmospheric administration;

(C) The commissioned corps of the public health service;

(D) Any other category of persons designated by the president of the United States in time of war or emergency.

19-11-103. Definitions.

(a) As used in this article, unless the context clearly requires otherwise:

~~(xi) "Uniformed services" means the armed forces, the army national guard and the air national guard of any state, the commissioned corps of the public health service and any other category of persons designated by the~~

~~president in time of war or emergency as defined in W.S. 8-1-102(a)(xxii);~~

19-11-108. Leave of absence for state, city or county officers and employees; training programs.

(a) Any member of the national guard of any state or United States ~~military~~ armed forces reserve who is an officer or employee of this state or any political subdivision, municipal corporation or any public agency or entity of the state, including community colleges, shall be given a military leave of absence with pay at the regular salary or wage which the employee normally receives, not to exceed fifteen (15) calendar days in any one (1) calendar year to perform service in the uniformed services in addition to any other leave or vacation time to which the person is otherwise entitled.

(b) Subject to the conditions prescribed in paragraphs (c)(i) through (v) of this section, any officer or employee of the state or any political subdivision, municipal corporation or public agency of the state who has been employed for one (1) year and who is a member of the national guard of any state or any other component of the military forces of a state, a member of the reserve armed forces of the United States or who is inducted into the ~~military service~~ armed forces of the United States, is entitled to leave of absence from his public office or employment without pay but without loss of seniority, status, efficiency rating, vacation, sick leave or other benefits while he is engaged in active military training or service ordered or authorized by proper authority pursuant to law exceeding fifteen (15) days in any calendar year. Such leave is in addition to any other military leave or vacation time to which the officer or employee may be entitled by law if the required military service is satisfactorily performed, which is presumed unless the contrary is established.

(e) This section shall be liberally construed in favor of the member of the national guard of any state or United States ~~military~~ armed forces who is an officer or employee of this state or any political subdivision, municipal corporation or any public agency of this state.

19-11-112. Retirement credit.

(b) No employee shall receive more than a total of five (5) years of ~~military service~~ ununiformed services credit in the retirement system, pension fund or employee benefit plan applicable to his employment credited under this section.

19-11-122. Servicemembers Civil Relief Act; application to national guard; penalty for violation of rights; enforcement; preferences.

(a) Members of the Wyoming national guard ordered to active state service by the state or federal government for a period of more than thirty (30) consecutive days shall have all protections afforded to persons in the ~~military service~~ armed forces of the United States under the Servicemembers Civil Relief Act, Public Law 108-189. Except as provided in subsection (b) of this section, nothing in this subsection shall be construed to authorize the imposition of

any penalty under the Servicemembers Civil Relief Act for violation of the protections afforded to members of the Wyoming national guard pursuant to this subsection. As used in this subsection, “active state service” means as defined in W.S. 19-7-101(a)(v).

19-11-202. Acknowledgment of instrument by members of armed forces and their dependents before commissioned officer; form of certificate.

In addition to the acknowledgment of instruments in the manner and form otherwise authorized by law, persons who perform service in the uniformed services or their dependents, wherever located, may acknowledge the instruments before any commissioned officer who performs service in the uniformed services with the rank of second lieutenant or higher in the army, air force, ~~or~~ marine corps; or space force or ensign or higher in the navy or coast guard. The instrument is not invalid for failure to state therein the place of execution or acknowledgment. No authentication of the officer’s certificate of acknowledgment is required, but the officer taking the acknowledgment shall endorse thereon or attach thereto a certificate substantially in the following form:

On this day of, (year), before me,, the undersigned officer, personally appeared, Serial No. (If any), known to me (or satisfactorily proven) to be performing service in the uniformed services (A dependent of, Serial No. (If any), a person performing service in the uniformed services) and to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained, and the undersigned does further certify that he is, at the date of this certificate, a commissioned officer of the rank stated below and is performing service in the uniformed services.

.... (Signature of the officer)

.... (Rank and Serial No. of officer)

and command to which attached.

19-13-102. Definitions.

(a) As used in this act:

(ii) “Homeland security” means the preparation for and the carrying out of all emergency functions essential to the recovery and restoration of the economy by supply and resupply of resources to meet urgent survival and military needs, other than functions for which ~~military-armed~~ forces are primarily responsible, necessary to deal with disasters caused by enemy attack, sabotage, terrorism, civil disorder or other hostile action, or by fire, flood, earthquake, other natural causes and other technological, industrial, civil and political events. These functions include without limitation the coordination of fire-fighting services, police services, medical and health services, rescue,

engineering, attack warning services, communications, radiological events, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, mitigation activities in areas threatened by natural or technological hazards, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for any carrying out of the foregoing functions;

19-14-106. Free tuition for education of war orphans and veterans; definitions.

(a) As used in this section:

(i) "Eligible person" includes the surviving spouse and dependent of any person who was a resident of Wyoming at the time of entering into active state service or active service with the ~~military-armed~~ forces of the United States; ~~and~~

(A) Whose death was service connected, as defined in 81 Stat. 181, 38 U.S.C. 101, or is listed officially in the military records of the United States as being a prisoner of war or missing in action as a result of active state service or active service with the ~~military-armed~~ forces of the United States; or

(B) Who was honorably discharged from the ~~military-armed~~ forces of the United States and thereafter died of an injury or disease incurred while in active state service or active service with such ~~military-armed~~ forces, being a resident at the time of death.

(ii) "Vietnam veteran" means any person who:

(A) Was in active service with the ~~military-armed~~ forces of the United States and received a Vietnam service medal between August 5, 1964 to May 7, 1975; ~~and~~

(B) Received a discharge from the ~~military-armed~~ forces of the United States other than dishonorably; and

19-14-111. Employment; permissive preference in private employment.

(d) As used in this section:

(ii) "Veteran" means a member of the ~~military-armed~~ forces of the United States whose written evidence of separation from the ~~military-armed~~ forces shows an honorable discharge or the rendition of honorable military service.

20-2-205. Temporary military duty; definitions; modification of orders; visitation assignment; electronic evidence.

(f) As used in this section:

(iv) "Service member" means a ~~uniformed~~ member of the ~~United States army, navy, air force, marine corps, coast guard, United States public health~~

~~service commissioned corps, national oceanic and atmospheric administration commissioned corp, national guard or any reserve or auxiliary component thereof uniformed services as defined in W.S. 8-1-102(a)(xxii);~~

21-17-105. Tuition to be as nearly free as possible; number, qualifications and selection of students for reduced tuition; tuition for veterans, their spouses and children; reciprocal residency.

(f) For purposes of subsection (e) of this section, “uniformed services of the United States” means ~~service in the United States army, navy, air force, marine corps, coast guard, United States public health service commissioned corps, national oceanic and atmospheric administration commissioned corps, national guard or any reserve or auxiliary component thereof~~ as defined in W.S. 8-1-102(a)(xxii).

21-17-122. Accelerated baccalaureate degree in nursing for students with other baccalaureate degrees; contracts with students; repayment of funds expended; deposit of repayments.

(d) Loan repayment options under this section may be deferred for a period not to exceed five (5) years while a loan recipient is serving on full-time active duty with any branch of the ~~military services~~ uniformed services of the United States as defined in W.S. 8-1-102(a)(xxii).

21-24-102. Definitions.

(a) As used in this compact, unless the context clearly requires a different construction:

(xviii) “Uniformed service” means the army, navy, air force, marine corps, space force and coast guard including the commissioned corps of the national oceanic and atmospheric administration and public health services;

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

(e) The department shall issue:

(iii) Without charge a resident elk or deer license in any hunt area not subject to prescribed means of competitive public issuance, a resident game bird and a resident small game license to any resident who is on active duty in the United States ~~military~~ armed forces deployed to a combat zone who is home on leave during the applicable hunting season. Application under this section shall include proof of residency required under W.S. 23-2-101(a), certification of the applicant’s active duty deployment to a combat zone and other information required by rule and regulation of the commission. For purposes of this paragraph, a combat zone is any area which the president of the United States designates by executive order as an area in which the armed forces of the United States are engaged in combat;

33-1-116. Professional and occupational licensure of military service members.

(a) As used in this section:

(ii) “Military service” means service in the ~~United States army, navy, air force, marine corps, coast guard, United States public health service commissioned corps, national oceanic and atmospheric administration commissioned corps, national guard or any reserve or auxiliary component of any of these services~~ uniformed services as defined in W.S. 8-1-102(a)(xxii);

33-1-117. Temporary permits for military spouses.

(a) As used in this section:

(v) “Military service member” means an active ~~uniformed member of the United States army, navy, air force, marine corps, coast guard, United States public health service commissioned corps, national oceanic and atmospheric administration commissioned corps, national guard or any reserve or auxiliary component thereof~~ member of the uniformed services as defined in W.S. 8-1-102(a)(xxii);

33-36-103. Rules and regulations; procedure; initiation of proceedings.

(g) The division shall consider and process licenses for veterans of ~~military service~~ uniformed services, ~~military service~~ uniformed services members and the spouses of ~~military service~~ uniformed services members pursuant to the requirements of the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act, W.S. 33-36-202.

33-47-103. Exemptions; persons and practices not affected.

(a) The following shall not be considered to be practicing dietetics under this act:

(iii) A dietitian who is serving in the armed forces or the commissioned corps of the public health service of the United States, who is employed by the veterans administration or a Wyoming department of health nutritional services program under the supervision of a licensed dietitian, while engaged in the practice of dietetics provided the practice is related to that service or employment;

35-9-621. Benefits enumerated; death of participant or spouse; amount and payment of contributions; death benefits; withdrawal from pension account.

(k) The board shall adopt rules to allow service for any period of time, after commencement of participation under this article, which a participating member spends in active ~~military or other emergency~~ uniformed service of the United States as required by the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq. to count towards a member’s years of active participation.

39-13-105. Exemptions.

(a) The following persons who are bona fide Wyoming residents for at least three (3) years at the time of claiming the exemption are entitled to receive the tax exemption provided by W.S. 39-11-105(a)(xxiv):

(ii) An honorably discharged veteran of the Second World War, who served in the ~~military service~~ armed forces of the United States between December 7, 1941 and December 31, 1946;

(iii) An honorably discharged veteran of the Korean War emergency, who served in the ~~military service~~ armed forces of the United States between June 27, 1950 and January 31, 1955;

(iv) An honorably discharged veteran of the Vietnam War emergency, who served in the ~~military service~~ armed forces of the United States between February 28, 1961 and May 7, 1975;

(vi) An honorably discharged veteran who served in the ~~military service~~ armed forces of the United States, who was awarded the armed forces expeditionary medal or other authorized service or campaign medal indicating service for the United States in any armed conflict in a foreign country;

(d) Any claimant who is honorably discharged from ~~military service~~ armed forces and files a claim after the fourth Monday in May is entitled to receive the exemption for that taxable year in addition to the exemption allowed during the ensuing tax year if a claim is filed on or before the fourth Monday in May of the ensuing calendar year.

(f) As used in this section “honorably discharged veteran” means a member of the ~~military~~ armed forces of the United States whose written evidence of separation from the ~~military~~ armed forces shows an honorable discharge or the rendition of honorable military service.

42-4-120. Contracts for waiver services; authority of department; emergency case services; cost based payments; training and certification of specialists.

(n) For purposes of this ~~subsection~~ section, “military service member” means any person serving in the ~~United States army, navy, air force, marine corps, coast guard, United States public health service commissioned corps, national oceanic and atmospheric administration commissioned corps, national guard or any reserve or auxiliary component of any of these services~~ uniformed services as defined in W.S. 8-1-102(a)(xxii). Military service members shall have the following benefits if they meet the qualifications listed:

Section 2. This act is effective July 1, 2023.

Approved February 21, 2023.

Chapter 49**NOTICE OF ANNEXATION****Original House Bill No. 142**

AN ACT relating to cities and towns; requiring notice to specified landowners prior to the annexation of territory; and providing for an effective date.

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

Section 1. W.S. 15-1-402(a)(vi) is amended to read:

15-1-402. Annexing territories; findings required; when contiguity not deemed affected; annexation report.

(a) Before any territory is eligible for annexation, the governing body of any city or town at a hearing as provided in W.S. 15-1-405 shall find that:

(vi) The annexing city or town, not less than twenty (20) business days prior to the public hearing required by W.S. 15-1-405(a), has sent by certified mail to all landowners and affected public utilities within the territory and by first class mail to any persons owning property that is adjacent to or within three hundred (300) feet of the territory proposed to be annexed, regardless of whether the property is inside or outside the corporate limits of the annexing city or town and regardless of whether the city or town is exercising authority under W.S. 15-3-202(b)(ii), a summary of the proposed annexation report as required under subsection (c) of this section and notice of the time, date and location of the public hearing required by W.S. 15-1-405(a).

Section 2. This act is effective July 1, 2023.

Approved February 21, 2023.

Chapter 50**VEHICLE IDLING-DECRIMINALIZATION****Original House Bill No. 239**

AN ACT relating to motor vehicles; repealing requirements on leaving a motor vehicle unattended; and providing for an effective date.

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

Section 1. W.S. 31-5-509 amended to read:

31-5-509. Requirements before leaving motor vehicle unattended.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without ~~first stopping the engine, locking the ignition, removing the key from the ignition,~~ effectively setting the brake thereon and, when

standing upon any grade, turning the front wheels to the curb or side of the highway.

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

Approved February 21, 2023.

Chapter 51

ESSENTIAL SUBSIDY PAYMENTS TO BEHAVIORAL HEALTH CENTERS

Original Senate File No. 8

AN ACT relating to public health and safety; providing that the department of health may make essential subsidy payments to behavior health centers based on service needs; and providing for an effective date.

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

Section 1. W.S. 35-1-620(b)(x) is amended to read:

35-1-620. Powers and duties of the department and its divisions.

(b) The department shall:

(x) Subject to subsection (c) of this section, the priority populations tier requirements under paragraph (ix) of this subsection and in addition to other contractual payments to behavioral health centers and other service providers under this act, the department ~~shall~~ may provide essential subsidy payments to eligible behavioral health centers, or to other eligible service providers under paragraph (vi) of this subsection, to help defer continuing operating costs needed to provide services to priority populations. A behavioral health center or other service provider under paragraph (vi) of this subsection shall be eligible to receive essential subsidy payments only upon demonstrating a need for operational cost assistance as determined by rule of the department. The amount of any essential subsidy payment shall be subject to available funding and based on ~~the total population of the geographic area served by the behavioral health center or other provider and the number of other service needs as demonstrated by the behavioral health care providers within a thirty-five (35) mile radius center;~~

Section 2. This act is effective July 1, 2024.

Approved February 21, 2023.

Chapter 52

ADJACENT LAND RESOURCE DATA TRESPASS-REPEAL

Original Senate File No. 31

AN ACT relating to crimes and offenses; repealing a civil cause of action for and the crime of trespass to access adjacent or proximate land for resource data collection purposes; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 6-3-414(d)(intro) and 40-27-101(d) are amended to read:

6-3-414. Trespassing to unlawfully collect resource data; unlawful collection of resource data.

(d) Crimes committed under subsection (a); or (b) ~~or (c)~~ of this section are punishable as follows:

40-27-101. Trespass to unlawfully collect resource data; unlawful collection of resource data.

(d) A person who trespasses to unlawfully collect resource data; or a person who unlawfully collects resource data ~~or a person who trespasses to access adjacent or proximate land~~ under this section shall be liable in a civil action by the owner or lessee of the land for all consequential and economic damages proximately caused by the trespass. In a civil action brought under this section, in addition to damages, a successful claimant shall be awarded litigation costs. For purposes of this subsection, "litigation costs" shall include, but ~~is~~ are not limited to, court costs, expert witness fees, other witness fees, costs associated with depositions and discovery, reasonable attorney fees and the reasonably necessary costs of identifying the trespasser, of obtaining effective service of process on the trespasser and of successfully effecting the collection of any judgment against the trespasser.

Section 2. W.S. 6-3-414(c) and 40-27-101(c) are repealed.

Section 3. This act is effective July 1, 2023.

Approved February 21, 2023.

Chapter 53

CANCER EARLY DETECTION AMENDMENTS

Original Senate File No. 11

AN ACT relating to public health and safety; amending eligibility requirements and the reimbursement system for the Wyoming colorectal cancer early detection and prevention program; and providing for an effective date.

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

Section 1. W.S. 35-25-204(d) and (e) is amended to read:

35-25-204. Wyoming colorectal cancer early detection and prevention program.

(d) Eligibility for the program set forth in this section shall be limited to individuals who are Wyoming residents and have been so for at least one (1) year immediately prior to screening. The eligibility shall be for one (1) colonoscopy every ten (10) years, counting any done before the effective date of this act or before the individual became a Wyoming resident. However, the department on a case-by-case basis may authorize follow-up screening when medically indicated based on national evidence based guidelines. Eligibility shall be restricted to individuals who ~~are at least fifty (50) years old and who have not become eligible for the federal Medicare program~~ meet appropriate age requirements in accordance with national evidence based recommendations and are uninsured or underinsured. For persons who are underinsured, the program shall only pay expenses not covered by insurance. In the event that analysis shows spending in the program will exceed the budget available, the department shall institute a waiting list.

(e) The department shall provide ~~vouchers to eligible persons for reimbursement for a~~ an eligible person's colonoscopy at the rate paid under the Wyoming Medical Assistance and Services Act for colonoscopies, including polyp removal. The person receiving ~~a voucher services~~ under this subsection shall pay all other costs of the colonoscopy. When the funds appropriated for this program are expended, the department shall cease ~~issuing vouchers payments~~ under this section.

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

Approved February 21, 2023.

Chapter 54

DISTRICT AND PROSECUTING ATTORNEYS-BAR LICENSE REQUIREMENT

Original Senate File No. 25

AN ACT relating to district and county and prosecuting attorneys; requiring each district attorney and county and prosecuting attorney to be a licensed attorney and a member in good standing with the Wyoming state bar during the term of office for which the district attorney or county and prosecuting attorney was elected or appointed; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 9-1-802(b) and 18-3-301(a) are amended to read:

9-1-802. Election; term; qualifications; full-time; private practice prohibited; exception; salary; vacancies.

(b) Each district attorney shall have been a licensed attorney for at least four (4) years and a member in good standing of the Wyoming state bar immediately prior to his election. Each district attorney shall be a licensed attorney and a member in good standing of the Wyoming state bar throughout the term of office for which the district attorney was elected or appointed.

18-3-301. Office created; qualifications; certificate of election; counties empowered to consolidate.

(a) In judicial districts in which the office of district attorney has not been created there shall be elected in each county a county and prosecuting attorney who at the time of his nomination and election and during his term of office, shall be a member in good standing of the bar of this state. A copy of his certificate of election and oath shall be filed by the county and prosecuting attorney with the clerk of the district court for his county or counties. In those judicial districts in which the office of district attorney has been created the county commissioners shall appoint an attorney to the office of county attorney for a term of one (1) year, who may be reappointed on a year-to-year basis. The county commissioners may remove the county attorney for cause.

Section 2. This act shall apply to each district attorney and county and prosecuting attorney whose term of office begins on and after the effective date of this act.

Section 3. This act is effective July 1, 2023.

Approved February 21, 2023.

Chapter 55

ELECTRONIC RECORDS RETENTION

Original Senate File No. 69

AN ACT relating to courts; providing for the digitizing and retention of court records as specified; striking obsolete language; and providing for an effective date.

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

Section 1. W.S. 5-7-103 is amended to read:

5-7-103. Filing, preserving and use of papers; electronic record retention permitted.

The clerk shall file together and carefully preserve in his office, all papers

delivered to him for that purpose in every action or proceeding. He shall not permit the papers to be taken from his office except to be used at a session of the court or upon legal process, and he shall be liable upon his official bond to the party suffering injury on account of any violation of this section. This section shall not apply to matters in probate. Upon the order of the judge of the district, the clerk may transmit by express or registered mail to an attorney of the state appearing in the action or proceeding, who resides in a different county or away from the county seat, such original files as are not represented by copies in the clerk's office, and the clerk shall take the attorney's receipt for each paper in each case. Nothing in this section shall limit or prohibit the clerk from ~~microfilming~~ scanning or digitizing papers, ~~in his office,~~ disposing of the originals in accordance with ~~W.S. 9-2-411~~ any rule or order issued by the supreme court and retaining the ~~official microfilm~~ digitized or imaged records in a case management system in lieu of ~~retaining~~ the original papers pursuant to ~~W.S. 9-2-413~~ in a physical file.

Section 2. This act is effective July 1, 2023.

Approved February 21, 2023.

Chapter 56

UNLAWFUL USE OF A CHARGE CARD OR DEBIT CARD

Original Senate File No. 139

AN ACT relating to crimes and offenses; expanding the offense of unlawful use of a credit card to include a charge card and debit card; providing definitions; providing penalties; and providing for an effective date.

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

Section 1. W.S. 6-3-801(a) by creating new paragraphs (ii) and (iii) and 6-3-802(a) and (b)(intro) are amended to read:

ARTICLE 8

CREDIT CARD, CHARGE CARD AND DEBIT CARD FRAUD

6-3-801. Definitions.

(a) As used in this article:

(ii) “Charge card” means an identification card or device issued by a business organization authorizing the person to whom issued to purchase or obtain property or services on credit for which the balance of the card must be paid when a statement is issued;

(iii) “Debit card” means an identification card or device issued by a business organization with or without fee for the use of a person to withdraw funds or obtain property or services, payment of which is made against funds

previously deposited in an account with the issuer of the identification card or device.

6-3-802. Unlawful use of credit card, charge card or debit card; penalties.

(a) A person is guilty of unlawful use of a credit card, charge card or debit card if, with the intent to obtain property or services by fraud, he:

(i) Uses a credit card, charge card or debit card, or the number or description of a credit card, charge card or debit card, issued to another person without the consent of that person;

(ii) Uses a credit card, charge card or debit card which he knows has been revoked, cancelled or expired; or

(iii) Knowingly uses a falsified, mutilated or altered credit card, charge card, debit card or the number or description thereof.

(b) Unlawful use of a credit card, charge card or debit card is:

Section 2. This act is effective July 1, 2023.

Approved February 21, 2023.

Chapter 57

FINANCIAL INSTITUTIONS-SIMILAR NAMES

Original Senate File No. 173

AN ACT relating to banks, banking and finance; modifying requirements for approval of applications for proposed financial institutions with similar names to existing financial institutions; and providing for an effective date.

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

Section 1. W.S. 13-2-212(a)(vi) and 13-5-507(a)(iv) are amended to read:

13-2-212. Approval or disapproval of application; criteria for approval; action upon application; interim bank charter; fee.

(a) Within ninety (90) days after receipt of the transcript of the public hearing, the board shall in its discretion approve, conditionally approve or disapprove the application, but it shall not approve the application until it has ascertained to its satisfaction:

(vi) The name of the proposed financial institution does not resemble so closely as to cause confusion the name of any other financial institution transacting business in the ~~county~~ state; and

13-5-507. Approval or disapproval of application; criteria for approval; action upon application; interim charter; fee.

(a) Within ninety (90) days after receipt of the transcript of the public meeting or hearing, the board shall in its discretion approve, conditionally approve or disapprove the application, but it shall not approve the application until it has ascertained to its satisfaction:

(iv) The name of the proposed public trust company does not resemble so closely as to cause confusion the name of any other financial institution transacting business in the ~~county~~ state; and

Section 2. This act is effective July 1, 2023.

Approved February 21, 2023.

Chapter 58

CHANCERY COURT VACANCIES-EXTENSION AMENDMENT

Original Senate File No. 55

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

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

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

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

(b) Beginning January 1, ~~2024~~2025, 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, 2023.

Approved February 21, 2023.

Chapter 59

DEFINITION OF OPIATE ANTAGONIST-AMENDMENT

Original Senate File No. 7

AN ACT relating to public health and safety; amending the definition of opiate antagonist under the Emergency Administration of Opiate Antagonist Act; and providing for an effective date.

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

Section 1. W.S. 35-4-902(a)(i) is amended to read:

35-4-902. Definitions.

(a) As used in this article:

(i) “Opiate antagonist” means ~~naloxone hydrochloride, narcain or any other brand name used for naloxone hydrochloride~~ any device or medication approved by the United States food and drug administration for the treatment of an opiate related drug overdose;

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

Approved February 21, 2023.

Chapter 60

FEDERAL POLITICAL ACTION COMMITTEES-REPORTS

Original Senate File No. 40

AN ACT relating to campaign practices; specifying that federal political action committees are not required to file contribution and expenditure reports if the contributions and expenditures of the committee are exclusively related to federal candidates or issues; and providing for an effective date.

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

Section 1. W.S. 22-25-106(g) is amended to read:

22-25-106. Filing of campaign reports.

(g) Candidates for federal office, campaign committees for candidates for federal office and federal political action committees that are making contributions or expenditures only to federal candidates or for federal issues shall not be required to file contribution and expenditure reports under this section if the candidate or the committee is required to comply with federal election law reporting requirements.

Section 2. This act is effective July 1, 2023.

Approved February 21, 2023.

Chapter 61

LAND EXCHANGES-NOTICE

Original House Bill No. 20

AN ACT relating to state lands; requiring notice and opportunity to comment before completing an exchange; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 36-1-111(a)(intro) is amended to read:

36-1-111. Orders, rules and regulations relative to exchange of lands.

(a) The board of land commissioners is hereby authorized and empowered to pass and promulgate all such orders, rules and regulations as may be necessary or required relative to the appraisal and valuation of the lands to be exchanged as provided in this act, and to provide for the execution of conveyances, contracts and other instruments pertaining to the exchange of the lands, and to enable the director to effect and complete each exchange of the lands after the director provides notice and opportunity to interested persons to provide the board comments, including direct notice to leaseholders of the state lands to be exchanged, owners of adjoining lands and county commissioners from the affected county or counties. The board may authorize the purchase of lands only in an amount necessary to effect and complete the exchange of state-owned lands for other lands and only for those lands identified in the authorization of purchase. The board shall not use the power of eminent domain pursuant to W.S. 1-26-801 et seq. to purchase any lands under this section. The board of land commissioners is authorized to promulgate rules and regulations necessary to implement the exchange of state lands on a value for value basis. The exchange program may authorize a cash equalization receipt or payment of up to twenty-five percent (25%) of the value of the lands exchanged. Any receipt shall be deposited into, and any payment shall be made from, the permanent land fund. State lands may be exchanged upon the board's finding the exchange is necessary to:

Section 2. This act shall apply to all state land exchanges initiated or considered after the effective date of this act.

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

Approved February 21, 2023.

Chapter 62

ONLINE SPORTS WAGERING-AMENDMENTS

Original House Bill No. 181

AN ACT relating to gaming; requiring permitting and licensure for online sports wagering as specified; specifying fees; specifying persons subject to criminal background checks for online sports wagering; specifying limitations and procedures on revenue calculation for purposes of remitting online sports wagering revenue to the gaming commission; amending requirements for application review for online sports wagering permits and licenses; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 9-24-101(a)(vii), (xv) and by creating new paragraphs (xvi) and (xvii), 9-24-103(b)(iv), (f), (h)(intro), (i), (j)(iii) through (vii), (n)(intro), (iii), (o) and by creating new subsections (p) and (q), 9-24-104 and 9-24-106(a)(intro) and (c)(ii) are amended to read:

9-24-101. Definitions.

(a) As used in this chapter:

(vii) “Online sports wagering revenue” means the total of all wagers placed by patrons with an online sports wagering operator, excluding the actual dollar value of free wagers and promotional play provided, minus all payments to patrons and minus any applicable federal excise taxes. Payments to patrons include all payments of cash, cash equivalents, merchandise and any other thing of value;

(xv) “Sports wagering vendor” means a vendor that provides services to a sports wagering operator that the sports wagering operator uses to accept online sports wagers, including geolocation services, know your customer services, payment processors, server host providers, integrity monitoring services, cyber security services and data providers.

(xvi) “Critical component” means any part or component of a mobile application or digital platform that:

(A) Records, stores, processes, shares, transmits or receives sensitive information, including validation numbers and personal identification numbers; or

(B) Stores the results or the current status of a patron’s wager with an online sports wagering operator.

(xvii) “Key personnel” means any person employed in an executive or supervisory capacity by a license holder, permit holder or applicant and who is authorized to make discretionary decisions that exhibit influence or control over gaming operations.

9-24-103. Permits; licenses; fees; application.

(b) A qualified gaming entity applying for a sports wagering operator permit shall do so on a uniform application furnished by the commission. The fee for both an initial application and renewal application shall be two thousand five hundred dollars (\$2,500.00). The application shall require an applicant, at a minimum, to provide:

(iv) ~~Consent to permit~~ Allowance for the commission to obtain fingerprints and to conduct a national criminal history record check of the applicant, ~~and~~ each individual disclosed under subsection (g) of this section and each person required to be licensed under subsections (p) and (q) of this section in accordance with procedures established by the commission. This subsection shall not require an applicant or individual who has submitted to

a criminal background check in this or any other state within the twelve (12) months before submitting the application to resubmit to another criminal background check provided that the applicant or individual submits the results of the previous criminal background check and affirms that there has been no material change in the criminal history since the time of the criminal background check. The cost of the criminal history record background check shall be paid using a portion of the applicant's application fee;

(f) Sports wagering operator ~~and fees~~, sports wagering vendor permit ~~fees and license~~ fees charged pursuant to subsections (c), ~~and (e)~~, ~~(p) and (q)~~ of this section shall be deposited in the sports wagering account, which is hereby created. Subject to legislative appropriation, amounts within the account may be used by the commission for all expenses incurred in administering this chapter. On a quarterly basis, the commission shall transfer amounts within the account in excess of five hundred thousand dollars (\$500,000.00) to the state treasurer for credit to the general fund.

(h) The commission shall, not more than ~~sixty (60)~~ ninety (90) days after the date of receipt of an application for a permit or license or application for renewal of a permit ~~under W.S. 9-24-103~~ or license under this section, either:

(i) Issue the permit or license; or

(j) The commission shall deny an application under this article upon finding any of the following:

(iii) The applicant, license holder or permit holder failed or refused to cooperate in the investigation of a crime related to gambling, corruption of a public official or any organized criminal activity;

(iv) The applicant, license holder or permit holder has intentionally not disclosed the existence or identity of other persons who have control of the applicant or permit holder as required by this section;

(v) The applicant, license holder or permit holder has had a permit or license revoked by any government authority responsible for the regulation of sports wagering;

(vi) The applicant, license holder or permit holder has not demonstrated financial responsibility sufficient to adequately meet the requirements of this chapter, as specified by rule of the commission; or

(vii) The applicant, license holder or permit holder has not met the requirements of this section, any other provision of this chapter, commission rules or any applicable federal laws.

(n) Permit holders and license holders under this article shall have an ongoing obligation to disclose in writing any material change in the information provided in the application to the commission, including:

(iii) Any civil action brought against the permit holder or license holder;

and

(o) If the commission denies an application or intends to revoke or suspend a permit or license issued under this article, it shall notify the applicant, licensee or permittee in writing, stating the grounds for denial, revocation or suspension and informing the person of a right to submit, within not more than thirty (30) days, any additional documentation relating to the grounds for denial, revocation or suspension. Upon receiving any additional documentation, the commission shall reconsider its decision and inform the applicant of its decision within not more than twenty (20) days of the submission of information for reconsideration. A denial of an application or a revocation or suspension of a permit or license under this article shall be subject to the contested case procedures of the Wyoming Administrative Procedure Act.

(p) Key personnel of an applicant, license holder or permit holder who may exercise ultimate decision making authority over the applicant's, permit holder's or license holder's online sports wagering operations in this state shall be licensed by the commission. The commission shall charge a fee of two hundred fifty dollars (\$250.00) for an initial license and renewal application under this subsection. An initial license and any renewal license issued under this subsection shall each be valid for five (5) years.

(q) Any employee of an applicant, license holder or permit holder who is not subject to licensure under subsection (p) of this section and who is authorized to change and is capable of changing play or outcome of wagers through the deployment of code to production for any critical component of the applicant's, permit holder's or license holder's mobile application or digital platform in this state shall be licensed by the commission. The commission shall charge a fee of two hundred fifty dollars (\$250.00) for an initial license and renewal application under this subsection. An initial license and any renewal license issued under this subsection shall each be valid for five (5) years.

9-24-104. Distribution of revenue.

(a) Not later than the fifteenth day of each month, in accordance with commission rules, a sports wagering operator shall remit ten percent (10%) of online sports wagering revenue from the prior month to the commission, except as provided in subsection (b) of this section. Each fiscal year, the first three hundred thousand dollars (\$300,000.00) of revenue generated under this section is continuously appropriated to the department of health to be distributed to the counties for the purpose of funding county health programs to prevent and treat problematic gambling behavior and the remainder of monies remitted to the commission shall be deposited by the state treasurer into the general fund.

(b) If the amount of online sports wagering revenue for any month is a negative figure, the sports wagering operator shall not remit a sports wagering

payment under subsection (a) of this section for that month. The sports wagering operator may carry over and calculate the online sports wagering loss for that month in accordance with the following:

(i) The loss for that month may be carried over and calculated as a deduction against online sports wagering revenue for the immediately succeeding month, provided that no operator shall carry over more than the total amount of loss for that month;

(ii) The loss for that month may be carried over and deducted until the negative figure has been brought to a balance of zero dollars (\$0.00);

(iii) After the negative figure is brought to a balance of zero dollars (\$0.00) or after the immediately succeeding month, whichever is earlier, no amount of that month's loss shall be carried over or deducted under this subsection.

9-24-106. Penalties; compliance.

(a) Any person who knowingly accepts online sports wagers or otherwise operates a business of sports wagering and does not possess a valid permit or license issued by the commission under this chapter shall be subject to the following, in addition to any penalty imposed under W.S. 6-7-102:

(c) The commission shall develop a compliance program that includes establishing procedures to review online sports wagering and related activities occurring in the state to ensure compliance with and enforcement of this chapter. The program shall include review and evaluation of the conduct of:

(ii) Persons operating without a valid permit or license under this chapter, engaging in activities not authorized or regulated under this chapter or pursuing or engaging in activities otherwise in violation of this chapter.

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

Approved February 21, 2023.

Chapter 63

OFFICE OF GUARDIAN AD LITEM-PROGRAM REFERENCES

Original House Bill No. 13

AN ACT relating to children; clarifying the duties, powers, and authority of the office of guardian ad litem by amending references from the guardian ad litem program to the office of guardian ad litem; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 14-2-318(b)(i) and (d)(iii), 14-3-434(b)(vi), 14-6-235(b)(vi)

and (c), 14-6-434(b)(vi) and (c), 14-12-101(a)(intro), 14-12-102(a)(intro) and (i), (b) and (c) and 14-12-103(a) through (d) and (f) are amended to read:

14-2-318. Costs of proceedings; appointment of counsel.

(b) Where petitioner is an authorized agency as defined by W.S. 14-2-308(a)(ii)(B), it shall pay for the costs of the action. Costs shall include:

(i) Fee for the guardian ad litem. If the agency had entered into an agreement with the office of guardian ad litem program pursuant to W.S. 14-12-101 through 14-12-104 and the program office was appointed to provide the guardian ad litem, the program office shall pay the fee for the guardian ad litem in accordance with that agreement;

(d) Where petitioner is an authorized agency as defined by W.S. 14-2-308(a)(ii)(A):

(iii) The authorized agency shall pay the guardian ad litem reasonable fees and expenses approved by the court unless the agency had entered into an agreement with the office of guardian ad litem program pursuant to W.S. 14-12-101 through 14-12-104 and the program office was appointed to provide the guardian ad litem. If so, the program office shall pay the fee for the guardian ad litem in accordance with that agreement.

14-3-434. Fees, costs and expenses.

(b) The following costs and expenses, when approved and certified by the court to the county treasurer, shall be a charge upon the funds of the county where the proceedings are held and shall be paid by the board of county commissioners of that county:

(vi) Reasonable compensation for services and costs of a guardian ad litem appointed by the court, unless the county participates in the guardian ad litem program administered by the office of guardian ad litem pursuant to W.S. 14-12-101 through 14-12-104 and the program office was appointed to provide the guardian ad litem; and

14-6-235. Fees, costs and expenses.

(b) The following costs and expenses, when approved and certified by the court to the county treasurer, shall be a charge upon the funds of the county where the proceedings are held and shall be paid by the board of county commissioners of that county:

(vi) Reasonable compensation for services and costs of a guardian ad litem appointed by the court, unless the county participates in the guardian ad litem program administered by the office of guardian ad litem pursuant to W.S. 14-12-101 through 14-12-104 and the program office was appointed to provide the guardian ad litem; and

(c) Legal services rendered to a child for his benefit and protection are necessities which the child's parents or any person obligated by law for the

child's support may be held responsible. In every case in which a guardian ad litem has been appointed to represent the child under W.S. 14-6-216 or in which counsel has been appointed under W.S. 14-6-222 to represent the child, the child's parents, guardian or other person responsible for the child's support, the court shall determine whether the child, the child's parents, guardian or other person responsible for the child's support is able to pay part or all of the costs of representation and shall enter specific findings on the record. If the court determines that any of the parties is able to pay any amount as reimbursement for costs of representation, the court shall order reimbursement or shall state on the record the reasons why reimbursement was not ordered. The court may also in any case order that all or any part of the costs and expenses enumerated in paragraphs (b)(i), (iii), (iv) and (vii) of this section, be reimbursed to the county by the child, his parents or any person legally obligated for his support, or any of them jointly and severally, upon terms the court may direct. An order for reimbursement of costs made pursuant to this subsection may be enforced as provided in W.S. 14-6-236. Any reimbursement ordered for guardian ad litem services provided pursuant to W.S. 14-12-101 through 14-12-104 shall be apportioned between the county and the office of guardian ad litem program in accordance with payments made for those services.

14-6-434. Fees, costs and expenses.

(b) The following costs and expenses, when approved and certified by the court to the county treasurer, shall be a charge upon the funds of the county where the proceedings are held and shall be paid by the board of county commissioners of that county:

(vi) Reasonable compensation for services and costs of a guardian ad litem appointed by the court, unless the county participates in the guardian ad litem program administered by the office of guardian ad litem pursuant to W.S. 14-12-101 through 14-12-104 and the program office was appointed to provide the guardian ad litem; and

(c) In every case in which a guardian ad litem has been appointed to represent the child under this act or in which counsel has been appointed under this act to represent a child or the child's parents, guardian or custodian, the court shall determine whether the child, the child's parents, guardian, custodian or other person responsible for the child's support is able to pay part or all of the costs of representation and shall enter specific findings on the record. If the court determines that any of the parties is able to pay any amount as reimbursement for costs of representation, the court shall order reimbursement or shall state on the record the reasons why reimbursement was not ordered. The court may also in any case order that all or any part of the costs and expenses enumerated in paragraphs (b)(i), (iii), (iv) and (vii) of this section, be reimbursed to the county by the child, the child's parents or any person legally obligated for his support, or any of them jointly and severally, upon terms the court may

direct. An order for reimbursement of costs made pursuant to this subsection may be enforced as provided in W.S. 14-6-435. Any reimbursement ordered for guardian ad litem services provided pursuant to W.S. 14-12-101 through 14-12-104 shall be apportioned between the county and the office of guardian ad litem program in accordance with payments made for those services.

CHAPTER 12

OFFICE OF GUARDIAN AD LITEM

ARTICLE 1

OFFICE OF GUARDIAN AD LITEM

14-12-101. Office of guardian ad litem; guardian ad litem program; rulemaking; reporting.

(a) The office of guardian ad litem shall administer a guardian ad litem program. The ~~program-office~~ shall employ or contract with, supervise and manage attorneys providing legal representation as guardians ad litem in the following cases and actions:

14-12-102. Appointment of office to provide guardian ad litem services.

(a) In cases specified in W.S. 14-12-101(a), if the county in which the court is located participates in the program administered by the office:

(i) The court shall appoint the program-office to provide services when appointing a guardian ad litem. For purposes of this article, references to the program include the office;

(b) The ~~program-office~~ shall cooperate with juvenile courts in developing a case appointment system in each participating county for all applicable cases requiring the appointment of a guardian ad litem.

(c) An attorney accepting a guardian ad litem assignment ~~under the program~~ shall be employed by or contract with the program-office to provide services in accordance with ~~program~~ requirements established by the office. The contract shall specify the fees to be paid for the assignment, which may be a defined hourly or per case rate or a defined sum. Fees paid by the ~~program-office~~ may vary based upon the type and difficulty of the case, location, work required and experience.

14-12-103. County participation; reimbursement; offices and equipment.

(a) The office of guardian ad litem shall enter into agreements with each county participating in the program. Agreements shall require counties to comply with all ~~program~~ rules and policies established by the office. The agreement shall establish the compensation rate within the county for attorneys providing legal representation as guardians ad litem in program cases and the reimbursement requirements. A county may agree with an attorney providing services ~~under the program to the office~~ to pay a rate in excess of the rate set for payment by the program-office. If a county agrees to do so, it shall enter into a

separate contract with the attorney providing services and shall be responsible and obligated to reimburse the program for one hundred percent (100%) of the excess amount. The county shall enter into a separate agreement with the office setting out the agreement, the excess rate and the responsibilities and obligations of all parties.

(b) The ~~program office~~ shall pay from the guardian ad litem account one hundred percent (100%) of the fees for the legal representation of children by attorneys as guardians ad litem in program cases. Participating counties shall reimburse the ~~program office~~ an amount equal to not less than twenty-five percent (25%) of the agreed program fees, not less than twenty-five percent (25%) of the ~~program's office's~~ administrative cost prorated by program funds expended in each county and one hundred percent (100%) of excess rate fees. The ~~program office~~ shall invoice the county for its proportionate share. In the event a county does not make payments within ninety (90) days, the state treasurer may deduct the amount from sales tax revenues due to the county from the state and shall credit the amount to the ~~program account~~ created in subsection (c) of this section.

(c) There is created a guardian ad litem account. All reimbursements received ~~under the program by the office under this article~~ shall be deposited to the account. Funds within the account are continuously appropriated to the office of guardian ad litem for expenditure for the sole purpose of the guardian ad litem program.

(d) Agreements entered into under this section shall include provision for each county, in which guardians ad litem employed by or under contract with the ~~program office~~ are located, to provide adequate space and utility services, other than telephone service, for the use of the program's guardians ad litem. If suitable office space for all guardians ad litem cannot be provided, the county shall provide, based upon a proportional share, a monthly stipend to all program guardians ad litem housed in private facilities. The proportional share shall be determined by the ~~program office~~, based upon the counties served by each guardian ad litem not provided suitable office space. The stipend shall be paid directly by the county to the program guardian ad litem.

(f) The office shall enter into a memorandum of understanding with the department of family services under which a guardian ad litem will be provided for cases in which the department is required by law or court order to provide guardian ad litem services in any of the cases or actions specified in W.S. 14-12-101(a). The department shall reimburse the ~~program office~~ an amount equal to not less than twenty-five percent (25%) of the agreed ~~program~~ fees paid to guardians ad litem in actions under this subsection.

Section 2. Nothing in this act shall be construed as modifying or impairing any contract that the office of guardian ad litem or the guardian ad litem program entered into before the effective date of this act.

Section 3. This act is effective July 1, 2023.

Approved February 21, 2023.

Chapter 64

VOTER I.D. REQUIREMENTS

Original House Bill No. 79

AN ACT relating to elections; providing that a concealed carry permit is acceptable identification for purposes of in-person voter identification requirements; and providing for an effective date.

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

Section 1. W.S. 22-1-102(a)(xxxix)(B) by creating a new subdivision (X) is amended to read:

22-1-102. Definitions.

(a) The definitions contained in this chapter apply to words and phrases used in this Election Code and govern the construction of those words and phrases unless they are specifically modified by the context in which they appear. As used in this Election Code:

(xxxix) “Acceptable identification” means:

(B) For purposes of in person voter identification immediately before voting at a polling place or absentee polling place, any of the following:

(X) A valid permit issued by the state of Wyoming to carry a concealed firearm.

Section 2. This act is effective July 1, 2023.

Approved February 21, 2023.

Chapter 65

COUNTY AUTHORITY TO DISSOLVE MUSEUM BOARDS- CLARIFICATION

Original House Bill No. 15

AN ACT relating to counties; clarifying that boards of county commissioners do not have authority to dissolve archaeological, geological and historical museums under their general authority to dissolve county-created boards and commissions; and providing for an effective date.

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

Section 1. W.S. 18-3-525(a)(intro) is amended 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:

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

Approved February 21, 2023.

Chapter 66**DISCLOSURE OF PRIVATE CRYPTOGRAPHIC KEYS****Original House Bill No. 86**

AN ACT relating to digital assets; prohibiting the compelled production of a private key that relates to a digital asset, digital identity or other interest or right except as specified; providing a definition; repealing a definition; and providing for an effective date.

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

Section 1. W.S. 34-29-107 is created to read:

34-29-107. Production of private keys; prohibition.

(a) No person shall be compelled to produce a private key or make a private key known to any other person in any civil, criminal, administrative, legislative or other proceeding in this state that relates to a digital asset, digital identity or other interest or right to which the private key provides access unless a public key is unavailable or unable to disclose the requisite information with respect to the digital asset, digital identity or other interest or right.

(b) This section shall not be interpreted to prohibit any lawful proceeding that compels a person to produce, sell, transfer, convey or disclose a digital asset, digital identity or other interest or right to which a private key provides access, or to disclose information about the digital asset, digital identity or other interest or right, provided that the person is not required to produce or disclose the private key except as otherwise required by subsection (a) of this section.

Section 2. W.S. 34-29-101(a) by creating a new paragraph (v) is amended to read:

34-29-101. Definitions.

(a) As used in this chapter:

(v) “Private key” means a unique element of cryptographic data, or any

substantially similar analogue, which is:

(A) Held by a person;

(B) Paired with a unique, publicly available element of cryptographic data; and

(C) Associated with an algorithm that is necessary to carry out an encryption or decryption required to execute a transaction.

Section 3. W.S. 34-29-103(e)(iii) is repealed.

Section 4. This act is effective July 1, 2023.

Approved February 21, 2023.

Chapter 67

VOTER REGISTRY LIST-VOTER ID AND ABSENTEE BALLOTS

Original House Bill No. 5

AN ACT relating to elections; amending the definition of registry list to include voter identification numbers, absentee ballot status and registration dates; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 22-1-102(a)(xxix), 22-2-113(d) and 22-3-108(a)(vi) and by creating new paragraphs (viii) through (x) are amended to read:

22-1-102. Definitions.

(a) The definitions contained in this chapter apply to words and phrases used in this Election Code and govern the construction of those words and phrases unless they are specifically modified by the context in which they appear. As used in this Election Code:

(xxix) “Registry list” is the list by precinct of the names, addresses, party affiliations, unique identifying numbers generated by the state, information relating to absentee ballot status, registration dates and precinct and district numbers of the registered electors in the county prepared by the secretary of state or county clerks for distribution as provided in W.S. 22-2-113;

22-2-113. Availability and form of registry lists; use of copies; election record; purging.

(d) Unless otherwise specifically stated in this Election Code, all election records of the county clerk are public. The availability and dissemination of such records shall be in accordance with the Wyoming Public Records Act. Election records containing social security numbers, portions of social security numbers, driver’s license numbers, birth dates, telephone numbers, tribal

identification card numbers, e-mail addresses and other personally identifiable information other than names, gender, addresses, unique identifying numbers generated by the state and party affiliations are not public records and shall be kept confidential. When necessary, members of the county or state canvassing boards may access confidential information for purposes of this code but shall maintain its confidentiality.

22-3-108. Official registry list information.

(a) The official registry list shall contain at least the following information as to each registered elector:

(vi) Date of birth; ~~and~~

(viii) A unique identifying number generated by the state;

(ix) Information relating to absentee ballot status; and

(x) Date of registration.

Section 2. W.S. 22-3-108(b)(iii) is repealed.

Section 3. This act is effective July 1, 2023.

Approved February 21, 2023.

Chapter 68

LIGHTWEIGHT TRAILERS-PERMANENT REGISTRATION

Original House Bill No. 41

AN ACT relating to motor vehicles; providing for the permanent registration of specified trailers; providing a fee exemption for permanently registered trailers; specifying requirements upon transfer of ownership; and providing for an effective date.

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

Section 1. W.S. 31-2-206(a) and by creating new subsections (n) through (q), 31-2-213(b), 31-2-214(a)(intro) and by creating a new subsection (e), 31-3-101(g) by creating a new paragraph (v) and 31-3-103 by creating a new subsection (m) are amended to read:

31-2-206. Annual renewal; delivery of license plates and stickers; staggered registration; permanent registration of lightweight trailers.

(a) Except as otherwise provided vehicle registrations expire on the last day of the annual registration month. Renewals are effective for one (1) year beginning the first day of the month following the annual registration month. The initial registration for a vehicle in this state expires on the last day of the annual registration month in the following year. Except as provided in subsection (h) and in subsections (n) through (q) of this section, nothing in this section prohibits an owner from registering a vehicle for more than twelve

(12) but less than twenty-four (24) months.

(n) Except for a trailer that is mobile equipment, the owner of a trailer as defined in W.S. 31-1-101(a)(xxiii) and subject to the provisions of paragraphs (i) and (iii) of this subsection may permanently register the trailer upon payment of a fee in the amount of three hundred fifty dollars (\$350.00) at the time of initial registration. Alternatively, the owner may permanently register the trailer by paying the fees under subsection (o) of this section, provided the trailer:

(i) Is within the weight limits of W.S. 31-3-101(a)(ii)(E)(I);

(ii) Is not less than six (6) years old; and

(iii) Is subject to registration fees under W.S. 31-2-201.

(o) Upon payment of the fees specified in subsection (n) of this section or this subsection the department shall issue a distinctive license plate indicating the permanent registration of the trailer. After payment of the fees under subsection (n) of this section or this subsection, the owner of a trailer that is permanently registered under subsection (n) of this section is not subject to additional registration fees for as long as the owner owns the trailer. If the one-time fee in the amount of three hundred fifty dollars (\$350.00) is not paid, the fees for permanent registration of a trailer under subsection (n) of this section are:

(i) A permanent registration state administration fee in the amount of fifty dollars (\$50.00); and

(ii) An amount equal to five (5) times the applicable fees under W.S. 31-3-101(a) plus any donation amounts under W.S. 31-3-101(h) or (j). Any donated amount shall not be subject to the requirement to pay five (5) times the applicable amount.

(p) The owner of a trailer that is permanently registered under subsection (n) of this section shall display the permanent registration license plate in accordance with W.S. 31-2-205 only on the permanently registered trailer for which the plate was issued, except when transferred pursuant to W.S. 31-2-214(e).

(q) The permanent registration of a trailer under subsection (n) of this section shall not be transferred to a new owner. Upon transfer of a trailer that had been permanently registered under subsection (n) of this section to a new owner, the new owner shall be subject to all applicable title, registration and license fees under title 31, chapter 2, articles 1 and 2 and chapter 3 of Wyoming statutes for the trailer.

31-2-213. Department to supply registration certificates, plates and stickers; removable windshield placards.

(b) The department may issue license plates, except permanent, dealer

and antique motor vehicle license plates, which shall be valid for not more than eight (8) years if annual validation stickers are attached in the upper left corner of the license plate with the month and year of expiration clearly visible. Department authorized license plates and annual stickers shall be of colors that are readily distinguishable from the previous year.

31-2-214. Transfer of ownership.

(a) Except as provided by subsections (b) through ~~(d)~~(e) of this section, upon transfer of ownership of a vehicle the registration of the vehicle expires and the original owner shall immediately remove the license plates from the vehicle. Within sixty (60) days after acquiring another vehicle for which the license plates would be proper, the original owner may file an application for the transfer of the license registration number to a vehicle acquired by him accompanied by the fees based on the amount which would be due on a new registration as of the date of transfer less any credit for the unused portion of the original registration fees for the original vehicle for the assignment of the plates to the recently acquired vehicle subject to the following:

(e) Upon transfer of ownership of a trailer that had been permanently registered under W.S. 31-2-206(n) the permanent registration of that trailer expires and the original owner shall immediately remove the license plate from that trailer. If within sixty (60) days after the transfer of ownership the original owner acquires another trailer for which the permanent license plate would be proper, the original owner may file an application for the transfer of the license registration number to the newly acquired trailer and the license plate may be transferred by the original owner to the original owner's newly acquired trailer. The original owner is not subject to additional registration fees for the transfer of the license registration number under this subsection.

31-3-101. Registration fees; exemptions.

(g) Owners of the following vehicles are exempt from the payment of fees provided by subsections (a) and (b) of this section:

(v) Trailers if permanently registered pursuant to W.S. 31-2-206(n) through (q).

31-3-103. Distribution of fees; refunds.

(m) Fifty percent (50%) of the permanent registration fee collected under W.S. 31-2-206(n) shall be distributed by county treasurers in the same proportion and manner as property taxes are distributed. The remaining fifty percent (50%) of the permanent registration fee collected under W.S. 31-2-206(n) shall be distributed to the highway fund.

Section 2. This act is effective July 1, 2023.

Approved February 21, 2023.

Chapter 69**PRESCRIPTIVE EASEMENT FOR WATER CONVEYANCES****Original Senate File No. 68**

AN ACT relating to prescriptive easements; establishing prescriptive easements for water conveyances; providing requirements for the width and use of a prescriptive easement as specified; requiring the state engineer's office to post an informational document on its website; providing notice to purchasers; specifying applicability and providing for an effective date.

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

Section 1. W.S. 34-1-158 is created to read:

34-1-158. Prescriptive easement for water conveyance.

(a) A prescriptive easement for a water conveyance may be established if a water user has used and maintained a water conveyance under a claim of right for a period of ten (10) years during which the use has been:

(i) Continuous and uninterrupted consistent with the historical and traditional use by the water user of the water conveyance system. A temporary change of use under W.S. 41-3-110 or a cessation of use, so long as the water rights are not abandoned under W.S. 41-3-401, shall not be deemed an interruption under this paragraph;

(ii) Open and notorious; and

(iii) Adverse.

(b) If a water user establishes paragraphs (a)(i) and (ii) of this section, there is a rebuttable presumption that the use has been adverse under paragraph (a) (iii).

(c) The holder of a prescriptive easement for a water conveyance established as provided in subsections (a) and (b) may:

(i) File a notice describing the prescriptive easement consistent with the requirements of W.S. 34-1-141 in the office of the county clerk in which the prescriptive easement or a portion of the easement is located;

(ii) Access, use, maintain and repair the water conveyance located within the easement in accordance with law. Maintenance, as used in this section, shall include the right of the holder of the prescriptive easement to temporarily remove infrastructure in or spanning the water conveyance system provided that:

(A) Before the temporary removal for maintenance purposes of infrastructure that a landowner uses for ingress or egress, the holder of the prescriptive easement shall provide reasonable written notice given the extent and estimated time for maintenance but in no case shall notice be provided less than seventy-two (72) hours before any temporary removal;

(B) Any temporary removal of a landowner's infrastructure for the purpose of water conveyance system maintenance shall be reasonable and minimize any burden on the landowner. The holder of the prescriptive easement for a water conveyance shall replace the landowner's infrastructure in a timely manner in consultation with the landowner.

(d) As used in this section:

(i) "Water conveyance" means a man made canal, ditch, drain ditch or pipeline that conveys water for agricultural purposes including any appurtenant headgates and diversion structures;

(ii) "Water user" means a water user or the water user's predecessor who owns an adjudicated or valid unadjudicated water right being conveyed in a water conveyance.

(e) The width of a prescriptive easement for a water conveyance shall be based on the size of the water conveyance and the volume of water in the water conveyance system and shall:

(i) Be of a reasonable width sufficient to utilize equipment suitable for the operation and maintenance of the water conveyance;

(ii) Be from the center line of the water conveyance system but may vary from each side of the center line to reasonably facilitate the size of equipment, placement of dredge material and the topography that the water conveyance system traverses.

(f) The state engineer's office shall post to its website an informational document regarding legal aspects related to water conveyance easements. This document shall not constitute legal advice. All real estate transactions involving property through which a water conveyance passes through shall include notice of this document.

Section 2. Nothing in this act shall be construed to interfere with or modify any existing easement or property right, including a valid water right, nor alter any rights or duties associated with any existing easement or property right, as established by law.

Section 3. This act is effective July 1, 2023.

Approved February 21, 2023.

Chapter 70**988 SUICIDE PREVENTION****Original House Bill No. 65**

AN ACT relating to suicide prevention; establishing the 988 system for suicide prevention and mental health crises; providing requirements for the 988 system; establishing duties of the department of health; providing rulemaking authority; providing for an advisory board; establishing the 988 trust fund and a related reserve account; providing for allocation of funds within and between the accounts; specifying immunity for telecommunications providers; specifying confidentiality of information; providing for implementation of the act; and providing for an effective date.

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

Section 1. W.S. 35-25-501 through 35-25-509 are created to read:

ARTICLE 5**988 SUICIDE AND CRISIS LIFELINE****35-25-501. Definitions.**

(a) As used in this article:

(i) “988” or “988 system” means the universal telephone number for the national suicide prevention and mental health crisis hotline system within the United States, operating through the national suicide prevention lifeline or its successor, maintained by the assistant secretary for mental health and substance abuse under 42 U.S.C. § 290bb-36c;

(ii) “Administrator” means the administrator of the 988 system;

(iii) “Contact” means a communication with the 988 system including a call, text or chat;

(iv) “Crisis center” or “crisis hotline center” means a center designated by the state to respond to statewide or regional 988 contacts;

(v) “Crisis facility” means a behavioral health center as defined by W.S. 35-1-613(a)(xvi), other provider under W.S. 35-1-611 through 35-1-627 or an equivalently staffed and equipped student health service;

(vi) “Department” means the department of health;

(vii) “Mobile crisis team” means a team providing services outside of a hospital or facility setting:

(A) That includes not less than one (1) behavioral health care professional who is capable of conducting an assessment of a person having a behavioral health crisis, in accordance with the professional’s permitted scope of practice under state law, and other professionals or paraprofessionals with appropriate expertise in behavioral health or mental health crisis response, including nurses, social workers, peer support specialists and others;

(B) Whose members are trained in trauma-informed care, de-escalation

strategies and harm reduction;

(C) That is able to respond in a timely manner and, where appropriate, provide screening, assessment, health services, stabilization, de-escalation and referrals to health, social and other services and supports as needed;

(D) That maintains relationships with relevant community partners, including medical and behavioral health providers, primary care providers, community health centers and crisis centers; and

(E) That maintains the privacy and confidentiality of patient information consistent with federal and state requirements.

35-25-502. Crisis center designation; powers and duties of the department; rulemaking; report.

(a) Not later than July 1, 2023, the department shall designate one (1) or more crisis centers to provide crisis intervention services and crisis care coordination to persons accessing the 988 system from anywhere in Wyoming, twenty-four (24) hours per day and seven (7) days per week.

(b) A crisis center designated under this section shall:

(i) Have an agreement with the national suicide prevention lifeline or its successor for participation within the 988 system;

(ii) Meet all requirements and best practices guidelines of the national suicide prevention lifeline;

(iii) Provide data and reports and participate in evaluations and quality improvement activities as required by the administrator;

(iv) Have authority to deploy crisis services, including mobile crisis teams and coordinate access to crisis services or other local resources as appropriate, consistent with guidelines or best practices established by the national suicide prevention lifeline;

(v) Meet requirements established by the national suicide prevention lifeline for serving at-risk and specialized populations identified by the substance abuse and mental health services including those with co-occurring substance use by providing linguistically and culturally competent care including training and policies for transferring a 988 contact to an appropriate specialized center or subnetwork within the national suicide prevention lifeline network;

(vi) Provide follow-up services to persons accessing the 988 system consistent with policies and guidelines of the national suicide prevention lifeline.

(c) The department shall:

(i) Implement and provide oversight of the 988 system as provided in this article;

(ii) Promulgate rules to allow appropriate information sharing between and across crisis and emergency response systems for the purpose of real-time crisis care coordination including deployment of linked crisis services specific to the crisis response;

(iii) Coordinate active collaborations, including facilitating formal agreements and establishing appropriate information sharing procedures, between any crisis center designated under this section and appropriate community partners including mental health and substance abuse disorder treatment providers, primary care providers, community mental health centers, community behavioral health centers, mobile crisis teams, hospitals, inpatient psychiatric facilities and crisis facilities;

(iv) In consultation with the national suicide prevention lifeline, veteran's crisis line and other networks approved by the substance abuse and mental health services administration, ensure consistent public messaging about the 988 system;

(v) Provide an annual report on the usage of and services provided by the 988 system to the joint labor, health and social services interim committee and the substance abuse and mental health services administration;

(vi) Review its practices under this article not less than every four (4) years to ensure that the services provided are and remain best evidence-based practices for suicide prevention.

35-25-503. Mobile crisis teams.

(a) The department may provide onsite response services to address 988 system contact through state or locally funded mobile crisis teams. A mobile crisis team under this section shall:

- (i) Be designed in partnership with community members;
- (ii) To the extent practical, be staffed by personnel that reflect the demographics of the community to be served;
- (iii) Collect any data required by the substance abuse and mental health services administration and consistent with any requirements of the department.

35-25-504. Payment for crisis services.

(a) The department may provide payment for the provision of crisis services of a contact to the 988 system if:

- (i) The person is not insured or the service is not covered by the person's health coverage; and
- (ii) The service is not covered by another entity including municipal or county programs or funding.

(b) The department may explore options for appropriate coding of and

payment for crisis services through the Medicaid program.

35-25-505. Advisory body.

The governor shall create an advisory body or designate an existing advisory body to provide guidance to the department, gather feedback and make recommendations regarding the planning and implementation of the 988 system under this article. The advisory body may include representatives of a designated crisis center, 911 call center, law enforcement, hospital emergency department, individuals or family members of individuals with lived experience with suicide prevention or behavioral health crisis service usage and behavioral health crisis service providers and may include members of the judicial branch appointed by the chief justice of the supreme court.

35-25-506. 988 system trust fund; reserve account spending policy.

(a) The 988 system trust fund account is created. The trust account shall consist of those funds designated to the account by law and all monies collected from federal grants and other appropriations, contributions, grants, gifts, bequests and donations to the trust fund account. The trust fund account is specifically empowered to accept grants, gifts, transfers, bequests and donations. Funds deposited within the trust fund account are intended to be inviolate and constitute a permanent and perpetual trust fund which shall be invested by the state treasurer as authorized by law and in a manner to obtain the highest return possible consistent with preservation of the trust account corpus.

(b) During each fiscal year beginning July 1, 2024, the earnings from the 988 system trust fund account are appropriated to the department for expenditure as provided in subsection (d) of this section in an amount equal to five percent (5%) of the previous five (5) year average market value of the 988 system trust fund account, calculated from the first day of the fiscal year. For purposes of making the calculation under this subsection, until the 988 system trust fund account has existed for five (5) years, the average market value of the trust fund shall be the average market value during the years that the trust fund has existed. The calculation required by this subsection shall constitute the spending policy for the 988 system trust fund account.

(c) Earnings from the 988 system trust fund account in excess of the spending policy amount established by subsection (b) of this section in any fiscal year shall be deposited by the state treasurer to the 988 system trust fund reserve account, which is hereby created. Except for monies appropriated to the department and monies deposited back to the 988 system trust fund pursuant to this subsection, funds deposited in the reserve account are intended to be inviolate and constitute a permanent and perpetual trust fund which shall be invested by the state treasurer as authorized by law. Interest and other earnings on funds within the reserve account shall be credited to the reserve account. Beginning July 1, 2024 for fiscal year 2023 and each fiscal year thereafter, the state treasurer shall transfer unobligated funds from the reserve account to the

988 system trust fund account as necessary to ensure that an amount equal to the spending policy amount established in subsection (b) of this section is available to the department, pursuant to subsection (b) of this section, for expenditure during the fiscal year. As soon as possible after the end of each fiscal year, revenues in this account in excess of four hundred twenty percent (420%) of the spending policy amount in subsection (b) of this section shall be credited to the 988 system trust fund account.

(d) Funds available to the department shall be prioritized to the extent practicable to first fund those services representing the best evidence-based practices for the prevention of suicide, which may include the following:

(i) Creating and maintaining a statewide 988 system pursuant to this article and in accordance with the National Suicide Hotline Designation Act of 2020 and the federal communication commission's rules adopted July 16, 2020 and in accordance with national guidelines for crisis care;

(ii) Supporting or enhancing the 988 system including providing for state designated crisis centers as provided in W.S. 35-25-502, providing for mobile crisis teams as provided in W.S. 35-25-503 and providing payment for crisis services as provided in W.S. 35-25-504;

(iii) Taking other actions necessary related to the administration of the 988 system as provided by this article;

(iv) Providing other goods or services, including health care services, that do not infringe on fundamental individual liberties and that, according to best evidence-based practices, are likely to lead to the prevention of suicide.

35-25-507. Immunity for telecommunications providers.

(a) A telecommunications provider shall not be liable to any person for any damages caused by any act or omission relating to the origination, transmission or termination of a contact with the 988 system unless the act or omission constitutes willful or wanton misconduct or gross negligence.

(b) As used in this section, "telecommunications provider" means any person that provides commercial landline telephone service, mobile telephone service or internet protocol enabled voice service and includes any agent or employee of the service provider.

35-25-508. Confidentiality of information.

The information obtained through the 988 system shall be considered a public record under W.S. 16-4-201(a)(v) and access to the information may be denied according to law.

35-25-509. Sunset.

This article is repealed effective July 1, 2028.

Section 2. The department of health shall establish timeframes to accomplish the provisions of this act that are consistent with the timeframes required by the National Suicide Hotline Designation Act of 2020 and the federal communication commission's rules adopted on July 16, 2020.

Section 3. It is the intent of the legislature that the department of health requests an appropriation for purposes of implementing this act in their next standard budget request for the immediately succeeding fiscal biennium. The department shall make reasonable efforts, and may work with charitable foundations and other similar organizations, to secure donations to support as large a portion of the costs of implementing and maintaining this act as possible and shall report on the results of these efforts to the joint appropriations committee as part of its standard budget request.

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

Approved February 23, 2023.

Chapter 71

LICENSED PROFESSIONAL COUNSELOR COMPACT

Original Senate File No. 10

AN ACT relating to professions and occupations; entering into a compact with other states to allow licensed professional counselors licensed in one compact state to exercise a multistate licensure privilege in other states that are party to the compact; retaining authority to license counselors only in Wyoming; approving and specifying terms of the compact; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 33-38-201 and 33-38-202 are created to read:

ARTICLE 2

INTERSTATE COMPACT FOR LICENSED PROFESSIONAL COUNSELORS

33-38-201. Short title.

This article shall be known and may be cited as the "Interstate Compact for Licensed Professional Counselors."

33-38-202. Interstate compact for licensed professional counselors.

The Interstate Compact for Licensed Professional Counselors 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 follows:

SECTION 1.
PURPOSE

The purpose of this Compact is to facilitate the interstate practice of Licensed Professional Counselors with the goal of improving public access to Professional Counseling services. The practice of Professional Counseling occurs in the State where the client is located at the time of the counseling services. 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:

- A. Increase public access to Professional Counseling services by providing for the mutual recognition of other Member State licenses;
- B. Enhance the States' ability to protect the public's health and safety;
- C. Encourage the cooperation of Member States in regulating multistate practice for Licensed Professional Counselors;
- D. Support spouses of relocating Active Duty Military personnel;
- E. Enhance the exchange of licensure, investigative and disciplinary information among Member States;
- F. Allow for the use of Telehealth technology to facilitate increased access to Professional Counseling services;
- G. Support the uniformity of Professional Counseling licensure requirements throughout the States to promote public safety and public health benefits;
- H. Invest all Member States with the authority to hold a Licensed Professional Counselor accountable for meeting all State practice laws in the State in which the client is located at the time care is rendered through the mutual recognition of Member State licenses;
- I. Eliminate the necessity for licenses in multiple States; and
- J. Provide opportunities for interstate practice by Licensed Professional Counselors who meet uniform licensure requirements.

SECTION 2.
DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

- A. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211;
- B. "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a licensing board or other authority against a Licensed Professional Counselor, including actions against

an individual's license or Privilege to Practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice or any other Encumbrance on licensure affecting a Licensed Professional Counselor's authorization to practice, including issuance of a cease and desist action;

C. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Professional Counseling Licensing Board to address Impaired Practitioners;

D. "Continuing Competence/Education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to a practice or area of work;

E. "Counseling Compact Commission" or "Commission" means the national administrative body whose membership consists of all States that have enacted the Compact;

F. "Current Significant Investigative Information" means:

1. Investigative Information that a Licensing Board, after a preliminary inquiry that includes notification and an opportunity for the Licensed Professional Counselor 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; or

2. Investigative Information that indicates that the Licensed Professional Counselor represents an immediate threat to public health and safety regardless of whether the Licensed Professional Counselor has been notified and had an opportunity to respond.

G. "Data System" means a repository of information about Licensees, including, but not limited to, continuing education and examination, licensure, investigative, Privilege to Practice and Adverse Action information;

H. "Encumbered License" means a license upon which an Adverse Action restricts the practice of licensed Professional Counseling by the Licensee and which Adverse Action has been reported to the National Practitioners Data Bank (NPDB);

I. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of Licensed Professional Counseling by a Licensing Board;

J. "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;

K. "Home State" means the Member State that is the Licensee's primary State of residence;

L. "Impaired Practitioner" means an individual who has a condition(s) that may impair their ability to practice as a Licensed Professional Counselor

without some type of intervention and may include, but are not limited to, alcohol and drug dependence, mental health impairment, and neurological or physical impairments;

M. “Investigative Information” means information, records and documents received or generated by a Professional Counseling Licensing Board pursuant to an investigation;

N. “Jurisprudence Requirement”, if required by a Member State, means the assessment of an individual’s knowledge of the laws and Rules governing the practice of Professional Counseling in a State;

O. “Licensed Professional Counselor” means a counselor licensed by a Member State, regardless of the title used by that State, to independently assess, diagnose and treat behavioral health conditions;

P. “Licensee” means an individual who currently holds an authorization from the Member State to practice as a Licensed Professional Counselor;

Q. “Licensing Board” means the agency of a State, or equivalent, that is responsible for the licensing and regulation of Licensed Professional Counselors;

R. “Member State” means a State that has enacted the Compact;

S. “Privilege to Practice” means a legal authorization, which is equivalent to a license, permitting the practice of Professional Counseling in a Remote State;

T. “Professional Counseling” means the assessment, diagnosis and treatment of behavioral health conditions by a Licensed Professional Counselor;

U. “Remote State” means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise the Privilege to Practice;

V. “Rule” means a regulation promulgated by the Commission that has the force of law;

W. “Single State License” means a Licensed Professional Counselor license issued by a Member State that authorizes practice only within the issuing State and does not include a Privilege to Practice in any other Member State;

X. “State” means any state, commonwealth, district or territory of the United States of America that regulates the practice of Professional Counseling;

Y. “Telehealth” means the application of telecommunication technology to deliver Professional Counseling services remotely to assess, diagnose and treat behavioral health conditions;

Z. “Unencumbered License” means a license that authorizes a Licensed Professional Counselor to engage in the full and unrestricted practice of Professional Counseling.

SECTION 3.

STATE PARTICIPATION IN THE COMPACT

- A. To Participate in the Compact, a State must currently:
1. License and regulate Licensed Professional Counselors;
 2. Require Licensees to pass a nationally recognized exam approved by the Commission;
 3. Require Licensees to have a 60 semester-hour (or 90 quarter-hour) master's degree in counseling or 60 semester-hours (or 90 quarter-hours) of graduate course work including the following topic areas:
 - a. Professional counseling orientation and ethical practice;
 - b. Social and cultural diversity;
 - c. Human growth and development;
 - d. Career development;
 - e. Counseling and helping relationships;
 - f. Group counseling and group work;
 - g. Diagnosis and treatment;
 - h. Assessment and testing;
 - i. Research and program evaluation; and
 - j. Other areas as determined by the Commission.
 4. Require Licensees to complete a supervised postgraduate professional experience as defined by the Commission;
 5. Have a mechanism in place for receiving and investigating complaints about Licensees.
- B. A Member State shall:
1. Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;
 2. 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;
 3. Implement or utilize procedures for considering the criminal history records of applicants for an initial Privilege to Practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records:
 - a. A member state must fully implement a criminal background check requirement, within a time frame established by Rule, by receiving results of Federal Bureau of Investigation record searches 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 Public Law 92-544.

4. Comply with the Rules of the Commission;

5. Require an applicant to obtain or retain a license in the Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable State laws;

6. Grant the Privilege to Practice to a Licensee holding a valid Unencumbered License in another Member State in accordance with the terms of the Compact and Rules; and

7. Provide for the attendance of the State's commissioner at Counseling Compact Commission meetings.

C. Member States may charge a fee for granting the Privilege to Practice.

D. 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 a Privilege to Practice Professional Counseling in any other Member State.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

F. A license issued to a Licensed Professional Counselor by a Home State to a resident in that State shall be recognized by each Member State as authorizing a Licensed Professional Counselor to practice Professional Counseling, under a Privilege to Practice, in each Member State.

SECTION 4.

PRIVILEGE TO PRACTICE

A. To exercise the Privilege to Practice under the terms and provisions of the Compact, the Licensee shall:

1. Hold a license in the Home State;

2. Have a valid United States Social Security Number or National Practitioner Identifier;

3. Be eligible for a Privilege to Practice in any Member State in accordance with Section 4(D), (G) and (H);

4. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years;

5. Notify the Commission that the Licensee is seeking the Privilege to

Practice within a Remote State(s);

6. Pay any applicable fees, including any State fee, for the Privilege to Practice;

7. Meet any Continuing Competence/Education requirements established by the Home State;

8. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Privilege to Practice; and

9. Report to the Commission any Adverse Action, Encumbrance or restriction on the licensee's license taken by any non-Member State within 30 days from the date the action is taken.

B. The Privilege to Practice is valid until the expiration date of the Home State license. The Licensee must comply with the requirements of Section 4(A) to maintain the Privilege to Practice in the Remote State.

C. A Licensee providing Professional Counseling in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.

D. A Licensee providing Professional Counseling services in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, remove a Licensee's Privilege to Practice in the Remote State for a specific period of time, impose fines and/or take any other necessary actions to protect the health and safety of its citizens. The Licensee may be ineligible for a Privilege to Practice in any Member State until the specific time for removal has passed and all fines are paid.

E. If a Home State license is encumbered, the Licensee shall lose the Privilege to Practice in any Remote State until the following occur:

1. The Home State license is no longer encumbered; and
2. The licensee has not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.

F. Once an Encumbered License in the Home State is restored to good standing, the Licensee must meet the requirements of Section 4(A) to obtain a Privilege to Practice in any Remote State.

G. If a Licensee's Privilege to Practice in any Remote State is removed, the individual may lose the Privilege to Practice in all other Remote States until the following occur:

1. The specific period of time for which the Privilege to Practice was removed has ended;
2. All fines have been paid; and
3. The licensee has not had any Encumbrance or restriction against any

license or Privilege to Practice within the previous two (2) years.

H. Once the requirements of Section 4(G) have been met, the Licensee must meet the requirements in Section 4(A) to obtain a Privilege to Practice in a Remote State.

SECTION 5.

OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO PRACTICE

A. A Licensed Professional Counselor may hold a Home State license, which allows for a Privilege to Practice in other Member States, in only one Member State at a time.

B. If a Licensed Professional Counselor changes primary State of residence by moving between two Member States:

1. The Licensed Professional Counselor shall file an application for obtaining a new Home State license based on a Privilege to Practice, pay all applicable fees and notify the current and new Home State in accordance with applicable Rules adopted by the Commission;

2. Upon receipt of an application for obtaining a new Home State license by virtue of a Privilege to Practice, the new Home State shall verify that the Licensed Professional Counselor meets the pertinent criteria outlined in Section 4 via the Data System, without need for primary source verification except for:

a. A Federal Bureau of Investigation fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the Commission in accordance with Public Law 92-544;

b. Other criminal background check as required by the new Home State; and

c. Completion of any requisite Jurisprudence Requirements of the new Home State.

3. The former Home State shall convert the former Home State license into a Privilege to Practice once the new Home State has activated the new Home State license in accordance with applicable Rules adopted by the Commission;

4. Notwithstanding any other provision of this Compact, if the Licensed Professional Counselor cannot meet the criteria in Section 4, the new Home State may apply its requirements for issuing a new Single State License;

5. The Licensed Professional Counselor shall pay all applicable fees to the new Home State in order to be issued a new Home State license.

C. If a Licensed Professional Counselor 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.

SECTION 6.

ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active Duty Military personnel, or their spouse, shall designate a Home State where the individual has a current license in good standing. The individual may retain the Home State designation during the period the service member is on active duty. Subsequent to designating a Home State, the individual shall only change their Home State through application for licensure in a new State, or through the process outlined in Section 5.

SECTION 7.

COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

A. Member States shall recognize the right of a Licensed Professional Counselor, licensed by a Home State in accordance with Section 3 and under Rules promulgated by the Commission, to practice Professional Counseling in any Member State via Telehealth under a Privilege to Practice as provided in the Compact and Rules promulgated by the Commission.

B. A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.

SECTION 8.

ADVERSE ACTIONS

A. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

1. Take Adverse Action against a Licensed Professional Counselor's Privilege to Practice within that Member State; and

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the State in which the witnesses or evidence are located;

3. Have the power to take Adverse Action against a Licensed Professional Counselor's license if the license is issued by the Home State.

B. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own state laws to determine appropriate action.

C. The Home State shall complete any pending investigations of a Licensed Professional Counselor who changes primary State of residence during the course of an investigation. The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the coordinated licensure information system shall promptly notify the new Home State of any Adverse Actions.

D. A Member State, if otherwise permitted by State law, may recover from the affected Licensed Professional Counselor the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Licensed Professional Counselor.

E. 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.

F. Joint Investigations:

1. In addition to the authority granted to a Member State by its respective Professional Counseling practice act or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees;

2. Member States shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If Adverse Action is taken by the Home State against the license of a Licensed Professional Counselor, the Licensed Professional Counselor's Privilege to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the State license. All Home State disciplinary orders that impose Adverse Action against the license of a Licensed Professional Counselor shall include a Statement that the Licensed Professional Counselor's Privilege to Practice is deactivated in all Member States during the pendency of the order.

H. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State of any Adverse Actions by Remote States.

I. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

SECTION 9.

ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint public agency known as the Counseling Compact Commission:

1. The Commission is an instrumentality of the Compact States;
2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings;
3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting and Meetings:

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Board;
2. The delegate shall be either:
 - a. A current member of the Licensing Board at the time of appointment, who is a Licensed Professional Counselor or public member; or
 - b. An administrator of the Licensing Board.
3. Any delegate may be removed or suspended from office as provided by the law of the State from which the delegate is appointed;
4. The Member State Licensing Board shall fill any vacancy occurring on the Commission within sixty (60) days;
5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission;
6. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication;
7. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws;
8. The Commission shall by Rule establish a term of office for delegates and may by Rule establish term limits.

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;
2. Establish bylaws;
3. Maintain its financial records in accordance with the bylaws;

4. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

5. Promulgate Rules which shall be binding to the extent and in the manner provided for in the Compact;

6. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;

7. Purchase and maintain insurance and bonds;

8. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

9. 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;

10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

12. Sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

13. Establish a budget and make expenditures;

14. Borrow money;

15. Appoint committees, including standing committees composed of members, State regulators, State legislators or their representatives and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

16. Provide and receive information from, and cooperate with, law enforcement agencies;

17. Establish and elect an Executive Committee; and

18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of Professional Counseling licensure and practice.

D. The Executive Committee:

1. The Executive Committee shall have the power to act on behalf of the

Commission according to the terms of this Compact;

2. The Executive Committee shall be composed of up to eleven (11) members:

a. Seven (7) voting members who are elected by the Commission from the current membership of the Commission; and

b. Up to four (4) ex-officio, nonvoting members from four (4) recognized national professional counselor organizations;

c. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in bylaws;

4. The Executive Committee shall meet at least annually;

5. 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 Privilege to Practice;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of Member States and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in Rules or bylaws.

E. Meetings of the Commission:

1. 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 Section 11;

2. 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;
- i. 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
- j. Matters specifically exempted from disclosure by federal or Member State statute.

3. 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;

4. 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:

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities;

2. The Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services;

3. The Commission may levy on and collect an annual assessment from each Member State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined

by the Commission, which shall promulgate a Rule binding upon all Member States;

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State;

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense and Indemnification:

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person;

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining 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;

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that 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.

SECTION 10.
DATA SYSTEM

A. The Commission shall provide for the development, maintenance, operation and utilization of a coordinated database and reporting system containing licensure, Adverse Action and Investigative Information on all licensed individuals in Member States.

B. Notwithstanding any other provisions of state law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse Actions against a license or Privilege to Practice;
4. Non-confidential information related to Alternative Program participation;
5. Any denial of application for licensure, and the reason(s) for such denial;
6. Current Significant Investigative Information; and
7. Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission.

C. Investigative Information pertaining to a Licensee in any Member State 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.

SECTION 11.
RULEMAKING

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently achieve the purpose 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 or effect.

B. 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.

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:

1. On the website of the Commission or other publicly accessible platform; and

2. On the website of each Member State Professional Counseling 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:

1. The proposed time, date and location of the meeting in which the Rule will be considered and voted upon;

2. The text of the proposed Rule or amendment and the reason for the proposed Rule;

3. A request for comments on the proposed Rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and 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:

1. At least twenty-five (25) persons;

2. A State or federal governmental subdivision or agency; or
3. An association having at least twenty-five (25) members.

I. If a hearing will be 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:

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing;

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing;

3. All hearings will be recorded. A copy of the recording will be made available on request;

4. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

J. 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.

K. 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.

L. 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.

M. 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:

1. Meet an imminent threat to public health, safety or welfare;
2. Prevent a loss of Commission or Member State funds;
3. Meet a deadline for the promulgation of an administrative Rule that is established by federal law or Rule; or
4. Protect public health and safety.

N. 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.

SECTION 12.

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. Oversight:

1. 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;

2. 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;

3. 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:

1. 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/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

C. 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.

D. 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.

E. 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.

F. 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.

G. The defaulting State may appeal the action of the Commission by petitioning the U.S. 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.

H. Dispute Resolution:

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between member and non-Member States;

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

I. Enforcement:

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact;

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a Member State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees;

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or State law.

SECTION 13.

DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT

COMMISSION 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:

1. A Member State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute;

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Professional Counseling 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 Professional Counseling licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

SECTION 14.
CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any Member State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

SECTION 15.

BINDING EFFECT OF COMPACT AND OTHER LAWS

A. A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations, including scope of practice, 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 properly promulgated by the Commission, are binding upon the Member States.

E. All permissible 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. 33-38-103(a)(intro), 33-38-105(f) and by creating a new subsection (k), 33-38-106 by creating new subsections (r) and (s), 33-38-108(a), 33-38-109(a) and (c), 33-38-110 by creating a new subsection (g), 33-38-111, 33-38-112 and 33-38-113(a)(intro), (iv), (v) and (viii) are amended to read:

33-38-103. Exemptions.

(a) Nothing in this act or W.S. 33-38-202 shall be construed to apply to the activities and services of:

33-38-105. Powers and duties of the board; rules; meetings; fees.

(f) The board may charge an application fee and fees for examinations, licensing, certification, specialty examination designation, renewal and other services under this act or in accordance with the Interstate Compact for Licensed Professional Counselors, under W.S. 33-38-202, provided in amounts established by the board pursuant to W.S. 33-1-201 or 33-38-202. All money received, and the interest thereon, shall be deposited in the state treasury to the credit of a separate account and may be used only for the administration of this act except as provided by the Interstate Compact for Licensed Professional Counselors under W.S. 33-38-202.

(k) The board shall administer the provisions of the Interstate Compact for Licensed Professional Counselors under W.S. 33-38-202, including factoring the annual assessment required under the compact into the board's biennium budget and promulgating any rules necessary for implementation of the compact.

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

(r) To the extent a license authorized under subsection (a) of this section for practice as a licensed professional counselor does not comply with the requirements for licensure under the Interstate Compact for Licensed Professional Counselors under W.S. 33-38-202, the license shall be considered a single-state license that does not include a privilege to practice in any other compact state.

(s) The board shall issue a privilege to practice as a professional counselor to an applicant who is licensed in a member state in accordance with the Interstate Compact for Licensed Professional Counselors provided that the applicant's license meets all the licensing requirements in other member states as provided in W.S. 33-38-202.

33-38-108. Reciprocity.

(a) Any individual holding a license in good standing to engage in the practice of professional counseling, clinical social work, marriage and family therapy or addictions therapy under the laws of another state having licensure requirements substantially similar to those required by this act may, upon approval of the board, be issued a license to practice in this state. The authority provided to the board under this section to issue a privilege to practice in this state as a licensed professional counselor shall be separate from and in addition to the authority provided to the board in accordance with the Interstate Compact for Licensed Professional Counselors under W.S. 33-38-202.

33-38-109. Disclosure of information.

(a) A person licensed or certified under this act or in accordance with the Interstate Compact for Licensed Professional Counselors under W.S. 33-38-202 shall not disclose without consent of the client any communication made by the client to the licensed or certified professional in the course of professional practice, nor may any employee of the licensed or certified professional reveal the information without the consent of the employer or client except as indicated by law.

(c) A person licensed or certified under this act or in accordance with the Interstate Compact for Licensed Professional Counselors under W.S. 33-38-202 shall not reveal without the consent of the client or the client's legal advisor his advice given in the course of professional employment; nor shall a secretary, stenographer, clerk or other employee of any person licensed or certified under this act reveal, without the consent of his employer or the client, any facts, the knowledge of which he has acquired in such capacity.

33-38-110. Prohibited acts; penalties.

(g) Notwithstanding the prohibitions imposed under paragraph (a)(i) of this section, a person shall be authorized to engage in the practice of professional

counseling and represent himself to the public as being a licensed professional counselor if authorized to practice in accordance with the Interstate Compact for Licensed Professional Counselors under W.S. 33-38-202.

33-38-111. Protection of the public; professional disclosure.

Any individual licensed or certified under this act or in accordance with the Interstate Compact for Licensed Professional Counselors under W.S. 33-38-202 is required to conspicuously display a professional disclosure statement at his place of business or at the principal location where his services are performed and to provide a copy of the statement to each adult client, or in the case of a minor to the minor's parent or guardian, before or during the first session and upon request. The professional disclosure statement shall contain the licensee's or certificate holder's name, title, business address and telephone number, listing of formal professional education with name of institution attended and specific degrees received, licensure status or certificates currently held, statement of confidentiality, a statement that the professional ethical code of the discipline will be followed, including a statement that sexual intimacy with a client is never appropriate and a statement that the disclosure statement is required by the Mental Health Professions Licensing Act. The disclosure statement may also contain a listing of areas of specialization, including major course of study.

33-38-112. Limitation of practice.

All licensees and certificate holders under this act and all professional counselors authorized to practice under the Interstate Compact for Licensed Professional Counselors in accordance with W.S. 33-38-202 shall adhere to the ethical standards of their discipline, and according to those promulgated in the rules and regulations of the board.

33-38-113. Privileged communication.

(a) In judicial proceedings, whether civil, criminal, or juvenile, in administrative proceedings, and in proceedings preliminary and ancillary thereto, a patient or client, or his guardian or personal representative, may refuse to disclose and may 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 in accordance with the Interstate Compact for Licensed Professional Counselors under W.S. 33-38-202, and their agents, for the purpose of diagnosis, evaluation or treatment of any mental or emotional condition or disorder. A person licensed or otherwise authorized to practice under this act or in accordance with the Interstate Compact for Licensed Professional Counselors under W.S. 33-38-202 shall not disclose any information communicated as described above in the absence of an express waiver of the privilege except in the following circumstances:

(iv) Where an immediate threat of physical violence against a readily identifiable victim is disclosed to the person licensed or otherwise authorized to practice under this act or in accordance with the Interstate Compact for Licensed Professional Counselors under W.S. 33-38-202;

(v) In the context of civil commitment proceedings, where an immediate threat of self-inflicted damage is disclosed to the person licensed or otherwise authorized to practice under this act or in accordance with the Interstate Compact for Licensed Professional Counselors under W.S. 33-38-202;

(viii) In the context of investigations and hearings brought by the patient or client and conducted by the board where violations of this act or the Interstate Compact for Licensed Professional Counselors under W.S. 33-38-202 are at issue. Information that is deemed to be of sensitive nature shall be inspected by the board in camera and the board shall determine whether or not the information shall become a part of the record and subject to public disclosure.

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

Approved February 23, 2023.

Chapter 72

EMS DISTRICTS

Original Senate File No. 43

AN ACT relating to improvement and service districts; providing an alternative proceeding to form a district to provide emergency medical services by resolution of a board of county commissioners; specifying the appointment of the board of directors of the district; specifying taxation requirements; requiring the board of directors for an emergency medical services district to attempt to collect for services rendered as specified; and providing for an effective date.

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

Section 1. W.S. 18-3-525(a)(intro), 18-12-105, 18-12-113(a), (d) and by creating new subsections (e) through (g) and 18-12-119(b) through (d) are amended 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, 18-12-105 or chapter 9, article 1 of this title in accordance with the following:

18-12-105. Commencement of districts; districts to provide emergency medical services.

(a) Proceedings for the formation of a district to provide emergency medical services formed pursuant to subsection (b) of this section, shall be commenced by filing a petition addressed to the commissioners of the county in which the land proposed to be included in the district is situated. The petition shall be accompanied by a filing fee of two hundred dollars (\$200.00).

(b) After July 1, 2023, as an alternative to forming a district under subsection (a) of this section, a district to provide emergency medical services under W.S. 18-12-112(a)(xxii) may be established by resolution of the board of county commissioners. A resolution under this subsection shall establish one (1) or more districts to provide emergency medical services composed of any portion of the county. Areas may be added to or subtracted from an existing district by resolution of the board of county commissioners. Not less than sixty (60) days before any resolution pursuant to this subsection is signed, the board of county commissioners shall hold a public hearing and publish the proposed resolution, including the date and time of the public hearing, in a newspaper of general circulation in the county and on the county's website. The board of county commissioners shall submit the proposed boundaries of the district to the county assessor and the department of revenue for review for any conflict, overlap, gap or other boundary issue. The assessor and the department may make written comments thereon to the county commissioners before the public hearing. The board of county commissioners may dissolve a district established under this subsection in accordance with W.S. 18-3-525.

18-12-113. District board of directors; requirements.

(a) Except for districts to provide emergency medical services established under W.S. 18-12-105(b) as provided in subsection (e) of this section, an improvement and service district shall be managed and controlled by a board of directors consisting of three (3) or five (5) members. The initial board shall consist of three (3) or five (5) members elected at the organizational election. A simple majority of members shall serve an initial term of two (2) years and the remaining members shall serve an initial term of four (4) years after formation of the district and until their successors are elected and qualified at the regular scheduled subsequent director election as provided in W.S. 22-29-112. Thereafter, members shall be elected for terms of four (4) years. A vacancy occurring on the board during the term of an original director or his successor shall be filled as provided in the Special District Elections Act of 1994.

(d) Notwithstanding subsection (a) of this section and except as provided by subsection (e) of this section, any district may increase or decrease the membership of its board from three (3) to five (5) members if a proposition for the modification is submitted to a vote of the qualified electors of the district and a majority of those casting their ballots vote in favor of the increase or decrease. Additional offices created under this subsection shall be filled as

provided in W.S. 22-29-112(a). At the election, not more than one (1) member shall be elected for a term of two (2) years, and the election ballots shall so state. Each term shall otherwise be four (4) years. A vote to decrease membership shall be in the election preceding the election of three (3) members.

(e) After July 1, 2023, if a district to provide emergency medical services is established under W.S. 18-12-105(b), the board of county commissioners shall appoint not less than three (3) nor more than nine (9) residents of the district to constitute the board of directors of the district. Appointees shall serve a term of three (3) years and may be reappointed. Terms of office shall be staggered.

(f) The board of directors for an emergency medical services district shall attempt to collect for emergency medical services rendered when patients are covered by a private health insurance plan, Medicare, Medicaid or any other plan that provides coverage for emergency medical services.

(g) The board of directors for an emergency medical services district shall report to the board of county commissioners on a quarterly basis regarding the total number of patients served by the emergency medical services district and the total number of patients who were covered by a private health insurance plan, Medicare, Medicaid or any other plan that provides coverage for emergency medical services.

18-12-119. Duty of county officials to levy and collect taxes.

(b) For any district established to provide emergency medical services, ~~under W.S. 18-12-112(a)(xxii)~~ at the time of making the levy for county purposes, the county shall levy a tax for that year upon the taxable property in the district in its county for its proportionate share based on assessed valuation of the estimated amount of funds needed by each district providing emergency medical services; ~~but, except as provided in this subsection, in no case shall~~ If the district was formed under W.S. 18-12-105(a) and is providing emergency medical services under W.S. 18-12-112(a)(xxii), the tax for the district shall not exceed in any one (1) year the amount of two (2) mills on each dollar of assessed valuation of the property. Up to unless up to an additional two (2) mills may be imposed on each dollar of assessed valuation of the property if is approved by the board of directors and if approved by the electors as provided in subsection (c) of this section. If the district was formed under W.S. 18-12-105(b) as a district to provide emergency medical services, the tax for the district shall not exceed four (4) mills if the mills are approved by the board of directors and approved by the electors as provided in subsection (c) of this section.

(c) If the board of directors votes to increase the mill levy beyond two (2) impose mills as authorized by that require approval by the electors under subsection (b) of this section, the board of county commissioners shall call an election within the district upon the question of whether the mill levy should be increased beyond two (2) mills imposed. The election shall be

called, conducted and canvassed as provided for bond elections by the Political Subdivision Bond Election Law, W.S. 22-21-101 through 22-21-112, on the first date authorized under W.S. 22-21-103 which is not less than sixty (60) days after the board of directors votes to ~~increase the~~ impose any mill levy beyond two (2) mills that requires the approval of the electors under subsection (b) of this section. In no event shall the tax in a district providing emergency medical services exceed in any one (1) year the amount of four (4) mills on each dollar of assessed valuation of property. The ~~increase in~~ mill levy is effective only if the question is approved by a majority of those voting thereon within the district providing emergency medical services. The cost of any special election under this subsection shall be borne by the board of directors.

(d) If the proposition to authorize ~~an additional a~~ mill levy is approved, the tax shall remain in effect until a petition to discontinue the tax, signed by not less than ten percent (10%) of the voters of the district, is received by the board of county commissioners, at which time the proposal to discontinue the tax shall be submitted to the voters of the district at the expense of the county at the next general election. If the proposition to impose or discontinue the tax is defeated, the proposition shall not again be submitted to the electors for at least twenty-three (23) months.

Section 2. This act is effective July 1, 2023.

Approved February 23, 2023.

Chapter 73

UNDERAGE MARRIAGE-AMENDMENTS

Original House Bill No. 7

AN ACT relating to domestic relations; amending the minimum marriageable age; specifying that marriages involving persons under age sixteen (16) are void; 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. 20-1-102, 20-1-103(c)(iii), 20-1-105(b) and 20-2-101(a) by creating a new paragraph (iv) and (b) are amended to read:

20-1-102. Minimum marriageable age; exception; parental consent.

(a) At the time of marriage the parties shall be at least ~~sixteen (16)~~ eighteen (18) years of age except as otherwise provided. No person shall marry who is under the age of sixteen (16) years.

(b) All marriages involving a person ~~under sixteen (16)~~ or seventeen (17) years of age are prohibited and voidable, unless before contracting the marriage a judge of a court of record in Wyoming approves the marriage and authorizes

the county clerk to issue a license therefor. All marriages involving a person under sixteen (16) years of age are void.

(c) When either party is ~~a minor~~ sixteen (16) or seventeen (17) years of age, no license shall be granted without the verbal consent, if present, and written consent, if absent, of the father, mother, guardian or person having the care and control of the ~~minor~~ person sixteen (16) or seventeen (17) years of age. Written consent shall be proved by the testimony of at least one (1) competent witness.

(d) Notwithstanding the provisions of this section, parties may marry without the authorization of a judge of a court of record or the consent of any other person if both of the parties are not less than sixteen (16) years of age and if every party that is under eighteen (18) years of age meets the requirements for the right to contract under W.S. 14-1-102 or has received a declaration of emancipation pursuant to W.S. 14-1-203.

20-1-103. License; required.

(c) Unless there is an order to waive the requirements of this section by a judge of a court of record in the county pursuant to W.S. 20-1-105, the clerk shall refuse to issue a license if:

(iii) Either party is ~~a minor~~ sixteen (16) or seventeen (17) years of age and the consent of a parent or guardian has not been given except as provided in W.S. 20-1-102(d).

20-1-105. Judge may order license issued.

(b) If either party is ~~under~~ sixteen (16) or seventeen (17) years of age, the parents or guardians may apply to any judge of a court of record in the county of residence of the ~~minor~~ person sixteen (16) or seventeen (17) years of age for an order authorizing the marriage and directing the issuance of a marriage license. If the judge believes it advisable, he shall enter an order authorizing the marriage and directing the county clerk to issue a license. Upon filing of a certified copy of the order with the county clerk, the county clerk shall issue a license and endorse thereon the fact of the issuance of the order. No person authorized to perform marriage ceremonies in Wyoming shall perform any marriage ceremony if either party is under the age ~~specified by this subsection~~ unless the license contains the endorsement of sixteen (16) years.

20-2-101. Void and voidable marriages defined; annulments.

(a) Marriages contracted in Wyoming are void without any decree of divorce:

(iv) When either party is under sixteen (16) years of age at the time of contracting the marriage.

(b) A marriage is voidable if solemnized when either party was ~~under the age of legal consent~~ sixteen (16) or seventeen (17) years of age unless a judge gave consent, if they separated during nonage and did not cohabit together afterwards, or if the consent of one (1) of the parties was obtained by force or

fraud and there was no subsequent voluntary cohabitation of the parties.

Section 2. This act shall apply to all marriages entered into on and after the effective date of this act.

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

Approved February 23, 2023.

Chapter 74

HEALTH CARE FACILITIES AND CLERGY

Original House Bill No. 127

AN ACT relating to public health and safety; requiring health care facilities to allow clergy members to visit health care facilities as specified; providing definitions; and providing for an effective date.

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

Section 1. W.S. 35-2-122 is created to read:

35-2-122. In-person visitation with clergy members.

(a) As used in this section:

(i) “Clergy member” means a rabbi, priest, minister or any person acting as a lay religious counselor of any religious denomination or sect;

(ii) “Health care facility” includes but is not limited to as defined in W.S. 35-2-901(a)(x);

(iii) “Public health emergency” means as defined in W.S. 35-4-115(a)(i).

(b) Except as provided in subsection (c) of this section, no health care facility shall prohibit a resident or patient of that facility from receiving in-person visitation with a clergy member during a public health emergency, provided that the visitation is at the request of:

(i) The patient or resident; or

(ii) The patient’s or resident’s legally authorized representative, including a family member of the patient or resident, if the patient or resident is incapacitated.

(c) During a public health emergency, a health care facility may impose and enforce requirements promulgated under W.S. 35-1-240 or by the centers for disease control and prevention, the centers for Medicaid and Medicare services, the state health officer under W.S. 35-1-240, the joint commission on the accreditation of healthcare organizations or other accredited organizations

that provide deemed status on behalf of the centers for Medicaid and Medicare services for health care for clergy members to comply with to visit patients or residents of that facility. A health care facility shall not prohibit a clergy member from visiting a patient or resident in that facility unless the clergy member refuses to follow the requirements that the health care facility has required in accordance with 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 February 23, 2023.

Chapter 75

PURPLE STAR SCHOOLS

Original House Bill No. 56

AN ACT relating to education; providing for the designation of purple star schools that take specific actions to assist military connected students; specifying requirements for purple star schools; providing rulemaking authority; and providing for an effective date.

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

Section 1. W.S. 21-3-134 is created to read:

21-3-134. Purple star schools.

(a) As used in this section, “military connected student” means a student who is a dependent of a current or former member of the uniformed services of the United States including members of the national guard and reserve or who was a dependent of a member of the uniformed services of the United States, including a member of the national guard or reserve, who was killed in the line of duty.

(b) The department shall designate a school as a purple star school if the school applies to the department and qualifies as a purple star school under this section.

(c) To qualify as a purple star school under this section the school shall:

- (i) Have a staff member designated as a military liaison who shall:
 - (A) Identify military connected students enrolled at the school;
 - (B) Serve as the point of contact between the school and military connected students and their families or guardians;
 - (C) Assist in developing and coordinating appropriate services and programs relevant to military connected students.

(ii) Maintain on the school website an easily accessible web page that includes resources for military connected students and their families or guardians, including information regarding:

(A) Relocation to, enrollment at, registration at and transferring records to and from the school;

(B) Academic planning, course sequences and advanced classes available at the school;

(C) Counseling and other support services available for military connected students enrolled at the campus; and

(D) The name and contact information of the military liaison designated by the school under paragraph (i) of this subsection and the liaison's duties.

(iii) Maintain a transition program, which may be led by students if appropriate, that assists military connected students in transitioning into the school;

(iv) Offer professional development for staff members on issues related to military connected students;

(v) Do at least one (1) of the following:

(A) Have a resolution adopted by the board of trustees of the school district of the school showing support for military connected students and their families;

(B) Provide recognition of the month of the military child or military family month with relevant events hosted by the school;

(C) Partner with a local military installation that provides opportunities for active duty military members to volunteer at the school, speak at a school assembly or host a field trip.

(d) A school may partner with the school district as necessary to comply with the requirements of this section including providing for a web page on the school district website if the school does not have a website, providing for professional development and the adoption of a resolution as provided in subparagraph (c)(v)(A) of this section.

(e) The department shall adopt rules necessary to administer this section.

Section 2. This act is effective July 1, 2023.

Approved February 23, 2023.

Chapter 76**ALCOHOL SALES TO LICENSEES****Original House Bill No. 134**

AN ACT relating to alcohol; specifying that a licensee may purchase alcoholic beverages from a retail licensee or a manufacturer; and providing for an effective date.

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

Section 1. W.S. 12-4-201(j)(intro) is amended to read:

12-4-201. Retail liquor licenses and malt beverage permits; population formulas; fees.

(j) Licensees authorized to sell alcoholic liquors at retail may purchase for resale not more than nine (9) liters of alcoholic liquors per week from a retail licensee authorized pursuant to this section or from the holder of a satellite manufacturer's permit under W.S. 12-2-203(g)(i). Purchases of alcoholic liquors authorized pursuant to this subsection shall be conducted in accordance with the following:

Section 2. This act is effective July 1, 2023.

Approved February 23, 2023.

Chapter 77**ROAD AND BRIDGE CONSTRUCTION-ALTERNATIVE CONTRACTING****Original House Bill No. 44**

AN ACT relating to highways; providing for the transportation commission to use alternate contracting methods as specified; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 24-2-108 is amended to read:

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

(a) All road and bridge construction work, any part of the cost of which is paid from the state highway fund, shall be performed in accordance with the plans and specifications prepared by the director of the department of transportation or the chief engineer and approved by the commission, and shall be performed by or under contracts awarded by the commission. The director with the assistance of the chief engineer shall have complete charge, including expenditures for roads now in existence, or in the future to be constructed,

which are part of state highway systems which are located within or partially within the national forests' boundaries. Except as specified under subsection (c) of this section, all improvements costing more than two hundred seventy-five thousand dollars (\$275,000.00) shall be constructed under contracts awarded after public notice to the lowest responsible bidder determined qualified by the transportation commission of Wyoming which is given the power to determine the qualifications and responsibilities of bidders. The commission may reject any or all bids and readvertise for bids. Improvements costing sixty thousand dollars (\$60,000.00) or less may be constructed by the commission upon force account, with its own forces or under contract, as the commission shall determine. A state highway construction job to be completed within any calendar year period and to cost more than sixty thousand dollars (\$60,000.00) shall not be constructed by department of transportation forces in sections or parcels so as to come within the sixty thousand dollars (\$60,000.00) limitation. Contracts may be entered into with railroad companies for the construction of grade separation structures at actual cost under terms and conditions approved by the commission. Whenever an emergency arises requiring immediate expenditure of funds for the repair or rebuilding of bridges, approaches to bridges and any roadway, when the bridges, approaches to bridges or roadway are required to be rebuilt immediately and in such short time that in the judgment of the commission the people would be seriously inconvenienced in waiting the regular period for advertising for bids, the commission may enter into contract for any building or rebuilding of bridges, approaches or roadway without advertising for the letting of any contract, provided the amount of the contract shall not exceed one million dollars (\$1,000,000.00) and provided the commission requests proposals from at least two (2) contractors capable of performing the emergency construction or repair, except as specified under subsection (c) of this section. The commission shall adopt general rules and regulations for the publication of notice to bidders, the awarding of contracts, and for determining the qualifications and responsibilities of bidders.

(b) The commission shall procure the professional services of architects, engineers and surveyors in accordance with W.S. 9-23-105(f) through (h) and 9-23-106(g), except as specified under subsection (c) of this section.

(c) As authorized by W.S. 16-6-702(c) and notwithstanding W.S. 16-6-706 the commission may use alternate design and construction delivery methods as defined in W.S. 16-6-701. Subsections (a) and (b) of this section do not apply to any road and bridge construction work any part of the cost of which work is paid from the state highway fund and that is using an alternate design and construction delivery method as defined in W.S. 16-6-701.

Section 2. On or before October 1, 2023 the transportation commission shall adopt rules necessary to implement this act.

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective October 1, 2023.

(b) Sections 2 and 3 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved February 23, 2023.

Chapter 78

VOTER IDENTIFICATION REQUIREMENTS

Original House Bill No. 279

AN ACT relating to elections; requiring that acceptable voter identification be presented for a voter to obtain an absentee ballot in person; and providing for an effective date.

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

Section 1. W.S. 22-3-118(a)(intro) and 22-9-104(a) by creating a new paragraph (vi) are amended to read:

22-3-118. Proof of identity.

(a) Unless a voter is challenged pursuant to W.S. 22-15-101 through 22-15-109, and except as provided in W.S. 22-9-104(a)(vi) for an absentee ballot obtained in person by the elector, no identification shall be required when:

22-9-104. How to apply; information required.

(a) A qualified elector may apply for an absentee ballot either in person, in writing, or by telephone, by furnishing the following information:

(vi) If obtained in person by the elector, the elector shall provide acceptable identification as provided in W.S. 22-1-102(a)(xxxix)(B).

Section 2. This act is effective July 1, 2023.

Approved February 23, 2023.

Chapter 79

BRUCELLOSIS MANAGEMENT UPDATES

Original Senate File No. 29

AN ACT relating to agriculture, livestock and other animals; amending the requirement to distinctly brand a livestock animal following a positive brucellosis test to be discretionary; updating the provisions for brucellosis testing of cattle; modifying the documentation requirements to receive compensation for brucellosis testing; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 11-19-401 and 11-19-407(a) and (c) are amended to read:

11-19-401. Tagging, branding and disposition of cattle reacting to test; penalties for failure to comply.

All livestock animals in Wyoming reacting to a confirmatory test for brucellosis (Bang's disease) ~~shall~~ may be immediately permanently branded with a hot iron letter "B" on the left tailhead by or in the presence of an officially authorized veterinarian. All such reactor livestock animals shall be disposed of for slaughter or diagnostic purposes only, upon and according to written instruction from the Wyoming livestock board. Any person who violates any provision of this section shall be punished as provided in W.S. 11-1-103. As used in this section, "confirmatory test" means a test for brucellosis that has the specificity and sensitivity to verify the presence or absence of brucella abortus in animal serum or tissues and is used to confirm results from an initial brucellosis test.

11-19-407. Brucellosis testing program.

(a) The livestock board shall develop a brucellosis surveillance program in any designated surveillance area as defined by the livestock board and any temporary surveillance area ~~of concern~~ designated by the board and approved by the governor as an area where risk of exposure to documented infected wildlife is of concern. The program may be conducted with the help of veterinary practitioners and livestock auction markets. This program shall provide for the testing of livestock for brucellosis, for spaying heifers and for adult vaccinations only to the extent that may be reasonably necessary to maintain or to regain the brucellosis-free status of the state of Wyoming. Compensation under this program for all purposes except mandatory testing or testing within an a temporary surveillance area ~~of concern~~ as designated by the board and approved by the governor shall be pursuant to the terms of a livestock herd brucellosis mitigation plan that has been entered into between the livestock producer and the Wyoming state veterinarian.

(c) Payments under subsection (b) of this section shall be made monthly directly to accredited veterinarians who perform brucellosis testing, spaying, adult vaccinating and surveillance planning or to livestock auction markets that use their facilities and veterinarians to conduct brucellosis testing, spaying or adult vaccinating as mandated by rule of the Wyoming livestock board or the United States department of agriculture animal and plant ~~and~~ health inspection service. The payment shall be made upon submission to receipt by the Wyoming livestock board of ~~a notarized invoice indicating the number of head tested, spayed or adult vaccinated, the ownership of the animals tested, spayed or adult vaccinated and the testing, spaying or adult vaccinating location~~ documentation in the format and manner specified by board rule.

Section 2. The Wyoming livestock board shall promulgate all rules necessary to implement the provisions of this act no later than July 1, 2023.

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2023.

(b) Sections 2 and 3 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved February 24, 2023.

Chapter 80**PODIATRY MEDICAL SERVICES-MEDICAID**

Original Senate File No. 37

AN ACT relating to the Medical Assistance and Services Act; authorizing payment for services rendered by a licensed podiatrist under the Medical Assistance and Services Act as specified; and providing for an effective date.

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

Section 1. W.S. 42-4-103(a) by creating a new paragraph (xxxvii) is amended to read:

42-4-103. Authorized services and supplies.

(a) Services and supplies authorized for medical assistance under this chapter include:

(xxxvii) Podiatry services provided by a podiatrist licensed by the board of registration in podiatry, if referred to a podiatrist by a physician, physician assistant or an advanced practice registered nurse.

Section 2. This act is effective July 1, 2023.

Approved February 24, 2023.

Chapter 81**STATE LANDS-USE OF LAND QUALIFICATION REQUIREMENTS**

Original House Bill No. 21

AN ACT relating to state lands; requiring an applicant to have actual and necessary use of state lands to be qualified to lease state lands; making conforming amendments; 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)(intro), (c)(intro) and by creating a new subsection (j) is 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) No applicant shall be qualified to lease vacant lands unless that applicant is qualified under the provisions of W.S. 36-5-101, ~~has actual and necessary use for the land,~~ has or can gain access to the land and 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 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:

(c) An applicant who is the holder of an expiring lease, and has paid the rental when due, and has not violated the provisions of the lease, and is qualified under the provisions of W.S. 36-5-101, shall have a preferred right to renew such lease by meeting the highest bid offered by another qualified applicant ~~who has actual and necessary use for the land and available forage and whose~~ bid is not less than the minimum fair market value as determined by the board for the same or a similar use of land using the formula developed pursuant to W.S. 36-5-101(b) and not more than one hundred twenty percent (120%) of the maximum fair market value as determined by the board based on the previous year's values for the state, district or county, whichever is most localized and available, as determined by the national agricultural statistics service utilizing:

(j) No applicant shall be qualified to lease state lands for grazing and agricultural purposes without having actual and necessary use of the land for the production of agricultural commodities.

Section 2. This act is effective July 1, 2023.

Approved February 24, 2023.

Chapter 82

BOCES AS LOCAL EDUCATION AGENCIES

Original House Bill No. 31

AN ACT relating to education; authorizing a board of cooperative educational services to act as a local education agency for the purpose of applying for and receiving state and federal grants; authorizing rulemaking; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 21-20-112 is created to read:

21-20-112. Authority to act as a local education agency.

(a) Any board of cooperative educational services authorized to operate pursuant to W.S. 21-20-102 may act as a local education agency for participating

school districts that choose to apply for, receive or administer a grant through a grant program created by a federal or state statute or program. The provisions of this section shall not apply to federal formula grant moneys unless allowed by the “Elementary and Secondary Education Act of 1965”, P.L. 89-10.

(b) A board of cooperative educational services authorized to operate pursuant to W.S. 21-20-102 may apply for federal or state moneys only with the approval of two (2) or more of the participating districts that have expressly agreed to participate in a grant application through votes of the boards of trustees of the districts. If a board of cooperative educational services applies for state or federal grant moneys on behalf of participating districts, the participating districts are not eligible to apply for the same state or federal grant moneys. If a participating district does not elect to participate in a grant application, that district is not precluded from applying for the same state or federal grant moneys as an individual district.

(c) The department of education shall treat boards of cooperative educational services as local education agencies for purposes of this section only and allow them to apply for all federal and state grant moneys for which they are eligible.

(d) State agencies may inform boards of cooperative educational services of federal and state grant moneys for which they may apply.

(e) An eligible grantee or consortium of grantees may designate a board of cooperative educational services as the fiscal manager for a state or federal grant. The grantee or consortium of grantees remains responsible for ensuring that all the requirements of the grant are met.

(f) The department of education may promulgate rules to establish processes and guidelines for a board of cooperative educational services to apply for state or federal grant moneys pursuant to this section.

Section 2. W.S. 21-20-103(a)(iv) is amended to read:

21-20-103. Definitions.

(a) As used in this act:

(iv) “This act” means W.S. 21-20-101 through ~~21-20-111~~ 21-20-112.

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

Approved February 24, 2023.

Chapter 83**SCHOOL FACILITIES-CONSOLIDATED REMEDIATION SCHEDULE****Original House Bill No. 27**

AN ACT relating to the consolidated school facility remediation schedule for public schools; eliminating the consolidated remediation index and associated rulemaking authority; and providing for an effective date.

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

Section 1. W.S. 21-15-117(a)(intro) is amended to read:

21-15-117. Annual evaluation of school buildings and facilities; remediation schedules; needs prioritization; combining facilities; implementation of remedy.

(a) The commission shall annually evaluate the adequacy of school buildings and facilities and prioritize school building and facility needs in accordance with this subsection. The commission shall cause the department, as it deems necessary, to conduct periodic on-site visitations and inspections of school buildings and facilities and acquire other relevant needs assessment data acquired in coordination and cooperation with the districts for purposes of this evaluation and prioritization. The commission shall give due consideration to district facility plans developed under W.S. 21-15-116 in performing this evaluation and prioritization. To conduct the evaluation and prioritization, the commission shall establish two (2) schedules for building and facility remediation on a statewide basis using appropriate scoring systems, as described in paragraphs (i) and (iii) of this subsection. Under each of the two (2) schedules the commission shall prioritize educational building and facility needs that impede the delivery of the prescribed statewide educational program. ~~Additionally, the commission shall establish one (1) consolidated remediation schedule as described in paragraph (vi) of this subsection. The commission shall by rule and regulation establish a process to prioritize all school building and facility needs from the most critical to the least critical with the most critical need prioritized first.~~ Remediation undertaken under these schedules shall over time bring all buildings and facilities to the levels set by the statewide adequacy standards promulgated under W.S. 21-15-115(a). The commission shall annually develop:

Section 2. W.S. 21-15-117(a)(vi) is repealed.

Section 3. This act is effective July 1, 2023.

Approved February 24, 2023.

Chapter 84**HOMESTEAD EXEMPTION-AMENDMENTS**

Original House Bill No. 174

AN ACT relating to the code of civil procedure; increasing the limit on the value of the homestead applicable to the homestead exemption; and providing for an effective date.

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

Section 1. W.S. 1-20-101 is amended to read:

1-20-101. Homestead exemption; right.

Every resident of the state is entitled to a homestead not exceeding ~~twenty thousand dollars (\$20,000.00)~~ one hundred thousand dollars (\$100,000.00) in value, exempt from execution and attachment arising from any debt, contract or civil obligation entered into or incurred.

Section 2. This act is effective July 1, 2023.

Approved February 24, 2023.

Chapter 85**TRANSFER ON DEATH DEED-INSURANCE COVERAGE**

Original House Bill No. 96

AN ACT relating to insurance and probate; requiring the extension of insurance coverage applicable to a property under a transfer on death deed as specified; requiring notice and coverage for a grace period before termination of insurance coverage; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 26-23-109 is created to read:

26-23-109. Insurance coverage for real property subject to transfer on death deeds.

(a) For transfers on and after July 1, 2023, upon transfer of title to an interest in real property after the death of the owner pursuant to a transfer on death deed under W.S. 2-18-103, any insurance coverage on the property transferred shall be extended to cover losses to the property as if the grantee beneficiary designated in the transfer on death deed was a named insured.

(b) The extension of insurance coverage to the grantee beneficiary shall continue for sixty (60) days after the transfer of title under subsection (a) of this section.

(c) Not later than sixty (60) days after the transfer of title under subsection (a) of this section, each grantee beneficiary shall notify the insurer of a transfer

in title under this section and shall provide a current address for the insurer to contact the grantee beneficiary. Failure to provide notice as required under this subsection shall not negate the extended insurance coverage required under this section.

(d) Not less than twenty (20) business days before the end of the period specified in subsection (b) of this section and if the grantee beneficiary has provided the notice required under subsection (c) of this section, the insurer shall send notice in writing to the grantee beneficiary who has received title to the interest in real property under W.S. 2-18-103 stating that insurance coverage for the property will terminate on the date specified in subsection (b) of this section. Any notice sent to a grantee under this subsection shall include the exact date on which coverage for the grantee will cease.

Section 2. W.S. 2-18-103(o) is amended to read:

2-18-103. Transfer on death deed.

(o) Title to the interest in real property transferred by a transfer on death deed shall vest in the designated grantee beneficiary only on the death of the owner. Insurance coverage applicable to a property that is in force at the time of the death of the last titled owner shall be transferred and extended to the designated grantee beneficiary in accordance with W.S. 26-23-109 for a period of up to sixty (60) days following the date of the death of the last owner, unless the grantee beneficiary has disclaimed interest in the real property.

Section 3. The provisions of this act shall apply only to insurance contracts executed, entered into or renewed on or after July 1, 2023.

Section 4. This act is effective July 1, 2023.

Approved February 24, 2023.

Chapter 86

AIRPORT LIQUOR LICENSES-AMENDMENT

Original House Bill No. 148

AN ACT relating to alcoholic beverages; specifying where alcoholic beverages may be sold under a retail liquor license in a commercial airport; and providing for an effective date.

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

Section 1. W.S. 12-4-201(m) is amended to read:

12-4-201. Retail liquor licenses and malt beverage permits; population formulas; fees.

(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. Sales of alcoholic liquor or malt beverages shall only be made in the terminal building and connected concourses of the airport where persons engaged in commercial air travel transfer on and off aircraft.

Section 2. This act is effective July 1, 2023.

Approved February 24, 2023.

Chapter 87

OPEN BANKIN

Original House Bill No. 62

AN ACT relating to banking; authorizing state chartered banks to participate in open banking as specified; providing definitions; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 13-1-701 and 13-1-702 are created to read:

ARTICLE 7 OPEN BANKING

13-1-701. Definitions.

(a) For purposes of this article:

(i) “Customer data” means a customer’s banking, transaction and other financial data;

(ii) “Express written consent” means a customer’s affirmative written response to a clear and conspicuous notice regarding the collection, use or disclosure of customer data for the purposes of open banking;

(iii) “Open banking” means providing access, directly or indirectly, to customer data from the customer’s bank to a third-party financial service provider with the express written consent of the customer and through the use of application programming interfaces.

13-1-702. Open banking authorized; regulation.

(a) A bank may participate in and provide for open banking.

(b) A bank participating in and providing for open banking shall comply with all applicable state and federal laws and regulations including laws and regulations related to the protection and use of customer data. Prior to providing access to any customer data under this section the participating bank shall obtain a customer’s express written consent.

(c) The commissioner shall adopt rules regulating the collection, use and disclosure of customer data in open banking, consistent with all applicable state and federal laws and regulations.

Section 2. The banking commissioner shall adopt all rules necessary to implement this act on or before July 1, 2024.

Section 3.

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

(b) Sections 2 and 3 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved February 24, 2023.

Chapter 88

HUNTING OF PREDATORY ANIMALS-AMENDMENTS

Original House Bill No. 104

AN ACT relating to game and fish; allowing for the use of artificial light including thermal or infrared imaging or other imaging outside the normal visible light spectrum while hunting predatory animals at night; making conforming amendments; requiring rulemaking; and providing for an effective date.

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

Section 1. W.S. 23-3-103(a) and 23-3-306(b)(intro), (ii), by creating a new paragraph (iii) and by creating a new subsection (h) are amended to read:

23-3-103. Taking predatory animals, predacious birds and trophy animals; taking furbearing animals and game birds without license prohibited.

(a) Predatory animals and predacious birds may be taken without a license in any manner and at any time except as provided by W.S. 23-2-303(d) and (e), 23-3-112, 23-3-304(b), 23-3-305, 23-3-306(b) and 23-3-307. The department shall report annually to the Wyoming department of agriculture the number of predatory animals and predacious birds taken by the department's animal damage control agents, and include in the report the area where taken and the control method used.

23-3-306. Use of aircraft, automobiles, motorized and snow vehicles and artificial light for hunting or fishing prohibited; exceptions; penalties.

(b) No person shall take any wildlife with the aid of or by using any artificial light or lighting device except as otherwise provided in subsections (f) ~~and (g)~~ through (h) of this section and except that ~~predators~~ predatory animals may be taken with the aid of an artificial light or lighting device including thermal or

infrared imaging or other light imaging by:

(ii) A landowner, resident manager, or person with the landowner's or a resident manager's written permission to take ~~predators~~ predatory animals, on land under the landowner's control for the protection of his property;

(iii) Any person taking a predatory animal on public or state land, subject to limitations established by the commission as authorized in subsection (h) of this section.

(h) The commission shall establish by rule and regulation specifications for the taking of predatory animals with the use of artificial light or lighting devices including thermal or infrared imaging or other light imaging specified by the commission. Such specifications may include, but are not limited to, creation of zones, areas, valid dates and methods for taking predatory animals with the use of artificial light or lighting devices on public land.

Section 2. This act is effective July 1, 2023.

Approved February 24, 2023.

Chapter 89

SUTTON ARCHAEOLOGICAL SITE ADMINISTRATION

Original Senate File No. 58

AN ACT relating to state lands; designating Sutton archaeological site as a state archaeological site; requiring the department of state parks and cultural resources to manage the Sutton archaeological site; and providing for an effective date.

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

Section 1. W.S. 36-8-1501(c) by creating a new paragraph (iii) is amended to read:

36-8-1501. State park designation; state historic site designation; state archeological site designation; state recreation area designation.

(c) In addition to state archaeological sites designated in other statutes, the following lands are designated as state archaeological sites and the department shall by rule specify the legal description of the sites:

(iii) The lands in Platte County managed by the department as of July 1, 2023 as Sutton state archaeological site. The site shall consist of the following real property of forty-six and three hundred eighty-two thousandths (46.382) acres in section 6, township 27, range 65, mineral survey no. 196, patented claims: Mollie Gibson, Crown and 1901.

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

Approved February 24, 2023.

Chapter 90

COMPENSATION OF LOCAL REGISTRARS-REPEAL

Original Senate File No. 65

AN ACT relating to vital records; repealing the compensation paid to local registrars for the registration of records; requiring all payments and fees for the registration of records that are due to be paid; and providing for an effective date.

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

Section 1. W.S. 35-1-408 is repealed.

Section 2. All payments and fees for the registration of records that are due pursuant to W.S. 35-1-408 prior to the effective date of this act shall be paid according to the terms of W.S. 35-1-408.

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

Approved February 24, 2023.

Chapter 91

OFF-ROAD RECREATIONAL VEHICLE OPERATION

Original House Bill No. 42

AN ACT relating to motor vehicles; specifying requirements for operating an off-road recreational vehicle near an interstate; and providing for an effective date.

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

Section 1. W.S. 31-5-124(c) and 31-5-1601(c) and (e) are amended to read:

31-5-124. Off-road recreational vehicles; multipurpose vehicles; limitation on use; equipment.

(c) Off-road recreational vehicles shall not be operated on the roadway or right-of-way of an interstate highways-highway except in accordance with W.S. 31-5-1601(e).

31-5-1601. Operation on highways.

(c) As used in this section, “public road right-of-way” means the entire right-of-way of a street, road or highway within Wyoming, including the traveled portions, banks, ditches, shoulders and medians of a street, road or highway except as provided in subsection (e) of this section.

(e) Off-road recreational vehicles as defined in W.S. 31-1-101(a)(xv)(K) shall not be operated on the roadway or right-of-way of an interstate highway except as authorized by department rules and except that an off-road recreational vehicle under this subsection:

(i) May be operated in the right-of-way adjacent to the interstate roadway on a trail where there is a physical barrier between the trail and the interstate highway and the trail is designated, marked or signed as a Wyoming off-road recreational vehicle trail pursuant to W.S. 31-2-701 through 31-2-707, provided the off-road recreational vehicle:

(A) Is operated by a person with a valid driver’s license for the type or class of vehicle being operated;

(B) Displays a license plate pursuant to W.S. 31-2-232 or an off-road recreational vehicle decal pursuant to W.S. 31-2-702 through 31-2-704.

(ii) May be operated on separate grade crossings, over or under the interstate roadway, marked or signed as a Wyoming off-road recreational vehicle trail pursuant to W.S. 31-2-701 through 31-2-707, provided the off-road recreational vehicle:

(A) Is operated by a person with a valid driver’s license for the type or class of vehicle being operated;

(B) Displays a license pursuant to W.S. 31-2-232 or an off-road recreational vehicle decal pursuant to W.S. 31-2-702 through 31-2-704.

Section 2. This act is effective July 1, 2023.

Approved February 24, 2023.

Chapter 92**MOON LANDING DAY**

Original Senate File No. 95

AN ACT relating to legal time and holidays; designating Moon Landing Day as a state recognized commemorative day to be observed as specified; and providing for an effective date.

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

Section 1. W.S. 8-4-116 is created to read:

8-4-116. Moon Landing Day.

(a) In recognition of American astronauts Neil Armstrong and Edwin “Buzz” Aldrin becoming the first humans to land and walk on the moon on July 20, 1969 and the men and women who aided the astronauts in landing on the moon and returning home safely, including Michael Collins who piloted the command module, July 20 of each year is designated as “Moon Landing Day.” The day shall be appropriately observed by state and local government and by organizations within the state.

(b) The governor may, in advance of July 20 of each year, issue a proclamation requesting proper observance of “Moon Landing Day.”

(c) This section shall not affect commercial paper, the making or execution of agreements or judicial proceedings, or authorize public schools, businesses or state and local government offices to close.

Section 2. This act is effective July 1, 2023.

Approved February 24, 2023.

Chapter 93**LIVING ORGAN DONOR PROTECTION****Original House Bill No. 165**

AN ACT relating to insurance; prohibiting discrimination against living organ donors by certain insurers; 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. 26-20-803 is created to read:

26-20-803. Living organ donor coverage.

(a) No individual or group life insurance policy or long-term care insurance policy shall:

(i) Deny or cancel coverage to a covered person solely on the basis of the person’s status as a living organ donor;

(ii) Deny a covered person eligibility or continued eligibility to enroll or to renew coverage under the terms of a policy, contract or certificate, solely on the basis of the person’s status as a living organ donor;

(iii) Reduce or limit coverage or benefits, increase the premiums or otherwise adversely affect the coverage or cost for a covered person’s policy, contract or certificate solely on the basis of the person’s status as a living organ donor without any additional separate actuarial risk involved;

(iv) Preclude a covered person from donating all or part of an organ or

tissues as a condition of receiving or continuing to receive coverage under a policy, contract or certificate.

Section 2. W.S. 26-20-801(a)(i) and by creating a new paragraph (iii) is amended to read:

26-20-801. Definitions.

(a) As used in this article:

(i) “Covered person” means a policyholder, subscriber, enrollee, member or individual covered by any policy, contract or certificate listed in W.S. 26-20-802(a) or by any life insurance or long-term care insurance policy;

(iii) “Living organ donor” means a person who is not deceased and who has donated all or part of one (1) or more of the person’s own organs or tissues to another person for transplant.

Section 3. This act shall apply to any individual or group life insurance or long-term care insurance contract or policy offered, issued, renewed, delivered or issued for delivery in this state on or after July 1, 2023.

Section 4. This act is effective July 1, 2023.

Approved February 24, 2023.

Chapter 94

GENERAL GOVERNMENT APPROPRIATIONS

Original House Bill No. 1

AN ACT relating to supplemental appropriations for the operation of state government for the fiscal biennium commencing July 1, 2022 and ending June 30, 2024; providing definitions; providing for additional appropriations and transfers of funds for the period of the budget; increasing or decreasing specified amounts; adjusting the number of positions; modifying prior appropriations; providing for duties, terms and conditions and other requirements relating to appropriations for the period of the budget as specified; providing for position and other budgetary limitations; amending existing law by redirecting revenues and making transfers for the period of the budget; providing for carryover of funds beyond the fiscal biennium; and providing for an effective date.

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

Section 1. As used in this act:

(a) “Agency” means any governmental unit or branch of government receiving an appropriation under this act;

(b) “Appropriation” means the authorizations granted by the legislature under this act to make expenditures from and to incur obligations against the general and other funds as specified;

(c) “Approved budget” means as defined by W.S. 9-2-1002(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 an 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;

(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.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 2. Sections 001, 004, 006, 007, 010, 011, 015, 020, 021, 023, 024, 027, 037, 039, 045, 048, 049, 051, 057, 060, 066, 067, 072, 077, 080, 085, 090, 101, 134, 160, 205, 206, 038 and 078 of 2022 Wyoming Session Laws, Chapter 51, Section 2 are amended to read:				
Section 001. OFFICE OF THE GOVERNOR				
PROGRAM				
Administration ^{1, 2, 3.}	8,113,789			8,113,789
	<u>8,165,339</u>			<u>8,165,339</u>
Tribal Liaison	481,743			481,743
Commission on Uniform Laws	94,903			94,903
Special Contingency ^{2.}	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 ^{4.} ^{5, 6, 8.}	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 ^{7.}	27,500,000			27,500,000
TOTALS	<u>41,645,716</u>	20,585,798	22,319,250	<u>84,550,764</u>
	<u>41,697,266</u>			<u>84,602,314</u>

AUTHORIZED EMPLOYEES

Full Time	39
Part Time	<u>2</u>
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. 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.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

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 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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

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.

9. Of this other funds appropriation, ~~ten million dollars (\$10,000,000.00)~~ **\$10 reflects the continuing appropriation authorized in W.S. 9-2-1014.3(a) for fiscal year 2024. Of this other funds appropriation,** five hundred twenty-five thousand dollars (\$525,000.00) **S10 may be expended as determined by the governor for special contingencies [other than public welfare emergencies as defined in W.S. 9-2-1002(a)(xxv)]. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]**

Section 004. STATE TREASURER

PROGRAM

Treasurer’s Operations ^{1, 2,}

^{3, 4, 9,}	3,121,944	150,609	SR	3,272,553
	<u>3,162,944</u>			<u>3,313,553</u>

Veterans’ Tax Exemption ^{5,} 14,867,909 14,867,909

Invest. & Fin. Acct. 53,722,907 SR 53,722,907

Unclaimed Property 1,606,892 SR 1,606,892

Internal Investments ^{6, 7, 10,}

LL		10,769,588	SR	10,769,588
		<u>10,852,588</u>	<u>SR</u>	<u>10,852,588</u>

Native American Exemption ^{8,} 746,120 746,120

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
TOTALS	<u>18,735,973</u>	0	<u>66,249,996</u>	<u>84,985,969</u>
	<u>18,776,973</u>		<u>66,332,996</u>	<u>85,109,969</u>
AUTHORIZED EMPLOYEES				
Full Time ¹⁰ .	45			
Part Time	<u>0</u>			
TOTAL	45			

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 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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

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.

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 the state treasurer The state loan and investment board. This appropriation shall not be transferred or expended for any other purpose.

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 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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

(\$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.

11. Of this other funds appropriation, forty thousand dollars (\$40,000.00)SR is for increased compensation for the chief technology officer. This appropriation shall not be transferred or expended for any other purpose. It is the intent of the legislature that this appropriation be doubled and included in the state treasurer's standard budget for the immediately succeeding fiscal biennium.

Section 006. ADMINISTRATION AND INFORMATION

PROGRAM

Director's Office ^(a)	3,364,337		387,008	SR	3,751,345
	<u>3,372,337</u>				<u>3,759,345</u>
Professional Licensing Bds.			1,508,880	SR	1,508,880
General Services ^{2,3}	49,968,115		30,949,378	IS	
	<u>61,047,469</u>				
			255,719	SR	81,173,212
					<u>92,252,566</u>
Human Resources Division	19,073,481	635,701			19,709,182
	<u>18,270,412</u>				<u>18,906,113</u>
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	<u>77,901,896</u>	1,806,735	870,001,641		<u>949,710,272</u>
	<u>88,186,181</u>				<u>959,994,557</u>

AUTHORIZED EMPLOYEES

Full Time	280
Part Time	<u>1</u>
TOTAL	281

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]

1. (a) Of this general fund appropriation, five thousand dollars (\$5,000.00) is appropriated to conduct:

(i) A survey of all state employees. The survey shall collect data regarding if those state employees would:

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

~~(A) Consider an opportunity to retain their current position and salary and relocate to the Fremont county area and be officed in a state office building in Riverton; and~~

~~(B) Be more inclined to relocate if the state would assist in defraying moving expenses.~~

~~(ii) A feasibility study to include an analysis of the costs required to provide or contract for the provision of childcare services for state employees, the potential utilization of child care services, the space needs and site options for the child care services, the prevailing local market rates for child care and the requirements necessary to make the provision of child care services cost-neutral.~~

~~(b) It is the intent of the legislature that this appropriation not be included in the department of administration and information's standard budget in the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.~~

~~(c) The department of administration and information shall make the results of the survey and feasibility study available to the governor's office and the joint appropriations committee not later than November 1, 2023.~~

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]

~~2. Of this general fund appropriation, four hundred twelve thousand seven hundred ten dollars (\$412,710.00) within the trades management unit (unit 3055) for Thyra Thomson building operations and staff shall not be subject to Section 307 of this act. This appropriation shall not be transferred or expended for any other purpose.~~

~~3. Of this general fund appropriation, three hundred fifty thousand dollars (\$350,000.00) shall only be effective if the department of administration and information ensures that the Wyoming capitol building is open to the public on Saturdays **and Sundays for not less than four (4) hours per day throughout the year except for recognized holidays**. This appropriation shall not be transferred or expended for any other purpose. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]~~

Section 007. WYOMING MILITARY DEPARTMENT

PROGRAM

Military Dept. Operation ⁵	9,536,078		9,536,078
	9,897,328		9,897,328
Air National Guard ^{1,7,2}	1,452,750	13,022,153	14,474,903
	952,750	12,722,153	13,674,903

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Camp Guernsey			1,023,300	SR 1,023,300
Army National Guard ^{3, 4, 6}	551,550	42,566,964	2,376,047	S5 45,494,561
	<u>1,051,550</u>	<u>42,866,964</u>		<u>46,294,561</u>
Veterans' Services	3,452,178	231,863	7,500	SR 3,691,541
Oregon Trail Cemetery	564,845		20,000	SR 584,845
Military Support	68,432			68,432
<u>Civil Air Patrol</u>	<u>45,685</u>			<u>45,685</u>
TOTALS	<u>15,625,833</u>	<u>55,820,980</u>	<u>3,426,847</u>	<u>74,873,660</u>
	<u>16,032,768</u>			<u>75,280,595</u>

AUTHORIZED EMPLOYEES

Full Time	244
Part Time	29
TOTAL	<u>273</u>

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)~~ one million dollars (\$1,000,000.00) ~~and of this federal funds appropriation, three hundred thousand dollars (\$300,000.00) is~~ six hundred thousand dollars (\$600,000.00) are 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 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).

5. Of this general fund appropriation, eighty-six thousand two hundred fifty dollars (\$86,250.00) is for marketing efforts to recruit potential military candidates to join the Wyoming army or air national guard. The military department shall consult with appropriate academic departments within the University of Wyoming in developing the military department's marketing, communications, advertising plan and associated materials.

6. Of this federal funds appropriation, five million two hundred ninety-two thousand one hundred sixteen dollars (\$5,292,116.00), and of this other funds appropriation, two million three hundred seventy-six thousand forty-seven dollars (\$2,376,047.00)S for the Wyoming cowboy challenge program (unit 0405) is not subject to Section 307 of this act.

Section 010. DEPARTMENT OF AGRICULTURE

PROGRAM

PROGRAM	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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. ^{1,2}	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
	<u>7,364,526</u>			<u>7,364,526</u>
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	<u>26,576,902</u>	<u>1,226,194</u>	<u>7,676,142</u>	<u>35,479,238</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
	<u>28,060,412</u>			<u>36,962,748</u>
AUTHORIZED EMPLOYEES				
Full Time	73			
Part Time	<u>6</u>			
TOTAL	79			

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
	<u>5,699,562</u>			<u>5,699,562</u>
Revenue Division	8,567,316		783,293 SR	9,350,609
	<u>8,682,056</u>		<u>815,597 SR</u>	<u>9,497,653</u>
Valuation Division ¹	10,123,971			10,123,971
	<u>15,201,746</u>			<u>15,201,746</u>
Liquor Division			11,268,039 EF	11,268,039
			<u>11,394,290 EF</u>	<u>11,394,290</u>
Liquor Sales & Purchases			275,000,000 EF	275,000,000
General Fund Transfers			42,000,000 EF	42,000,000
TOTALS	<u>24,282,226</u>	0	<u>329,051,332</u>	<u>353,333,558</u>
	<u>29,583,364</u>		<u>329,209,887</u>	<u>358,793,251</u>

AUTHORIZED EMPLOYEES

Full Time	119	<u>122</u>
Part Time	<u>0</u>	
TOTAL	119	<u>122</u>

1. Of this general fund appropriation, ~~three million dollars (\$3,000,000.00)~~

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<p><u>eight million dollars (\$8,000,000.00) is appropriated for the property tax refund program pursuant to W.S. 39-13-109(c)(v). [Of this general fund appropriation, five million dollars (\$5,000,000.00) shall be reduced by one dollar (\$1.00) for every one dollar (\$1.00) up to five million dollars (\$5,000,000.00) appropriated to the property tax refund program under W.S. 39-13-109(c)(v) or any appropriation, transfer or similar distribution of funds for fiscal year 2024 enacted into law in 2023 House Bill 0098, 2023 House Bill 0099, 2023 House Bill 0121, 2023 Senate File 0136 or any combination thereof.] 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. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]</u></p>				
Section 015. ATTORNEY GENERAL				
PROGRAM				
Law Office ¹	18,879,630	742,756	1,290,713 2,040,713	\$5 \$5
			4,076,104	SR
			670,282	TT
				25,659,485
				<u>26,409,485</u>
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. ²	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 14,464,729	98,476,310 <u>99,226,310</u>

AUTHORIZED EMPLOYEES

Full Time	228
Part Time	1
TOTAL	<u>229</u>

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.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

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 ²	6,297,761				6,297,761
	<u>6,594,153</u>				<u>6,594,153</u>
Air Quality ³	6,793,254	1,510,028	13,555,245	SR	21,858,527
	<u>8,293,254</u>				<u>23,358,527</u>
Water Quality	11,277,963	9,556,047	1,196,775	SR	22,030,785
	<u>11,432,364</u>	<u>9,690,641</u>			<u>22,319,780</u>
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	10,983,794
Uranium NRC Agreement			2,048,232	SR	2,048,232
Abandoned Mine Reclam.		103,064,366			103,064,366
Subsidence Loss Ins.			225,413	SR	225,413
TOTALS	<u>32,645,320</u>	<u>122,226,797</u>	<u>21,273,869</u>		<u>176,145,986</u>
	<u>34,596,113</u>	<u>122,361,391</u>			<u>178,231,373</u>

AUTHORIZED EMPLOYEES

Full Time	256	<u>260</u>
Part Time	<u>0</u>	
TOTAL	256	<u>260</u>

2. Of this general fund appropriation, one hundred eighty thousand dollars (\$180,000.00) is appropriated [for a deputy director/ombudsman] to assist permit and license applicants in navigating and completing the permitting or licensing processes of the department of environmental quality. This appropriation shall not be transferred or expended for any other purpose. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

3. Of this general fund appropriation, one million five hundred thousand dollars (\$1,500,000.00) is appropriated [for contractual services (900 series) as necessary] to ensure that reviews of air quality permits for industrial projects are completed in a timely manner. This appropriation shall not be transferred or expended for any other purpose. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall not revert until June 30, 2026. [BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR FEBRUARY 24, 2023 – HOUSE AND SENATE VETO OVERRIDE MARCH 1, 2023.]

Section 021. DEPARTMENT OF AUDIT

PROGRAM

Administration	328,339	342,649	286,210	SR	957,198
Banking			6,513,288	SR	6,513,288
			<u>6,865,610</u>	<u>SR</u>	<u>6,865,610</u>
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	<u>12,189,832</u>	<u>5,375,934</u>	<u>7,096,798</u>		<u>24,662,564</u>
			<u>7,449,120</u>		<u>25,014,886</u>

AUTHORIZED EMPLOYEES

Full Time	103
Part Time	<u>0</u>
TOTAL	103

Section 023. PUBLIC SERVICE COMMISSION

PROGRAM

Administration ¹		366,029	7,742,520	SR	8,108,549
		<u>386,766</u>	<u>8,103,113</u>	<u>SR</u>	<u>8,489,879</u>
Consumer Advocate Div.			2,044,449	SR	2,044,449
Universal Service Fund ¹			5,334,390	SR	5,334,390
TOTALS	<u>0</u>	<u>366,029</u>	<u>15,121,359</u>		<u>15,487,388</u>
		<u>386,766</u>	<u>15,481,952</u>		<u>15,868,718</u>

AUTHORIZED EMPLOYEES

Full Time	37	<u>39</u>
Part Time	<u>0</u>	
TOTAL	37	<u>39</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

1. (a) Of this other funds appropriation to the administration program, seventy-nine thousand one hundred fifty-six dollars (\$79,156.00)SR shall not be effective if 2023 Senate File 0002 is enacted into law.

(b) Of this other funds appropriation to the universal service fund program, seventy-nine thousand one hundred fifty-six dollars (\$79,156.00)SR shall only be effective if 2023 Senate File 0002 is enacted into law.

Section 024. STATE PARKS & CULTURAL RESOURCES

PROGRAM

Administration & Support	2,190,603				2,190,603
Cultural Resources ^{1, 2,}					
^{3, 4, 5, 6.}	10,808,152	3,187,389	200,000	EF	
	<u>19,808,152</u>				
			4,389,130	SR	18,584,671
					<u>27,584,671</u>
St. Parks & Hist. Sites ^{7,}	17,442,846	6,898,032	150,350	EF	
			18,720,569	SR	
			<u>19,120,569</u>	<u>SR</u>	43,211,797
					<u>43,611,797</u>
TOTALS	30,441,601	10,085,421	23,460,049		63,987,071
	<u>39,441,601</u>		<u>23,860,049</u>		<u>73,387,071</u>

AUTHORIZED EMPLOYEES

Full Time	148
Part Time	<u>71</u>
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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

(\$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 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)~~ eleven million five hundred thousand dollars (\$11,500,000.00) 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~~ reserve and 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. ¹		166,373,783	S6	166,373,783
		<u>175,373,783</u>	<u>S6</u>	<u>175,373,783</u>
Construction Management ²	2,251,677			2,251,677

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
	<u>2,368,721</u>			<u>2,368,721</u>
TOTALS	<u>3,878,725</u>	0	<u>171,054,219</u>	<u>174,932,944</u>
	<u>3,995,769</u>		<u>180,054,219</u>	<u>184,049,988</u>

AUTHORIZED EMPLOYEES

Full Time	28	<u>29</u>
Part Time	0	
TOTAL	28	<u>29</u>

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.

Section 037. STATE ENGINEER

PROGRAM

Administration ²	1,796,136		49,906 S1	<u>1,846,042</u>
	<u>2,946,136</u>			<u>2,996,042</u>
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. ¹	1,615,098		102,953 S1	1,718,051
Special Projects			17,820 SR	17,820
North Platte Settlement	<u>1,380,530</u>			<u>1,380,530</u>
	<u>1,420,530</u>			<u>1,420,530</u>
Well Drillers' Licensing			251,160 SR	251,160
TOTALS	<u>11,164,934</u>	0	<u>15,663,503</u>	<u>26,828,437</u>
	<u>12,354,934</u>			<u>28,018,437</u>

AUTHORIZED EMPLOYEES

Full Time ²	107	<u>108</u>
Part Time	9	
TOTAL	116	<u>117</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$
1. Of this general fund appropriation, three hundred sixty-six thousand one hundred eighteen dollars (\$366,118.00) is effective immediately.				
2. <u>Of this general fund appropriation, six hundred fifty thousand dollars (\$650,000.00) is appropriated [and of these full-time employees, one (1) full-time employee is authorized] for purposes of modeling, supportive research, coordination and, as needed, engaging the services of consultants and other qualified professionals to assist with upper Colorado river basin projects or potential projects. This appropriation shall not be subject to Section 307 of this act. [Of these full-time employees, authorization for one (1) full-time employee shall not be effective if 2023 House Bill 0222 is enacted into law and if 2023 House Bill 0222, as enacted, authorizes at least one (1) full-time employee or one (1) full-time equivalent position.] It is the intent of the legislature that this appropriation be doubled and included in the state engineer's standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose. [BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR FEBRUARY 24, 2023 - HOUSE AND SENATE VETO OVERRIDE MARCH 1, 2023.]</u>				

Section 039. WILDLIFE/NATURAL RESOURCE TRUST

PROGRAM

Administration ^{1, 2, 4}	10,000,000		12,000,000	22,000,000
	<u>11,500,000</u>			<u>23,500,000</u>
Trust Corpus ^{3, 5}	75,000,000			75,000,000
	<u>80,000,000</u>		<u>5,000,000</u> SO	<u>85,000,000</u>
TOTALS	<u>85,000,000</u>	0	<u>12,000,000</u>	<u>97,000,000</u>
	<u>91,500,000</u>		<u>17,000,000</u>	<u>108,500,000</u>

AUTHORIZED EMPLOYEES

Full Time	2
Part Time	<u>0</u>
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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL 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).

4. Of this general fund appropriation, one million five hundred thousand dollars (\$1,500,000.00) is appropriated for preventing the introduction and spread of both invasive plants and aquatic invasive species. This appropriation is intended for immediate action for the purposes specified in this footnote and is not subject to the standard application process under W.S. 9-15-101 through 9-15-107. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall not revert on June 30, 2024.

5. Of this other funds appropriation, five million dollars (\$5,000,000.00) is appropriated from the Wyoming wildlife and natural resource trust income account and shall be deposited into the corpus of the Wyoming wildlife and natural resource trust account created by W.S. 9-15-103(a).

Section 045. DEPARTMENT OF TRANSPORTATION

PROGRAM

Administration			3,717,393	S7	3,717,393
Administrative Services ¹		168,150	56,663,473	S7	
			14,636,000	SR	71,467,623
Law Enforcement ²		6,788,779	89,249,759	S7	
			260,000	SR	96,298,538
WyoLink ^{3,4}			1,358,851	IS	
	<u>8,600,000</u>				
			4,107,263	S4	
			3,145,613	S7	8,611,727
					<u>17,211,727</u>
Aeronautics Admin.		310,300	4,388,907	S7	4,699,207
Operational Services			2,405,010	IS	2,405,010
Aeronautics		45,225,000	160,394	IS	
			20,718,289	S7	66,103,683
TOTALS	<u>0</u>	<u>52,492,229</u>	<u>200,810,952</u>		<u>253,303,181</u>
	<u>8,600,000</u>				<u>261,903,181</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
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.

4. Of this general fund appropriation, eight million six hundred thousand dollars (\$8,600,000.00) shall only be expended for purposes of operations and maintenance for, and offsetting any charges to local **[government]** users of, the WyoLink statewide public safety interoperable radio communications system. It is the intent of the legislature that this appropriation be included in the department of transportation's standard budget for the immediately succeeding fiscal biennium. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]

Section 048. DEPARTMENT OF HEALTH ^{13.}

PROGRAM

Director's Office ^{14.}	9,903,565	2,002,506	275,453	SR	12,181,524
	10,053,565				12,331,524

Health Care Financing

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
1., 2., 9., 10., 15., 18., 19.	547,103,699	763,979,106	5,000,000	S5
	<u>569,268,874</u>	<u>861,074,281</u>		
			89,636,851	SR
			1,450,000	TT
				1,407,169,656
				<u>1,526,430,006</u>
Public Health	34,279,504	63,333,261	90,173	A4
			17,750,201	SR
			10,421,862	TT
				125,875,001
Behavioral Health ^{3., 4., 16.}	165,460,461	16,446,647	71,431,545	ARP
	<u>174,682,146</u>			
			4,378,861	S5
			53,277,148	SR
			1,322,500	T3
			14,511,175	TT
				326,828,337
				<u>336,050,022</u>
Aging ^{5., 6., 7., 12., 17.}	22,893,530	27,264,191	11,491,368	ARP
	<u>25,643,424</u>			
			13,317,694	SR
				74,966,783
				<u>77,716,677</u>
TOTALS	<u>779,640,759</u>	<u>873,025,711</u>	294,354,831	1,947,021,301
	<u>813,927,513</u>	<u>970,120,886</u>		<u>2,078,403,230</u>
AUTHORIZED EMPLOYEES				
Full Time ^{8.}	1,330			
Part Time	<u>67</u>			
TOTAL	1,397			

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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

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;

(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:

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

(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 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 following:

(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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

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.

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.

13. 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 this act, up to thirty-nine million three hundred twenty-seven thousand one hundred dollars (\$39,327,100.00) or as much thereof as is available, shall not revert on June 30, 2024 and are hereby reappropriated to the Wyoming state hospital demolition account, which is hereby created if not created in any other law enacted in the 2023 general session. Funds subject to this footnote may be transferred to the Wyoming state hospital demolition account by the state auditor as soon as identified by the department of health.

14. Of this general fund appropriation, one hundred fifty thousand dollars (\$150,000.00) is appropriated for reimbursements to volunteer health care professionals and nonprofit health care facilities for liability insurance pursuant

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

to W.S. 1-1-129. This appropriation shall not be transferred or expended for any other purpose.

15. (a) Of this general fund appropriation, three million seven hundred fifty-five thousand six hundred thirty-nine dollars (\$3,755,639.00), and of this federal funds appropriation, three million seven hundred fifty-five thousand six hundred thirty-nine dollars (\$3,755,639.00) is appropriated to reduce the waitlist for services under the comprehensive and supports waivers.

(b) Of this general fund appropriation, three million one hundred sixty-four thousand five hundred thirty-six dollars (\$3,164,536.00), and of this federal funds appropriation, three million one hundred sixty-four thousand five hundred thirty-six dollars (\$3,164,536.00) is appropriated for provider reimbursement increases under the comprehensive waiver.

(c) Of this general fund appropriation, six million three hundred thousand dollars (\$6,300,000.00), and of this federal funds appropriation, six million three hundred thousand dollars (\$6,300,000.00) is appropriated to provide reimbursement increases to agency providers of services to persons with developmental disabilities in order to increase reimbursement rates to align more closely with the most recent consultant rebasing recommendations.

(d) These appropriations shall not be transferred or expended for any other purpose. It is the intent of the legislature that:

(i) The appropriations subject to subsections (a) and (c) of this footnote be doubled and included in the department of health's standard budget for the immediately succeeding fiscal biennium;

(ii) The appropriation subject to subsection (b) of this footnote be sustained at the level appropriated and included in the department of health's standard budget for the immediately succeeding fiscal biennium.

16. Of this general fund appropriation, five million dollars (\$5,000,000.00) shall be expended for implementation and infrastructure changes for behavioral health redesign as provided in 2021 Wyoming Session Laws, Chapter 79 and 2022 Wyoming Session Laws, Chapter 31 only after all available and permissible federal funds have been exhausted. This appropriation shall be reduced by one dollar (\$1.00) for each one dollar (\$1.00) of identified and expended federal funds that were expended for the same purposes as this footnote. This appropriation shall not be transferred or expended for any other purpose.

17. 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 a narrowly tailored, long-term care waiver under Section 1315 of Title XI, Part A of the federal Social Security Act,

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

as amended, with the intent of expanding long-term home care and community-based services to individuals who may not currently qualify for such services under Medicaid as reported by the department of health to the joint labor, health and social services interim committee and the joint appropriations committee in accordance with footnote 6 of this section.

18. Of this general fund appropriation, twenty thousand dollars (\$20,000.00) is appropriated for a ~~n outside~~ study to review the program of all-inclusive care for the elderly (PACE) specified in W.S. 42-4-121. The study shall review the possibility of reinstating the program throughout Wyoming, considering for-profit and nonprofit options and potential cost savings. The joint labor, health and social services interim committee shall also study the program for all-inclusive care for the elderly during the 2023 interim. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]

19. (a) Of this general fund appropriation, fifty thousand dollars (\$50,000.00) is appropriated for the department of health to combine with any other available department resources to initiate a revised methodology and rebasing for ~~[the 2025-2026 fiscal biennium by which individual budget amounts are established for]~~ comprehensive waiver program participants. ~~[The objectives of the revised methodology shall include:~~

~~(i) Evaluation of the adequacy of current assessment tools utilized in the development of individual budget amounts;~~

~~(ii) Budget neutrality to the state of Wyoming;~~

~~(iii) Allowance for program participants to access the entirety of their individual budget amounts.]~~

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]

(b) 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 health's standard budget for the immediately succeeding fiscal biennium.

Section 049. DEPARTMENT OF FAMILY SERVICES

PROGRAM

Energy Assistance & WX		22,740,882		22,740,882
Institutions	24,980,596		453,733 SR	25,434,329
Assistance & Services ^{1, 2,}				
^{3, 4, 5, 6, 7, 8,}	118,576,711	126,630,121	4,832,101 SR	

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
	<u>124,172,093</u>	<u>127,787,223</u>		
			4,863,219	TT 254,902,152
				<u>261,654,636</u>
TOTALS	<u>143,557,307</u>	<u>149,371,003</u>	10,149,053	303,077,363
	<u>149,152,689</u>	<u>150,528,105</u>		<u>309,829,847</u>

AUTHORIZED EMPLOYEES

Full Time	635
Part Time	<u>19</u>
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 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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

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.

5. Of this general fund appropriation, two million forty-five thousand three hundred eighty-two dollars (\$2,045,382.00), and of this federal funds appropriation, six hundred fifty-seven thousand one hundred two dollars (\$657,102.00) is appropriated for direct services provided to children and families due to abuse, neglect, juvenile delinquent behaviors or children in need of supervision who receive services from residential treatment facilities or psychiatric residential treatment facilities within unit 5915 of the department of family services. This appropriation shall not be transferred or expended for any other purpose. It is the intent of the legislature that this appropriation be sustained at this level and included in the standard budget of the department of family services for the immediately succeeding fiscal biennium.

6. Of this general fund appropriation, two million dollars (\$2,000,000.00) is appropriated for tribal child protective services within unit 5916 of the department of family services. This appropriation is limited to program services as defined in existing contracts and shall not be transferred or expended for any other purpose. It is the intent of the legislature that this appropriation be sustained at this level and included in the standard budget of the department of family services for the immediately succeeding fiscal biennium.

7. (a) Of this general fund appropriation, five hundred thousand dollars (\$500,000.00) shall only be available for expenditure to the Eastern Shoshone Tribe department of family services or the Northern Arapaho Tribe department of family services, or both for program operations for high behavioral needs within unit 5915 if matched in the ratio of one dollar (\$1.00) of appropriated funds to one dollar (\$1.00) of nonstate funds. Any remaining, unmatched funds from this appropriation is authorized for expenditure under subsection (b) of this footnote.

(b) Of this general fund appropriation, five hundred fifty thousand dollars (\$550,000.00) is appropriated for program operations for clients with high behavioral needs within unit 5915 of the department of family services.

(c) These appropriations shall not be transferred or expended for any other purpose. It is the intent of the legislature that these appropriations be sustained

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

at this level and included in the standard budget of the department of family services for the immediately succeeding fiscal biennium.

8. Of this general fund appropriation, five hundred thousand dollars (\$500,000.00) and of this federal funds appropriation, five hundred thousand dollars (\$500,000.00) is appropriated to the protective services and juvenile justice unit (unit 5904) for prevention and diversion services through the grant and aid payment series (600 series) as necessary to implement the state prevention plan. It is the intention of the legislature that this appropriation not be included within 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.

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
	<u>1,442,252</u>				<u>1,917,512</u>
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	<u>4,822,396</u>	<u>522,046</u>	<u>13,962,469</u>		<u>19,306,911</u>
	<u>5,322,396</u>				<u>19,806,911</u>

AUTHORIZED EMPLOYEES

Full Time	17
Part Time	<u>0</u>
TOTAL	17

Section 057. COMMUNITY COLLEGE COMMISSION

PROGRAM

Administration	6,835,763		84,587	SR	6,920,350
	<u>7,204,935</u>				<u>7,289,522</u>
State Aid 1.	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

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
TOTALS	220,334,001	1,873,379	194,587	222,401,967
	<u>220,703,173</u>			<u>222,771,139</u>

AUTHORIZED EMPLOYEES

Full Time	12
Part Time	<u>0</u>
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 ¹	10,643,712	52,580,759	2,608,520	S1	
	<u>11,158,985</u>				
			3,005,966	S4	
			690,000	S5	
			7,258,191	SR	76,787,148
					<u>77,302,421</u>
Forestry ²	7,800,654	942,344	225,622	SR	8,968,620
County Emergency Suppr.	20,000,000		12,003,490	SR	32,003,490
Fire	4,475,106	245,818			4,720,924
<u>Mineral Royalty Grants</u>	<u>4,000,000</u>		<u>6,176,465</u>	<u>S4</u>	<u>10,176,465</u>
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 ³	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	<u>43,459,472</u>	64,116,440	<u>42,948,993</u>		<u>150,524,905</u>
	<u>47,974,745</u>		<u>49,125,458</u>		<u>161,216,643</u>

AUTHORIZED EMPLOYEES

Full Time	94	<u>98</u>
Part Time	<u>4</u>	
TOTAL	98	<u>102</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$
<p>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) 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) not be included in the office of state lands and investments' standard budget for the immediately succeeding fiscal biennium.</p> <p>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).</p> <p>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 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.</p>				

Section 066. WYOMING TOURISM BOARD

PROGRAM

Wyoming Tourism Board ^{1.}

^{2., 3.}

41,759,164	SR	41,759,164
<u>42,359,164</u>	SR	<u>42,359,164</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
TOTALS	0	0	41,759,164 <u>42,359,164</u>	41,759,164 <u>42,359,164</u>
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 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 ⁹.

PROGRAM

State Aid ^{1, 2, 10, 11,}

^{14, 15,}

	304,213,013	304,213,013
	<u>324,773,013</u>	<u>324,773,013</u>
Family Medical Residency	14,801,609	14,801,609

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
WWAMI Medical Education ³ .	16,283,547			16,283,547
School of Energy Res. ⁴ ,				
^{5, 6, 16}	<u>22,468,000</u>			<u>22,468,000</u>
	<u>37,518,000</u>			<u>37,518,000</u>
Tier 1 Engineering	7,584,703			7,584,703
	<u>13,084,703</u>			<u>13,084,703</u>
NCAR MOU	1,528,316			1,528,316
Endowments & Matching ⁷ ,				
^{8, 12, 13}	2,500,000		25,000,000	S13 27,500,000
	<u>6,500,000</u>			<u>31,500,000</u>
TOTALS	<u>369,379,188</u>	0	25,000,000	<u>394,379,188</u>
	<u>414,489,188</u>			<u>439,489,188</u>

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	<u>0</u>

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;

(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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

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 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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

Wyoming companies for the sale of firearms, firearm related products, or both, in compliance with W.S. 13-10-302(a).

11. (a) Of this general fund appropriation, four hundred sixty thousand dollars (\$460,000.00) is appropriated to increase compensation levels [as] close to industry market value [as possible for three (3) vacant pathologist positions as of December 15, 2022 and two (2) filled pathologist positions within the biosafety level three (3) laboratory]. [BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR FEBRUARY 24, 2023 – HOUSE AND SENATE VETO OVERRIDE MARCH 1, 2023.]

(b) [Only after at least two (2) of the vacant pathologist positions within the biosafety level three (3) laboratory have been filled,] of this general fund appropriation, an additional four hundred thousand dollars (\$400,000.00) is appropriated for purposes of increasing the compensation [of one (1) epidemiologist, two (2) technicians and the director of the biosafety level three (3) lab to as] close to industry market value [as possible]. [BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR FEBRUARY 24, 2023 – HOUSE AND SENATE VETO OVERRIDE MARCH 1, 2023.]

(c) This appropriation shall be to sustain timely service for vital economic sectors of Wyoming.

(d) It is the intent of the legislature that this appropriation be doubled and 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.

12. Of this general fund appropriation, one million five hundred thousand dollars (\$1,500,000.00) 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 to support excellence in research, scholarships or endowments to support the school of energy resources. Distributions of this appropriation are 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 non-state source. This appropriation shall be retained by the state treasurer for distribution in accordance with W.S. 21-16-904.

13. Of this general fund appropriation, two million five hundred thousand dollars (\$2,500,000.00) shall only be expended for matching funds to support excellence in research, education and extension in the college of agriculture, to include endowed chairs and professorships, which directly support Wyoming's agriculture industry and for which matching funds are received. Expenditure of this appropriation is conditioned upon a match of funds in the ratio of one

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

dollar (\$1.00) of appropriated general funds to not less than one dollar (\$1.00) of matching funds from any other source. The University of Wyoming shall only distribute these funds after consultation with the advisory board of the college of agriculture. This appropriation shall be retained by the 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(a), any unexpended, unobligated monies from this appropriation shall not revert until June 30, 2028. 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.

14. (a) Of this general fund appropriation, one million five hundred thousand dollars (\$1,500,000.00) [is appropriated for the purpose of converting light detection and ranging data collected pursuant to the United States geological survey's 3D elevation program initiative in Wyoming into a statewide digital elevation model including statewide, two (2) foot digital contours] and [collecting and packaging the data for use by each of Wyoming's twenty-three (23) counties.] [BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR FEBRUARY 24, 2023 – HOUSE AND SENATE VETO OVERRIDE MARCH 1, 2023.]

[(b) Of this general fund appropriation,] five hundred thousand dollars (\$500,000.00) is appropriated for the hosting, dissemination and public availability of [the] data by the University of Wyoming at a data hub, including Wyoming's geographic information science center, the Wyoming innovation partnership's data hub or both. [BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR FEBRUARY 24, 2023 – HOUSE AND SENATE VETO OVERRIDE MARCH 1, 2023.]

(c) These appropriations shall not be transferred or expended for any other purpose. It is the intent of the legislature that the funds associated with this footnote not be included in the University of Wyoming's standard budget for the immediately succeeding fiscal biennium. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall not revert until June 30, 2026.

15. (a) Of this general fund appropriation, seven million five hundred thousand dollars (\$7,500,000.00) is appropriated to the University of Wyoming college of health sciences to be expended to plan, develop and sustain an accredited physician assistant training program that will train a workforce to provide rural health care in Wyoming, including pandemic response. The program shall work and align as closely as possible with current medical education and training programs in Wyoming.

(b) This appropriation shall be reduced by one dollar (\$1.00) for every one dollar (\$1.00) up to seven million five hundred thousand dollars (\$7,500,000.00)

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

appropriated for the purpose of developing and sustaining an accredited physician assistant training program in 2023 House Bill 0195.

(c) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, any unexpended, unobligated funds from this appropriation shall not revert. This appropriation shall not be transferred or expended for any other purpose.

(d) The physician assistant training program may allow students to participate remotely from any Wyoming community college or from the University of Wyoming.

16. Of this general fund appropriation, three hundred thousand dollars (\$300,000.00) is appropriated to the school of energy resources to undertake a technological and economic analysis of the feasibility of producing high-grade graphite from coal and other source materials. 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.

Section 072. RETIREMENT SYSTEM ¹.

PROGRAM

Administration		19,048,113	PF	19,048,113
		<u>19,164,345</u>	PF	<u>19,164,345</u>
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		<u>21,031,333</u>
				<u>21,147,565</u>

AUTHORIZED EMPLOYEES

Full Time	44	<u>45</u>
Part Time	<u>0</u>	
TOTAL	44	<u>45</u>

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, ORIGINALLY STRICKEN IN THE ENROLLED ACT, WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]

Section 077. ENTERPRISE TECHNOLOGY SERVICES

PROGRAM

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Enterprise Operations	51,801,381			51,801,381
	<u>59,086,067</u>			<u>59,086,067</u>
IT Enhanced Services ¹	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	<u>52,054,202</u>	0	59,200,947	111,255,149
	<u>59,338,888</u>			<u>118,539,835</u>

AUTHORIZED EMPLOYEES

Full Time	228
Part Time	<u>1</u>
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 ^{1, 2}		26,453,647	ARP	
	<u>1,623,248</u>			
		3,285,354	SR	
		4,224,550	TT	33,963,551
				<u>35,586,799</u>
Support Services	100,000	58,738,645	ARP	
	<u>4,512,611</u>			
		1,382,763	SR	
		4,263,550	TT	64,484,958
				<u>68,997,569</u>
Prison Division		147,859,250	ARP	
		1,488,750	IS	
		235,101	SR	149,583,101

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
TOTALS	0	456,398	262,201,578	<u>262,657,976</u>
	<u>6,135,859</u>			<u>268,793,835</u>

AUTHORIZED EMPLOYEES

Full Time	1,054
Part Time	<u>3</u>
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 085. WYOMING BUSINESS COUNCIL

PROGRAM

Wyoming Business Council	12,060,134	290,003	SR	12,350,137
	<u>12,201,401</u>			<u>12,491,404</u>
Economic Divers. ^{1, 2, 3.}	12,419,419	1,653,091	SR	14,072,510
Investment Ready Comm.	16,321,543	8,000,000	S4	24,321,543
	<u>46,321,543</u>			<u>54,321,543</u>
TOTALS	<u>40,801,096</u>	0	9,943,094	<u>50,744,190</u>
	<u>70,942,363</u>			<u>80,885,457</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
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 ¹	3,133,522			3,133,522
	<u>4,143,522</u>			<u>4,143,522</u>
TOTALS	3,133,522	0	0	3,133,522
	<u>4,143,522</u>			<u>4,143,522</u>

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

1. Of this general fund appropriation, five hundred thousand dollars (\$500,000.00) is appropriated for purposes of mineral-related marketing or mineral market protection work. It is the intent of the legislature that this appropriation be sustained at this level and included in the Wyoming energy authority's standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

Section 101. SUPREME COURT

PROGRAM

Administration ^{1,5}	10,598,293	739,282	4,051,095	SR	15,388,670
	<u>10,954,922</u>				<u>15,745,299</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Judicial Nominating Comm.	34,942			34,942
	<u>64,942</u>			<u>64,942</u>
Chancery Court	1,382,459			1,382,459
Law Library	1,206,043			1,206,043
Circuit Courts	31,260,164			31,260,164
	<u>31,290,404</u>			<u>31,290,404</u>
Court Automation	4,357,491		7,478,272 SR	11,835,763
Judicial Retirement	1,839,246			1,839,246
Branchwide Resources ^{2,4}	1,061,269			1,061,269
	<u>1,938,269</u>			<u>1,938,269</u>
TOTALS	<u>51,739,907</u>	739,282	11,529,367	<u>64,008,556</u>
	<u>53,033,776</u>			<u>65,302,425</u>

AUTHORIZED EMPLOYEES

Full Time ^{3,5}	213
Part Time	<u>23</u>
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.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

4. (a) In accordance with W.S. 5-1-110(b) and subject to constitutional and statutory provisions concerning when salaries can become effective, there is appropriated eight hundred seventy-seven thousand dollars (\$877,000.00) from the general fund for salary adjustments of supreme court justices, district court judges and circuit court judges for the period commencing April 1, 2023 and ending June 30, 2024 as specified in this footnote. This appropriation shall be allocated as follows:

(i) Not more than one hundred thousand dollars (\$100,000.00) for distribution among five (5) supreme court justices to effectuate a seven percent (7%) salary increase to one hundred eighty-seven thousand two hundred fifty dollars (\$187,250.00) annually;

(ii) Not more than four hundred thirty-seven thousand dollars (\$437,000.00) for distribution among [~~twenty-four (24)~~] district court judges to effectuate a seven percent (7%) salary increase to one hundred seventy-one thousand two hundred dollars (\$171,200.00) annually; [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]

(iii) Not more than three hundred forty thousand dollars (\$340,000.00) for distribution among twenty-four (24) circuit court judges to effectuate a six percent (6%) salary increase to one hundred fifty-three thousand seven hundred dollars (\$153,700.00) annually.

5. Of this general fund appropriation, one hundred forty thousand seven hundred eighty-nine dollars (\$140,789.00), and of the authorized employees, one (1) full-time employee are authorized [**for the purposes of hiring one (1) staff attorney**]. This appropriation shall not be transferred or expended for any other purpose. [BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR FEBRUARY 24, 2023 – HOUSE AND SENATE VETO OVERRIDE MARCH 1, 2023.]

Section 134. JUDICIAL DISTRICT 9B

PROGRAM

Administration	1,324,483			1,324,483
	<u>1,350,403</u>			<u>1,350,403</u>
TOTALS	<u>1,324,483</u>	0	0	<u>1,324,483</u>
	<u>1,350,403</u>			<u>1,350,403</u>

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>0</u>
TOTAL	4

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 160. COUNTY & PROS ATTORNEYS				
PROGRAM				
Administration ¹	6,296,655			6,296,655
	<u>6,763,655</u>			<u>6,763,655</u>
TOTALS	<u>6,296,655</u>	0	0	<u>6,296,655</u>
	<u>6,763,655</u>			<u>6,763,655</u>

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
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 ^{1,2}	1,733,441,422	S5	1,733,441,422
	<u>1,790,841,422</u>	S5	<u>1,790,841,422</u>
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	<u>0</u>	<u>0</u>	<u>1,765,490,292</u>
			<u>1,822,890,292</u>

AUTHORIZED EMPLOYEES

Full Time	3
Part Time	<u>0</u>
TOTAL	3

1. (a) This other funds appropriation includes funding for an external cost adjustment to the education resource block grant model, effective for school year 2022-2023 only, computed as follows:

(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)];

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

(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)].

2. (a) In accordance with W.S. 21-13-309(o), this other funds appropriation includes funding for an external cost adjustment to the education resource block grant model, effective for school year 2023-2024, computed as follows:

(i) Four and two hundred fifty-four thousandths percent (4.254%) for the “professional labor” category of model components inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment “A”(a)(vi)];

(ii) Five and three hundred seventy-seven thousandths percent (5.377%) for the “nonprofessional labor” category of model components inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment “A”(a)(v)];

(iii) Nineteen and four hundred seventy-seven thousandths percent (19.477%) 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)];

(iv) Thirty-eight and nine hundred ninety-six thousandths percent (38.996%) 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 ^{1, 4}

PROGRAM

State Board of Education	205,042		403,604	S5	608,646
Leadership, Finance & IT ^{2, 3}	8,317,273	16,013	200,000	SR	8,533,286
Accountability & Commun. ^{5, 6}	4,484,340	45,551,656	3,703,858	S5	
	<u>1,434,340</u>		<u>3,983,858</u>	<u>S5</u>	
			196,863	SR	
			533,579	T5	
			1,000	T0	54,471,296
					<u>51,701,296</u>
School Support	2,894,616	341,306,779	645,022	S5	
			2,509,741	SR	
			468,495	T0	347,824,653
TOTALS	<u>15,901,271</u>	<u>386,874,448</u>	<u>8,662,162</u>		<u>411,437,881</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
	<u>12,851,271</u>		<u>8,942,162</u>	<u>408,667,881</u>

AUTHORIZED EMPLOYEES

Full Time ⁶	104	<u>105</u>
Part Time	<u>2</u>	
TOTAL	106	<u>107</u>

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 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.

5. In accordance with W.S. 21-4-601(b), the department of education shall include an amount within the department of education's biennial budget request for the immediately succeeding fiscal biennium that is computed in accordance with W.S. 21-4-601(c). It is the intent of the legislature that any

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

budget request for St. Stephens Indian school (unit 1213) be included as an exception budget request.

6. Of this other funds appropriation, two hundred eighty thousand dollars (\$280,000.00)S5 is appropriated for paying the salary and benefits of one (1) full-time employee and increased compensation for authorized positions, technology equipment, compensation, travel reimbursement and general administrative costs for purposes of approving charter schools for the period beginning July 1, 2023 and ending June 30, 2024. This appropriation shall not be transferred or expended for any other purpose. This appropriation and one (1) full-time employee shall only be effective if 2023 Senate File 0174 is enacted into law. It is the intent of the legislature that this appropriation be sustained at the level appropriated and included in the department of education’s standard budget for the immediately succeeding fiscal biennium.

Section 038. PARI-MUTUEL COMMISSION—WYOMING GAMING COMMISSION ^{1.}

PROGRAM

Administration			11,073,195	SR	11,073,195
			<u>11,363,175</u>	SR	<u>11,363,175</u>
Wyoming Breeders Fund			10,953,150	SR	10,953,150
TOTALS	<u>0</u>	<u>0</u>	<u>22,026,345</u>		<u>22,026,345</u>
			<u>22,316,325</u>		<u>22,316,325</u>

AUTHORIZED EMPLOYEES

Full Time	<u>10</u>	<u>13</u>
Part Time	<u>1</u>	
TOTAL	<u>11</u>	<u>14</u>

1. Appropriations in this act made to the pari-mutuel commission or the gaming commission shall have the same meaning and effect.

Section 078. MENTAL HEALTH PROFESSIONS LICENSING BOARD

PROGRAM

Administration			296,257	SR	296,257
			<u>457,953</u>	SR	<u>457,953</u>
TOTALS	<u>0</u>	<u>0</u>	<u>296,257</u>		<u>296,257</u>
			<u>457,953</u>		<u>457,953</u>

AUTHORIZED EMPLOYEES

Full Time	<u>0</u>	
Part Time	<u>0</u>	
TOTAL	<u>0</u>	

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

Section 3. 2022 Wyoming Session Laws, Chapter 51, Sections 300(c)(intro) and (i), (d), (k)(i) and (ii) and by creating new subsections (p) through (hh), 308(a)(i) and (ii)(A) through (D), 309(a) by creating a new paragraph (viii), 310(a) and by creating a new subsection (d), 311(a), 313(d), (j) by creating new paragraphs (xiii) and (xiv) and by creating a new subsection (k), 316(b)(intro), (c) and by creating a new subsection (d), 321(a) and by creating new subsections (d) and (e), 325 and by creating new sections 327 through 338 are amended to read:

[BUDGET BALANCERS - TRANSFERS]

Section 300.

(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 common school account within the permanent land fund 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, except as provided in subsection (gg) of this section; and~~

(d) ~~{Reserved.} Not later than June 30, 2023, the state auditor shall transfer twenty million dollars (\$20,000,000.00) from the general fund to the Wyoming's tomorrow scholarship endowment fund. This subsection shall not be effective if any other legislation enacted during the 2023 General Session provides an appropriation, transfer or deposit to the Wyoming's tomorrow scholarship endowment fund.~~

(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 foundation program reserve~~ 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 foundation program reserve~~ account.

(p) Subject to subsection (ee) of this section, the state auditor shall transfer two hundred seventy-four million seven hundred thousand dollars (\$274,700,000.00) from the legislative stabilization reserve account to the

permanent Wyoming mineral trust fund reserve account.

(q) Subject to subsection (ee) of this section, the state auditor shall transfer one hundred thirty-nine million six hundred fifty-three thousand nine hundred forty-three dollars (\$139,653,943.00) from the legislative stabilization reserve account to the common school permanent fund reserve account.

(r) The state auditor shall transfer not more than two hundred forty-six million five hundred thousand dollars (\$246,500,000.00), or as much thereof as is available, to the common school account within the permanent land fund from the school foundation program account from revenues attributable to fiscal year 2024 under W.S. 9-4-601(a)(ii), (d)(iii) and (n)(i), subject to W.S. 9-4-601(d)(iii), (v)(C) and (vi).

(s) Subject to subsection (ee) of this section, the state auditor shall transfer four million six hundred thousand dollars (\$4,600,000.00) from the legislative stabilization reserve account to the Hathaway student scholarship reserve account.

(t) Subject to subsection (ee) of this section, the state auditor shall transfer one million two hundred thousand dollars (\$1,200,000.00) from the legislative stabilization reserve account to the excellence in higher education endowment reserve account.

(u) Notwithstanding W.S. 9-4-719(b), no funds within the permanent Wyoming mineral trust fund reserve account shall be credited to the permanent Wyoming mineral trust fund for the period beginning with the effective date of this subsection and ending June 30, 2024.

(w) Notwithstanding W.S. 9-4-719(f), no funds within the common school permanent fund reserve account shall be credited to the common school account within the permanent land fund for the period beginning with the effective date of this subsection and ending June 30, 2024.

(y) Notwithstanding W.S. 21-16-1302(b), no funds within the Hathaway student scholarship reserve account shall be credited to the Hathaway student scholarship endowment fund for the period beginning with the effective date of this subsection and ending June 30, 2024.

(z) Notwithstanding W.S. 9-4-719(k), no funds within the excellence in higher education endowment reserve account shall be credited to the excellence in higher education endowment fund for the period beginning with the effective date of this subsection and ending June 30, 2024.

(aa) Subsections (u) through (z) of this section shall not be effective if 2023 House Bill 0089 is enacted into law.

(bb) The state auditor shall transfer one million five hundred thousand dollars (\$1,500,000.00) from the general fund to the capitol square preservation account.

(cc) Subject to subsection (ee) of this section, the state auditor shall transfer two hundred seventeen million five hundred ninety-four thousand one hundred forty-seven dollars (\$217,594,147.00) from the legislative stabilization reserve account to the permanent Wyoming mineral trust fund.

(dd) The state auditor shall, at intervals determined by the state auditor to manage cash flow and for the period beginning April 1, 2023 and ending June 30, 2024, transfer three hundred twenty-seven million one hundred twenty-six thousand nine hundred one dollars (\$327,126,901.00) from the school foundation program account to the school capital construction account.

(ee) For purposes of distributions under subsections (p), (q), (s), (t) and (cc) of this section, the state auditor shall only make distributions at times the unobligated, unencumbered fund balance of the legislative stabilization reserve account exceeds one billion four hundred million dollars (\$1,400,000,000.00). For purposes of determining the unobligated, unencumbered fund balance under this subsection, the state auditor shall make the computation using accrual accounting principles and shall not consider any outstanding or potential loans from the legislative stabilization reserve account or transfers under W.S. 9-4-219(b) or Section 337 of this act. The state auditor shall complete each transfer referenced in paragraphs (i) through (v) of this subsection in the order specified in this subsection prior to making the next subsequent transfer under this subsection. To the extent funds are available, the state auditor shall prioritize transfers referenced in this subsection in the following order:

(i) Transfers under subsection (cc) of this section to the permanent Wyoming mineral trust fund;

(ii) Transfers under subsection (q) of this section to the common school permanent fund reserve account;

(iii) Transfers under subsection (p) of this section to the permanent Wyoming mineral trust fund reserve account;

(iv) Transfers under subsection (s) of this section to the Hathaway student scholarship reserve account;

(v) Transfers under subsection (t) of this section to the excellence in higher education endowment reserve account.

(ff) At intervals determined by the state auditor to manage cash flow, the state auditor shall transfer one hundred fifty million dollars (\$150,000,000.00) from the general fund to the permanent Wyoming mineral trust fund.

(gg) Before making transfers under paragraph (c)(i) of this section, the state auditor shall calculate the amount to be transferred under subsections (c) and (r) of this section. Any amounts transferred and available for transfer to the common school account within the permanent land fund under subsections (c) and (r) of this section that are in excess of three hundred sixty-seven

million five hundred ninety-four thousand one hundred forty-seven dollars (\$367,594,147.00) shall be transferred from the school major maintenance subaccount within the strategic investments and projects account to the school foundation program reserve account. The total combined transfers to the common school account within the permanent land fund under subsections (c) and (r) of this section shall not exceed three hundred sixty-seven million five hundred ninety-four thousand one hundred forty-seven dollars (\$367,594,147.00).

(hh) At intervals determined by the state auditor, the state auditor shall transfer two hundred nineteen million four hundred forty-six thousand fifty-seven dollars (\$219,446,057.00) from the school foundation program reserve account to the common school permanent fund reserve account.

[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)~~ One hundred fifty-three million eight hundred sixteen thousand three hundred eleven dollars (\$153,816,311.00);

(ii) The appropriation in paragraph (i) of this subsection shall be distributed as follows:

(A) ~~Thirty-nine and seventy-five hundredths percent (39.75%)~~ Thirty-eight and eight-tenths percent (38.8%) 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%)~~ Four and forty-eight hundredths percent (4.48%) 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%)~~ Thirty-seven and eleven-hundredths percent (37.11%) 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%)~~ Nineteen and sixty-one hundredths percent (19.61%) to the state construction department for community college district facilities.

[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:

(viii) Public health laboratory.

[LIMITATION ON SALARY INCREASE]

Section 310.

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

(d) For the development of the 2025-2026 biennial general fund standard budget for personal services (100 series), the collective limit established in subsection (a) of this section may be exceeded by not more than eight million dollars (\$8,000,000.00) in personal services (100 series) for fiscal year 2024 for all executive branch state agencies only if the budgeted amount for all vacant positions funded with general funds is at least ninety percent (90%) of the market policy position for 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 and 2023-2024 supplemental budget for one-time funding or budget reductions, sustained funding or budget reductions, or funding or budget reductions intended to be doubled in the standard budget for the immediately succeeding fiscal biennium. It is the intent of the legislature that the associated appropriations be included consistent with the governor's recommendations; and one-time appropriations shall not be included in the agencies' standard budgets for the immediately succeeding fiscal biennium.

[SCHOOL CAPITAL CONSTRUCTION]

Section 313.

(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), (xiii) and (xiv)~~ 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.

(j) The following amounts are appropriated from the school capital construction account to the school facilities commission for the following purposes:

(xiii) To supplement previous appropriations, twenty million three hundred thirty-seven thousand nine hundred fifty-six dollars (\$20,337,956.00) as specified under subparagraphs (A) through (D) of this paragraph for inflation. The original scope and design of the projects shall not be modified as a result of the additional funds appropriated under subparagraphs (A) through (D) of this paragraph. The expenditure of funds appropriated under this paragraph shall be restricted to the following:

(A) For projects authorized under 2016 Wyoming Session Laws, Chapter 25, Section 1(g)(x), as amended by 2017 Wyoming Session Laws, Chapter 200, Section 1, an additional five hundred nineteen thousand one hundred seventy-eight dollars (\$519,178.00);

(B) For projects authorized under paragraph (v) of this subsection, an additional five million one hundred sixty-two thousand nine hundred ten dollars (\$5,162,910.00);

(C) For projects authorized under paragraph (viii) of this subsection, an additional one million five hundred twenty-seven thousand four hundred nineteen dollars (\$1,527,419.00);

(D) For projects authorized under paragraph (xi) of this subsection, an additional thirteen million one hundred twenty-eight thousand four hundred forty-nine dollars (\$13,128,449.00).

(xiv) For other school building and facility projects, one hundred million dollars (\$100,000,000.00), specified as follows:

(A) To supplement appropriations under paragraph (vii) of this subsection, five million dollars (\$5,000,000.00) 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;

(B) For projects based upon the annual evaluation and prioritization schedules for school building condition pursuant to W.S. 21-15-117(a)(i) and capacity needs pursuant to W.S. 21-15-117(a)(iii), taking into consideration the school building and facility condition and capacity needs assessments completed in 2023, not to exceed ninety-five million dollars (\$95,000,000.00).

(k) Expenditures from this appropriation under paragraph (j)(xiv) of this section are conditioned upon the completion of the school building and facility condition needs assessment under W.S. 21-15-117(a) in 2023, as certified in writing by the chairman of the school facilities commission to the governor. For each project funded under paragraph (j)(xiv) of this section, the project shall be contained within a school district building and facility plan developed in accordance with W.S. 21-15-116, and the school facilities commission shall determine and adopt the most cost effective method of remediation of the school building and facility needs in accordance with W.S. 21-15-117(b). Prior to any expenditure of funds for construction from the appropriation under paragraph (j)(xiv) of this section, the state construction department shall either conduct the planning and design for each approved project or review and approve the planning and design for each approved project.

[AML FUNDING – REAUTHORIZATION OF PRIOR APPROPRIATIONS]

Section 316.

(b) Expenditures under subsection (a) of this section are subject to the following:

(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 subsection (a) of 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.

(d) 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 reclamation and enforcement to reappropriate and redirect previously authorized and reverted funds of up to two hundred ten thousand five hundred seventy-five dollars (\$210,575.00), or as much thereof as is available, originally appropriated under 2012 Wyoming Session Laws, Chapter 27, Section 2(c)(v), as amended by 2016 Wyoming Session Laws, Chapter 116, Section 5(b), as amended by 2018 Wyoming Session Laws,

Chapter 134, Section 318 and as further amended by 2020 Wyoming Session Laws, Chapter 80, Section 317, to the department of environmental quality for environmental monitoring and modeling.

[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 and fifty million dollars (\$50,000,000.00) from the general fund. Except as provided in subsections (b), ~~(c)~~ and ~~(e)-(d)~~ 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, lithium [mining], processing and separation, battery storage or wind and solar energy. This appropriation shall not be transferred or expended for any other purpose. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]

(d) Of the appropriations in subsection (a) of this section, up to ten million dollars (\$10,000,000.00) is appropriated for lithium [mining], processing and separation and lithium [mining] development projects. 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 nonstate matching funds. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]

(e) As a condition of expending this appropriation, all proposed expenditures from this appropriation and the purposes and goals of each expenditure shall be reported to the management council of the legislature and the joint appropriations committee [not less than thirty (30) days] prior to the expenditure being made. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]

[APPROPRIATION TO MATCH FEDERAL INFRASTRUCTURE GRANTS]

Section 325.

(a) Except as provided in subsection (c) of this section, 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.

(b) 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).

(c) Of any unobligated, unexpended funds appropriated under this section, five million dollars (\$5,000,000.00) is appropriated for construction of an airport tower at an international airport in Wyoming. Expenditure of this appropriation is conditioned upon a match of funds in the ratio of one dollars (\$1.00) of appropriated general funds to not less than four dollars (\$4.00) from any other funding source.

(d) As a condition of expending this appropriation, all proposed expenditures from this appropriation and the purposes and goals of each expenditure shall be reported to the management council of the legislature and the joint appropriations committee ~~[not less than thirty (30) days]~~ prior to the expenditure being made. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]

[SUPPLEMENTAL APPROPRIATION - GOVERNOR'S PROJECT
CONTINGENCIES]

Section 327.

(a) There is appropriated eighty million dollars (\$80,000,000.00) from the general fund to the office of the governor as a supplement to appropriations in 2022 Wyoming Session Laws, Chapter 51, Sections 321 and 325. This appropriation shall only be expended for the purposes, conditions and requirements specified in Sections 321 or 325 and only if the original, respective appropriations in the relevant section has been fully expended or obligated. 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 governor's office standard budget for the immediately succeeding fiscal biennium.

(b) As a condition of expending this appropriation, all proposed expenditures from this appropriation and the purposes and goals of each expenditure shall be reported to the management council of the legislature and the joint appropriations committee ~~[not less than thirty (30) days]~~ prior to the expenditure being made. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24,

2023.]

(c) This section shall only be effective if 2023 Senate File 0118 is enacted into law.

[ENTERPRISE INFLATION]

Section 328.

(a) For purposes of implementing governor's letter number four (#4), dated December 14, 2022 and on file with the legislative service office, there is appropriated fourteen million four hundred forty-five thousand three hundred forty-four dollars (\$14,445,344.00) from the general fund, three million five hundred seventeen thousand three hundred fifty-eight dollars (\$3,517,358.00) from federal funds and two million one hundred sixty-nine thousand five hundred ninety-nine dollars (\$2,169,599.00) from any other funds to the state auditor to be distributed as directed by the state budget department to executive branch agencies, community colleges and the University of Wyoming for increased costs of utilities, travel, food at state facilities and facility health care services.

(b) There is appropriated an additional **[three million]** five hundred thousand dollars (\$~~3,~~500,000.00) from the general fund to the state auditor to be distributed for community colleges as provided in subsection (a) of this section. **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]**

[(c) It is the intent of the legislature that these appropriations not be included within the standard budget for the immediately succeeding fiscal biennium.] **[BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR FEBRUARY 24, 2023 - HOUSE AND SENATE VETO OVERRIDE MARCH 1, 2023.]**

[EMPLOYEE AND POSITION COMPENSATION II]

Section 329.

(a) There is appropriated forty-eight million eight hundred fifty thousand dollars (\$48,850,000.00) from the general fund to the state auditor for salary adjustments of general funded employees and vacant positions whose salary is not prescribed by law for the fiscal period commencing July 1, 2023 and ending June 30, 2024 as specified in this section. From this appropriation, the state auditor shall distribute this appropriation as follows:

(i) Twenty-eight million four hundred eight thousand two hundred ninety dollars (\$28,408,290.00) for distribution among the executive branch agencies, including statewide elected officials, pursuant to subsection (b) of this section for employees and vacant positions of the executive branch, the commission on judicial conduct and ethics, the Wyoming business council, Wyoming energy authority and the community college commission but not including any agency or entity specified in paragraphs (ii) or (iii) of this subsection;

(ii) Twelve million two hundred sixty-nine thousand three hundred forty-five dollars (\$12,269,345.00) to the University of Wyoming pursuant to subsection (b) of this section for employees and vacant positions of the University of Wyoming, the University of Wyoming medical education program, school of energy resources and the enhanced oil recovery commission;

(iii) Six million four hundred ninety-seven thousand four hundred forty-seven dollars (\$6,497,447.00) 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 for employees and vacant positions of the community colleges and Wyoming public television;

(iv) One million six hundred seventy-four thousand nine hundred eighteen dollars (\$1,674,918.00) to the supreme court to be further distributed pursuant to subsection (b) of this section among the employees and vacant positions 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 and for vacant positions 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 and for vacant positions 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 positions whose compensation is partially funded by general funds, general funds shall be expended for compensation increases in the same proportion as the 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.

[COST ALLOCATION FOR STATE FACILITIES]

Section 330. For purposes of implementing governor's letter number seventeen (#17), second revision, dated December 14, 2022 and on file with

the legislative service office, there is appropriated two hundred sixty-seven thousand four hundred ninety dollars (\$267,490.00) from federal funds and thirty-nine thousand six hundred ninety-two dollars (\$39,692.00) from other funds to increase the budget authority of the departments of audit, family services, workforce services and the state engineer as directed by the state budget department for purposes of cost allocation for facility maintenance, operations, depreciation and security at the Thyra Thomson state office building.

[STATE FAIR MATCHING FUNDS]

Section 331. There is appropriated five hundred thousand dollars (\$500,000.00) from the general fund to the state treasurer's office for the purpose of matching cash gifts received by the department of agriculture and deposited to the state fair endowment account. The state treasurer shall transfer the appropriation to the state fair endowment account only upon certification by the department of agriculture that the appropriation has been fully matched with cash gifts. 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.

[CAPITOL SQUARE IMPROVEMENTS]

Section 332.

(a) There is appropriated one million five hundred thousand dollars (\$1,500,000.00) from the capitol square preservation account to the state construction department. The state construction department shall be the fiscal and contracting agent for expenditure of this appropriation. After consultation with the capitol interpretative exhibits and wayfinding subcommittee, the state construction department shall expend this appropriation for the purposes of design, development and finishes on~~[- in]~~ the following **[priority order]**: **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]**

(i) Improvement of building acoustics in **[public]** meeting rooms and spaces; **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 24, 2023.]**

(ii) An art exhibit display area, broadcasting studio and custodial breakroom in the capitol extension.

(b) Any remaining funds from the appropriation in subsection (a) of this section shall be used to supplement previous appropriations from the capitol square preservation account for inflation.

(c) This appropriation shall not be transferred or expended for any other purpose.

[COMMUNITY FACILITY PROGRAM AND REHABILITATION]

Section 333.

(a) There is appropriated two million seven hundred thousand dollars (\$2,700,000.00) from the general fund to the Wyoming business council for purposes of the Wyoming community facilities program under W.S. 9-12-801 through 9-12-804.

(b) There is appropriated two million six hundred ninety-five thousand three hundred thirty-nine dollars (\$2,695,339.00) from the general fund, and one hundred four thousand six hundred sixty-one dollars (\$104,661.00) from the strategic investments and projects account to the Wyoming business council for purposes of grants for community facility rehabilitation. The appropriation in this subsection shall be expended only on a grant or grants for cities and towns to complete the preservation of former school facilities as community centers, provided that the expenditure is for a city or town that has received funding or technical assistance from the Wyoming business council for the preservation of a former school facility as a community center before the effective date of this section.

(c) It is the intent of the legislature that the appropriations subject to subsections (a) and (b) of this section not be included in the Wyoming business council's standard budget for the immediately succeeding fiscal biennium. These appropriations shall not be transferred or expended for any other purpose.

[UNMET HOUSING NEEDS]

Section 334. There is appropriated five million dollars (\$5,000,000.00) from the general fund to the office of state lands and investments for purposes of providing grants to cities, towns, counties and tribal governments in Wyoming for infrastructure, including water, sewer and utilities, to support unmet housing needs as determined by the office of state lands and investments.

[HIGHER EDUCATION SCHOLARSHIPS]

Section 335.

(a) There is appropriated one million two hundred fifty thousand dollars (\$1,250,000.00) from the general fund to the Wyoming community college commission for purposes of higher education scholarships in fiscal year 2024. This appropriation shall be distributed by the commission pursuant to W.S. 21-16-1901 through 21-16-1904, 21-16-1905(a)(i) through (iii) and (b) through (d), 21-16-1906 and 21-16-1907. Any scholarships awarded under this section shall be in addition to any scholarships awarded from the Wyoming's tomorrow scholarship expenditure account in accordance with W.S. 21-16-1905(a)(iv).

(b) The commission shall review the lists provided under W.S. 21-16-1905(a)(ii), determine whether there is any duplication of students. 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 a scholarship under this section shall be made only to the institution designated as the home institution by the commission. Payments of scholarships to the University of Wyoming shall be made directly to the university. Payments of scholarships to the community colleges shall be made directly to each college. Should a prepayment under this subsection exceed the amount actually due to the institution for any one (1) semester, the excess amount shall be calculated by the university and the commission and deducted from the next payment made under this section.

(c) No student shall receive a scholarship under this section and under the Wyoming's tomorrow scholarship program in fiscal year 2024.

(d) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, any unexpended, unobligated funds from this appropriation shall not revert.

[WYOMING STATE SHOOTING COMPLEX]

Section 336.

(a) There is appropriated five million dollars (\$5,000,000.00) from the general fund to the department of state parks and cultural resources for the siting and construction of the Wyoming state shooting complex. This appropriation shall be reduced by one dollar (\$1.00) for every one dollar (\$1.00) up to five million dollars (\$5,000,000.00) appropriated for the Wyoming state shooting complex under 2023 Senate File 0169, as enacted into law, including funds appropriated to an account created for the Wyoming state shooting complex but excluding funds appropriated for task force costs.

(b) It is the intent of the legislature that this appropriation not be included in the standard budget of the department of state parks and cultural resources for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2026.

(c) This section shall only be effective if 2023 Senate File 0169 is enacted into law.

[BUDGET BALANCERS – TRANSFERS II]

Section 337. The state auditor shall transfer three hundred million dollars (\$300,000,000.00) or as much thereof as is necessary from the legislative stabilization reserve account to the budget reserve account to ensure the unobligated, unencumbered fund balance of the budget reserve account on June 30, 2024 is not less than one hundred fifteen million dollars (\$115,000,000.00).

[WILDLIFE TRUST CHALLENGE ACCOUNT]

Section 338.

(a) The Wyoming wildlife trust challenge account created in 2006 Wyoming Session Laws, Chapter 35, Section 320 is continued. The state treasurer shall invest funds within the account continued under this subsection and shall deposit the earnings from investments to the general fund. There is appropriated nine hundred fifty-eight thousand eighty-five dollars (\$958,085.00) from the general fund to the wildlife trust challenge account.

(b) To the extent funds are available in the wildlife trust challenge account, the state treasurer shall match gifts actually received during the donation period provided in this subsection by the Wyoming wildlife and natural resource trust account board in a ratio of one dollar (\$1.00) of account funds to one dollar (\$1.00) of gifted amounts. A match shall be paid under this section by the state treasurer following any accumulated gift amounts actually received by the Wyoming wildlife and natural resource trust account board in a total amount of five thousand dollars (\$5,000.00) or more. The match shall be made by transferring from the wildlife trust challenge account to the Wyoming wildlife and natural resource trust account created by W.S. 9-15-103(a) an amount equal to the accumulated amount of the gift. The match applies to gifts received during the donation period commencing on the effective date of this act and ending June 30, 2026.

(c) The state treasurer shall make transfers to the Wyoming wildlife and natural resource trust account created by W.S. 9-15-103(a) not later than the end of the calendar quarter following the quarter during which gifts total at least five thousand dollars (\$5,000.00). If gifts are made through a series of payments or transfers, no matching funds shall be transferred under this section until the total value of all payments or transfers actually received totals at least five thousand dollars (\$5,000.00).

(d) Matching funds paid under this section shall not be distributed to or encumbered by the board in excess of the amount in the wildlife trust challenge account and shall not be transferred to the Wyoming wildlife and natural resource trust account by the state treasurer except to match gifts actually received by the board.

(e) For the purpose of computing the matching amount, the state treasurer shall use the value of a gift based upon its fair market value at the time the gift is received by the board. The board shall provide evidence of fair market value for any gift if requested by the state treasurer and shall fund the cost of providing any requested evidence.

Section 4. 2022 Wyoming Session Laws, Chapter 51, Section 300(n) is repealed.

[EFFECTIVE DATE]

Section 400. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved February 24, 2023

Chapter 95

HIGH OCCUPANCY VEHICLE LANES

Original Senate File No. 21

AN ACT relating to motor vehicles; authorizing the director of the department of transportation or a local authority to designate a high occupancy vehicle lane; providing exemptions from high occupancy vehicle lane requirements; defining terms; specifying a penalty; requiring rulemaking; and providing for an effective date.

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

Section 1. W.S. 31-5-238 is created to read:

31-5-238. Designated high occupancy vehicle lanes; exceptions; penalty.

(a) The director or a local authority may designate any part of a roadway or specific lane of a roadway under the director's or local authority's jurisdiction as a high occupancy vehicle lane, except the director or a local authority may not designate the only available lane of travel in a given direction as a high occupancy vehicle lane. At no time shall a high occupancy lane be designated as a toll road.

(b) A vehicle operating in a high occupancy vehicle lane shall be a high occupancy vehicle except:

(i) Motorcycles and public transportation vehicles may operate in a high occupancy vehicle lane regardless of the number of occupants, subject to the other requirements under this act;

(ii) Any vehicle making a turn from a high occupancy vehicle lane, subject to the other requirements under this act.

(c) The department shall implement rules to provide for the design, operation, maintenance and required signage for high occupancy vehicle lanes.

(d) Any person who operates a vehicle in a high occupancy vehicle lane that is not a high occupancy vehicle or that is not a vehicle authorized under subsection (b) of this section is guilty of a misdemeanor punishable by:

(i) For a first conviction, a fine of not more than fifty dollars (\$50.00);

(ii) For a second conviction of the same offense within one (1) year thereafter, a fine of not more than one hundred dollars (\$100.00);

(iii) For a third or subsequent conviction of the same offense within one (1) year after the first conviction, a fine of not more than one hundred fifty dollars (\$150.00).

Section 2. W.S. 31-5-102(a) by creating new paragraphs (lxix) through (lxxi) and by renumbering (lix) as (lxxii), 31-5-106(a)(iv), 31-5-201(a)(intro), (iii) and by creating a new paragraph (v) and 31-5-205(b) by creating a new paragraph (iv) are amended to read:

31-5-102. Definitions.

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

(lxix) “High occupancy vehicle” means a vehicle occupied by not fewer than two (2) persons or as provided by department rule;

(lxx) “High occupancy vehicle lane” means any preferential lane designated for exclusive use by high occupancy vehicles at times as indicated by official traffic-control devices;

(lxxi) “Public transportation vehicle” means:

(A) A vehicle that provides transportation by bus or other conveyance to the general public with general or special service on a regular and continuing basis or that provides transportation to or from public or private primary, secondary or tertiary schools; and

(B) A vehicle that:

(I) Is owned or operated by a public entity;

(II) Is operated under a contract with a public entity; or

(III) Is operated pursuant to a license by a public entity to provide bus or school bus services to the public.

(lix)(lxxii) “This act” means W.S. 31-5-101 through 31-5-1601.;

31-5-106. Authorized emergency vehicles.

(a) Except as provided in subsection (c) of this section, the driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may:

(iv) Disregard regulations governing direction of movement, high occupancy vehicle lanes or turning in specified directions.

31-5-201. Driving on right side of roadway; exceptions.

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows for any of the following:

(iii) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; ~~or~~

(v) Upon a roadway designated and signposted as a high occupancy vehicle lane.

31-5-205. Additional limitations on driving on the left; exceptions.

(b) Subsection (a) of this section does not apply:

(iv) Upon a roadway designated and signposted as a high occupancy vehicle lane.

Section 3. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 96

FOOD FREEDOM ACT-AMENDMENTS

Original Senate File No. 102

AN ACT relating to marketing homemade foods; specifying that any person may sell eggs or dairy products pursuant to the Wyoming Food Freedom Act; prohibiting a state standard for food and health inspection for homemade foods that is more stringent than any standard promulgated by the United State department of agriculture; and providing for an effective date.

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

Section 1. W.S. 11-49-102(a) by creating a new paragraph (xii) and by renumbering (xii) as (xiii) and 11-49-103(c)(i), (vi), (d)(intro), (e), (k) and (m) are amended to read:

11-49-102. Definitions.

(a) As used in this act:

(xii) “Designated agent” means a person or consignment model market or food freedom store designated by the producer to facilitate producer to consumer transactions including marketing, transport, storage and delivery of food or drink products. A designated agent shall be named in writing by the producer and shall not take ownership of any food or drink product.

~~(xii)~~(xiii) “This act” means W.S. 11-49-101 through ~~11-49-103~~11-49-104.

11-49-103. Wyoming Food Freedom Act; purpose; exemptions; assumption of risk.

(c) Transactions under this act shall:

(i) Be directly between the ~~seller-producer~~ and the informed end consumer, except as otherwise provided by this act. A producer may utilize a designated agent to facilitate a transaction. The seller of eggs, dairy products or a homemade food product consisting of non-potentially hazardous food may be the producer of the item, ~~an~~a designated agent of the producer or a third

party vendor including a retail shop or grocery store as long as the sale is made in compliance with this act. The seller of a homemade food item consisting of potentially hazardous food, except eggs and dairy products, shall be the producer of the item or a designated agent of the producer;

(vi) Only occur at farmers markets, farms, ranches, producer's homes or offices, the retail location of the third party seller of non-potentially hazardous foods, eggs and dairy products or any location the producer and the informed end consumer agree to.

(d) Except for raw, unprocessed fruits and vegetables, food shall not be sold or used in any commercial food establishment unless the food has been labeled, licensed, packaged, regulated or inspected as required by law. Homemade or uninspected food shall not be served or utilized as an ingredient in a commercial food establishment. Nothing in this section shall prohibit the sale of homemade food from a retail space located at the ranch, farm or home where the food is produced or at the retail location of a third party seller for non-potentially hazardous food, eggs and dairy products. A retail space selling homemade food under this section shall inform the end consumer that the homemade food has not been inspected and shall display a sign indicating that the homemade food has not been inspected. If a retail space selling potentially hazardous food, except eggs and dairy products, is in any way associated with a commercial food establishment or offers for sale any inspected product, the retail space selling potentially hazardous homemade food shall comply with rules adopted by the department of agriculture which shall require:

(e) The producer shall inform the end consumer that any food product or food sold at a farmers market or through ranch, farm or home based sales pursuant to this act is not certified, labeled, licensed, packaged, regulated or inspected. A third party seller offering non-potentially hazardous food, eggs or dairy products for sale pursuant to this act shall inform the end consumer that the homemade food is not certified, labeled, licensed, packaged, regulated or inspected.

(k) In addition to the requirements of this section, for sales of non-potentially hazardous food and dairy products at a retail location or grocery store the food shall not be displayed or offered for sale on the same shelf or display as food produced in a licensed establishment and shall be clearly and prominently labeled with "this food was made in a home kitchen, is not regulated or inspected and may contain allergens".

(m) In addition to the transactions permitted under this act, homemade food producers may sell homemade food and drink products, ~~or~~ eggs or dairy products to the maximum extent permitted by federal law. The department of agriculture shall not promulgate any standard for food and health inspection that is applicable to this act that is more stringent than a standard established by the United States department of agriculture and nothing in this article shall

be construed to be more restrictive than applicable federal requirements.

Section 2. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 97

CREATION OF TENANCY BY THE ENTIRETY

Original Senate File No. 91

AN ACT relating to property, conveyances and security transactions; amending requirements to establish a joint tenancy or a tenancy by the entirety 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. 34-1-140 is amended to read:

34-1-140. Establishing joint tenancy or tenancy by entirety in real or personal property.

(a) A joint tenancy or a tenancy by the entirety as to any interest in real or personal property may be established by the owner thereof, by designating in the instrument of conveyance or transfer, the names of such joint tenants or tenants by the entirety, including his own, without the necessity of any transfer or conveyance to or through a third person.

(b) Unless the deed specifies another form of ownership, the designation of tenants on an instrument of conveyance or transfer of real property as “husband and wife,” “spouses” or similar language, shall be deemed to establish a tenancy by the entirety under subsection (a) of this section.

Section 2. This act is intended as a clarification of existing Wyoming law. The Wyoming legislature intends to make no substantive change to prior law including, but not limited to, powers, duties, authorities, obligations, administration, confidentiality, remedies or statutes of limitation. This act is not intended to affect the validity of any rule or regulation promulgated prior to the effective date of this act.

Section 3. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 98**WOLF DEPREDATION COMPENSATION****Original House Bill No. 188**

AN ACT relating to agriculture; recreating a gray wolf depredation compensation program; imposing additional duties on the department of agriculture; requiring rulemaking; providing for termination of the program as specified; providing an appropriation; and providing for effective dates.

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

Section 1.

(a) Notwithstanding any other provision of law and for the period beginning July 1, 2023 and ending June 30, 2028, the department of agriculture shall administer a program for purposes of mitigating damages to landowners, lessees or their agents whose livestock is damaged by a gray wolf in an area of the state where gray wolves are classified as predatory animals. The landowner, lessee or agent may file a claim for damages and the department of agriculture shall certify that the damage to the livestock was caused by a gray wolf and determine a compensation amount according to department of agriculture rules.

(b) The department of agriculture shall enter into agreements with the Wyoming game and fish department and the animal and plant health inspection service for personnel to assist in administering and investigating claims for damages.

(c) The department of agriculture shall promulgate necessary rules to carry out the purposes of this act.

(d) As used in this act:

(i) "Damage" means any injury or loss to livestock inflicted by a gray wolf in an area of the state where gray wolves are classified as predatory animals;

(ii) "Livestock" means as defined in W.S. 23-1-102(a)(xvi).

Section 2. Not later than July 1, 2023 the department of agriculture shall promulgate rules necessary to implement this act.

Section 3. There is appropriated three hundred thousand dollars (\$300,000.00) from the general fund to the department of agriculture for purposes of administering the program and funding damage compensation payments pursuant to this act. This appropriation shall be for the period beginning July 1, 2023 and ending June 30, 2028. 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, 2028. 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.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(b) Sections 1 and 3 of this act are effective July 1, 2023.

Approved February 27, 2023.

Chapter 99**SALE OF THC VAPING DEVICES AND EDIBLES TO MINORS-
PROHIBITED****Original House Bill No. 108**

AN ACT relating to children; prohibiting the sale of edible products and vaping products containing tetrahydrocannabinol to persons under eighteen (18) years of age; providing definitions; specifying penalties, exceptions and affirmative defenses; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 14-3-310 is created to read:

14-3-310. Prohibited sales or delivery of edible products and vaping products.

(a) No person or retailer shall sell, permit the sale, offer for sale, give away or deliver edible products or vaping products to any person under the age of eighteen (18) years.

(b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not more than:

(i) Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period;

(ii) Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period;

(iii) Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty-four (24) month period.

(c) In lieu of a fine under subsection (b) of this section, the court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed.

(d) In addition to the penalties under this section, any person violating subsection (a) of this section for a third or subsequent time within a two (2)

year period may be subject to an injunction. The department of revenue or the district attorney of the county in which the offense occurred, may petition the district court for an injunction to prohibit the sale of edible products or vaping products in the establishment where the violation occurred. If the court finds that the respondent in the action has violated the provisions of subsection (a) of this section for a third or subsequent time within a two (2) year period and may continue to violate such provisions, it may grant an injunction prohibiting the respondent from selling edible products or vaping products in the establishment where the violation occurred for a period of not more than one hundred eighty (180) days. For the purposes of this subsection, multiple violations occurring before the petition for the injunction is filed shall be deemed part of the violation for which the injunction is sought. If the person against whom the injunction is sought operates multiple, geographically separate establishments, the injunction shall apply only to the establishment where the violation occurred. The injunction shall prohibit all sales of edible products or vaping products in the establishment where the violation occurred, regardless of any change in ownership or management of the establishment that is not a bona fide, arms-length transaction while the injunction is in effect.

(e) It is an affirmative defense to a prosecution under subsection (a) this section that, in the case of a sale, the person who sold the edible product or vaping product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the edible product or vaping product as being over eighteen (18) years of age.

(f) The prohibitions in this section shall not be construed to apply to the sale or dispensing of cannabidiol oil that has not more than three-tenths percent (0.3%) of tetrahydrocannabinol to a parent or guardian for use by the parent's or guardian's child who is less than eighteen (18) years of age.

Section 2. W.S. 11-51-102(b), 14-3-301(a) by creating new paragraphs (viii) through (xi) and 35-7-1063(a)(iii) are amended to read:

11-51-102. Hemp as agricultural crop; use of hemp.

(b) Notwithstanding the requirements of this chapter, the possession, purchase, sale, transportation and use of hemp and hemp products by any person is allowable ~~without restriction except as provided in W.S. 14-3-310.~~

ARTICLE 3

SALE OF NICOTINE AND THC PRODUCTS

14-3-301. Definitions.

(a) As used in this article:

(viii) “Edible products” means any product intended for consumption, including but not limited to baked goods, candies, gummies and liquids, that contains tetrahydrocannabinol, a controlled substance listed under W.S. 35-7-1014(d)(xiii) or (xxi) or their analogs;

(ix) “Tetrahydrocannabinol” means:

(A) The psychoactive component of the cannabis plant, with the scientific name trans-delta 9tetrahydrocannabinol;

(B) Psychoactive synthetic analogs of tetrahydrocannabinol; or

(C) Any psychoactive structural, optical or geometric isomers of tetrahydrocannabinol.

(x) “Vaping products” mean any device containing tetrahydrocannabinol that is being or has been used to deliver aerosolized or vaporized tetrahydrocannabinol to the person using the device and includes any component, part and accessory of the device and any vapor material intended to be aerosolized or vaporized during the use of the device. “Vaping products” include, without limitation, any electronic cigar, electronic cigarillo, electronic pipe, electronic hooka, vapor pen and any similar product or device that uses or contains tetrahydrocannabinol. “Vaping products” do not include a battery or battery charger if sold separately from the vaping product and do not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act.

(xi) “Analog” means a substance:

(A) Whose chemical structure is substantially similar to the chemical structure of a controlled substance listed under W.S. 35-7-1014(d)(xiii) or (xxi); or

(B) That has a stimulant, depressant or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance listed under W.S. 35-7-1014(d)(xiii) or (xxi).

35-7-1063. Exceptions to provisions.

(a) The provisions and penalties of this chapter shall not apply to:

(iii) Hemp production, processing or testing in accordance with the provisions of W.S. 11-51-101 through 11-51-107 and 14-3-310.

Section 3. This act is effective July 1, 2023.

Approved February 27, 2023

Chapter 100

LICENSE PLATE DECAL-BREAST CANCER AWARENESS

Original House Bill No. 199

AN ACT relating to motor vehicles; providing for a decal designating breast cancer awareness to attach to a license plate; providing for a decal fee; and providing for an effective date.

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

Section 1. W.S. 31-2-204 by creating a new subsection (f) is amended to read:

31-2-204. Issuance of certificates of registration and license plates by county; form; special decals.

(f) Any person may apply for one (1) set of decals for breast cancer awareness for any license plate issued under this article. A decal supporting breast cancer awareness shall bear the breast cancer ribbon symbol and shall be attached in the lower left corner of the license plate without obscuring any other symbols, letters or numbers on the license plate. Application forms shall be available at all county treasurer's offices. Each applicant for a decal under this subsection shall submit an administration fee with the application. The fee shall be in an amount determined by the department to be sufficient to recover reasonable administrative costs of the decal, but not more than five dollars (\$5.00) per set of decals for any one (1) vehicle. Upon completion of the application, receipt of the administration fee and issuance or renewal of a license plate under this article, the county treasurer shall issue to the applicant the number of decals corresponding to the number of license plates issued or renewed. Decals issued under this subsection shall not be required to be renewed upon renewal of a license plate. The replacement fee for a decal under this subsection shall be the same as for the original decal.

Section 2. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 101

VOYEURISM WITHIN ENCLOSED SPACES

Original House Bill No. 128

AN ACT relating to crimes and offenses; specifying that the offense of voyeurism may be committed by looking within an area where the person being viewed has a reasonable expectation of privacy; and providing for an effective date.

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

Section 1. W.S. 6-4-304(a)(intro) is amended to read:

6-4-304. Voyeurism; penalties.

(a) Except as otherwise provided in this section, a person is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if he, without the consent of the person being viewed, commits the crime of voyeurism by looking or viewing in a clandestine, surreptitious, prying or secretive nature into or within an area where the person being viewed has a

reasonable expectation of privacy, including, but not limited to:

Section 2. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 102

SPECIAL LICENSE PLATES-ORGAN DONATIONS

Original Senate File No. 38

AN ACT relating to motor vehicle license plates; authorizing specially designated license plates to be issued to increase awareness of organ, eye and tissue donation; specifying requirements; providing for termination of the issuance of the special plates and report of the termination; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 31-2-233 is created to read:

31-2-233. Organ, eye and tissue donation license plates.

(a) Any person interested in increasing awareness of organ, eye and tissue donation and transplantation may apply for and be issued distinctive license plates for any motor vehicle that is not a commercial vehicle or multipurpose vehicle owned or leased by that person upon registration of the vehicle. These license plates shall be displayed upon the vehicle for which they are issued.

(b) Application for, issuance and renewal of the organ, eye and tissue donation license plates under this section shall be subject to the same vehicle registration requirements and fees as provided in this article in addition to the fee required under W.S. 31-3-102(a)(viii). Application forms shall be available at all county treasurer's offices and shall include space on the application form to offer the option for the applicant to donate one dollar (\$1.00) or more to promote awareness and education efforts for procurement of organ, eye and tissue anatomical gifts. Any monetary donation received under this subsection shall be forwarded to the state treasurer to be deposited into a separate account to be used as provided by W.S. 35-5-225. Accompanying each application form provided under this subsection shall be information and appropriate materials to register as an anatomical gift donor. The department may prepare any special forms and promulgate any rules necessary to carry out this section.

(c) The department shall arrange for production of the license plates. The license plates shall bear a distinctive symbol to raise awareness of organ, eye and tissue donation and transplantation. The special license plates shall be the same size and color as regular motor vehicle license plates and need not include Arabic numerals for the county but shall be designed so as to indicate the motor vehicle owner's support for organ, eye and tissue donation and transplantation.

(d) Unless five hundred (500) sets of license plates are issued under this section before December 31, 2031, the plates authorized under this section shall be eliminated from production and not later than January 15, 2033 the department shall report the cessation of production to the joint transportation, highways and military affairs interim committee.

Section 2. W.S. 31-2-212 and 35-5-225 are amended to read:

31-2-212. Loss, mutilation or destruction of registration, plates or validation stickers.

Upon loss, mutilation or destruction of a certificate of registration, license plate, or validation sticker the owner of a vehicle may obtain a duplicate certificate of registration, new license plates or validation stickers from any county treasurer or the department if the vehicle was registered or plates or stickers were issued by the department upon application showing the loss, mutilation or destruction, return of mutilated plates or stickers and payment of the duplicate registration, plate or sticker fee. For those vehicles registered under the provisions of W.S. 31-2-213(h), 31-2-215 through 31-2-223, 31-2-226, 31-2-227 or 31-2-229 through ~~31-2-231~~ 31-2-233 replacement duplicate license plates may be obtained upon application with the county treasurer from which the original plates were purchased or the department if applicable, accompanied by fees as provided by W.S. 31-3-102(a)(vi)(C). Duplicate license plates obtained under this section to replace lost or stolen plates shall not be displayed on the vehicle until the validation stickers on the lost or stolen plates have expired. Upon loss, mutilation or destruction of a dealer plate or validation sticker the dealer may obtain a replacement dealer plate or validation sticker from the county treasurer from which he purchased the original plate in the same manner as the owner of a vehicle and upon payment of the appropriate fee under W.S. 31-3-102(a)(vi). Obtaining a replacement plate is not the purchase of an additional plate under W.S. 31-16-125(b)(i). Upon application for new license plates or stickers the county treasurer shall notify the department and the county sheriff as soon as possible of the loss, mutilation or destruction. The department shall notify the appropriate law enforcement agencies of any loss, mutilation or destruction of license plates or stickers.

35-5-225. Promotion of anatomical gifts.

Any money received from donations by owners of vehicles under W.S. 31-2-233(b) or 31-3-101(h) shall be deposited into a separate anatomical awareness account to be used by the department of health and its advisory council to promote general public awareness and education for the procurement of organ and tissue donations for anatomical gifts pursuant to this act.

Section 3. The Wyoming department of transportation shall make organ, eye and tissue donation license plates available beginning on January 1, 2024.

Section 4. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 103**STATE EMPLOYEE-MOVING EXPENSES**

Original Senate File No. 16

AN ACT relating to the administration of the government; authorizing payment of moving expenses for state officers and employees; and providing for an effective date.

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

Section 1. W.S. 9-3-104(a) is amended to read:

9-3-104. Moving expenses.

(a) When any state officer or employee is transferred from one (1) official station to another within the state of Wyoming for permanent duty, ~~when the transfer is made at the request of and for the benefit of or~~ when a person is recruited for permanent duty within the state of Wyoming, the employing agency:

(i) Shall pay the actual expenses of transporting the household goods and effects of the officer or employee for a transfer of employment when the transfer is made as a requirement of employment and for the benefit of the state of Wyoming;

(ii) May pay an amount at the discretion of the administrative head of the employing agency, not to exceed the amount allowed by the department of administration and information, for the actual expenses or a portion of the actual expenses of transporting the household goods and effects of a person for a transfer of employment or new hire resulting from the employing agency's recruitment of the person for the position.

Section 2. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 104**NATURAL RESOURCE FUNDING-LARGE PROJECT THRESHOLD INCREASE**

Original Senate File No. 87

AN ACT relating to the administration of the government; increasing the monetary threshold for which large projects of the Wyoming wildlife and natural resource trust must receive legislative authorization; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 9-15-102(a)(iii) and (vi) and 9-15-104(k) are amended to read:

9-15-102. Definitions.

(a) As used in this chapter:

(iii) “Large project” means a project for which the total of all grants sought or previously awarded under this act equals or exceeds ~~two hundred thousand dollars (\$200,000.00)~~ four hundred thousand dollars (\$400,000.00);

(vi) “Small project” means a project for which the total of all grants sought or previously awarded under this act is less than ~~two hundred thousand dollars (\$200,000.00)~~ four hundred thousand dollars (\$400,000.00);

9-15-104. Wildlife and natural resource trust account board established; terms; meetings; duties.

(k) No funds shall initially be expended from the income account for large projects except upon specific legislative authorization. Following the initial legislative authorization to expend funds for a large project, the board may approve additional grants for that large project not to exceed a total of an additional ~~one hundred thousand dollars (\$100,000.00)~~ two hundred thousand dollars (\$200,000.00) and shall forward a notice of any such additional grant to the select committee within thirty (30) days of each approval. Subsequent legislative authorization shall be required for any grant in excess of the limits of this subsection.

Section 2. This act shall apply to all project applications initially approved and additional grants for existing projects authorized by the Wyoming wildlife and natural resource trust board on and after the effective date of this act.

Section 3. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 105**2023 LARGE PROJECT FUNDING****Original Senate File No. 106**

AN ACT relating to the Wyoming Wildlife and Natural Resource Funding Act; providing for funding of large projects under the act; specifying large projects approved for funding in 2023; 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; and providing for an effective date.

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

Section 1.

(a) As used in this section:

(i) “Board” means the Wyoming wildlife and natural resource trust

account board created by W.S. 9-15-104;

(ii) "Income account" means the Wyoming wildlife and natural resource trust income account created by W.S. 9-15-103(b).

(b) Pursuant to the authority granted under W.S. 9-15-104(k) and subject to each recipient's certification under W.S. 9-15-103(r), authorization is granted for funding of the large projects provided for in subsections (c) through (m) of this section.

(c) Teton Migration:

(i) Project sponsor: Teton County;

(ii) Project purpose: Fence construction, roadway replacement and underpass construction on an area of high wildlife and vehicle use west of the town of Jackson in Teton County in order to:

(A) Allow for the safe movement of moose, elk and deer across a major highway to increase connectivity and maintain populations for a variety of wildlife;

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

(iii) Project description: Highway crossing construction;

(iv) Total project budget: Fifty-nine million seven hundred seventy-seven thousand seven hundred fifteen dollars (\$59,777,715.00);

(v) Project grant: The board is authorized to grant to the sponsor two million dollars (\$2,000,000.00) for the purposes specified in this subsection, as follows:

(A) One million dollars (\$1,000,000.00) provided by the board; and

(B) One million dollars (\$1,000,000.00) provided by funding from Teton County held by the board on behalf of Teton County in the income account.

(vi) Appropriation: There is appropriated from the income account to the board two million dollars (\$2,000,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(d) Fish Hook Ranch Conservation Easement:

(i) Project sponsor: Rocky Mountain Elk Foundation;

(ii) Project purpose: Removal of residential development rights on approximately one thousand two hundred (1,200) acres in Carbon County in order to:

(A) Maintain key seasonal habitats for mule deer, elk, moose, antelope and wintering eagles;

(B) Maintain primary migration corridors for native ungulates;

(C) Maintain core population areas for greater sage-grouse and other sagebrush obligate species;

(D) Conserve valuable riparian, wetland, grassland and intermediate shrubland ecotypes;

(E) Maintain agricultural production and opportunity on high-quality farm and ranch lands.

(iii) Project description: Conservation easement;

(iv) Total project budget: Four million two hundred fifty thousand dollars (\$4,250,000.00);

(v) Project grant: The board is authorized to grant five hundred twenty-five thousand dollars (\$525,000.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board five hundred twenty-five thousand dollars (\$525,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(e) Lakeview Canal Fish Passage:

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

(ii) Project purpose: Restoration of a fish passage to allow migration of spawning fish and the return of juvenile fish on the South Fork of the Shoshone River in Park County in order to:

(A) Maintain seasonal movement opportunity for native fish;

(B) Increase the productivity of aquatic ecosystems;

(C) Maintain and improve irrigation infrastructure for local agricultural operations;

(D) Prevent entrainment of as many as fifty-one thousand (51,000) fish annually.

(iii) Project description: River restoration;

(iv) Total project budget: Two million three hundred twenty-three thousand seventy-six dollars (\$2,323,076.00);

(v) Project grant: The board is authorized to grant to the sponsor four hundred fifty thousand dollars (\$450,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board four hundred fifty thousand dollars (\$450,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(f) Wind River Feral Horse Removal:

(i) Project sponsor: Wyoming Wild Sheep Foundation;

(ii) Project purpose: Restoration of rangelands by removal of feral horse populations on the Wind River Reservation in central Wyoming in order to:

(A) Maintain seasonal habitats for bighorn sheep, elk, mule deer, antelope and other native ungulates;

(B) Increase the productivity of rangeland and subalpine habitats;

(C) Maintain and improve impacted riparian areas and wetlands.

(iii) Project description: Rangeland improvement;

(iv) Total project budget: Two million one hundred forty-nine thousand one hundred ninety-eight dollars (\$2,149,198.00);

(v) Project grant: The board is authorized to grant to the sponsor two hundred seventy thousand dollars (\$270,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred seventy thousand dollars (\$270,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(g) SR Cattle Company Conservation Easement:

(i) Project sponsor: Wyoming Stock Growers Land Trust;

(ii) Project purpose: Removal of residential development rights on approximately two thousand five hundred (2,500) acres in Sheridan County in order to:

(A) Maintain key seasonal habitats for mule deer, elk, antelope and a variety of native wildlife species;

(B) Maintain primary seasonal movement for native ungulates;

(C) Maintain aquatic systems for native fish and other species;

(D) Conserve valuable riparian, wetland, grassland and intermediate shrubland ecotypes;

(E) Maintain agricultural production and opportunity on high-quality farm and ranch lands.

(iii) Project description: Conservation easement;

(iv) Total project budget: Seven million three hundred ninety-three thousand two hundred dollars (\$7,393,200.00);

(v) Project grant: The board is authorized to grant eight hundred ninety-five thousand five hundred dollars (\$895,500.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board eight hundred ninety-five thousand five hundred dollars (\$895,500.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(h) Sims Creek Slough:

(i) Project sponsor: Uinta County Conservation District;

(ii) Project purpose: Restoration of a fish passage to allow migration of spawning fish and the return of juvenile fish on approximately twelve (12) miles of the Bear River in Uinta County in order to:

(A) Maintain seasonal movement opportunity for native fish;

(B) Increase the productivity of aquatic ecosystems;

(C) Maintain and improve irrigation infrastructure for local agricultural operations.

(iii) Project description: River restoration;

(iv) Total project budget: Eight hundred twenty-nine thousand dollars (\$829,000.00);

(v) Project grant: The board is authorized to grant to the sponsor two hundred twenty-five thousand dollars (\$225,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred twenty-five thousand dollars (\$225,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(j) Little Medicine Bow River:

(i) Project sponsor: Medicine Bow Conservation District;

(ii) Project purpose: Restoration of the river system to allow migration of spawning fish, maintain stream function and improve adjacent habitats on approximately twenty-five (25) miles of the Little Medicine Bow River in Carbon County in order to:

(A) Maintain seasonal movement opportunity for native fish;

(B) Increase the productivity of aquatic and wetland ecosystems;

(C) Maintain and improve irrigation infrastructure for local agricultural operations;

(D) Reduce erosion and maintain water quality;

(E) Maintain uplands to provide habitat for deer, antelope, greater sage-grouse and a variety of migratory songbirds.

(iii) Project description: River restoration;

(iv) Total project budget: One million one hundred sixty thousand six hundred dollars (\$1,160,600.00);

(v) Project grant: The board is authorized to grant to the sponsor three hundred thousand dollars (\$300,000.00) 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.

(k) Ellsbury Ranch Conservation Easement:

(i) Project sponsor: Wyoming Stock Growers Land Trust;

(ii) Project purpose: Removal of residential development rights on approximately two thousand six hundred (2,600) acres in Crook County in order to:

(A) Maintain key seasonal habitats for deer, elk, antelope and a wide array of migratory birds;

(B) Maintain primary movement corridors for native ungulates;

(C) Maintain habitats for a variety of endemic amphibians and reptiles;

(D) Conserve valuable forest, riparian, wetland, grassland and intermediate shrubland ecotypes;

(E) Maintain agricultural production and opportunity on high-quality farm and ranch lands.

(iii) Project description: Conservation easement;

(iv) Total project budget: Five million three hundred ninety-one thousand two hundred dollars (\$5,391,200.00);

(v) Project grant: The board is authorized to grant six hundred sixty-three thousand five hundred dollars (\$663,500.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board six hundred sixty-three thousand five hundred dollars (\$663,500.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(m) New Fork 351:

(i) Project sponsor: Trout Unlimited;

(ii) Project purpose: Restoration of the river channel to allow migration of fish and stabilize stream function on approximately three (3) miles of the New Fork River in Sublette County in order to:

(A) Maintain seasonal movement opportunity for native fish;

(B) Increase the productivity of aquatic ecosystems;

(C) Maintain and improve irrigation infrastructure for local agricultural operations.

(iii) Project description: River restoration;

(iv) Total project budget: Six hundred eighty-five thousand six hundred thirty-six dollars (\$685,636.00);

(v) Project grant: The board is authorized to grant to the sponsor two hundred twenty thousand dollars (\$220,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred twenty thousand dollars (\$220,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(n) Unexpended and unobligated funds appropriated under this section shall revert to the income account on June 30, 2027.

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

Approved February 27, 2023.

Chapter 106

MOUNTAIN LION PURSUIT SEASONS

Original Senate File No. 178

AN ACT relating to game and fish; providing for mountain lion pursuit seasons; providing for a special management permit for a mountain lion pursuit as specified; specifying the use of dogs to hunt, kill or pursue mountain lions; providing a penalty; 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(a) by creating a new paragraph (xxxiii), 23-2-307 by creating a new subsection (c), 23-3-102(d) and 23-3-109(a) are amended to read:

23-1-302. Powers and duties.

(a) The commission is directed and empowered:

(xxxiii) To consider establishing and regulating resident mountain lion pursuit seasons. In any areas of the state where mountain lion hunting has been authorized and during a mountain lion pursuit season, a resident may use dogs to pursue a mountain lion but no mountain lion shall be killed.

23-2-307. Special management permit.

(c) The commission may by rule require the purchase of a special management permit by any person participating in resident mountain lion pursuit seasons.

23-3-102. Taking certain game animals without license or during a closed season prohibited.

(d) Any person who knowingly takes any antlered elk, antlered deer, antlered moose, horned antelope, bighorn sheep, mountain goat, mountain lion, grizzly

bear or black bear without the proper license or during a closed season and any person who knowingly kills a mountain lion during a mountain lion pursuit season, except as otherwise permitted by this act, is guilty of a misdemeanor punishable by a fine of not less than five thousand dollars (\$5,000.00) nor more than ten thousand dollars (\$10,000.00), imprisonment for not more than one (1) year, or both. A third or subsequent conviction within ten (10) years for a violation of this subsection shall constitute a felony punishable by a fine of not less than five thousand dollars (\$5,000.00) nor more than ten thousand dollars (\$10,000.00), imprisonment for not more than two (2) years, or both. For the purposes of determining whether a violation of this subsection is a felony, convictions resulting from the same occurrence shall be considered a single conviction even if the result of the occurrence is more than one (1) misdemeanor conviction. The provisions of W.S. 6-8-101(a) shall not apply to convictions under this section.

23-3-109. Use of dogs; dogs injuring big or trophy game animals may be killed; citation of owners of dogs harassing game animals; penalties; leashed dogs for tracking.

(a) No person shall use any dog to hunt, run or harass any big or trophy game animal, protected animal or furbearing animal except as otherwise provided by this act. The commission shall regulate the use of dogs to take mountain lions and bobcats by residents and nonresidents during hunting or trapping seasons. The commission shall regulate the use of dogs to pursue mountain lions by residents during hunting or trapping seasons.

Section 2. The game and fish commission shall promulgate all rules necessary to implement the provisions of this act on or before July 1, 2023.

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2023.

(b) Sections 2 and 3 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved February 27, 2023.

Chapter 107

MEDICAID COVERAGE-LICENSED PHARMACISTS

Original Senate File No. 9

AN ACT relating to the Medical Assistance and Services Act; authorizing payment for services rendered by a licensed pharmacist under the Medical Assistance and Services Act; and providing for an effective date.

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

Section 1. W.S. 42-4-103(a) by creating a new paragraph (xxxvii) is amended to read:

42-4-103. Authorized services and supplies.

(a) Services and supplies authorized for medical assistance under this chapter include:

(xxxvii) The professional services of a licensed pharmacist.

Section 2. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 108

DECENTRALIZED AUTONOMOUS ORGANIZATIONS- AMENDMENTS

Original Senate File No. 75

AN ACT relating to corporations; amending statutory provisions regulating decentralized autonomous organizations; providing a definition; 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) by creating a new paragraph (x) and 17-31-107(a)(ii), (iii) and by creating a new paragraph (iv) are amended to read:

17-31-102. Definitions.

(a) As used in this chapter:

(x) "Publicly available identifier" means an address that is available publicly and that identifies a smart contract and may include a uniform resource locator, contract address or other similar reference.

17-31-107. Amendment or restatement of articles of organization.

(a) Articles of organization shall be amended when:

(ii) There is a false or erroneous statement in the articles of organization;
or

(iii) The decentralized autonomous organization's smart contracts have been updated or changed; or

(iv) The publicly available identifier has changed.

Section 2. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 109

BACKGROUND CHECKS-GOVERNOR'S OFFICE

Original Senate File No. 129

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

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

Section 1. W.S. 7-19-106(a) by creating a new paragraph (xl), 7-19-201(a) by creating a new paragraph (xxxiv) and 9-1-201 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:

(xl) The governor for purposes of obtaining the criminal background history of an employee, intern, applicant for employment or applicant for an internship in the governor's office.

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:

(xxxiv) Governor's office employees, interns or applicants for employment who have access to confidential information or records, if required by the governor as a condition for employment or an internship in the governor's office.

9-1-201. Chief executive officer; powers and duties generally.

In accordance with the Wyoming constitution, the governor is the chief executive officer of the state of Wyoming. The governor shall formulate and administer the policies of, and shall exercise general supervision, direction and control over the executive branch of state government. The governor shall have the authority to obtain the criminal background history of an employee, intern or applicant for employment or an internship in the governor's office.

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

Approved February 27, 2023.

Chapter 110

PREEMPTION OF LOCAL FIREARMS REGULATION

Original Senate File No. 148

AN ACT relating to weapons; clarifying the applicability of the preemption of firearms regulation by the state as specified; and providing for an effective date.

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

Section 1. W.S. 6-8-403(a)(vii) is amended to read:

6-8-403. Definitions.

(a) As used in this act:

(vii) “This act” means W.S. ~~6-8-401~~ 6-8-402 through 6-8-406;

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

Approved February 27, 2023.

Chapter 111

SCHOOL FINANCE-SPECIAL EDUCATION FUNDING

Original Senate File No. 52

AN ACT relating to school finance; modifying the distribution of funds for K-12 public school special education services; repealing a provision; and providing for an effective date.

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

Section 1. W.S. 21-13-321(b)(intro) is amended to read:

21-13-321. Special education; amount provided for special education programs and services; district reporting requirements; billing for Medicaid authorized school based services.

(b) The amount provided to a school district for special education ~~within the education resource block grant model pursuant to W.S. 21-13-309(m)(v)(E)(H)~~ shall be equal to one hundred percent (100%) of the amount actually expended by the district during the previous school year for special education programs and services, which shall include the amount actually expended by the district during the previous school year for reasonable administrative costs to bill for authorized Medicaid services under subsection (h) of this section. ~~The statewide total amount reimbursed under this section in school year 2019-2020 or 2020-2021 shall not exceed the statewide total amount reimbursed under this section in school year 2018-2019, notwithstanding~~

~~any additional appropriation for that purpose by the legislature. Amounts awarded under this section shall be in addition to and shall not be considered in determining the school foundation program amount under the education resource block grant model pursuant to W.S. 21-13-309. The department of education shall distribute the amount computed under this section to each school district in the same proportion and schedule of distributions under W.S. 21-13-313(c).~~

Section 2. W.S. 21-13-309(m)(v)(E)(II) 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 February 27, 2023.

Chapter 112

PROHIBITING TRAVEL ACROSS PRIVATE LAND FOR HUNTING PURPOSES

Original Senate File No. 56

AN ACT relating to game and fish; expanding the prohibition for entering private property without permission for hunting purposes to also prohibit traveling through the private property; and providing for an effective date.

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

Section 1. W.S. 23-3-305(b) is amended to read:

23-3-305. Hunting from highway; entering or traveling through private property without permission; penalty; hunting at night without permission prohibited.

(b) No person shall enter upon, travel through or return across the private property of any person to take wildlife, hunt, fish, collect antlers or horns, or trap without the permission of the owner or person in charge of the property. Violation of this subsection constitutes a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v). For purposes of this subsection “travel through or return across” requires physically touching or driving on the surface of the private property.

Section 2. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 113

MULTIPURPOSE VEHICLES-DISABLED LICENSE PLATES

Original Senate File No. 67

AN ACT relating to motor vehicles; allowing a person with a disability to be issued a special license plate with a disabled designation for a multipurpose vehicle; specifying that a distinctive symbol may be used on a disabled license plate to designate vehicle type; and providing for an effective date.

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

Section 1. W.S. 31-2-213(d)(iii)(B) and (h)(viii) is amended to read:

31-2-213. Department to supply registration certificates, plates and stickers; removable windshield placards.

(d) As used in this section:

(iii) “Special license plate” means a license plate that displays the international symbol of access:

(B) The plate shall consist of the arabic numerals designating the county in which issued at the left, followed by the bucking horse and rider emblem and a distinctive combination of up to three (3) numbers and letters as determined by the department, followed by the international symbol of access. After the county number on the left-hand end, the license plate may also contain a distinctive symbol or letters, as determined by the department, indicating the vehicle type. A special license plate issued for a motorcycle or multipurpose vehicle shall not be less than three (3) inches wide and six (6) inches long and shall contain the international symbol of access and appropriate identification which may be in lieu of the bucking horse and rider emblem. The motorcycle and multipurpose vehicle license plate may also contain a distinctive symbol or letters, as determined by the department, indicating the vehicle type.

(h) Effective January 1, 1993, any person eligible for a special placard under subsection (c) of this section may apply to the county treasurer for special license plates for a motor vehicle owned by that person. Special license plates shall not be issued to any person who is eligible only for a temporary removable windshield placard under subsection (g) of this section. Special plates issued under this subsection are subject to the following:

(viii) The county treasurer shall issue a set of plates for each vehicle and a special license plate for each motorcycle or multipurpose vehicle registered to a qualified applicant under this subsection upon payment of required fees.

Section 2. The Wyoming department of transportation shall make the motorcycle and multipurpose license plates required by this act available beginning on January 1, 2024.

Section 3. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 114

EDUCATION-CERTIFICATE OF COMPLETION

Original Senate File No. 98

AN ACT relating to education; authorizing the award of a certificate of completion for students with disabilities as identified under the federal Individuals with Disabilities Education Act as specified; requiring rulemaking; requiring reporting; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 21-2-304(a)(iv) and 21-3-110(a)(xxv) are amended to read:

21-2-304. Duties of the state board of education.

(a) The state board of education shall:

(iv) In consultation with local school districts, establish requirements for students to earn a high school diploma as evidenced by course completion and as measured by each district's assessment system prescribed by rule ~~and regulation~~ of the state board and required under W.S. 21-3-110(a)(xxiv). The board shall also, in consultation with local districts, establish requirements by rule for students with disabilities as identified under the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. to obtain a high school certificate of completion to be issued by school districts. The requirements to obtain a high school certificate of completion shall be consistent with the student's individual education program. Once every five (5) years and on a staggered basis, the state board shall through the department, review and approve each district's assessment system designed to determine the various levels of student performance as aligned with the uniform state standards and the attainment of high school graduation requirements as evidenced by course completion. In addition and following review, refinement and revision of student content and performance standards adopted under paragraph (a) (iii) of this section and reviewed under subsection (c) of this section, the board shall establish a process to ensure district assessment systems are aligned with the refined and revised standards within three (3) full school years following adoption of revised standards;

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

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

(xxv) At minimum and on or before November 1 of each school year, report to the department of education evidence that the district is compliant with high school graduation standards imposed by the state board under W.S. 21-2-304(a)(iii) and the high school certificate of completion requirements imposed by the state board under W.S. 21-2-304(a)(iv);

Section 2. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 115**ARCHITECTS PRACTICE ACT-AMENDMENTS****Original Senate File No. 113**

AN ACT relating to professions and occupations; amending the qualifications of persons applying to become a licensed architect or landscape architect; amending the requirement that architects be notified of pending license expirations; authorizing the board of architecture to use annual renewal fees to offer continuing education programs as specified; and providing for an effective date.

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

Section 1. W.S. 33-4-105(a), (b)(iii), 33-4-107 and 33-4-109 are amended to read:

33-4-105. Application for licensure; qualifications.

(a) Any person wishing to practice architecture or landscape architecture in this state who is not a licensed architect or landscape architect shall make application for ~~examination-licensure~~ licensure as prescribed by the board.

(b) Each applicant shall:

(iii) ~~Hold-Provide documentation of successful completion of either a professional degree in architecture or landscape architecture from an accredited school of architecture or landscape architecture with practical experience and examination, or an education alternative with practical experience and examination in accordance with standards set forth by the national council of architectural registration boards or the council of landscape architectural registration boards,~~ as the board deems appropriate.

33-4-107. License fee and renewal fee set by board; notice of expiration; failure to renew.

Persons practicing architecture or landscape architecture within this state shall pay initial and renewal license fees as set by the board pursuant to W.S. 33-1-201. Initial licenses shall expire on the thirty-first day of December of the year following the date of issuance. A renewal license shall be issued by the board upon application and payment of the renewal fee, and shall be for a two (2) year period. Application for renewal shall be accompanied by evidence satisfactory to the board of compliance with this act and participation in continuing education activities as established by rules and regulations of the board, provided that requirements for renewal shall be no more stringent than the requirements recommended by the national council of architectural registration boards or the council of landscape architectural registration boards. The board may waive the continuing education requirement for the first renewal of a license. The ~~secretary of the board~~ shall notify each registrant ~~by mail at his last known address~~ at least two (2) months prior to the date of the expiration of his license. Failure of a licensee to secure renewal of his license prior to the date of its expiration shall forfeit his license to practice architecture

within the state, provided, however, that the ~~secretary of the board~~ shall again notify the registrant ~~by certified mail at his last known address~~ at least two (2) weeks before the expiration date. Any licensee on active duty in the armed forces of the United States, or who shall establish his residence elsewhere, upon returning to the state may apply for a renewal if the license was not revoked for any cause.

33-4-109. Disposition of money collected; compensation for members of board.

(a) All money shall be received and deposited to a separate account and payments made according to regulations established by the department of administration and information. The members of the board shall receive per diem and mileage allowance as provided in W.S. 33-1-302(a)(vii), for each official board meeting. The total expense for every purpose incurred by the board shall not exceed the total of revenue collected.

(b) The board may use up to one-half (1/2) of its annual renewal fees for the purpose of contracting with institutions of higher education, professional organizations or qualified persons to provide educational programs that meet the board's continuing education requirements promulgated under W.S. 33-4-107. The board may also treat funds set aside for the purpose of continuing education as state funds for the purpose of accepting any funds made available under federal law on a matching basis to implement programs of continuing education.

Section 2. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 116

TRANSFER OF STATE LANDS-EXCHANGE

Original Senate File No. 128

AN ACT relating to state lands; removing the requirement that state and federal lands be equal in size when exchanged by the state and the federal government; requiring that federal and state land exchanges be subject to the orders, rules and regulations related to the exchange of lands; and providing for an effective date.

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

Section 1. W.S. 36-1-105 is amended to read:

36-1-105. Exchange of land granted by federal government.

Whenever, in the judgment of a majority of the members of the board, the interests of the state will be advanced by granting, conveying or deeding to the United States of America, any lands which have been heretofore granted,

selected by, and patented to the state, then, in such case said board is hereby authorized and empowered to so grant, convey and deed to the United States of America, such lands. And the president of said board, and the director are authorized and empowered to execute and deliver all necessary instruments to complete such grant, or conveyance; provided, always, that no such lands shall be so granted, conveyed and deeded, unless the United States of America shall, and will permit and allow this state to select, and have patented to it, ~~an equal area of~~ other lands in lieu of the lands so reconveyed to the United States of America subject to W.S. 36-1-111; provided, however, that the state shall not give both surface and mineral rights with any lands exchanged unless it receives the same from the federal government.

Section 2. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 117

WEED AND PEST MITIGATION-TRIBAL INCLUSION-2

Original Senate File No. 157

AN ACT relating to weed and pest control; clarifying that the Eastern Shoshone and Northern Arapaho tribes may apply for participation in specified emergency insect management programs; requiring coordination with weed and pest control districts for emergency programs; and providing for an effective date.

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

Section 1. W.S. 11-5-406(a) is amended to read:

11-5-406. Program participation requirements; application; funding participation levels specified; restriction on expenditures.

(a) Any state agency, ~~or any~~ political subdivision, the Eastern Shoshone Tribe, the Northern Arapaho Tribe or the cooperative tribal governing body may apply to the committee for participation in emergency insect management programs under this article. Applications shall be filed with the department of agriculture and shall at minimum, substantiate compliance with standards and guidelines established by the committee. Applicants shall coordinate participation in emergency insect management programs under this article with applicable weed and pest control districts.

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

Approved February 27, 2023.

Chapter 118**UNIFORM TRUST CODE-AMENDMENTS****Original House Bill No. 101**

AN ACT relating to trusts; amending default and mandatory rules for trusts; amending provisions related to the duty of loyalty of trustees; amending who can modify or terminate a trust as specified; amending applicability of provisions as specified; amending definitions; and providing for an effective date.

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

Section 1. W.S. 4-10-103(a)(xxxii), (xxxv)(B)(I) through (IV), 4-10-105(b)(xiii), 4-10-302, 4-10-411(b), 4-10-412(c), (f) and by creating a new subsection (g), 4-10-506 by creating a new subsection (g), 4-10-704(c) by creating a new paragraph (ii) and by renumbering (ii) and (iii) as (iii) as (iv), 4-10-718 by creating a new subsection (g) and 4-10-813 by creating a new subsection (e) are amended to read:

4-10-103. Definitions.

(a) As used in this act:

(xxxii) “Power of appointment” means an inter vivos or testamentary power to direct the disposition of trust property, other than a distribution decision by a trustee to a beneficiary. A holder of a power of appointment shall not be deemed a fiduciary unless otherwise provided for in the trust instrument;

(xxxv) “Qualified trustee” as used in article 5 of this act means:

(B) A person authorized by the law of this state to act as a trustee or a regulated financial institution which:

(I) Maintains or arranges for custody in this state of some or all of the ~~qualified~~ trust property;

(II) Maintains records for the ~~qualified spendthrift~~ trust on an exclusive or nonexclusive basis;

(III) Prepares or arranges for the preparation of fiduciary income tax returns for the ~~qualified spendthrift~~ trust; or

(IV) Otherwise materially participates in the administration of the ~~qualified spendthrift~~ trust.

4-10-105. Default and mandatory rules.

(b) The terms of a trust shall prevail over any provision of this act except:

(xiii) Subject to W.S. 4-10-718, trust protectors as provided under W.S. 4-10-710 and trust advisors as provided under W.S. 4-10-712 shall be a fiduciary as to the powers, duties and discretions granted to the trust protector or trust advisor if the trustee is an excluded fiduciary as to the powers, duties and discretions granted to the trust protector or the trust advisor.

4-10-302. Representation by holder of a power of appointment.

The holder of a ~~general testamentary~~ power of appointment may represent and bind persons whose interests, as permissible appointees, takers in default, or otherwise, are subject to the power.

4-10-411. Modification or termination of trust; proceedings for approval or disapproval.

(b) A proceeding to approve or disapprove a proposed modification or termination under W.S. 4-10-412 through 4-10-417, or trust combination or division under W.S. 4-10-418, may be commenced by the settlor, a trustee or beneficiary, ~~and a proceeding to approve or disapprove a proposed modification or termination under W.S. 4-10-412 may be commenced by the settlor.~~ The settlor of a charitable trust may maintain a proceeding to modify the trust under W.S. 4-10-414.

4-10-412. Modification or termination of noncharitable irrevocable trust by consent.

(c) ~~A~~ If the settlor is deceased, a noncharitable irrevocable trust may be terminated upon consent of the trustee and all of the qualified beneficiaries if the court concludes that continuance of the trust is not necessary to achieve any material purpose of the trust. A noncharitable irrevocable trust may be modified upon consent of the trustee and all of the qualified beneficiaries if the court concludes that modification is not inconsistent with a material purpose of the trust.

(f) If not all of the qualified beneficiaries consent to a proposed modification or termination of the trust under subsection (a), (b) or (c) of this section, the modification or termination may be approved by the court if the court is satisfied that:

(i) If all of the qualified beneficiaries had consented, the trust could have been modified or terminated under this section; and

(ii) The interests of a qualified beneficiary who does not consent will be adequately protected.

(g) A trustee consenting in good faith to the modification or termination of a trust under subsection (c) of this section shall be protected from liability for providing the consent.

4-10-506. Creditor's claim against settlor.

(g) For purposes of this section, a person who created an irrevocable trust for another person that was a completed gift to the other person under section 2511 of the United States Internal Revenue Code for which the tax under section 2501 of the Internal Revenue Code would be applicable shall not be treated as a settlor of the trust as of and after the death of the person for whom the trust was created.

4-10-704. Vacancy in trusteeship; appointment of successor.

(c) A vacancy in a trusteeship of a noncharitable trust, except a qualified spendthrift trust, that is required to be filled shall be filled in the following order of priority:

(ii) By a person appointed by the trust settlor, if the settlor may make the appointment without disqualifying the trust for a federal income, estate, gift or generation-skipping transfer tax benefit claimed for the trust;

~~(ii)~~(iii) By a person appointed by unanimous agreement of the qualified beneficiaries; or

~~(iii)~~(iv) By a person appointed by the court.

4-10-718. Directed trusts.

(g) Notwithstanding the other provisions of this section, a trust instrument may provide that one (1) or more trust protectors or trust advisors with the power to direct, consent to or disapprove of the actual or proposed distribution decisions of a trustee or other fiduciary are not acting in a fiduciary capacity, in which case the trustee or other fiduciary shall not be treated as an excluded fiduciary with respect to the direction, consent or disapproval by the trust protector or trust advisor.

4-10-813. Duty to inform and report.

(e) The trustee of an irrevocable trust that was created before July 1, 2003 or which became irrevocable before July 1, 2003 may elect not to comply with subsections (b) and (c) of this section.

Section 2. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 119

COLLECTION AGENCY REGULATION-DEBT BUYERS

Original House Bill No. 284

AN ACT relating to collection agencies; specifying that debt buyers are collection agencies for purposes of regulation; 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. 33-11-101(a)(iii)(E), (F) and by creating a new subparagraph (G), by creating a new paragraph (xv) and by renumbering (xv) as (xvi) is amended to read:

33-11-101. Definitions.

(a) As used in this act:

(iii) “Collection agency” means any person who:

(E) Uses a fictitious name or any name other than their own name in the collection of their own accounts receivable; ~~or~~

(F) Collects debts incurred in this state from debtors located in this state by means of interstate communications, including telephone, mail or facsimile or any other electronic method, from the debt collector’s location in another state; ~~or~~

(G) Operates as a debt buyer.

(xv) “Debt buyer” means any person that is regularly engaged in the business of purchasing charged-off consumer debt for collection purposes, whether the person collects the debt, hires a third party for collection of the debt or hires an attorney for collection litigation;

~~(xv)~~(xvi) “This act” means W.S. 33-11-101 through 33-11-116.

Section 2. This act shall not affect the validity of any civil action or arbitration filed or commenced by a debt buyer, or any judgment entered for a debt buyer, before July 1, 2023.

Section 3. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 120

STATE LAND LEASING-IMPROVEMENTS

Original House Bill No. 16

AN ACT relating to state lands; increasing the monetary threshold for improvements to leased state lands that do not require permission of the director of the office of state lands; replacing the standard to determine payment for the use and benefit of improvements; and providing for an effective date.

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

Section 1. W.S. 36-5-110(a), 36-5-111 and 36-9-105 are amended to read:

36-5-110. Right to make and remove improvements.

(a) A lessee of state lands shall have the right to construct or make improvements upon state lands in an amount not to exceed ~~two thousand dollars (\$2,000.00)~~ four thousand dollars (\$4,000.00) per section for each separate improvement, without first obtaining permission. If the lessee or any other person desires to construct or make improvements upon state lands in excess of the value of ~~two thousand dollars (\$2,000.00)~~ four thousand dollars (\$4,000.00) per section for each separate improvement, he shall file an application for permission to

construct or make the improvements with the director, which shall be subject to allowance or rejection as the best interests of the state require. The director shall have authority to grant permission to construct improvements in excess of ~~two thousand dollars (\$2,000.00)~~ four thousand dollars (\$4,000.00) per section for each separate improvement for fencing, water development, livestock handling facilities and range enhancements. Any other improvement in excess of ~~two thousand dollars (\$2,000.00)~~ four thousand dollars (\$4,000.00) per section for each separate improvement shall be applied for under a special use permit. Unless permission has been obtained in the manner provided by this section or the improvement has been registered as provided in subsection (b) of this section, the owner of any improvement in excess of the value of ~~two thousand dollars (\$2,000.00)~~ four thousand dollars (\$4,000.00) per section at the time of construction of the improvement shall not be entitled to compensation therefor as provided by W.S. 36-5-111 and 36-9-105, and upon the expiration of the lease the improvements ~~improvement~~ shall forfeit to and become the property of the state; except, that within one hundred twenty (120) days from the date of the expiration of the lease, the owner may remove ~~such improvements~~ the improvement in a manner ~~which that~~ minimizes injury to the land.

36-5-111. Payment for or removal of existing improvements.

Any applicant applying to lease state lands upon which there are fences, buildings, reservoirs, ditches, dams, wells, or other improvements of any kind, belonging to or made by another, or for which water rights or proportionate interests in irrigation reservoirs, canals, or systems, have been acquired, shall before receiving the lease, pay to the director for the use and benefit of the owner or maker of any improvements at the time of the execution of the lease, the contributory current market value of the improvements unless a different value is agreed to between the owner of the improvements and the applicant thereof as finally determined by the board in accordance with its rules and regulations; ~~or~~ Alternatively, the owner of the improvements shall, upon giving notice to the director in writing within the time fixed by board rule and regulation, have the right to remove those improvements in a manner which minimizes injury to the land; provided, that the improvements be removed within a period of one hundred twenty (120) days from the date of the expiration of the lease. For purposes of this section, ~~“contributory value” means the increased value of the property after the lessee’s improvements are considered~~ “current market value” means the replacement value of the lessee’s improvement at the time of transition of the lease, after the remaining useful life of the improvement is considered.

36-9-105. Purchaser to pay owner appraised value of improvements; receipt.

If any state lands are sold upon which surface improvements, including irrigation works of any kind, have been made by a lessee, or for which water

rights or proportionate interests in irrigation, reservoirs, canals, or systems, have been acquired, the improvements, irrigation works and water rights shall be appraised under the direction of the board. The purchaser of the lands, upon which improvements and irrigation works have been made, or for which water rights have been acquired as herein provided for, shall pay the owner of such improvements, irrigation works or water rights, as the case may be, the contributory current market value of the improvements unless a different value is agreed to between the owner of the improvements and the applicant thereof, and take a receipt therefor, and shall deliver the receipt to the director before he shall receive a patent or certificate of purchase. All such receipts shall be filed and preserved in the office of state lands and investments. For purposes of this section, “contributory value” means the increased value of the property after the lessee’s improvements are considered “current market value” means the replacement value of the lessee’s improvement at the time of transition of the lease, after the remaining useful life of the improvement is considered.

Section 2. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 121

BRUCELLOSIS TESTING-NOTIFICATION REQUIREMENTS

Original House Bill No. 180

AN ACT relating to agriculture, livestock and other animals; requiring the Wyoming livestock board to establish a communication protocol to provide information related to brucellosis testing; requiring the state veterinarian to provide information to livestock owners regarding brucellosis testing; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 11-18-103(a) by creating a new paragraph (xii), 11-18-117(b) and 11-19-102 by creating a new subsection (f) are amended to read:

11-18-103. Livestock board; powers generally.

(a) In addition to powers and duties hereinafter provided, the Wyoming livestock board shall:

(xii) Establish a standard communication protocol to inform livestock producers, veterinarians and brand inspectors in the designated surveillance area within the county where a non-negative brucellosis test has been confirmed for any animal.

11-18-117. Confidentiality of livestock premises and identification records; penalties.

(b) The Wyoming livestock board may release any information related to a

~~confirmed non-negative brucellosis test in the county where the animal testing non-negative is located, subject to W.S. 11-18-103(a)(xii), and may release information collected for the purposes of a livestock identification program related to the ownership and location of individual animals to the extent the information is useful in controlling or preventing a disease outbreak or to show particular animals or herds are not involved in a disease outbreak. The information released may be a public release or may be limited to specific individuals with a need to know the information, as the livestock board deems the circumstances require:~~

11-19-102. Duty of public to report diseases; list of reportable diseases; failure to comply or obstruction of duty; liability; penalties.

~~(f) Notwithstanding subsection (a) of this section, the state veterinarian shall provide testing information to the owner of an animal that has tested non-negative for brucellosis not later than three (3) days after receipt of the preliminary laboratory results.~~

Section 2. The Wyoming livestock board shall promulgate all rules necessary to implement the provisions of this act.

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2023.

(b) Sections 2 and 3 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved February 27, 2023.

Chapter 122

ELECTION EQUIPMENT-FEDERAL CERTIFICATION

Original House Bill No. 47

AN ACT relating to elections; codifying the secretary of state's rules for certification of electronic voting systems; providing a definition of vendor; and providing for an effective date.

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

Section 1. W.S. 22-11-101.1 is created to read:

22-11-101.1. Definitions.

(a) As used in this chapter, "Vendor" means a person engaged in selling, leasing, marketing, designing, building or maintaining electronic voting systems for tabulating election results to the state or counties.

Section 2. W.S. 22-11-103(a)(x) and by creating new subsections (d) through (g) is amended to read:

22-11-103. Capabilities required.

(a) Every electronic voting system adopted for use in Wyoming shall:

(x) Be certified by the secretary of state as provided in subsections (d) through (g) of this section.

(d) A vendor shall file in the office of the secretary of state an application for certification of an electronic voting system and the secretary of state shall approve the application before any electronic voting system to be used in an election conducted under this code may be distributed, sold or upgraded by the vendor. The application for certification of an electronic voting system shall contain the following documentation:

(i) Proof that the electronic voting system has been certified by the United States election assistance commission;

(ii) Proof that the electronic voting system meets the voluntary voting system guidelines adopted by the United States election assistance commission;

(iii) Proof that the electronic voting system complies with the provisions of this chapter;

(iv) A Wyoming certificate of good standing for the vendor from the office of the secretary of state dated not more than ninety (90) days prior to the date the application is filed;

(v) Proof of the vendor's escrow account containing the source code for the electronic voting system and system components for which certification is being sought including any source code updates; and

(vi) The checksum value associated with the escrowed source code for the electronic voting system and system components for which certification is being sought;

(vii) All related manuals, including but not limited to, technical manuals for repair and maintenance of the electronic voting system, operations manuals for election officials, printer manuals for ballot production and all other written documents prepared by the vendor that describe the operation, use and maintenance of the electronic voting system;

(viii) A list of applicable patents and copyrights on the electronic voting system;

(ix) A history of the electronic voting system to include a complete description of the electronic voting system, the date the electronic voting system was produced and a complete list of the states that have used the electronic voting system;

(x) A list of any written complaints or concerns made to the vendor by

other jurisdictions including county or local jurisdictions on the electronic voting system and a description of the resolution of the complaints or concerns. If there are no written complaints or concerns made to the vendor by other jurisdictions on the electronic voting system then the vendor shall provide a statement to that effect;

(xi) A list of all denials of certification for the electronic voting system made to the vendor by other jurisdictions including state, county or local jurisdictions which shall include official documentation on the resolution of the denial of certification or a statement from the state, county or local jurisdiction explaining why the denial was not resolved.

(e) The secretary of state may deny an application for certification of an electronic voting system as required by subsection (d) of this section or withdraw certification of an electronic voting system for any of the following reasons:

(i) A county clerk notifies the secretary of state of and the secretary of state determines that the electronic voting system fails to meet the requirements necessary for approval of certification or ongoing certification provided in subsection (d) of this section; or

(ii) The vendor fails to notify the secretary of state of necessary enhancements or adjustments to the electronic voting system;

(iii) The election voting system does not produce accurate results and reports as required by law;

(iv) Changes are made in the electronic voting system that do not comply with the requirements for certification as required by subsection (d) of this section;

(v) The electronic voting system is no longer used by any county in Wyoming or is no longer available for purchase or repair from the company.

(f) Before being used, any new electronic voting system that is purchased by either the state or a county shall be certified pursuant to this section.

(g) Every county in Wyoming shall keep an inventory of all electronic voting systems being used in that county. The inventory shall include the following information:

(i) The type of electronic voting system used;

(ii) The quantity of each electronic voting system;

(iii) The serial number of each electronic voting system;

(iv) The software version, if applicable, of each electronic voting system;
and

(v) The firmware version, if applicable, of each piece of hardware used in an electronic voting system.

Section 3. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 123

ELECTRONIC PAYMENT OF SALES AND USE TAXES

Original House Bill No. 229

AN ACT relating to sales and use taxes; clarifying that the department of revenue and county treasurers may collect sales and use taxes electronically; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 39-15-107(a)(i), (b)(i) and 39-16-107(a)(i), (ii) and (b)(ii) are amended to read:

39-15-107. Compliance; collection procedures.

(a) Returns, reports and preservation of records. The following shall apply:

(i) Each vendor shall on or before the last day of each month file a true return showing the preceding month's gross sales and remit all taxes to the department. The returns shall contain such information and be made in the manner as the department by regulation prescribes. The department may provide an option for the return to be submitted and for any taxes to be remitted electronically. The department may allow extensions for filing returns and paying the taxes by regulation, but no extension may be for more than ninety (90) days. If the total tax to be remitted by a vendor during any month is less than one hundred fifty dollars (\$150.00), a quarterly or annual return as authorized by the department, and remittance in lieu of the monthly return may be made on or before the last day of the month following the end of the quarter or year for which the tax is collected. If the accounting methods regularly used by any vendor are such that reports of sales made during a calendar month would impose unnecessary hardships, the department after receiving a formal request filed by the vendor may accept reports at intervals as would be more convenient to the taxpayer. Any vendor shall report whether the vendor sells nicotine products, as defined by W.S. 39-18-101(a)(xi), in this state to the department in the form and manner required by the department. The department may reject any report required under this paragraph of any vendor who does not comply with the nicotine sales reporting requirements. Every person purchasing goods or services taxable by this article who does not pay the tax owed to a vendor shall, on or before the last day of each month, file a return showing the gross purchases made during the preceding month and remit all taxes due to the department. The return shall contain such information and be made in the manner as the department shall prescribe

by rule and regulation. The department, by rule and regulation, may allow an extension for filing a return and paying any tax due, but no extension shall be granted for more than ninety (90) days;

(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 may allow the taxes to be paid electronically after the amount of sales tax has been determined by the county treasurer. The county treasurer may charge a fee of not more than the costs of processing the transaction but not to exceed a fee of three percent (3%) as necessary to recoup fees incurred due to electronic payments. 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.

(a) Returns, reports and preservation of records. The following shall apply:

(i) Every vendor shall collect the tax imposed by this article and is liable for the entire amount of taxes imposed. The taxes are due and payable on the last day of the month following the month in which they were collected or as required by the department and each vendor shall on or before the last day of each month file a return showing the total sales of tangible personal property subject to the tax imposed by this article sold during the preceding month and remit all taxes due to the department. The returns shall contain such information required by the department. The department may provide an option for the return to be submitted and for any taxes to be remitted electronically. Any vendor shall report whether the vendor sells nicotine products, as defined by W.S. 39-18-101(a)(xiii), in this state to the department in the form and manner required by the department. The department may reject any report required under this paragraph of any vendor who does not comply with the nicotine sales reporting requirements. If the total tax to be remitted by a vendor is less than one hundred fifty dollars (\$150.00) a quarterly or annual return as authorized by the department, and remittance in lieu of the monthly return may be made on or before the last day of the month following the end of the quarter or year for which the tax is collected. Returns shall be signed by the vendor or his agent;

(ii) Every person storing, using or consuming tangible personal property purchased from a vendor who does not maintain a place of business in this state is liable for the tax imposed by this article and shall on or before the

last day of each month file a return showing the total sales price of tangible personal property purchased subject to the tax imposed by this article during the preceding month and remit all taxes due to the department. The department may provide an option for the return to be submitted and for any taxes to be remitted electronically. If the total tax to be remitted by the person during any month is less than one hundred fifty dollars (\$150.00), a quarterly or annual return as authorized by the department, and remittance in lieu of the monthly return may be made on or before the last day of the month following the end of the quarter or year for which the tax is collected. The return shall contain such information as requested by the department. Returns shall be signed by the person liable for the tax or his agent;

(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 may allow the taxes to be paid electronically after the amount of taxes has been determined by the county treasurer. The county treasurer may charge a fee of not more than the costs of processing the transaction but not to exceed a fee of three percent (3%) as necessary to recoup fees incurred due to electronic payments. 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. There is appropriated two hundred twenty-eight thousand dollars (\$228,000.00) from the general fund to the department of revenue for any costs to enable the department of revenue and counties to receive electronic payments of sales and use taxes as provided in this act. 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 and any unobligated, unexpended funds remaining from this appropriation shall revert as provided by law on June 30, 2024. It is the intent of the legislature that this appropriation not be included in the standard budget for the department of revenue for the immediately succeeding fiscal biennium.

Section 3. This act is effective July 1, 2023.

Approved February 27, 2023.

Chapter 124**ACQUISITION VALUE STUDY****Original House Bill No. 100**

AN ACT relating to property tax; requiring a study on the changes necessary to convert the property tax system to a system based on the acquisition value of the property; requiring a report; requiring the joint revenue interim committee to review the report; providing an appropriation; and providing for an effective date.

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

Section 1.

(a) The department of revenue shall contract with an outside consultant to conduct a study on the statutory, regulatory and procedural changes necessary to convert Wyoming's residential property tax system to a system based on the acquisition value of the property. The consultant shall consult with interested stakeholders on the study required by this section. When considering each question, the study under this section shall review other states that have implemented a property tax system based on the acquisition value of the property. The study shall include at least three (3) options for implementing a property tax system in Wyoming based on the acquisition value of the property. For each of the options the following factors are recommended to be considered:

(i) A review of the revenue impacts of changing to acquisition value including how those revenue impacts may vary across the state;

(ii) How to implement a property tax system based on acquisition value into the property tax calendar and a determination of what assessment date would apply to the property;

(iii) What type of residential property would be subject to valuation using acquisition value;

(iv) How the inflationary factor would be implemented and applied including recommendations for the inflationary rate and whether there would be any deflation of values in a period when prices are in decline;

(v) What types of sales would be considered or excluded in determining acquisition value and how to address erroneous sales or other types of sales or transfers that are excluded from determining acquisition value;

(vi) How to determine the acquisition value of residences located on agricultural property;

(vii) How changes to property would be handled, including new construction and renovation;

(viii) How acquisition value would interact with department of revenue and state board of equalization statistical analysis;

(ix) Whether the implementation of a property tax system based on the acquisition value of property would result in any inequities to taxpayers, including whether taxpayers who purchase their properties more recently than other taxpayers would be required to pay more in property tax to make up lost revenue resulting from an acquisition value system;

(x) A review of other states that have implemented property tax systems based on the acquisition value of the property and whether those systems have resulted in inequities among taxpayers depending on the purchase date of their property.

(b) The department shall report the results of the study to the joint revenue interim committee not later than September 1, 2023.

(c) The joint revenue interim committee shall review the study required under this section and may prepare for the 2025 general session of the legislature any legislation it deems advisable related to the transition of Wyoming's property tax system to a system based on the acquisition value of property.

(d) As used in this section, "acquisition value" means the purchase price paid for the acquisition of property.

Section 2. There is appropriated fifty thousand dollars (\$50,000.00) from the general fund to the department of revenue for the purpose of hiring a consultant to conduct the study required under section 1 of this act. 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 and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2024. It is the intent of the legislature that this appropriation not be included in the department's standard budget for the immediately succeeding fiscal biennium.

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

Became law without signature February 27, 2023.

Chapter 125

SPECIAL LICENSE PLATE DECALS-WOMEN VETERANS

Original House Bill No. 67

AN ACT relating to motor vehicles; providing for a decal designating a woman veteran to attach to a veteran's special license plate; making clarifying amendments; providing for a decal fee; and providing for an effective date.

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

Section 1. W.S. 31-2-217(a) through (d), (e) by creating a new paragraph (v), (g) and by creating a new subsection (m) is amended to read:

31-2-217. Special plates; Pearl Harbor survivors; national guard members; armed forces veterans; purple heart recipients; women armed forces veteran decals.

(a) The county treasurer shall issue one (1) set of special license plates to each applicant for either a passenger car, truck, motorcycle, handicapped motorcycle or motor home owned or leased by a survivor of Pearl Harbor, a member of the Wyoming army or air national guard, a purple heart recipient or honorably discharged veteran of the United States armed forces and, if applied for and eligible, one (1) set of decals designating the person is an honorably discharged woman veteran of the United States armed forces in accordance with this section, ~~for the year 1990 and thereafter. For the year 1993 and thereafter, the county treasurer shall issue one (1) set of special license plates to each applicant for either a passenger car, truck, motorcycle, handicapped motorcycle or motor home owned by a purple heart recipient.~~ These license plates shall be displayed upon the vehicle for which they are issued. A decal designating the person is an honorably discharged woman veteran shall be attached in the lower left corner of a license plate issued under this section.

(b) ~~Application~~ Applications for license plates and decals under subsection (a) of this section shall be annually made to the county treasurer as provided by this article. Application forms shall be available at all county treasurer's offices. The registration fees prescribed by W.S. 31-3-101 shall accompany each application, and except as provided in ~~subsection~~ subsections (j) and (m), no additional fee shall be charged for the license plates or decals provided by this section.

(c) Any person eligible under subsection (e) of this section for ~~the a~~ special license plate or decal provided by this section may apply for additional special license plates or decals upon the payment of any fees required by this act.

(d) The special license plates shall be the same color as regular motor vehicle license plates, but shall bear a distinctive symbol or letters identifying the registrant as a survivor of Pearl Harbor, a member of the Wyoming army or air national guard, a purple heart recipient or as a veteran of the United States armed forces. The armed forces license plate shall specify the branch of service in which the applicant served; or is serving. The department shall prescribe the symbol or letters, which need not include arabic numerals designating the county. The symbol or letters for ~~a survivor of Pearl Harbor~~ each type of license plate provided for in this section shall be different from ~~the symbol or letters for~~ the other types of license plates provided for in this section to differentiate and designate whether the person is a survivor of Pearl Harbor, a national guard member, and for the armed forces license plate as well as a purple heart recipient license plate or a veteran of the United States armed

forces. The special license plates shall allow for a decal designating an honorably discharged woman veteran to be attached in the lower left corner of the license plate without obscuring any other symbols, letters or numbers on the license plate.

(e) Any person who is a Wyoming resident at the time of application may apply under this section for:

(v) An honorably discharged woman veteran of the United States armed forces decal to be attached in the lower left corner of any license plate under this section by presenting documentation that she is a female and an honorably discharged veteran of the United States armed forces.

(g) All applications for special license plates provided by this section shall be made directly to the county treasurer at least thirty (30) days before registration of the vehicle expires. Applications for decals designating an honorably discharged woman veteran of the United States armed forces may be made at the same time as applying for special license plates under this section. The department may prepare any special forms and issue any rules and regulations necessary to carry out this section.

(m) The decal designating a woman veteran of the United States armed forces shall bear a distinctive symbol or letters identifying the registrant as an honorably discharged woman veteran of the United States armed forces. Each applicant for a decal under this subsection shall submit an administration fee with the application. The fee shall be in an amount determined by the department to be sufficient to recover reasonable administrative costs of the decal, but not more than five dollars (\$5.00) per set of decals for any one (1) vehicle. Upon completion of the application, receipt of the administration fee, determination of eligibility and issuance or renewal of special license plates under this section, the county treasurer shall issue to the applicant the number of decals corresponding to the number of license plates issued or renewed under this section to be attached to the license plates issued or renewed under this section. The replacement fee for a decal under this subsection shall be the same as for the original decal.

Section 2. This act is effective July 1, 2023.

Approved February 28, 2023.

Chapter 126

HOSPITAL SUPPLEMENTAL PAYMENTS-STATUTORY FIX

Original House Bill No. 81

AN ACT relating to medical assistance and services; amending the Wyoming private hospital assessment

act to include healthcare providers affiliated with a hospital and psychiatric residential treatment facilities; increasing permissible administrative fee amounts; increasing assessment amounts; authorizing the department of health to modify payment or qualification provisions as specified; authorizing the department of health to negotiate with the United States department of health and human services as specified; making conforming amendments; providing appropriations; authorizing an additional position; and providing for an effective date.

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

Section 1. W.S. 42-9-102(a) by creating a new paragraph (xi), 42-9-103(d)(i), 42-9-104(b)(iii), 42-9-106(a) and (c) and 42-9-108(a) are amended to read:

42-9-102. Definitions.

(a) As used in this chapter:

(xi) “Hospital services” means inpatient, outpatient and other services provided by a private hospital or by practitioners employed by, under contract with or in affiliation with a hospital-affiliated professional service provider group. Hospital services for purposes of this act include services provided in a psychiatric residential treatment facility owned, operated by or affiliated with a private hospital.

42-9-103. Private hospital assessment account.

(d) The account shall be used exclusively for the following purposes:

(i) To pay administrative expenses incurred by the department or its agent in performing the activities authorized by this chapter, provided that these expenses shall not exceed a total of ~~one percent (1%)~~ three percent (3%) of the aggregate assessment funds collected in the fiscal year;

42-9-104. Assessments.

(b) The assessment due under this section shall be imposed each fiscal year in an amount calculated as a uniform percentage of each hospital’s net patient revenue. The assessment rate shall be determined by the department on a prospective basis and shall be based on the percentage of net hospital patient revenue needed to generate an amount not to exceed the nonfederal portion of the upper payment limit gap plus the fee authorized by W.S. 42-9-103(d)(i). In no event shall the assessment rate:

(iii) Increase by more than ~~one-half of one percent (.5%)~~ one percent (1%) of a hospital’s net patient revenue for each fiscal year following the first fiscal year in which the hospital is assessed without further approval by the legislature.

42-9-106. Quarterly adjustment payments.

(a) To preserve the quality and improve access to private hospital services, ~~for private hospital inpatient and outpatient services rendered on or after July 1, 2016~~, the department shall make quarterly adjustment payments as set forth in this section.

(c) Quarterly adjustment payments shall not be used to offset any other payment by medicaid for hospital ~~inpatient or outpatient~~ services to medicaid beneficiaries, including without limitation any fee-for-service, per diem, private hospital inpatient adjustment or cost settlement payment.

42-9-108. Approval of state plan; rulemaking.

(a) The department shall seek necessary federal approval in the form of state plan amendments in order to continue to implement the provisions of this chapter. The department shall be deemed to satisfy this requirement by seeking approval for the operation of an upper payment limit program that provides for quarterly adjustment payments. While seeking federal approval under this subsection, the department may modify payment or qualification provisions as necessary to obtain the Centers for Medicare and Medicaid Services approval if the changes do not exceed the authority and purposes of this chapter.

Section 2. The director of the department, 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 hospital services to include those services provided by practitioners employed by, under contract with or in affiliation with a hospital-affiliated professional service provider group and services provided in a psychiatric treatment facility owned, operated by or 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 act. Affiliation with a hospital shall be specified in the state Medicaid plan amendment and shall include public or private hospitals as authorized by federal law.

Section 3. There is appropriated three million eight hundred fifty thousand dollars (\$3,850,000.00) from special revenue from assessments collected under W.S. 42-9-104 and three million eight hundred fifty thousand dollars (\$3,850,000.00) from federal funds to the department of health for purposes of allowing practitioners employed by, under contract with or in affiliation with a hospital-affiliated professional service provider group and psychiatric residential treatment facilities to participate in the assessments and benefits provided by the Private Hospital Assessment Act under W.S. 42-9-101 through 42-9-109 for the period beginning July 1, 2023 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 on June 30, 2024 shall revert as provided by law. It is the intent of the legislature that an appropriation to fund the hospital services authorized by this act be included in the department of health's standard budget request for the immediately succeeding fiscal biennium. The appropriations provided by this section shall only be expended if the state Medicaid plan amendment specified by this act is approved and shall be expended solely for the purposes of making provider payments or reimbursements under the amended state Medicaid plan.

Section 4. The department of health is authorized one (1) additional full-time position for the purposes of the following acts: the Wyoming Nursing Care Facility Assessment Act under W.S. 42-8-101 through 42-8-109, the Wyoming Private Hospital Assessment Act under W.S. 42-9-101 through 42-9-109 and the Wyoming Private Ground Ambulance Service Provider Assessment Act under W.S. 42-11-101 through 42-11-109. There is appropriated forty-eight thousand eight hundred thirty dollars (\$48,830.00) from special revenue from assessments collected under W.S. 42-9-104 and forty-eight thousand eight hundred thirty dollars (\$48,830.00) from the federal funds available for this purpose to the department of health for purposes of this section. This appropriation 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 an appropriation to fund this position as authorized by this section be included in the department of health's standard budget request for the immediately succeeding fiscal biennium.

Section 5. This act is effective July 1, 2023.

Approved February 28, 2023.

Chapter 127

WYOMING NATIONAL GUARD TUITION BENEFITS

Original House Bill No. 59

AN ACT relating to defense forces and affairs; extending existing educational assistance benefits for Wyoming national guard members in exchange for additional service commitments; allowing transfer of educational assistance benefits to spouses and dependents; correcting terminology; providing appropriations; authorizing a full-time position; and providing for an effective date.

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

Section 1. W.S. 19-9-502(a) by creating a new paragraph (viii), 19-9-503(a)(intro), (ii) through (iv), (b)(intro), (iii) through (v) and by creating a new subsection (c) and 19-9-504(a)(i), (ii)(B), (iii), (iv) and by creating a new subsection (c) are amended to read:

19-9-502. Definitions.

(a) As used in this article:

(viii) “Dependent” means a person enrolled as a dependent in the defense enrollment eligibility reporting system.

19-9-503. Requirements for educational assistance; assistance payments.

(a) Subject to legislative appropriation and in accordance with the provisions of this article, the adjutant general or his designee, may authorize the payment

of higher education tuition and mandatory fees for active members of the Wyoming national guard or for the spouse or dependents of active members of the Wyoming national guard as provided in subsection (c) of this section. To be eligible to participate in the plan members shall:

(ii) Meet the standards for satisfactory participation in the ~~active~~ Wyoming national guard at the beginning of and throughout the entire academic term for which assistance is received;

(iii) Be committed through an enlistment contract or other written agreement to membership in the ~~active~~ Wyoming national guard for not less than six (6) years, including initial enlistment and any previous contract or contracts;

(iv) Agree in writing to serve in the ~~active~~ Wyoming national guard for two (2) years after the last day of the last academic term for which assistance is received under the plan. This two (2) year period of service may be within the six (6) year commitment period required by paragraph (iii) of this subsection;

(b) Members meeting the requirements of subsection (a) of this section or spouses or dependents under subsection (c) of this section may receive educational assistance benefit payments as follows:

(iii) Eligible members or spouses or dependents under subsection (c) of this section who are not Wyoming residents may receive benefits as provided in paragraphs (i) and (ii) of this subsection, but the benefit payment shall not exceed the amount of tuition and mandatory fees ~~which that~~ would have been charged if the member or the spouse or dependent under subsection (c) of this section were a Wyoming resident;

(iv) Payment shall be made directly to the institution after the institution officially certifies that the member or the spouse or dependent under subsection (c) of this section has registered;

(v) Payments under the plan together with any federal tuition assistance received by the member or the spouse or dependent under subsection (c) of this section shall not exceed one hundred percent (100%) of the tuition and mandatory fees charged.

(c) Members of the Wyoming national guard who meet the standards for satisfactory participation in the Wyoming national guard, upon completion of their initial mandatory service obligation under paragraph (a)(iii) of this section, may transfer any Wyoming national guard educational assistance plan benefits that have not reached the limits under W.S. 19-9-504(a) and (c) to their spouse or dependent to be paid in accordance with subsection (b) of this section. The transfer of benefits by the member requires the member to agree in writing to serve in the Wyoming national guard for not less than four (4) additional years after the date the benefit has been transferred. This four (4) year period of service is in addition to the six (6) year commitment

period required by paragraph (a)(iii) of this section. The member's spouse or dependent may subsequently transfer any remaining benefits that have not reached the limits under W.S. 19-9-504(a) and (c) back to the member to use subject to this section. The member and the member's spouse or dependent cannot use the benefits concurrently.

19-9-504. Restrictions; repayment of benefits.

(a) Plan participation and benefit payments shall be subject to the following additional restrictions and qualifications:

(i) The plan may be used to complete only one (1) degree, certificate or other educational objective, except as authorized under subsection (c) of this section;

(ii) Participation shall be limited to the earlier of:

(B) The participant's completion of ~~his~~ the participant's one (1) degree, certificate or other educational objective, unless authorized for additional education under subsection (c) of this section.

(iii) Any member receiving educational assistance under the plan, or whose spouse or dependent is receiving educational assistance under the plan, who fails to maintain satisfactory participation in the ~~active~~-Wyoming national guard shall repay all educational assistance granted under the plan for that current academic term. The member, or the member's spouse or dependent if applicable, shall be ineligible for educational assistance under the plan until the adjutant general has determined that the member meets the minimum requirements for satisfactory membership in the Wyoming national guard;

(iv) Any member who has received assistance under the plan and who fails to complete the initial six (6) year commitment required by W.S. 19-9-503(a)(iii) and maintain satisfactory participation in the ~~active~~-Wyoming national guard for the two (2) year period required by W.S. 19-9-503(a)(iv), or who fails to complete any additional commitment under subsection (c) of this section or under W.S. 19-9-503(c), shall repay all educational assistance received under the plan.

(c) The plan may be used to complete authorized courses to complete one (1) additional degree, certificate or other educational objective beyond the one (1) degree, certificate or other educational objective authorized in paragraph (a)(i) of this section if the member agrees in writing to serve in the Wyoming national guard for not less than four (4) years in addition to the six (6) year commitment period required by W.S. 19-9-503(a)(iii) and the two (2) year commitment period required by W.S. 19-9-503(a)(iv).

Section 2.

(a) There is appropriated seven hundred forty-five thousand five hundred twenty-nine dollars (\$745,529.00) from the general fund to the Wyoming

military department for the purposes of paying the extended educational assistance benefits under this act. 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 and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2024. It is the intent of the legislature that this appropriation be included in the military department's standard budget for the immediately succeeding fiscal biennium.

(b) There is authorized one (1) additional full-time position and there is appropriated one hundred thirty thousand six hundred seventy-five dollars (\$130,675.00) from the general fund to the Wyoming military department for personnel expenses under this act. 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 and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2024.

(c) There is appropriated one hundred nine thousand four hundred twelve dollars (\$109,412.00) from the general fund to the Wyoming military department for information technology expenses under this act. 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 and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2024. It is the intent of the legislature that one hundred four thousand dollars (\$104,000.00) of this appropriation shall not be included in the military department's standard budget for the immediately succeeding fiscal biennium.

Section 3. This act is effective July 1, 2023.

Approved February 28, 2023.

Chapter 128

WYOMING NATIONAL GUARD MEMBER REFERRAL

Original House Bill No. 38

AN ACT relating to defense forces and affairs; creating the Wyoming national guard member referral incentive program; authorizing monetary incentive bonus payments as specified; providing definitions; requiring an annual report; providing a sunset date for the program; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 19-9-403 by creating a new subsection (e) is amended to read:

19-9-403. Pay and allowances of officers and enlisted persons in active state service and state active duty; worker's compensation coverage for national guard members; no pension denied by reason of service; Wyoming national guard member referral incentive program.

(e) There is created the Wyoming national guard member referral incentive program. The purpose of the program shall be to incentivize and maximize peer-to-peer recruiting that results in a completed accession to the Wyoming national guard by providing a referral bonus to Wyoming national guard members who make a successful referral. Administration of this program shall require that:

(i) A Wyoming national guard member may provide the identity and contact information of a person who the member believes would be an appropriate recruitment prospect using a form provided by the Wyoming national guard, which includes the person's name, contact information and any other information required by the military department;

(ii) The military department shall keep a record of all forms submitted under paragraph (i) of this subsection. Upon the completed accession of a referred person and to the extent sufficient funds are available, the military department shall distribute a referral bonus to the member who provided the successful referral;

(iii) Beginning July 15, 2024 and annually every July 15 thereafter, the Wyoming military department shall report regarding the Wyoming national guard member referral incentive program to the joint transportation, highways and military affairs interim committee and shall include in the report the number of referral forms submitted, the number of successful referrals, the amounts of referral bonuses paid and any recommended legislation;

(iv) As used in this subsection:

(A) "Completed accession" means the referred person signs the referred person's name to an enlistment contract for entry or re-entry after prior service into the Wyoming national guard;

(B) "Referral bonus" means a monetary payment set each calendar year by the adjutant general not to exceed five hundred dollars (\$500.00);

(C) "Successful referral" means providing the identity and contact information pursuant to paragraph (e)(i) of this subsection of any person not already a member of the Wyoming national guard that results in a completed accession to the Wyoming national guard.

(v) This subsection is repealed effective July 1, 2026.

Section 2. There is appropriated two hundred fifteen thousand dollars (\$215,000.00) from the general fund to the Wyoming military department for the purposes of making the cash bonus payments authorized by this act.

This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2026. 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, 2026. It is the intent of the legislature that the appropriation in this subsection be included in the military department's 2027-2028 standard budget request if the Wyoming national guard member referral incentive program is reauthorized by legislation before the submittal of the 2027-2028 biennial budget.

Section 3. This act is effective July 1, 2023.

Approved February 28, 2023.

Chapter 129

WYOMING NATIONAL GUARD MEDICAL INSURANCE PREMIUMS

Original Senate File No. 53

AN ACT relating to defense forces and affairs; specifying that a Wyoming national guard member serving in state active duty may be reimbursed as specified for medical insurance premiums; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 19-9-403 by creating a new subsection (e) is amended to read:

19-9-403. Pay and allowances of officers and enlisted persons in active state service and state active duty; worker's compensation coverage for national guard members; no pension denied by reason of service.

(e) Subject to legislative appropriation and in accordance with this subsection, while a member of the Wyoming national guard serves in state active duty, the adjutant general may authorize reimbursement to the member for medical insurance premiums the member pays in an amount not to exceed the daily premium cost of federal TRICARE Reserve Select or its successor insurance program administered by the United States department of defense, multiplied by the number of days of state active duty served.

Section 2. There is appropriated ten thousand dollars (\$10,000.00) from the general fund to the Wyoming military department for the purposes of making the reimbursement payments under this act. 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 and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2024. It is the intent of the legislature that this appropriation be included in the military department's standard budget for the immediately succeeding fiscal biennium.

Section 3. This act is effective July 1, 2023.

Approved February 28, 2023.

Chapter 130

MILITARY DEPENDENTS-SCHOOL CHOICE

Original Senate File No. 123

AN ACT relating to education; allowing children of active duty military members to transfer to any public school within a school district as specified; requiring reporting; 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. 21-4-302.2 is created to read:

21-4-302.2. Enrollment and transfer for children of active duty military members; discrimination.

(a) As used in this section, “active duty military” means full-time duty status in the active uniformed services of the United States. The term does not include members of the national guard and reserve on active duty orders.

(b) Once enrolled in a public school within the school district, any pupil whose parent or guardian is an active duty military member may transfer enrollment from one (1) public school within the school district where the pupil resides to another public school within the same district at any time, except as otherwise provided in subsection (c) of this section. A transfer of enrollment under this subsection shall require that the active duty military member provide proof of having filed an official complaint with a military base equal opportunity office describing discrimination against the pupil seeking the transfer of enrollment.

(c) A school district may decline to transfer a pupil seeking a transfer under this section in a particular public school within the district if the pupil seeking a transfer of enrollment has been suspended or expelled or is in the process of being suspended or expelled under W.S. 21-4-305 through 21-4-306.

(d) Not later than ten (10) days after a school district declines to transfer a pupil seeking a transfer under subsection (c) of this section, a school district shall report its denial to the state superintendent of public instruction.

(e) Nothing in this section shall be construed to require a particular public school to offer additional programs, alter the structure or equipment of the necessary facilities to meet any special needs of a pupil, offer a particular program or alter eligibility criteria for participation in a particular program including age requirements, course prerequisites and required levels of performance.

(f) Any parent or guardian who is an active duty military member aggrieved by a decision of the school district under subsection (c) of this section, may seek review in accordance with the Wyoming Administrative Procedure Act. In accordance with W.S. 16-3-112, the review of a decision of the school district shall be before the state superintendent of public instruction.

Section 2. W.S. 21-3-110(a) by creating a new paragraph (xl) is amended to read:

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

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

(xl) Review and make a written determination whether a transfer of enrollment shall be granted or denied under W.S. 21-4-302.2. The written determination shall be made within ten (10) business days after receiving a request to transfer a pupil to a particular public school under W.S. 21-4-302.2.

Section 3. This act is effective July 1, 2023.

Approved February 28, 2023.

Chapter 131

PROHIBITING DRONES OVER PENAL INSTITUTIONS

Original Senate File No. 32

AN ACT relating to crimes and offenses; prohibiting the use of unmanned aircraft systems as specified; authorizing the department of corrections to take reasonable actions against unmanned aircraft systems trespassing over or in penal institutions; providing definitions; providing penalties; providing exceptions; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 6-5-214 is created to read:

6-5-214. Unmanned aircraft systems and correctional institutions; definitions; penalties.

(a) As used in this section:

- (i) “Contraband” means as defined in W.S. 6-5-213(c)(i);
- (ii) “Penal institution or correctional facility” means as defined in W.S. 6-5-213(c)(ii);
- (iii) “Unmanned aircraft system”:
 - (A) Means an unmanned, powered aircraft that:
 - (I) Does not carry a human operator;
 - (II) Can be autonomous or remotely piloted or operated; and

(III) Can be expendable or recoverable.

(B) Does not include:

(I) A satellite orbiting the earth;

(II) An unmanned aircraft system used by the United States Government or a person who is acting pursuant to a contract with the United States Government;

(III) An unmanned aircraft system used by the state for purposes of state business;

(IV) An unmanned aircraft system used by a law enforcement agency, emergency medical service agency, hazardous materials response team, disaster management agency, or other emergency management agency for the purpose of incident command, area reconnaissance, personnel and equipment deployment monitoring, training, or a related purpose.

(b) Except as authorized by a person in charge of the penal institution or correctional facility, no person shall intentionally trespass over or in a penal institution or on the grounds of a penal institution with an unmanned aircraft system to:

(i) Photograph, surveil, broadcast or otherwise record a penal institution or correctional facility through the use of an unmanned aircraft system;

(ii) Convey or attempt to convey contraband into a penal institution or correctional facility through the use of an unmanned aircraft system; or

(iii) Deliver or attempt to deliver a deadly weapon into a penal institution or correctional facility through the use of an unmanned aircraft system.

(c) Any person who violates paragraphs (b)(i) or (ii) of this section is guilty of 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. Any person who violates paragraph (b)(iii) of this section is guilty of a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

(d) A person who uses an unmanned aircraft system under one (1) or more of the exclusions specified in subdivisions (a)(iii)(B)(II) through (IV) of this section shall provide reasonable notice of the intended use of the unmanned aircraft system at the penal institution or correctional facility to the person in charge of the institution or facility.

(e) The person in charge of a penal institution or correctional facility may take or authorize the use of reasonable actions to prevent or stop the use of unmanned aircraft systems operating in violation of this section consistent with rules and regulations promulgated by the department of corrections pursuant to W.S. 25-1-105(h).

Section 2. W.S. 25-1-105 by creating a new subsection (h) is amended to read:

25-1-105. Powers of department; care of persons committed outside of state.

(h) The department of corrections shall promulgate rules specifying reasonable actions a person in charge of a penal institution or correctional facility may take to stop or prevent a violation of W.S. 6-5-214(b).

Section 3. The department of corrections shall promulgate any rules necessary to implement 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 February 28, 2023.

Chapter 132

MENTAL HEALTH CARE ACCESS-COLLABORATIVE CARE MODEL

Original House Bill No. 140

AN ACT relating to health insurance; specifying reimbursement requirements for mental health and substance use disorder benefits as specified; providing definitions; requiring rulemaking; specifying applicability; and providing for effective dates.

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

Section 1. W.S. 26-20-702 is created to read:

26-20-702. Reimbursement for mental health and substance use disorder benefits.

(a) As used in this section “mental health and substance use disorder benefits” means benefits for the treatment of any condition or disorder that involves a mental health condition or substance use disorder that falls under any of the diagnostic categories listed in the mental disorders section of the most recent edition of the International Classification of Disease or that is listed in the mental disorders section of the most recent version of the Diagnostic and Statistical Manual of Mental Disorders.

(b) All individual or group health insurance policies providing coverage on an expense incurred basis, individual and group service or indemnity type health insurance contracts issued by any insurer, including any nonprofit corporation and individual and group service contracts issued by a health maintenance organization and individual and group service contracts that provide mental health and substance use disorder benefits shall provide reimbursement for

benefits that are delivered through the psychiatric Collaborative Care Model as defined by the American Medical Association's most recent procedural terminology codes and where a licensed and credentialed primary care team consists of a primary care provider, a care manager and a psychiatric consultant.

(c) The benefit and reimbursement requirements of subsection (b) of this section shall not apply to any policy, contract or service that would require the state to defray the cost as specified in 42 U.S.C. 18031(d)(3)(B)(ii).

(d) Nothing in this section shall restrict the health insurer's ability to apply appropriate medical management for the services rendered.

Section 2. The commissioner shall promulgate any rules necessary to implement this act not later than July 1, 2023.

Section 3. This act shall only apply to any individual or group health insurance policies providing coverage on an expense incurred basis, individual and group service or indemnity type health insurance contracts and individual and group service contracts that provide mental health and substance use disorder benefits policies or plans that are delivered, issued, renewed, modified, amended or extended on or after July 1, 2023.

Section 4.

(a) Except as provided in subsection (b) of this section this act is effective July 1, 2023.

(b) Sections 2 and 4 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved February 28, 2023.

Chapter 133

VOLUNTEER FIREFIGHTER PENSION-FUNDING

Original House Bill No. 118

AN ACT relating to the volunteer firefighter, EMT and search and rescue pension account; specifying distribution of fire insurance premium taxes to the account; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 26-4-102(b)(ii) is amended to read:

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

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

(ii) ~~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) as provided in this paragraph. 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.; ~~The gross premium tax levied upon fire insurance premiums shall be deposited as follows:~~

(A) Up to one hundred percent (100%) of the gross premium tax, less any amount deposited under subparagraph (B) of this paragraph, 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;

(B) Forty percent (40%) of the gross premium tax shall be deposited by the state treasurer in the Fire A legislative reserve account created by W.S. 15-5-202(e), provided that no deposit shall be made under this subparagraph on and after the date that the firemen plan A as defined in W.S. 15-5-211(a)(i) has no remaining members receiving benefits.

Section 2. There is appropriated nine million dollars (\$9,000,000.00) from the general fund to the volunteer firefighter, EMT and search and rescue pension account created by W.S. 35-9-617(a).

Section 3. This act is effective July 1, 2023.

Approved February 28, 2023.

Chapter 134

BUILDING CODE REQUIREMENTS-REFRIGERANTS

Original Senate File No. 140

AN ACT relating to public health and safety; providing for the use of alternative refrigerants as specified; providing for regulations as specified; and providing for an effective date.

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

Section 1. W.S. 35-33-101 is created to read:

CHAPTER 33
BUILDING CODES
ARTICLE 1
REFRIGERANTS

35-33-101. Regulation of refrigerants.

The use of a refrigerant designated acceptable pursuant to federal rules promulgated pursuant to 42 U.S.C. 7671k shall not be prohibited or regulated by any code, ordinance, rule or regulation of any state or local agency or any political subdivision of the state of Wyoming provided that any equipment containing a refrigerant shall otherwise be utilized and installed in accordance with all applicable laws, rules and regulations.

Section 2. This act is effective July 1, 2023.

Approved February 28, 2023.

Chapter 135**STATE LOAN AND BOND PROGRAMS****Original Senate File No. 71**

AN ACT relating to state public purpose investments; decreasing maximum limits for loan amounts and amending terms, rates and conditions for farm loans, infrastructure project loans and street and road project loans; striking provisions related to the investment of permanent funds in community college district bonds; prohibiting new state loan and investment board loans under the Wyoming Joint Powers Act and student dormitory loans as specified; repealing the limit on funds available for beginning agriculture producer farm loans; specifying applicability; requiring reports; and providing for an effective date.

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

Section 1. W.S. 11-34-117(a) and (b), 11-34-129, 16-1-109(a), 16-1-111(a)(intro),(b)(intro),(c)(intro)and(d)(intro),21-18-206,21-18-313(h)and 21-18-319(a) are amended to read:

11-34-117. Rates of interest; length of loan; amount.

(a) ~~The board may set rates of interest on all farm loans according to current interest rates but not less than four percent (4%) nor more than ten percent (10%) shall be equal to the yield on a United States treasury security of the same duration of the loan, whether the money is loaned upon the amortization plan or otherwise. The board may add an additional percentage not to exceed two percent (2%) as a risk premium to the interest rate established under this subsection. The rate of interest for all farm loans shall not be less than three percent (3%).~~

(b) A farm loan to a beginning agriculture producer shall be ~~the lowest of eight percent (8%) or equal to the yield on a ten (10) year United States treasury bond security of the same duration of the loan.~~ This loan rate shall be fixed for a period of ten (10) years. At the end of the ten (10) year period the interest rate shall be the current rate for loans as established under subsection (a) of this section. The board may add an additional percentage not to exceed two percent

(2%) as a risk premium to the interest rate established under this subsection. The rate of interest for all farm loans to beginning agricultural producers shall not be less than three percent (3%).

11-34-129. Investment of permanent funds.

The state treasurer, with the approval of the board, is ~~directed~~authorized to invest and keep invested in farm loans a sum not to exceed ~~two hundred seventy-five million dollars (\$275,000,000.00)~~ fifty million dollars (\$50,000,000.00) of any state permanent funds available for investment, including loans already made and outstanding, as the funds become available in the treasurer's office for investment in loans approved by the board.

16-1-109. State loan and investment board loans; amount; interest; security; conditions.

(a) Before April 1, 2023, the state loan and investment board may negotiate and make loans to one (1) or more agencies, the University of Wyoming, or joint powers boards presently existing, permitted or created pursuant to the statutes, from the permanent mineral trust funds and other permanent funds of Wyoming not otherwise obligated, not to exceed sixty million dollars (\$60,000,000.00) including all loans previously made and outstanding, and not to exceed a term of forty (40) years for repayment. The board shall set rates of interest on all such loans according to the current rates of interest for similar securities on the commercial market upon a basis which will not be less than the average rate of return realized on all permanent mineral trust fund investments as determined by the state treasurer for the five (5) calendar years immediately preceding the year in which the loan is made. For all loans under this section approved after July 1, 1996, a loan origination fee of one percent (1%) of the loan shall be paid to the state loan and investment board by the borrowing agency, university or joint powers board. The revenue produced by this fee shall be credited to the loss reserve account as provided by W.S. 16-1-110. The state loan and investment board shall not issue any new loan under this section on and after April 1, 2023.

16-1-111. Loans to political subdivisions; requirements; limitations; rulemaking.

(a) The state loan and investment board may negotiate and make loans from the permanent Wyoming mineral trust fund to political subdivisions of this state as provided in this section. The aggregate sum of all outstanding loans made under this section shall not exceed ~~four hundred million dollars (\$400,000,000.00).~~ The aggregate sum of outstanding loans made for infrastructure projects shall not exceed two hundred million dollars (\$200,000,000.00) and shall not exceed two hundred million dollars (\$200,000,000.00) for road or street projects one hundred seventy-five million dollars (\$175,000,000.00). Loans may be made for infrastructure projects and street and road projects as provided in this section.

The board shall adopt rules and procedures as it deems advisable or necessary to administer the program. The rules shall include requirements and standards which the board determines to be necessary or advisable in accordance with the following:

(b) Loans may be made to cities, towns, counties, special districts specifically involved in providing facilities or functions enumerated in W.S. 16-1-104(c), school districts and community college districts for infrastructure projects and to airport boards and joint powers boards for projects for the construction, development and improvement of airport facilities generating user fees. A loan under this subsection shall be at an interest rate of ~~one percent (1%) plus seventy-five thousandths of one percent (.075%)~~ for each year of the loan term in excess of five (5) years equal to the yield on a United States treasury security of the same duration of the loan. The board may add an additional percentage not to exceed two percent (2%) as a risk premium to the interest rate established under this subsection. The rate of interest for all loans issued under this subsection shall not be less than three percent (3%). In the event of prepayment of a loan, the interest rate shall be calculated at the actual loan period, but no refund of interest payment shall be made to the borrowing entity. Any loan made under this subsection shall be for a term of not fewer than five (5) years and not greater than twenty-five (25) years for repayment. Adequate security for loans shall be required and may include:

(c) Loans may be made to cities, towns and counties for road or street projects. To qualify for a road or street project loan, in addition to the requirements of subsections (a) and (b) of this section, an applicant shall demonstrate that all related infrastructure including water and sewer is or will be in place at the time of receipt of the loan. No loan shall be provided under this subsection to any city, town or county that has any outstanding or unpaid loan under this subsection. Any loan under this subsection shall be at an interest rate of ~~one percent (1%) plus seventy-five thousandths of one percent (.075%)~~ for each year of the loan term in excess of five (5) years equal to the yield on a United States treasury security of the same duration of the loan. The board may add an additional percentage not to exceed two percent (2%) as a risk premium to the interest rate established under this subsection. The rate of interest for all loans issued under this subsection shall not be less than three percent (3%). In the event of prepayment of a loan, the interest rate shall be calculated at the actual loan period, but no refund of interest payment shall be made to the borrowing entity. Any loan made under this subsection shall be for a term of not fewer than five (5) years and not greater than twenty-five (25) years for repayment. ~~The total loans under this subsection provided in any one (1) year shall not exceed one hundred million dollars (\$100,000,000.00). Not more than thirty-five million dollars (\$35,000,000.00) of road or street loans shall be made in any one (1) year to:~~

(d) Loans may be made to irrigation or water conservancy districts for

replacement or major maintenance projects of storage, diversion, transmission, and distribution systems. A loan under this subsection shall be at an interest rate of the greater of one percent (1%) plus seventy-five thousandths of one percent (0.075%) for each year of the loan term in excess of five (5) years or the current equivalent equal to yield of a United States treasury security of the same duration of the loan, which may be adjusted every five (5) years. The board may add an additional percentage not to exceed two percent (2%) as a risk premium to the interest rate established under this subsection. The rate of interest for all loans issued under this subsection shall not be less than three percent (3%). In the event of prepayment of a loan, the interest rate shall be calculated at the actual loan period, but no refund of interest payment shall be made to the borrowing entity. Any loan made under this subsection shall be for a term of not fewer than five (5) years and not greater than twenty-five (25) years for repayment. The board shall require an irrigation or a water conservancy district to apply for other grant or loan programs prior to authorizing a loan under this subsection. Adequate security for loans shall be required and may include:

21-18-206. Paying out appropriations by warrants drawn upon vouchers.

The state treasurer shall pay out state appropriations for community colleges on warrants drawn by the auditor of the state upon vouchers issued and signed by the director of the commission. ~~If any community college entitled to payment out of any appropriation has defaulted in the payment of interest or principal on any revenue bonds issued by the community college and purchased by the state treasurer, the state treasurer shall withhold from the community college that portion of its share of any state aid or appropriation and shall apply the share to any default which has or may in the future occur. Warrants may be drawn upon the state treasurer by the state investment board certifying the default.~~

21-18-313. Bond issues; revenue bonds.

(h) Bonds issued pursuant to this act are eligible for investment by banking institutions and for estate, trust, and fiduciary funds, and the bonds and the interest thereon shall be exempt from taxation by this state and any subdivision thereof. ~~The state treasurer of the state of Wyoming, with the approval of the governor and the attorney general, may invest any permanent state funds available for investment in the bonds to be issued hereunder.~~

21-18-319. Student dormitory capital construction loans; rulemaking; requirements; reporting; definition.

(a) Before April 1, 2023, the state loan and investment board may negotiate and make loans from the permanent Wyoming mineral trust fund to community college districts for capital construction of student dormitories, including the purchase of land, buildings, facilities and necessary rights-of-

way. The aggregate sum of all outstanding loans made under this section shall not exceed sixty million dollars (\$60,000,000.00). The board shall adopt rules as it deems advisable or necessary to administer the loans authorized in this section. The state loan and investment board shall not issue any new loan under this section on and after April 1, 2023.

Section 2. W.S. 11-34-117(c) and 16-1-111(c)(i) through (iii) are repealed.

Section 3.

(a) Nothing in this act shall be construed to:

(i) Modify or impair existing contracts, loans or bond purchases of the state of Wyoming executed before the effective date of this act;

(ii) Release or in any way diminish the liability or obligation of any person, individual, partnership, corporation, joint stock company or any other association or entity, whether public or private, held or owned by the state of Wyoming.

Section 4.

(a) On and after April 1, 2023, the state loan and investment board shall not authorize, approve, structure, guarantee or finance:

(i) A Wyoming Joint Powers Act loan under W.S. 16-1-109;

(ii) A student dormitory capital construction loan under W.S. 21-18-319.

(b) The office of state lands and investments shall report to the joint appropriations committee not later than fifteen (15) days after:

(i) All loans issued under W.S. 16-1-109 have been repaid and are retired;

(ii) All loans issued under W.S. 21-18-319 have been repaid and are retired.

(c) The joint appropriations committee may consider any legislation necessary after receiving the reports required under subsection (b) of this section, including the repeal of W.S. 16-1-109 and 21-18-319.

Section 5. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Became law without signature March 1, 2023.

Chapter 136

STATE PARK RANGERS-RETIREMENT

Original House Bill No. 11

AN ACT relating to retirement; providing for full-time state park ranger participation in the law enforcement plan under the Wyoming Retirement Act; making conforming amendments; authorizing election by current full-time state park rangers; specifying implementation; and providing for an effective date.

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

Section 1. W.S. 9-3-402(a)(xviii) and 9-3-432(o)(intro) are amended to read:

9-3-402. Definitions.

(a) As used in this article:

(xviii) “Law enforcement officer” or “officer” means any member who is a county sheriff, deputy county sheriff, municipal police officer, duly authorized investigator of the Wyoming livestock board meeting the specifications of W.S. 7-2-101(a)(iv)(E), duly authorized personnel of the Wyoming gaming commission meeting the specifications of W.S. 7-2-101(a)(iv)(P), investigator employed by the Wyoming state board of outfitters and professional guides meeting the specifications of W.S. 7-2-101(a)(iv)(J), Wyoming correctional officer, probation and parole agent employed by the Wyoming department of corrections, Wyoming law enforcement academy instructor, full-time state park ranger, University of Wyoming campus police officer, community college police officer, detention officer or dispatcher for law enforcement agencies;

9-3-432. Law enforcement officers; contributions; benefit eligibility; service and disability benefits; death benefits; benefit options.

(o) Any peace officer as defined by W.S. 6-1-104(a)(vi)(P), and any full-time state park ranger who is employed as a full-time state park ranger before July 1, 2023 and who elects to continue participating in the Wyoming Retirement Act as a general member, shall be eligible for disability benefits and death benefits under this section if the peace officer’s disabilities or death are duty connected. Contributions for the benefits under this section shall be paid as follows:

Section 2. Coverage of a full-time state park ranger as a law enforcement member under W.S. 9-3-432, as required by section 1 of this act, shall commence on July 1, 2023, unless a full-time state park ranger elects to continue participation in the Wyoming Retirement Act as a general member. A full-time state park ranger electing to continue participation in the Wyoming Retirement Act as a general member shall provide notice to the Wyoming retirement board of that election not later than April 30, 2023. Once an election is made under this section, it shall not be rescinded.

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 2, 2023.

Chapter 137**NONRESIDENT HUNTING LICENSES-APPLICATION FEES****Original House Bill No. 200**

AN ACT relating to game and fish; modifying the provisions of elk, deer, antelope, bighorn sheep, mountain goat, moose, grizzly bear and wild bison hunting licenses issued to nonresident applicants; increasing nonresident license fees to hunt elk, deer, antelope, bighorn sheep, mountain goat, moose, grizzly bear and wild bison; and providing for an effective date.

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

Section 1. W.S. 23-2-101(f)(i) through (iii), (j)(xxiii), (xxv), (xxvii) and (xxix) and 23-2-107(e) are amended to read:

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

(f) Forty percent (40%) of available nonresident elk licenses, forty percent (40%) of available nonresident deer licenses and forty percent (40%) of available nonresident antelope licenses for any one (1) calendar year shall as established by the commission, be offered to nonresident applicants upon receipt of the fee prescribed by this subsection. Seventy-five (75) of the nonresident deer licenses set aside pursuant to this subsection shall be used for a national bow hunt for deer. The licenses authorized by this subsection shall be offered by drawing to nonresident applicants prior to the drawing for the remaining nonresident licenses issued. The licenses offered under this subsection shall be issued in a manner prescribed by rules and regulations promulgated by the commission. Nothing in this subsection shall prohibit any unsuccessful applicant for a nonresident license pursuant to this subsection from submitting an application for any licenses remaining after the drawing during the calendar year in which the application under this subsection was submitted. The following fees shall be collected by the department and are in addition to the nonresident license fee for the appropriate big game species imposed under subsection (j) of this section and the application fee imposed under subsection (e) of this section:

(i) Nonresident elk license ~~\$576.00~~ \$1,258.00 in addition to the license fee imposed under paragraph (j)(xix) of this section;

(ii) Nonresident deer license ~~\$288.00~~ \$826.00 in addition to the license fee imposed under paragraph (j)(xv) of this section;

(iii) Nonresident antelope license ~~\$288.00~~ \$874.00 in addition to the license fee imposed under paragraph (j)(xxxi) of this section.

(j) Subject to W.S. 23-2-101(f), 23-1-705(e) and the applicable fee under W.S. 23-1-701, the following hunting licenses and tags may be purchased for the fee indicated and subject to the limitations provided:

(xxiii) Nonresident bighorn sheep license; one (1) bighorn sheep

~~\$2,318.00~~ \$3,000.00

(xxv) Nonresident mountain goat license; one (1) mountain goat
~~\$2,160.00~~ \$2,750.00

(xxvii) Nonresident moose license; one (1) moose
~~1,980.00~~ \$2,750.00

(xxix) Nonresident grizzly bear license; one (1) grizzly bear
~~\$6,000.00~~ \$7,500.00

23-2-107. Wild bison licenses.

(e) A resident applicant shall pay a license fee of four hundred twelve dollars (\$412.00) for a license to harvest any wild bison or two hundred fifty-eight dollars (\$258.00) for a license to harvest a female or calf wild bison and shall pay the fee required by W.S. 23-2-101(e). A nonresident applicant shall pay a license fee of ~~four thousand four hundred dollars (\$4,400.00)~~ six thousand dollars (\$6,000.00) for a license to harvest any wild bison or two thousand seven hundred fifty dollars (\$2,750.00) for a license to harvest a female or calf wild bison and shall pay the fee required by W.S. 23-2-101(e). The fee charged under W.S. 23-1-701 shall be in addition to the fee imposed under this subsection.

Section 2. This act is effective January 1, 2024.

Approved March 2, 2023.

Chapter 138

TOWN OFFICERS-SALARY WAIVER

Original House Bill No. 2

AN ACT relating to cities and towns; providing that elected and appointed officers may elect not to receive a salary or compensation while serving as elected or appointed officers; providing legislative intent; and providing for an effective date.

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

Section 1. W.S. 15-2-103 and 15-3-205 by creating a new subsection (c) are amended to read:

15-2-103. Officers; salaries.

The governing body shall fix the salaries for the mayor and councilmen in towns not operating under the commission or city manager form of government. The salaries shall be fixed before their terms begin and shall not ~~change~~ increase during the term for which they are elected. The salary for mayor shall be paid in twelve (12) or more installments and may not exceed the maximum of twenty-four thousand dollars (\$24,000.00) per year. The salary for each councilman shall be ~~not less than ten dollars (\$10.00) nor more than~~ not exceed one hundred

fifty dollars (\$150.00) for actual attendance at each regular or special meeting. All appointed officers shall receive the salary or compensation as provided by law or ordinance. Any elected or appointed officers who are entitled to receive a salary or compensation under this section may elect not to receive all or a portion of the salary or compensation at any time during their term.

15-3-205. Salaries; minimum amounts.

(c) Any elected or appointed mayor or city councilman may elect not to receive all or part of their salary or compensation at any time during their term.

Section 2. This act is intended to allow elected and appointed officers to elect not to receive a salary or compensation. Nothing in this act shall be construed to affect the rights or authority of other elected or appointed officials not specified in this act to elect not to receive a salary or compensation.

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 2, 2023.

Chapter 139

EDUCATION TRUST FUND TRANSFER

Original Senate File No. 97

AN ACT relating to the Wyoming education trust fund; repealing the Wyoming education trust fund; repealing related provisions; providing for a transfer of funds from the Wyoming education trust fund to the common school account within the permanent land fund; amending the distribution of trust funds available to public schools; and providing for an effective date.

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

Section 1. W.S. 21-22-106(a)(intro) and 21-22-107(f) are amended to read:

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~~ From amounts appropriated by the legislature, the department of education shall be annually distributed ~~distribute funds not to exceed two hundred fifty thousand dollars (\$250,000.00) from the school foundation program account~~ 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:

21-22-107. Innovative program grants; application; selection by the state

department of education; classification of districts; distribution; report on grants awarded; initial grants.

(f) In accordance with W.S. 21-22-106(a), the state department shall annually distribute funds to selected proposals on or before August 15. ~~In no event shall grants awarded exceed funds available for this purpose within the separate account.~~ Innovative program grants received under this subsection shall only be used for the purposes for which the grant is awarded and shall not be expended for any other program, activity or purpose.

Section 2. On July 1, 2023 the state treasurer shall transfer all unencumbered, unobligated funds in the Wyoming education trust fund and in the separate account established under W.S. 21-22-101(b) to the corpus of the common school account within the permanent land fund. Any funds that are directed by law to revert to the Wyoming education trust fund or the separate account established under W.S. 21-22-101(b) shall revert to the common school account within the permanent land fund.

Section 3. W.S. 9-4-715(p)(xiv), 21-22-101 and 21-22-102 are repealed.

Section 4. This act is effective July 1, 2024.

Approved March 2, 2023.

Chapter 140

DESIGNATION OF SPOUSES-REVOCAION UPON DIVORCE OR ANNULMENT

Original Senate File No. 100

AN ACT relating to wills and probate; specifying the revocation of probate and nonprobate transfers to a spouse upon divorce or annulment; defining terms; specifying the role and use of governing instruments for revocations; repealing existing provisions concerning the revocation of transfers upon divorce or annulment; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 2-6-125 is created to read:

2-6-125. Revocation of probate and nonprobate transfers by divorce or annulment; effect; revival; other changes excluded.

(a) As used in this section:

(i) “Divorce” or “annulment” means any dissolution of marriage through a divorce or annulment that results in the exclusion of the spouse as a surviving spouse for purposes of probate and nonprobate transfers upon death of the spouse. A decree of separation that does not terminate the status of spouses is not a divorce or annulment for purposes of this section;

(ii) “Divorced person” means a person who has divorced from the person’s spouse or whose marriage has been annulled;

(iii) “Governing instrument” means an instrument executed by a divorced person before the divorce or annulment of the marriage to the person’s former spouse that the divorced person could have revoked or amended;

(iv) “Relative of the divorced person’s former spouse” or “former spouse’s relative” means any person who is related to the divorced person’s former spouse by blood, adoption or affinity and who, after the divorce or annulment, is not related to the divorced person by blood, adoption or affinity;

(v) “Revocable” means a disposition, appointment, provision or nomination under which the divorced person, at the time of the divorce or annulment, was alone empowered by law or under the terms of a governing instrument to cancel the designation in favor of the divorced person’s former spouse or former spouse’s relative regardless of whether the divorced person was then empowered to designate himself in place of his former spouse or former spouse’s relative and regardless of whether the divorced person then had the capacity to exercise the power of designation.

(b) Unless the express terms of a governing instrument provide for the disposition to a former spouse after divorce or unless a governing law, court order or contract relating to the division of the marital estate made between two (2) divorced persons before or after the marriage, divorce or annulment states otherwise, the divorce or annulment of a marriage shall immediately:

(i) Revoke any revocable:

(A) Disposition or appointment of property made by a divorced person to the former spouse in a governing instrument;

(B) Disposition or appointment created by law or in a governing instrument to a relative of the divorced person’s former spouse;

(C) Provision in a governing instrument that confers a general or special power of appointment on the divorced person’s former spouse or on a relative of the divorced person’s former spouse;

(D) Nomination in a governing instrument that nominates the divorced person’s former spouse or a relative of the divorced person’s former spouse to serve in any fiduciary or representative capacity including a personal representative, executor, trustee, conservator, agent or guardian.

(ii) Sever the interests of the former spouse in property held by the divorced person and the former spouse at the time of the divorce or annulment as joint tenants with the right of survivorship and property held as tenants by the entirety. Property interests of the divorced person and former spouse severed under this paragraph shall become tenancies in common.

(c) A severance of interests under paragraph (b)(ii) of this section shall not

affect any third-party interest in property acquired for value and in good faith reliance on an apparent title by survivorship in the survivor or in the name of the survivor of the former spouse of the divorced person unless a writing declaring the severance has been noted, registered, filed or recorded prior to the third party gaining an interest in the property in records appropriate to the kind and location of the property that are relied upon in the ordinary course of transactions involving property that are evidence of ownership.

(d) Upon entry of an order of a divorce or annulment, provisions of a governing instrument shall be given effect as if the former spouse and relatives of the former spouse disclaimed all interests revoked by this section. For nominations in a fiduciary or representative capacity revoked by this section, provisions of a governing instrument shall be given effect as if the former spouse and relatives of the former spouse died immediately before the divorce or annulment.

(e) Provisions that are revoked solely by operation of this section shall be revived upon the divorced person's remarriage to the former spouse unless revival is specifically prohibited by a prenuptial or other written agreement signed by both parties.

(f) No change of circumstances other than as described in this section revokes a will.

(g) A payor or other third party is not liable for having made a payment or transferred an item of property or any other benefit to a beneficiary designated in a governing instrument affected by a divorce, annulment or remarriage, or for having taken any other action in good faith reliance on the validity of the governing instrument, unless the payor or other third party received reasonable written notice of the divorce, annulment or remarriage. A payor or other third party shall not have a duty or obligation to inquire as to the continued marital relationship between a divorced person and a beneficiary or to seek any evidence with respect to a marital relationship. Nothing in this subsection shall be construed to deprive the rightful owner of any funds, item of property or other benefit from seeking to recover the payment, item of property or other benefit from the wrongful recipient of that payment, item of property or other benefit.

Section 2. W.S. 2-6-118 is repealed.

Section 3. The provisions of this act shall apply to all wills and revocable governing instruments as defined in section 1 of this act that are in effect before, on and after the effective date of this act.

Section 4. This act is effective July 1, 2023.

Approved March 2, 2023.

Chapter 141

PROTECTION OF LAWFUL COMMERCE IN FIREARMS

Original Senate File No. 116

AN ACT relating to civil procedure; providing immunity from specified civil lawsuits to firearm manufacturers and sellers; specifying exceptions; 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. 1-1-142 is created to read:

1-1-142. Immunity from liability for firearm manufacturers and sellers; definitions; exceptions.

(a) As used in this section:

(i) “Ammunition” means any projectile expelled by action of an explosive from a firearm;

(ii) “Firearm” means any weapon that will or is designed to expel a projectile by the action of an explosive;

(iii) “Firearms accessories” means as defined by W.S. 6-8-403(a)(iv);

(iv) “Manufacturer” means a person who is engaged in the business of manufacturing a qualified product and who is licensed to engage in business as a manufacturer under 18 U.S.C. §§ 921–934 or who is a Wyoming resident who has knowledge of gunsmithing and has had experience in the field for a period of not less than two (2) years;

(v) “Qualified civil liability action” means a civil action or administrative proceeding brought against a manufacturer or seller of a qualified product for any damages or other relief resulting from the criminal or unlawful misuse of a qualified product. “Qualified civil liability action” shall not include any action specified in subsection (d) of this section;

(vi) “Qualified product” means lawfully manufactured and sold ammunition, firearms, firearms accessories and antique firearms as defined by W.S. 6-8-403(a)(viii);

(vii) “Seller” means any person licensed to sell a qualified product under 18 U.S.C. §§ 921–934;

(viii) “Trade association” means as defined by W.S. 13-10-301(a)(vii);

(ix) “Unlawful misuse” means conduct that violates a statute, ordinance or regulation applying to the use of a qualified product.

(b) Except as provided in subsection (d) of this section, no person who has legally provided a qualified product to any other person is liable for damages caused by the other person’s actions with or use of the qualified product. This subsection shall not affect the liability:

- (i) Of the other person who received the qualified product for damages;
- (ii) Of the person who provided the qualified product if done so in violation of state or federal law.

(c) Except as provided in subsection (d) of this section, manufacturers of qualified products, sellers of qualified products and trade associations shall be immune from civil liability in any qualified civil liability action. A qualified civil liability action brought against any manufacturer of qualified products, seller of qualified products or trade association that does not allege any of the actions specified in subsection (d) of this section shall be dismissed.

(d) The immunity specified in subsections (b) and (c) of this section shall not apply to any action:

- (i) Brought against a person who transfers a qualified product and who is convicted under 18 U.S.C. § 924(h) or W.S. 6-8-102 by a party directly harmed by the conduct of which the transferor was convicted;

- (ii) In which a manufacturer or seller of a qualified product knowingly violated a state or federal statute applicable to the sale or marketing of the qualified product, and the violation was a proximate cause of the harm for which relief is sought. Conduct to which this paragraph applies shall include:

- (A) Any incident in which the manufacturer or seller knowingly made any false entry in, or failed to make the appropriate entry in, any record required to be kept under federal or state law with respect to the qualified product, including any incident where the manufacturer aided, abetted or conspired with any person in making any false or fictitious oral or written statement regarding any fact material to the lawfulness of the sale or other disposition of a qualified product;

- (B) Any case in which the manufacturer or seller aided, abetted or conspired with any other person to sell or otherwise dispose of a qualified product knowing, or having reasonable cause to believe, that the actual buyer of a qualified product was prohibited from possessing or receiving a qualified product under state or federal law.

- (iii) For breach of contract or warranty in connection with the purchase of the product;

- (iv) For death, physical injuries or property damage resulting directly from a defect in the design or manufacture of the qualified product, when used as intended or in a reasonably foreseeable manner, except that where the discharge of the product was caused by an act that constitutes a criminal offense, that act shall be deemed the sole proximate cause of any resulting death, injury or property damage;

- (v) Commenced to enforce the provisions of W.S. 6-8-102 or 6-8-103 or 18 U.S.C. §§ 921-934;

(vi) That alleges that an injury or death resulted from an act or omission of the manufacturer, seller or trade association that constitutes gross negligence, recklessness or intentional misconduct.

Section 2. This act shall apply to any cause of action accruing on and after the effective date of this act.

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

Approved March 2, 2023.

Chapter 142

PROPERTY TAX REFUND PROGRAM

Original House Bill No. 99

AN ACT relating to property tax; amending qualifications for the property tax refund program; amending qualifications for the 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)(v)(A), (B)(intro), (C), by creating a new subparagraph (F), (vi)(intro), (A), (C), (D) and (E) is amended to read:

39-13-109. Taxpayer remedies.

(c) Refunds. The following shall apply:

(v) The following shall apply to the property tax refund program:

(A) On or before the first Monday in June, upon the filing of an affidavit demonstrating an adequate showing that ~~he~~the owner is qualified under subparagraph (B) or (C) of this paragraph, any person may apply to the county treasurer or department of revenue for a property tax refund from property taxes paid with any applicable interest and penalties on or before the first Monday in June for the preceding calendar year upon his 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 prior to applying for a refund under this paragraph and the applicable property shall be occupied by the owner for not less than nine (9) months of the applicable tax year. Subject to legislative appropriation, the affidavit shall include information as required by rule and regulation on a form approved by the department of revenue. The tax refund granted shall be as provided by subparagraph (C) of this paragraph;

(B) Gross income as used in this subparagraph shall be defined by the department through rules and regulations. Such 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 whatever other means necessary as determined by the department through rules and regulations. 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. The department shall issue all refunds due under this paragraph on or before September 30 of the year in which application is made for the refund. Any person shall qualify for a refund in the amount specified under this paragraph if the person's gross income including the total household income of which the person is a member does not exceed the greater of ~~three-fourths (3/4)~~ one hundred twenty-five percent (125%) of the median gross household income for the applicant's county of residence or the state, as determined annually by the economic analysis division of the department of administration and information. Additionally, unless the person's tax liability is greater than ten percent (10%) of the person's household income, no person shall qualify for a refund under this paragraph unless the person has total household assets as defined by the department of revenue through rules and regulations of not to exceed ~~one hundred thousand dollars (\$100,000.00)~~ one hundred fifty thousand dollars (\$150,000.00) per adult member of the household as adjusted annually by the statewide average Wyoming cost-of-living index published by the economic analysis division of the department of administration and information, excluding the following:

(C) A refund granted under this paragraph shall not exceed ~~one-half (1/2)~~ seventy-five percent (75%) of the applicant's prior year's property tax, but in no instance shall the amount of refund exceed one-half (1/2) of the median residential property tax liability for the applicant's county of residence as determined annually by the department of revenue;

(F) The department shall prepare a list of applicants with the amount of refunds issued per county and submit the list to each county treasurer no later than September 30 of each year.

(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, subject to the 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~~ September, 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;

(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)~~ one hundred twenty-five percent (125%) 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) Unless the person's tax liability is greater than ten percent (10%) of the person's household income, 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)~~ seventy-five percent (75%) 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 total amount of the refunds under this paragraph and paragraph (v) of this section shall not exceed one hundred percent (100%) of the applicant's prior year's property tax. The county shall issue all refunds due under this paragraph on or before ~~September 30~~ December 30 of the year in which application is made for the refund;

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 2, 2023.

Chapter 143**PLAN OF SAFE CARE-NEWBORNS**

Original Senate File No. 79

AN ACT relating to public health and safety; requiring health care providers to develop plans of safe care for infants as specified; requiring hospitals to report to the department of family services as specified; providing definitions; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 35-2-1401 is created to read:

ARTICLE 14**PLANS OF SAFE CARE FOR INFANTS****35-2-1401. Definitions; plans of safe care; requirements.**

(a) As used in this article:

(i) “Early intervention and education program” means a program that provides services for infants and children with developmental delays and disabilities;

(ii) “Patient care team” means a team of health care providers, including one (1) or more licensed health care providers, who provide medical care services to a patient;

(iii) “Plan of safe care” means a plan designed to ensure the safety and wellbeing of an infant with prenatal substance use exposure following the infant’s release from the care of a health care provider by addressing the health and substance use treatment needs of the infant and the affected family or caregiver.

(b) When an infant is born with and identified, or identified prenatally, as being affected by substance abuse or withdrawal symptoms resulting from prenatal drug or alcohol exposure, a member of a patient care team shall develop a plan of safe care, in cooperation with the infant’s parents, families or guardians and with a priority of keeping the infant in the home as the safety and wellbeing of the infant allows in order to:

(i) Ensure the safety and wellbeing of the infant;

(ii) Address the health and substance use treatment needs of the infant and affected family members or caregivers; and

(iii) Ensure that appropriate referrals are made for the infant and affected family members or caregivers upon discharge from the hospital or other health care provider, including a referral to a local early intervention and education program.

(c) The plan of safe care shall take into account whether the infant’s prenatal drug exposure occurred as a result of medication assisted treatment or

medication prescribed for the mother by a healthcare provider, and whether the infant's mother is or will be actively engaged in ongoing substance use disorder treatment that would mitigate the future risk of harm to the infant following discharge.

(d) If applicable, a copy of the plan of safe care shall be provided to the appropriate community partners involved in the infant's future care and included in the instructions for the infant upon discharge from the hospital or other health care provider.

(e) The patient care team shall report the total number of infants and families for whom a plan of safe care has been developed to the department of family services pursuant to the Comprehensive Addiction and Recovery Act of 2016, P.L. No. 114-198.

(f) A plan of safe care shall contain a termination date not to exceed one (1) year after the plan of safe care is initiated. The patient care team and the parents, families or guardians may initiate subsequent plans of safe care after the termination of the initial plan of safe care under this subsection.

Section 2. The department of family services, in consultation with the department of health, shall promulgate rules and regulations necessary to implement this act.

Section 3.

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

(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 2, 2023.

Chapter 144

SHED ANTLERS AND HORNS CONSERVATION STAMP

Original House Bill No. 276

AN ACT relating to game and fish; providing that any shed antlers and horns on state or public land are the property of the state; requiring nonresidents to obtain a conservation stamp to collect shed antlers and horns on state or public land; providing exceptions specifying fees; and providing for an effective date.

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

Section 1. W.S. 23-1-103 and 23-1-302(a)(xxx) are amended to read:

23-1-103. Ownership of wildlife; purpose of provisions.

For the purpose of this act, all wildlife in Wyoming is the property of the state, including shed antlers or horns located on state or public lands. It is the purpose of this act and the policy of the state to provide an adequate and flexible system for control, propagation, management, protection and regulation of all Wyoming wildlife. There shall be no private ownership of live animals classified in this act as big or trophy game animals or of any wolf or wolf hybrid.

23-1-302. Powers and duties.

(a) The commission is directed and empowered:

(xxxi) To regulate and control the collection of shed antlers and horns of big game animals for the purpose of minimizing the harassment or disturbance of big game populations on public lands west of Interstate 90 from the Wyoming-Montana state line to Buffalo and west of Interstate 25 from Buffalo to the Wyoming-Colorado state line any time during the year, subject to the provisions for bighorn sheep horns in W.S. 23-3-117. Pursuant to this paragraph the commission shall establish by rule a requirement for nonresidents to obtain a conservation stamp for the collection of big game animal shed antlers and horns on designated state or public lands and dates when this requirement shall be applicable. A conservation stamp shall not be required for residents of Wyoming or any person under fifteen (15) years of age;

Section 2. This act is effective July 1, 2023.

Approved March 2, 2023.

Chapter 145

COLLECTION OF ANTLER OR HORNS BY RESIDENTS AND NON-RESIDENTS

Original House Bill No. 123

AN ACT relating to game and fish; requiring the game and fish commission to promulgate rules to establish seasons for the collection of antlers and horns; specifying the start of horn and antler collection seasons for residents and nonresidents; and providing for an effective date.

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

Section 1. W.S. 23-1-302(a)(xxxi) is amended to read:

23-1-302. Powers and duties.

(a) The commission is directed and empowered:

(xxxi) To regulate and control the collection of shed antlers and horns of big game animals for the purpose of minimizing the harassment or disturbance of big game populations on public lands west of Interstate 90 from the Wyoming-Montana state line to Buffalo and west of Interstate 25 from

Buffalo to the Wyoming-Colorado state line any time during the year, subject to the provisions for bighorn sheep horns in W.S. 23-3-117. Pursuant to this paragraph, the commission shall establish by rule seasons for the collection of big game animal shed antlers and horns on designated state or public lands. Any season to collect big game animal antlers and horns shall begin for residents seven (7) days before the start of the season for nonresidents;

Section 2. This act is effective July 1, 2023.

Approved March 2, 2023.

Chapter 146

STATE SHOOTING COMPLEX TASK FORCE

Original Senate File No. 169

AN ACT relating to the administration of government; creating the state shooting complex development and oversight task force; providing duties of the task force; requiring reports; creating the state shooting complex account; providing appropriations; and providing for an effective date.

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

Section 1.

(a) There is created the state shooting complex development and oversight task force to consist of the following members:

(i) The governor or his designee;

(ii) The director of the Wyoming game and fish department or his designee;

(iii) The director of the department of state parks and cultural resources or his designee;

(iv) The director of the department of tourism or his designee;

(v) Two (2) members representing firearm, archery or firearm accessory manufacturing companies in Wyoming, appointed by the governor;

(vi) One (1) member of the public representing a shooting sports organization that has representation in Wyoming, appointed by the governor;

(vii) One (1) member of the public representing a hunting or wildlife conservation organization that is headquartered in Wyoming or that has an active chapter in Wyoming, appointed by the governor;

(viii) Two (2) members of the Wyoming house of representatives, appointed by the speaker of the house. The speaker of the house shall designate a co-chairman of the task force;

(ix) Two (2) members of the Wyoming senate, appointed by the president

of the senate. The president of the senate shall designate a co-chairman of the task force.

(b) Any vacancy in the task force shall be filled in the same manner as members are appointed under subsection (a) of this section.

(c) The task force shall:

(i) Develop a framework for the selection of a location for the Wyoming state shooting complex;

(ii) Review other shooting facilities in the region and develop preliminary specifications, plans and features for the Wyoming state shooting complex;

(iii) Develop a request for proposals so that local governments, private sector entities or a combination of both may submit proposals to be considered for the location of the Wyoming state shooting complex;

(iv) Make recommendations for the development, location and administrative structure of the Wyoming state shooting complex to the governor, the joint appropriations committee and the joint travel, recreation, wildlife and cultural resources interim committee.

(d) Not later than October 1 of each year the task force shall report to the governor, the joint appropriations committee and the joint travel, recreation, wildlife and cultural resources interim committee on the activities of the task force under this section.

(e) The legislative members of the task force shall receive compensation, per diem and travel expenses in the manner and amount prescribed by W.S. 28-5-101. Task force members who are not legislators and are not state employees shall receive the compensation, per diem and mileage paid to members of the Wyoming legislature under W.S. 285101.

(f) The task force shall be staffed by the legislative service office.

(g) The task force shall terminate June 30, 2026.

Section 2.

(a) There is appropriated forty thousand dollars (\$40,000.00) from the general fund to the governor's office to pay compensation, mileage and per diem for nonlegislative members of the task force. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2026. 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, 2026.

(b) There is appropriated forty-five thousand dollars (\$45,000.00) from the general fund to the legislative service office to pay for salary, mileage and per diem of legislative members appointed to the task force. This appropriation shall be for the period beginning with the effective date of this act and ending

June 30, 2026. 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, 2026.

Section 3.

(a) There is appropriated the following amounts from any unexpended, unobligated funds in the following accounts to the state shooting complex account, which is hereby created:

(i) Five million dollars (\$5,000,000.00) from the general fund to the state shooting complex account;

(ii) Two million five hundred thousand dollars (\$2,500,000.00) from the Wyoming tourism reserve and projects account;

(iii) Two million five hundred thousand dollars (\$2,500,000.00) may be allocated from the game and fish fund upon approval from the Wyoming game and fish commission.

(b) The amounts appropriated under subsection (a) of this section to the state shooting complex account shall only be expended through additional action of the legislature for the siting and construction of the Wyoming state shooting complex. This appropriation shall not be transferred or expended for any other purpose. Any unexpended, unobligated funds remaining in the account shall revert to the accounts from which they were appropriated, unless otherwise provided, on June 30, 2026.

(c) Gifts, contributions, bequests, grants and donations for the siting and construction of the Wyoming state shooting complex from any source shall be received and deposited into the state shooting complex account.

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 2, 2023.

Chapter 147

ENERGY AUTHORITY PROJECT FINANCING-REFINERIES

Original Senate File No. 154

AN ACT relating to the Wyoming energy authority; amending the purposes of the Wyoming energy authority to include the construction and expansion of oil and gas refineries in Wyoming; specifying that the energy authority may finance refinery projects in Wyoming as specified; and providing for an effective date.

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

Section 1. W.S. 37-5-503(a) by creating a new paragraph (xi) and 37-5-602 by creating a new subsection (o) are amended to read:

37-5-503. Purposes; report.

(a) The authority is created to:

(xi) Support efforts to maintain and expand the mineral industry and the oil and gas industry in Wyoming through the development, construction and operation of mineral processing and concentration facilities and through constructing and facilitating the construction of oil and gas refineries and the expansion of existing oil and gas refineries in Wyoming.

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

(o) Subject to subsection (b) of this section and consistent with the purposes of W.S. 37-5-503(a), the authority may issue and have outstanding bonds to finance the construction or expansion of oil and gas refineries in Wyoming.

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 2, 2023.

Chapter 148

COURT REPORTER FEES-DISTRICT COURT DISCRETION

Original Senate File No. 108

AN ACT relating to courts; requiring fees for transcripts, records and other papers issued by a court reporter to be set by rule of the district court judicial conference; repealing court reporter fees; and providing for an effective date.

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

Section 1. W.S. 5-3-410 by creating a new subsection (f) is amended to read:

5-3-410. Fees for civil cases; collection; to be paid into state treasury; liability of reporter for collection.

(f) Fees for transcripts, records and other papers required to be made and issued as the official reporter shall be set by rule of the district court judicial conference established in W.S. 5-3-102(b).

Section 2. W.S. 5-3-410(e) 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 2, 2023.

Chapter 149**PEER SUPPORT COUNSELING-CONFIDENTIALITY**

Original Senate File No. 112

AN ACT relating to labor and employment; providing for the confidentiality of communications with peer support specialists as specified; providing definitions; and providing for an effective date.

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

Section 1. W.S. 7-23-101 and 7-23-102 are created to read:

CHAPTER 23
PEER SUPPORT COUNSELING

7-23-101. Definitions.

(a) As used in this chapter:

(i) “Emergency services personnel” means any employee or volunteer regulated under title 33, chapter 36 of the Wyoming statutes;

(ii) “Emergency services provider” means any public employer, or ground or air ambulance service, that employs emergency services personnel or persons to provide fire fighting, dispatching services or other emergency medical services;

(iii) “Employee assistance program” means a program established by a law enforcement agency or emergency services provider to provide professional counseling or support services to employees or volunteers of a law enforcement agency, emergency services provider, or a professional mental health provider associated with a peer support team;

(iv) “Law enforcement agency” means any public agency that employs a law enforcement officer;

(v) “Law enforcement officer” means any person who, by virtue of office or public employment, is vested with a duty to maintain public order or to make arrests for violations of the laws of the state of Wyoming or ordinances of a municipality or with a duty to maintain or assert custody or supervision over persons accused or convicted of a crime, while acting within the scope of their authority as an employee or volunteer of a law enforcement agency;

(vi) “Peer support counseling session” means any session conducted by a peer support specialist that is called or requested in response to a critical incident or traumatic event involving the personnel of the law enforcement agency or emergency services provider;

(vii) “Peer support specialist” means a person who:

(A) Is designated by a law enforcement agency, emergency services provider, employee assistance program or peer support team leader to lead, moderate or assist in a peer support counseling session;

(B) Is a member of a peer support team; and

(C) Has received training in counseling and providing emotional and moral support to law enforcement officers or emergency services personnel who have been involved in emotionally traumatic incidents by reason of their employment.

(viii) “Peer support team” means a group of peer support specialists serving one (1) or more law enforcement agencies or emergency services providers;

(ix) “Peer support counseling” shall not include professional counseling sessions provided by licensed counselors as defined by W.S. 33-38-102(a)(iii).

7-23-102. Peer support counseling session communications; confidentiality; applicability.

(a) Any communication made by a participant or peer support specialist in a peer support counseling session, and any oral or written information conveyed in or as the result of a peer support counseling session, shall be confidential and shall not be disclosed by any person participating in or conducting the peer support counseling session.

(b) Any communication between peer support specialists relating to a peer support counseling session, between peer support specialists and the supervisors or staff of an employee assistance program or between the supervisors or staff of an employee assistance program shall be confidential and shall not be disclosed.

(c) This section shall apply only to peer support counseling sessions conducted by a peer support specialist.

(d) This section shall apply to all oral communications, notes, records and reports arising out of a peer support counseling session. Any notes, records or reports arising out of a peer support counseling session shall not be public records and shall not be available for inspection or disclosure under the Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205. Nothing in this section limits the discovery or introduction into evidence of knowledge acquired by any law enforcement officer or emergency services personnel from observations made during the course of employment, or material or information acquired during the course of employment, that is otherwise subject to discovery or introduction into evidence.

(e) This section shall not apply to any:

(i) Threat of suicide or criminal act made by a participant in a peer support counseling session, or any information conveyed in a peer support counseling session relating to a threat of suicide or criminal act;

(ii) Information relating to abuse of spouses, children or the elderly, or other information that is required to be reported by law;

(iii) Admission of criminal conduct;

(iv) Disclosure of testimony by a participant who received peer support counseling services and expressly consented to the disclosure; or

(v) Disclosure of testimony by the surviving spouse or executor or administrator of the estate of a deceased participant who received peer support counseling services and the surviving spouse or executor or administrator expressly consented to the disclosure.

(f) This section shall not prohibit any communications between peer support specialists who conduct peer support counseling sessions, or any communications between peer support specialists and the supervisors or staff of an employee assistance program.

(g) This section shall not prohibit communications regarding the fitness of an employee for duty between an employee assistance program and an employer.

Section 2. This act is effective July 1, 2023.

Approved March 2, 2023.

Chapter 150

JUVENILE COURTS-CONCURRENT JURISDICTION CLARIFICATION

Original House Bill No. 9

AN ACT relating to juveniles; clarifying that the juvenile court has concurrent jurisdiction over Juvenile Justice Act proceedings involving persons under the age of 21 who are alleged to have committed offenses or delinquent acts as minors; and providing for an effective date.

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

Section 1. W.S. 14-6-203(c) is amended to read:

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

(c) Except as provided in subsection (d) of this section, the juvenile court has concurrent jurisdiction in all cases, other than status offenses, in which:

(i) A minor is alleged to have committed a criminal offense or to have violated a municipal ordinance;

(ii) An adult who is under the age of twenty-one (21) is alleged to have committed a criminal offense or to have violated a municipal ordinance while the adult was a minor.

Section 2. This act is effective July 1, 2023.

Approved March 2, 2023.

Chapter 151**POLITICAL PARTY AFFILIATION DECLARATION AND CHANGES****Original House Bill No. 103**

AN ACT relating to elections; revising provisions relating to political party affiliation changes and declarations by electors; and providing for an effective date.

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

Section 1. W.S. 22-3-115(a)(vi), 22-5-212 and 22-5-214 are amended to read:

22-3-115. Grounds for cancellation of registration.

(a) A registered elector's registration shall be cancelled for any one (1) of the following reasons:

(vi) Upon written request of the elector at any time except for the period for which party changes are prohibited as specified in W.S. 22-5-214.

22-5-212. When declaration of party affiliation required.

An elector requesting a major party ballot ~~must~~ shall declare ~~his or~~ change party affiliation, ~~or sign an application for change of affiliation in accordance with W.S. 22-5-214~~ before ~~he may receive~~ receiving a party ballot. An elector may vote only the nonpartisan ballot and if so, is not required to declare his party affiliation. Requesting a partisan primary election ballot constitutes a declaration of party affiliation. A change in declaration of party affiliation shall be in accordance with the requirements of W.S. 22-5-214 and shall be entered on the poll list by the election judge.

22-5-214. Declaration or change in party affiliation.

(a) For a primary election, an elector may declare or change party affiliation by completing an application signed before a notarial officer or election official and filing it with the county clerk before the first day on which an application for nomination may be filed under W.S. 22-5-209.

(b) For a general election, an elector may declare or change his party affiliation by completing an application signed before a notarial officer or election official, and filing it with the county clerk after the primary election and not less than fourteen (14) days before the primary general election or at the polls on the day of the primary or general election, or when requesting an absentee ballot for the general election.

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

Became law without signature March 2, 2023.

Chapter 152

MEDICAID TWELVE MONTH POSTPARTUM COVERAGE

Original House Bill No. 4

AN ACT relating to medical assistance and services; temporarily extending Medicaid medical assistance to qualifying pregnant women for twelve (12) months postpartum; making a conforming amendment; providing an appropriation; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 42-4-122(b) by creating a new paragraph (iii) is amended to read:

42-4-122. Cooperation with paternity determination.

(b) The following persons are not required to cooperate with the department pursuant to subsection (a) of this section:

(iii) A woman who has been pregnant within the preceding twelve (12) months. This paragraph is repealed effective March 31, 2027.

Section 2. Pursuant to the authority granted by Sections 9812 and 9822 of the American Rescue Plan Act of 2021 (P.L. 117-2), the department of health shall apply for state plan amendments to provide extended postpartum coverage to pregnant individuals enrolled in Medicaid pursuant to the Wyoming Medical Assistance and Services Act or enrolled in the Child Health Insurance Plan. Authorization for extended postpartum coverage under this section shall end on March 31, 2027.

Section 3. There is appropriated one million nine hundred thousand dollars (\$1,900,000.00) from the general fund and one million nine hundred thousand dollars (\$1,900,000.00) from federal funds to the department of health for purposes of providing temporary medical assistance to pregnant women in accordance with this act for the period beginning July 1, 2023 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 on June 30, 2024 shall revert as provided by law. The department of health shall include funding for this program in their next biennial budget request.

Section 4. The department of health shall promulgate any rules necessary to implement this act.

Section 5.

(a) Except as otherwise provided by subsection (b) of this section, this act is effective July 1, 2023.

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

Approved March 3, 2023.

Chapter 153**WYOMING OUTDOOR RECREATION AND TOURISM TRUST FUND****Original House Bill No. 74**

AN ACT relating to state lands; creating a Wyoming outdoor recreation and tourism trust fund account; providing funding for the trust account; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 36-4-201 through 36-4-203 are created to read:

ARTICLE 2**WYOMING OUTDOOR RECREATION AND TOURISM TRUST FUND****36-4-201. Short title.**

This act shall be known and may be cited as the “Wyoming Outdoor Recreation and Tourism Trust Fund Act.”

36-4-202. Definitions.

(a) As used in this act:

(i) “Trust account” means the Wyoming outdoor recreation and tourism trust fund account created by W.S. 36-4-203(a);

(ii) “This act” means W.S. 36-4-201 through 36-4-203.

36-4-203. Wyoming outdoor recreation and tourism trust fund account; creation; source of funds.

(a) The Wyoming outdoor recreation and tourism trust fund account is created. The trust account shall consist of those funds designated to the account by law and all monies collected from federal grants and other contributions, grants, gifts, bequests and donations in the trust account. The trust account is specifically empowered to accept grants, gifts, transfers, bequests and donations. Funds deposited within the trust account shall be inviolate and constitute a perpetual trust fund which shall be invested by the state treasurer as authorized by law and in a manner to obtain the highest return possible consistent with preservation of the trust account corpus.

Section 2. There is appropriated six million dollars (\$6,000,000.00) from the Wyoming tourism reserve and projects account created by W.S. 39-15-111(p)(i)(B) to the Wyoming outdoor recreation and tourism trust fund account. Subject to legislative approval, this appropriation shall be a recurring biennial appropriation. This appropriation shall not be transferred or expended without further legislative authorization. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall remain in effect and not lapse or revert at the end of the fiscal period except upon further legislative action.

Section 3. This act is effective July 1, 2023.

Approved March 9, 2023.

Chapter 154

FEDERAL INDIAN CHILD WELFARE ACT CODIFICATION

Original Senate File No. 94

AN ACT relating to domestic relations; codifying the federal Indian Child Welfare Act as state law; specifying requirements and procedures for the placement of Indian children in shelter care or for adoption; providing a sunset date; making conforming amendments; 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. 14-6-701 through 14-6-715 are created to read:

14-6-701. Short title; purpose.

(a) This act shall be known and may be cited as the “Wyoming Indian Child Welfare Act.”

(b) The purpose of this act is to codify the federal Indian Child Welfare Act of 1978 into state law.

14-6-702. Definitions.

(a) As used in this act:

(i) “Child custody proceeding” means any action concerning the custody or care of an Indian child, including a shelter care placement, the termination of parental rights, preadoptive placement or adoptive placement. “Child custody proceeding” shall not include a placement based upon an act that, if committed by an adult, would be deemed a crime and shall not include an award of custody to a parent in a divorce proceeding;

(ii) “Extended family member” means as defined by the law or custom of the Indian child’s tribe. In the absence of tribal law or custom, “extended family member” means a person who has reached age eighteen (18) and who is the Indian child’s grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first cousin, second cousin or stepparent;

(iii) “Indian” means a person who is a member of an Indian tribe, or who is an Alaska native and a member of a regional corporation as defined in section 7 of the federal Alaska Native Claims Settlement Act;

(iv) “Indian child” means any unmarried person under age eighteen (18) and is either:

(A) A member of an Indian tribe; or

(B) Is eligible for membership in an Indian tribe and is the biological

child of a member of an Indian tribe.

(v) “Indian child’s tribe” means the Indian tribe in which an Indian child is a member or eligible for membership or, in the case of an Indian child who is a member of or eligible for membership in more than one (1) tribe, the Indian tribe with which the Indian child has the more significant contacts;

(vi) “Indian custodian” means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody and control has been transferred by the parent of an Indian child;

(vii) “Indian organization” means any group, association, partnership, corporation or other legal entity owned or controlled by Indians or a majority of whose members are Indians;

(viii) “Indian tribe” means any Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for the services provided to Indians by the United States secretary of the interior because of their status as Indians, including any Alaska native village as defined in section 3(c) of the federal Alaska Native Claims Settlement Act;

(ix) “Parent” means a biological parent or the parents of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom. “Parent” shall not include a father whose paternity has not been acknowledged or established under law;

(x) “Reservation” means Indian country as defined by 18 U.S.C. 1151 and any lands where title is held by the United States in trust for the benefit of any Indian tribe or person or held by any Indian tribe or person subject to a restriction by the United States against alienation;

(xi) “Shelter care” means as defined by W.S. 14-3-402(a)(xvii) and shall include foster care;

(xii) “Tribal court” means a court with jurisdiction over child custody proceedings and that is either a court of Indian offenses, a court established and operated under the code or custom of an Indian tribe or any other administrative body of a tribe that is vested with authority over child custody proceedings;

(xiii) “This act” means W.S. 14-6-701 through 14-6-715.

14-6-703. Indian tribe jurisdiction over Indian child custody proceedings.

(a) An Indian tribe shall have exclusive jurisdiction over any child custody proceeding involving an Indian child who resides or is domiciled within the reservation of the tribe, except where jurisdiction is vested in the state under federal law. The Indian tribe shall retain exclusive jurisdiction if the Indian child is a ward of a tribal court, notwithstanding the residence or domicile of the child.

(b) In any state court proceeding for the shelter care placement of, or termination of parental rights to, an Indian child not domiciled or residing within the reservation of the Indian child's tribe, the state court, upon the petition of either parent, the Indian custodian or the Indian child's tribe and absent good cause to the contrary or an objection by either parent, shall transfer the proceeding to the jurisdiction of the appropriate tribe. Nothing in this subsection shall limit the tribal court's authority to decline a transfer to the tribal court under this subsection.

(c) The Indian custodian of an Indian child and the Indian child's tribe shall have the right to intervene in any state court proceeding for the shelter care placement of, or termination of parental rights to, an Indian child.

(d) The state of Wyoming shall give full faith and credit to the public acts, records and judicial proceedings of any Indian tribe applicable to Indian child custody proceedings to the same extent that the tribe gives full faith and credit to the public acts, records and judicial proceedings of the state of Wyoming.

14-6-704. Pending court proceedings.

(a) In any involuntary proceeding in a state court where the court knows or has reason to know that an Indian child is involved, the party seeking the shelter care placement of, or termination of parental rights to, an Indian child shall notify the parent or Indian custodian and the Indian child's tribe, by registered mail with return receipt requested, of the pending proceedings and of their right to intervention under this act. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, notice shall be given to the United States secretary of the interior. No shelter care placement or termination of parental rights proceeding shall be held until at least ten (10) days after receipt of the notice by the parent or Indian custodian and the tribe or the secretary of the interior. A parent, Indian custodian or the tribe shall, upon request to the state court, be granted not more than twenty (20) additional days to prepare for a shelter care placement or parental rights termination proceeding.

(b) In any case in which a state court determines indigency, the parent or Indian custodian shall have the right to court-appointed counsel in any shelter care placement or termination proceeding. The court may, in its discretion, appoint counsel for the child upon a finding that the appointment is in the child's best interests.

(c) Each party to a shelter care placement or termination of parental rights proceeding under state law involving an Indian child shall have the right to examine all reports or other documents filed with the court upon which any decision with respect to the action may be based.

(d) Any party seeking to establish a shelter care placement of, or termination of parental rights to, an Indian child under state law shall establish to the court's

satisfaction that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful.

(e) No shelter care placement of an Indian child shall be ordered in a proceeding unless the court determines by clear and convincing evidence that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

(f) No termination of parental rights over an Indian child shall be ordered unless the court determines beyond a reasonable doubt that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

(g) For purposes of subsections (e) and (f) of this section, the testimony of qualified expert witnesses may be used to meet the evidentiary burden specified in those subsections.

14-6-705. Parental rights; voluntary termination.

(a) Where any parent or Indian custodian voluntarily consents to a shelter care placement or the termination of parental rights involving an Indian child, the consent shall not be valid unless executed in writing and recorded before a court of competent jurisdiction and accompanied by the court's certification that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall also certify that either the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent under this subsection given prior to or within ten (10) days after the birth of the Indian child shall not be valid.

(b) Any parent or Indian custodian may withdraw consent to a shelter care placement at any time. Upon withdrawal of consent under this subsection, the Indian child shall be returned to the parent or Indian custodian.

(c) In any voluntary proceeding for the relinquishment and consent to adoption of an Indian child, the consent of the parent may be withdrawn for any reason at any time before the entry of a final decree of termination or adoption and, upon the withdrawal of consent, the child shall be returned to the parent.

(d) After the entry of a final decree of adoption of an Indian child in any state court, the parent shall only withdraw consent upon the grounds that the consent was obtained through fraud or duress and may petition the court to vacate the adoption decree on those grounds. Upon finding that the consent was obtained through fraud or duress, the court shall vacate the adoption decree and return the child to the parent. No adoption that has been effective for at least two (2) years shall be invalidated under this subsection unless otherwise permitted by state law.

14-6-706. Petition to court of competent jurisdiction to invalidate actions upon certain violations.

Any Indian child who is the subject of any action for shelter care placement or termination of parental rights under state law, any parent or Indian custodian from whose custody the child was removed and the Indian child's tribe may petition a court of competent jurisdiction to invalidate the action upon a showing that the action violated any provision of W.S. 14-6-703 through 14-6-705.

14-6-707. Placement of Indian children.

(a) In any adoptive placement of an Indian child under state law, and absent good cause to the contrary, preference shall be given to a placement with, in the following order:

- (i) A member of the Indian child's extended family;
- (ii) Other members of the Indian child's tribe;
- (iii) Other Indian families;
- (iv) Any other placement.

(b) Any Indian child accepted for shelter care or preadoptive placement shall be placed in the least restrictive setting that most approximates a family and in which the child's special needs, if any, may be met. The child shall also be placed within reasonable proximity to the child's home, taking into account any special needs of the child. In any shelter care or preadoptive placement and in the absence of good cause to the contrary, preference shall be given to a placement with, in the following order:

- (i) A member of the Indian child's extended family;
- (ii) Other members of the Indian child's tribe;
- (iii) Other Indian families;
- (iv) An institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs;
- (v) Any other placement.

(c) In the case of a placement under subsections (a) or (b) of this section, if the Indian child's tribe establishes a different order of preference by tribal resolution, the agency or court making the placement shall follow the tribal resolution as long as the placement is the least restrictive setting appropriate to the particular needs of the child. For purposes of this section, the preference of the Indian child and parent shall be considered, provided that if a parent consenting to a placement under W.S. 14-6-705 requests anonymity, the court or agency shall consider the parent's request in applying the preferences.

(d) The standards to be applied in meeting the preference requirements of

this section shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or with which the parent or extended family members maintain social and cultural ties.

(e) A record of each placement of an Indian child shall be maintained by the court or agency making the placement. The record shall show the efforts made to comply with the order of preference specified in this section. Records maintained under this subsection shall be made available at any time upon the request of the Indian child's tribe or the United States secretary of the interior.

14-6-708. Return of custody.

(a) Notwithstanding any other provision of law, when a final decree of adoption of an Indian child has been vacated or set aside, or the adoptive parents voluntarily consent to the termination of their parental rights to the child, a biological parent or prior Indian custodian may petition for the return of the Indian child to the parent's or Indian custodian's custody. The court shall grant the petition unless there is a showing, subject to W.S. 14-6-704, that return of custody is not in the child's best interests.

(b) When an Indian child is removed from a shelter care placement or institution for the purpose of further shelter care, preadoptive placement or adoptive placement, the placement shall be in accordance with this act unless an Indian child is being returned to the parent or Indian custodian from whose custody the child was originally removed.

14-6-709. Tribal affiliation information; other information of protection of rights from tribal relationships; application of subject of adoptive placement; disclosure by court.

Upon application by an Indian person who has reached age eighteen (18) and who was the subject of an adoption, the court that entered the final decree shall inform the person of the tribal affiliation, if any, of the person's biological parents and provide any other information as may be necessary to protect any rights resulting from the person's tribal relationship.

14-6-710. Agreements between the state and Indian tribes.

(a) The state, through the governor and in consultation with the department of family services, is authorized to enter into agreements with Indian tribes concerning the care and custody of Indian children and jurisdiction over child custody proceedings, including agreements that may provide for the orderly transfer of jurisdiction on a case-by-case basis and agreements that provide for concurrent jurisdiction between the state and Indian tribes.

(b) Any agreement made under this section may be revoked by either party upon notice of not less than one hundred eighty (180) days to the other party. Any revocation of an agreement under this section shall not affect any action or proceeding over which a court has already assumed jurisdiction unless the agreement provides otherwise.

14-6-711. Improper removal of Indian child from custody; declination of jurisdiction; return of child; exception.

If any petitioner in an Indian child custody proceeding before a state court has improperly removed the child from custody of the parent or Indian custodian or has improperly retained custody after a visit or other temporary relinquishment of custody, the court shall decline jurisdiction over the petitioner's petition and shall forthwith return the child to his parent or Indian custodian unless the return would subject the child to a substantial and immediate danger or threat thereof.

14-6-712. Application of higher federal standard.

In any case where federal law applicable to an Indian child custody proceeding provides a higher standard of protection to the rights of the parent or Indian custodian than state law provides, the court shall apply the higher standard of protection as provided by federal law.

14-6-713. Emergency removal or placement of child; termination; appropriate action.

Nothing in this act shall be construed to prevent the emergency removal of an Indian child who is a resident of or is domiciled on a reservation, but temporarily located off the reservation, from his parent or Indian custodian or the emergency placement of the child in temporary protective custody or shelter care under state law in order to prevent imminent physical damage or harm to the child. The applicable state agency involved shall ensure that the emergency removal or placement terminates immediately when the removal or placement is no longer necessary to prevent imminent physical damage or harm to the child and shall expeditiously initiate a child custody proceeding subject to this act, transfer the child to the jurisdiction of the appropriate Indian tribe or restore the child to the parent or Indian custodian, as may be appropriate.

14-6-714. Reporting requirements; information availability; disclosure.

(a) Any state court entering a final decree or order in any adoption proceeding concerning an Indian child shall provide the department of family services and the United States secretary of the interior a copy of the decree or order and all other information necessary to show:

- (i) The name and tribal affiliation of the child;
- (ii) The names and addresses of the child's biological parents;
- (iii) The names and addresses of the adoptive parents;
- (iv) The identity of any agency having files or information relating to the adoptive placement.

(b) If the court's records contain an affidavit of the biological parent stating or requesting that the parent's identity remain confidential, the court shall

include the affidavit with the information required under subsection (a) of this section. The court and the department of family services shall ensure that the confidentiality of information is maintained. Records submitted under this section shall remain confidential and shall not be subject to disclosure or inspection under the Public Records Act, except as provided under subsection (c) of this section.

(c) Upon the request of the adopted Indian child who is age eighteen (18) or older, the adoptive or foster parents of an Indian child or an Indian tribe, the department of family services shall disclose any information that may be necessary for the enrollment of an Indian child in the tribe in which the child may be eligible for enrollment or for determining any rights or benefits associated with that membership. If the documents requested include an affidavit from a parent requesting anonymity, the department shall certify to the Indian child's tribe, if the information warrants, that the child's parentage and other circumstances of birth entitle the child to enrollment under criteria established by the tribe.

14-6-715. Rulemaking; sunset.

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

(b) This act is repealed July 1, 2027.

Section 2. W.S. 1-22-102 by creating a new subsection (c), 1-22-104(c) by creating a new paragraph (vii) and by creating a new subsection (g), 14-3-201, 14-3-203(c)(v), 14-3-401, 14-3-403(a)(intro), 14-3-412(b)(v), 14-6-201 by creating a new subsection (d), 14-6-401, 14-6-403(a)(intro), 14-6-412(b)(v), 20-5-204 by creating a new subsection (d) and 21-4-107 are amended to read:

1-22-102. Persons subject to adoption; applicability of Wyoming Indian Child Welfare Act.

(c) If the child to be adopted under this act is an Indian child as defined by W.S. 14-6-702(a)(iv), the court, agency and any party to the adoption proceeding under this act shall comply with the Wyoming Indian Child Welfare Act. If any provision of this act conflicts with the Wyoming Indian Child Welfare Act for the adoption of an Indian child, the Wyoming Indian Child Welfare Act shall control.

1-22-104. Petition for adoption of minor; by whom filed; requisites, confidential nature; inspection; separate journal to be kept.

(c) The following documents shall be filed with every petition to adopt a child:

(vii) If the child to be adopted is an Indian child as defined by W.S. 14-6-702(a)(iv), any documents required to be filed under the Wyoming Indian Child Welfare Act.

(g) Notwithstanding subsections (d) and (e) of this section, if the adoption concerns an Indian child as defined by W.S. 14-6-702(a)(iv), inspection or disclosure of the confidential adoption file shall only be in accordance with the Wyoming Indian Child Welfare Act and subsections (d) and (e) of this section.

14-3-201. Purpose.

(a) The purpose of W.S. 14-3-201 through 14-3-216 is to delineate the responsibilities of the state agency, other governmental agencies or officials, professionals and citizens to intervene on behalf of a child suspected of being abused or neglected, to protect the best interest of the child, to further offer protective services when necessary in order to prevent any harm to the child or any other children living in the home, to protect children from abuse or neglect which jeopardize their health or welfare, to stabilize the home environment, to preserve family life whenever possible and to provide permanency for the child in appropriate circumstances. The child's health, safety and welfare shall be of paramount concern in implementing and enforcing this article.

(b) If a child suspected of being abused or neglected is an Indian child as defined by W.S. 14-6-702(a)(iv), the state agency and other governmental agencies or officials charged with implementing and enforcing this article shall comply with the Wyoming Indian Child Welfare Act. If any provision of this article conflicts with the Wyoming Indian Child Welfare Act for addressing an allegation of abuse or neglect of an Indian child, the Wyoming Indian Child Welfare Act shall control.

14-3-203. Duties of state agency; on-call services.

(c) The state agency shall ensure that all child protective service workers are trained:

(v) To know the provisions of federal and state laws governing child welfare practice, including but not limited to the Adoption and Safe Families Act, Indian Child Welfare Act, the Wyoming Indian Child Welfare Act, Multi-Ethnic Placement Act, the Child Abuse Prevention Treatment Act and the Family First Prevention Services Act, as amended;

14-3-401. Short title; applicability.

(a) This act shall be known and may be cited as the "Child Protection Act."

(b) If the child suspected to be abused or neglected is an Indian child as defined by W.S. 14-6-702(a)(iv), the court and all parties shall comply with the Wyoming Indian Child Welfare Act. If any provision of this act conflicts with the Wyoming Indian Child Welfare Act for addressing an allegation of abuse or neglect of an Indian child, the Wyoming Indian Child Welfare Act shall control.

14-3-403. Juvenile court authority over certain issues.

(a) Coincident with proceedings concerning a minor alleged to be neglected

and subject to the Wyoming Indian Child Welfare Act, the court has jurisdiction to:

14-3-412. Commencement of proceedings; contents of petition.

(b) The petition shall set forth all jurisdictional facts, including but not limited to:

(v) Whether the child is an Indian child as defined in the federal Indian Child Welfare Act or as defined by W.S. 14-6-702(a)(iv) and, if so, a statement setting forth with particularity the notice provided to the appropriate tribal court tribe and to any other person or entity entitled to notice under the Wyoming Indian Child Welfare Act.

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

(d) If a child or minor alleged to have committed a delinquent act is an Indian child as defined by W.S. 14-6-702(a)(iv), the court and all parties shall comply with the Wyoming Indian Child Welfare Act to the extent that the Wyoming Indian Child Welfare Act applies to the Indian child alleged to have committed a delinquent act. If any provision of this act conflicts with the Wyoming Indian Child Welfare Act for addressing an allegation of a delinquent act committed by an Indian child, the Wyoming Indian Child Welfare Act shall control.

14-6-401. Short title.

(a) This act shall be known and may be cited as the “Children In Need of Supervision Act.”

(b) If a child alleged of being in need of supervision under this act is an Indian child as defined by W.S. 14-6-702(a)(iv), the court and all parties shall comply with the Wyoming Indian Child Welfare Act. If any provision of this act conflicts with the Wyoming Indian Child Welfare Act for addressing an allegation of a child being in need of supervision, the Wyoming Indian Child Welfare Act shall control.

14-6-403. Juvenile court authority over certain issues.

(a) Coincident with proceedings concerning a minor alleged to be in need of supervision and subject to the Wyoming Indian Child Welfare Act, the court has jurisdiction to:

14-6-412. Commencement of proceedings; contents of petition.

(b) The petition shall set forth all jurisdictional facts, including but not limited to all of the following:

(v) Whether the child is an Indian child as defined in the federal Indian Child Welfare Act or as defined by W.S. 14-6-702(a)(iv) and, if so, a statement setting forth with particularity the notice provided to the appropriate tribal court tribe and to any other person or entity entitled to notice under the Wyoming Indian Child Welfare Act.

20-5-204. Application to tribes.

(d) A child custody proceeding that pertains to an Indian child as defined by W.S. 14-6-702(a)(iv) shall not be subject to this act to the extent that the proceeding is governed by the Wyoming Indian Child Welfare Act.

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

When the attendance officer of any school district determines that a child is an habitual truant or has been absent due to willful absenteeism as defined by this article the attendance officer shall notify the board of trustees and the district attorney who may initiate proceedings in the interest of the child 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., 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. or as defined by W.S. 14-6-702(a)(iv), the district attorney shall notify the child's tribe and any other person or entity entitled to notice under the Wyoming Indian Child Welfare Act 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 3. This act shall apply to any case or proceeding involving the adoption, abuse or neglect, allegation of a need for supervision, delinquency petition or child custody proceeding concerning an Indian child initiated on and after July 1, 2023. For a case or proceeding initiated before July 1, 2023, the law as of June 30, 2023 shall apply to the case or proceeding.

Section 4. The department of family services shall promulgate all rules necessary to implement this act.

Section 5. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 9, 2023.

Chapter 155

LOCAL GOVERNMENT DISTRIBUTIONS-REVISIONS

Original House Bill No. 185

AN ACT relating to local government funding; increasing a prior appropriation; making conforming changes to the related formulas; and providing for an effective date.

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

Section 1. 2022 Wyoming Session Laws, Chapter 91, Section 1(a)(intro), (b)(intro) and (c)(intro) is amended to read:

Section 1.

(a) From the general fund there is appropriated ~~one hundred five million dollars (\$105,000,000.00)~~ one hundred thirty-one million two hundred fifty thousand dollars (\$131,250,000.00) to the office of state lands and investments ~~to~~ as provided in this subsection. Fifty-two million five hundred thousand dollars (\$52,500,000.00) shall be available in the first fiscal year of the biennium and seventy-eight million seven hundred fifty thousand dollars (\$78,750,000.00) shall be available in the second fiscal year of the biennium. The appropriation shall be allocated pursuant to the following and as further provided in this section:

[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~~ based on the amount available ~~distributed in the first appropriated for each~~ fiscal year of the biennium ~~and one-half (1/2) of the amount available distributed in the second fiscal year of the biennium under subsection (a) of this section.~~ 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:

[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~~ based on the amount available ~~distributed in the first appropriated for each~~ fiscal year of the biennium ~~and one-half (1/2) of the amount available distributed in the second fiscal year of the biennium under subsection (a) of this section.~~ 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:

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, 2023.

Chapter 156

HATHAWAY SCHOLARSHIP ACCOUNTS-TRANSFER TIMING

Original House Bill No. 209

AN ACT relating to education; amending the date of transfers from the Hathaway scholarship expenditure account to the Hathaway student scholarship reserve account; and providing for an effective date.

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

Section 1. W.S. 21-16-1302(a) is amended to read:

21-16-1302. Hathaway scholarship expenditure account created; reserve account created; use and appropriation of funds.

(a) The Hathaway scholarship expenditure account is created to consist of earnings from the Hathaway student scholarship endowment fund created by W.S. 9-4-204(u)(vii) and such other funds appropriated by the legislature to the expenditure account. Eighty percent (80%) of all monies deposited to the expenditure account under this section shall be available for scholarships under W.S. 21-16-1304 and 21-16-1305. Twenty percent (20%) of all monies deposited to the expenditure account under this section shall be available for scholarships under W.S. 21-16-1306. Monies within the expenditure account are continuously appropriated to the state treasurer for distribution to eligible institutions based on scholarships awarded under this article. Except as otherwise provided in this subsection, all unexpended and unencumbered monies within the expenditure account at the end of each fiscal year shall be deposited by the state treasurer to the Hathaway student scholarship reserve account. For calendar year 2023 and each calendar year thereafter, all unexpended and unencumbered monies within the expenditure account on October 15 shall be deposited by the state treasurer to the Hathaway student scholarship reserve account on October 15.

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, 2023.

Chapter 157

STATE INVESTMENT RETURNS-ADEQUATE RESERVE FUNDING

Original House Bill No. 89

AN ACT relating to the investment of state funds; authorizing specified state permanent fund reserve accounts to maintain larger balances for the benefit of state investment strategies; providing that balances in specified reserve accounts are intended to be inviolate; removing encumbrances on specified reserve

accounts; defining legislative intent for future appropriations and budget requests; providing legislative findings; and providing for an effective date.

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

Section 1.

(a) The legislature finds that:

(i) The state of Wyoming has established inviolate permanent funds in the Wyoming constitution. These permanent funds are invested, and the earnings from those investments are expended, for specified constitutional and statutory purposes and on behalf of specified beneficiaries;

(ii) The permanent funds include the permanent Wyoming mineral trust fund, the common school account within the permanent land fund, the excellence in higher education endowment fund and the Hathaway student scholarship endowment fund;

(iii) The state maintains four (4) permanent fund reserve accounts, one (1) for each of the permanent funds identified in paragraph (ii) of this subsection, that guaranty distributions to the important beneficiaries of the permanent funds in the event investment earnings are insufficient to satisfy annual distribution requirements;

(iv) Because of the current size of the reserve accounts and the need for each reserve account to maintain assets that can be liquidated to satisfy guaranty obligations, some reserve accounts and portions of their related permanent funds are invested using shorter-term or income-focused strategies. These shorter-term and income-focused strategies provide important and necessary liquidity, but they have historically provided a meaningfully lower investment return when compared to funds invested in longer-term, but more illiquid, "total return" investment strategies;

(v) The Wyoming state treasurer's office estimates that, over the last five (5) years, the state of Wyoming has forgone investment earnings in excess of three hundred seventy million dollars (\$370,000,000.00) by maintaining small reserve account balances that require the use of shorter-term and income-focused investment strategies;

(vi) By ensuring that permanent fund reserve accounts maintain balances that can cover at least five (5) years, and preferably seven (7) years, of their annual spending obligations, those accounts and their associated permanent funds can be more fully invested in longer-term, historically higher-yielding "total return" strategies while still providing the necessary liquidity to meet their guaranty obligations;

(vii) To ensure that each permanent fund reserve account is funded to at least five (5) times its annual spending obligations, a transfer of funds to each reserve account is necessary;

(viii) The significant benefits of employing longer-term, total return investment strategies will last only as long as Wyoming's permanent fund reserve accounts are adequately funded and maintain at least five (5) to seven (7) years of their respective annual spending obligations;

(ix) Although Wyoming's permanent funds are constitutionally protected from legislative appropriation, the state's permanent fund reserve accounts are not. Consequently, restraint and a long-term commitment by the Wyoming legislature will be necessary to maintain funding for the reserve accounts at the amounts provided by this act and at levels that maximize investment returns and provide maximum benefits to the beneficiaries of Wyoming's permanent funds. The legislature should not jeopardize the benefits of the permanent fund reserve accounts by encumbering the reserve accounts with new guarantees or other extraneous obligations;

(x) By making the statutory changes contained in this act, the legislature is adopting a long-term commitment to funding Wyoming's permanent fund reserve accounts at a level that maximizes investment returns and provides maximum benefits to permanent fund beneficiaries and to the state of Wyoming.

Section 2. W.S. 9-4-719(b)(intro), (f) and (k), 16-1-111(f) and 21-16-1302(b) are amended to read:

9-4-719. Investment earnings spending policy permanent funds.

(b) There is created the permanent Wyoming mineral trust fund reserve account. All funds within the account shall be invested by the state treasurer as authorized under W.S. 9-4-715(a), (d), (e) and (r) and all investment earnings from the account shall be credited to the account. Except for funds specified by the legislature that guarantee the obligations of permanent Wyoming mineral trust fund investment earnings and funds to be transferred into the permanent Wyoming mineral trust fund, funds deposited into the reserve account created by this subsection are intended to be inviolate and constitute a permanent or perpetual trust fund. Beginning July 1, 2021 for fiscal year 2022 and each fiscal year thereafter, to the extent funds are available, the state treasurer shall transfer unobligated funds from this account to the general fund on a quarterly, pro-rata basis as necessary to ensure that an amount equal to two and one-half percent (2.5%) of the previous five (5) year average market value of the permanent Wyoming mineral trust fund, calculated on the first day of the fiscal year, is available for expenditure during each fiscal year. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2017, after making any transfer required pursuant to paragraphs (i) and (ii) of this subsection, revenues in this account in excess of ~~one hundred fifty percent (150%)~~ two hundred forty-five percent (245%) of the spending policy amount in subsection (d) of this section shall be credited to the permanent Wyoming mineral trust fund. For fiscal year 2020 and for each fiscal year thereafter:

(f) There is created the common school permanent fund reserve account. All funds within the account shall be invested by the state treasurer as authorized under W.S. 9-4-715(a), (d), (e) and (r) and all investment earnings from the account shall be credited to the account. Except for funds specified by the legislature that guarantee the obligations of the investment earnings from the common school account within the permanent land income fund and funds to be transferred into the common school account within the permanent land fund, funds deposited into the reserve account created by this subsection are intended to be inviolate and constitute a permanent or perpetual trust fund. Beginning July 1, 2017 for fiscal year 2018 and each fiscal year thereafter, the state treasurer shall transfer unobligated funds from this account to the common school account within the permanent land income fund as necessary to ensure that an amount equal to the spending policy amount established in subsection (h) of this section is available for expenditure annually during the fiscal year. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2017, revenues in this account in excess of ~~one hundred fifty percent (150%)~~ four hundred twenty percent (420%) of the spending policy amount shall be credited to the common school account within the permanent land fund.

(k) There is created the excellence in higher education endowment reserve account. Interest and other earnings on funds within the account shall be credited to the account. Except for funds specified by the legislature that guarantee the obligations of excellence in higher education endowment fund investment earnings and funds to be transferred into the excellence in higher education endowment fund, funds deposited into the reserve account created by this subsection are intended to be inviolate and constitute a permanent or perpetual trust fund. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2017, revenues in this account in excess of ~~one hundred fifty percent (150%)~~ two hundred ten percent (210%) of the spending policy amount in subsection (o) of this section shall be credited to the excellence in higher education endowment fund created by W.S. 9-4-204(u)(vi).

16-1-111. Loans to political subdivisions; requirements; limitations; rulemaking.

(f) There is created a loss reserve account for loans made under this section. A loan origination fee of one-half of one percent (0.5%) of the loan shall be paid by the loan applicant and deposited to the loss reserve account for any loan approved under this section. If, as a result of default in the payment of any loan made under this section, there occurs a nonrecoverable loss either to the corpus of, or interest due to the permanent Wyoming mineral trust fund, the board shall restore the loss to the permanent fund using any funds available in the loss reserve account. If the funds in the loss reserve account are insufficient to restore the full amount of the loss, the board shall submit a

detailed report of the loss to the legislature and shall request an appropriation to restore the balance of the loss to the permanent fund. ~~Beginning June 30, 2018, the state treasurer shall transfer funds quarterly from the permanent Wyoming mineral trust fund reserve account to the loss reserve account created in this subsection, in an amount necessary to ensure that as of the last day of each quarter there is an unobligated, unencumbered balance equal to five percent (5%) of the balance of outstanding loans under this section. Any funds transferred to the loss reserve account pursuant to this subsection which are not necessary to maintain the five percent (5%) balance shall be transferred back to the permanent Wyoming mineral trust fund reserve account on the last day of the quarter.~~

21-16-1302. Hathaway scholarship expenditure account created; reserve account created; use and appropriation of funds.

(b) There is created the Hathaway student scholarship reserve account. The reserve account shall consist of those monies deposited to the account pursuant to subsection (a) of this section and such other funds appropriated by the legislature to the reserve account. Interest and other earnings on funds within the reserve account shall be credited to the reserve account. Except for funds specified by the legislature that guarantee the scholarship obligations of the Hathaway scholarship expenditure account and funds to be transferred into the Hathaway student scholarship endowment fund, funds deposited into the reserve account created by this subsection are intended to be inviolate and constitute a permanent or perpetual trust fund. To the extent funds within the Hathaway scholarship expenditure account are insufficient in any fiscal year to fully fund scholarships awarded under this article, monies within the reserve account shall be deposited by the state treasurer to the expenditure account for distribution to eligible institutions to fund those scholarships. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2007, the state treasurer shall transfer monies from this reserve account to the Hathaway student scholarship endowment fund to the extent monies within the reserve account are in excess of the greater of ~~twelve million dollars (\$12,000,000.00)~~ forty-seven million dollars (\$47,000,000.00) or an amount equal to ~~four and one-half percent (4.5%)~~ eight percent (8%) of the previous five (5) year average market value of the Hathaway student scholarship endowment fund, calculated from the first day of the fiscal year. 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 reserve account at the end of the previous fiscal year and as of July 1, of the current fiscal year.

Section 3. It is the intent of the legislature that the five hundred thirty-three thousand five hundred seventy-nine dollar (\$533,579.00) appropriation from the Hathaway scholarship expenditure account to the department of education for the payment of administrative expenses in 2022 Wyoming Session Laws,

Chapter 51, Section 2, Section 206 not be requested to be paid from, nor be paid from, the Hathaway scholarship expenditure account in the 2025-2026 fiscal biennium or any subsequent fiscal biennium.

Section 4. This act is effective July 1, 2023.

Approved March 9, 2023.

Chapter 158

STATE LANDS-GRAZING OF NON-OWNED LIVESTOCK

Original House Bill No. 17

AN ACT relating to state lands; providing for lessees of state lands to graze livestock they do not own, but for which they retain management responsibility, on leased lands without obtaining permission from the director of the office of state lands and investments; and providing for an effective date.

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

Section 1. W.S. 36-5-105(d) is amended to read:

36-5-105. Criteria for leasing; preferences; assignments, subleases or contracts; lands taken for war purposes; mineral lands excepted; agricultural lands.

(d) If the lessee of state lands shall assign, sublease or contract all or any part of the lease area, the lease shall be subject to cancellation unless ~~such assignment or sublease or contract is approved by~~ the director; approves the assignment, sublease or contract subject to criteria established by the board of land commissioners; ~~however, provided that:~~

(i) ~~no such~~ Approval shall not be arbitrarily or unreasonably withheld; and

(ii) All action upon each application therefor, shall be such as will inure to the greatest benefit to the state land trust beneficiaries; ~~provided, that~~

(iii) In no event shall the lands be subleased unless one-half (1/2) of the excess rental is paid to the state;

(iv) A lessee of state lands whose lease authorizes grazing on the state lands shall not be required to obtain the approval of the director to allow livestock the lessee does not own to graze on the state lands provided that:

(A) The ratio of owned to non-owned livestock grazed by the lessee does not exceed one to one (1:1) for more than two (2) years in any ten (10) year period;

(B) The lessee provides documentation on the lessee's grazing of non-owned livestock to the office of state lands and investments; and

(C) The lessee retains full management responsibility of the livestock that grazes on the state lands.

(v) Use of state lands as provided by paragraph (iv) of this subsection shall not be considered a sublease;

(vi) For purposes of paragraph (iv) of this subsection, “full management responsibility” includes all duties, obligations and liabilities as if the livestock were owned by the lessee.

Section 2. This act is effective July 1, 2023.

Approved March 9, 2023.

Chapter 159

STATE LAND LEASE DEFICIENCIES-CURE PROCESS

Original House Bill No. 22

AN ACT relating to state lands; providing for notification of noncompliance in a state land lease renewal; providing opportunities for compliance; conforming time frames for lessee compliance; and providing for an effective date.

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

Section 1. W.S. 36-5-104 and 36-5-109 are amended to read:

36-5-104. Time for filing renewal applications; cure process and timeline; conflicting applications.

(a) All applications to lease grazing and agricultural lands under outstanding leases must be filed in the office of state lands and investments not earlier than one hundred twenty (120) days prior to, and not later than ~~thirty (30)~~ ~~sixty (60)~~ days prior to the expiration date of the existing lease. For the renewal of outstanding leases for grazing and agricultural lands under this subsection, the office of state lands and investments shall have the following duties:

(i) The office shall provide notice by certified mail to all existing lessees of the expiration of their leases not earlier than one hundred twenty (120) days prior to the expiration of the lease;

(ii) The office shall provide notice of a missing or deficient application for lease renewal to the lessee not later than forty (40) days before the expiration of the existing lease. The notice required by this paragraph shall:

(A) Be made by certified mail unless an equally effective, alternative form of delivery is approved by the office for the particular lessee to whom notice will be delivered;

(B) Identify the deficiencies in the application for lease renewal or provide notice that no application for renewal has been filed;

(C) Provide the lessee not less than thirty (30) days from receipt of the notice to file a lease renewal application or to remedy all deficiencies in the lessee's renewal application;

(D) Provide notice that the lessee's failure to submit a renewal application or to remedy all deficiencies in the lessee's renewal application before expiration of the lease may result in the leased lands becoming vacant.

(b) Any conflicting application to lease grazing and agricultural lands under any existing lease shall be filed in the office of state lands and investments not earlier than one hundred twenty (120) days prior to, and not later than, ninety (90) days prior to the expiration date of the existing lease. Upon receipt of a conflicting lease application the office of state lands and investments shall notify the current lessee via certified mail that a conflicting lease application has been received and shall provide the current lessee not less than thirty (30) days from receipt of notice to file a lease renewal application together with payment of the first year's rental that meets the highest bid offered by another qualified applicant as provided in W.S. 36-5-105(c). For renewal of outstanding leases for grazing and agricultural lands under this subsection, the office of state lands and investments shall have the following duties:

(i) The office shall provide notice of a deficient application for lease renewal to the lessee not later than ten (10) days after the filing of a lease renewal application by an existing lessee. The notice required by this paragraph shall:

(A) Be made by certified mail unless an equally effective, alternative form of delivery is approved by the office for the particular lessee to whom notice will be delivered;

(B) Identify the deficiencies in the application for lease renewal;

(C) Provide the lessee not less than twenty (20) days from receipt of the notice to remedy all deficiencies in the lessee's renewal application;

(D) Provide notice that the lessee's failure to remedy all deficiencies in the lessee's renewal application may result in the rejection of the application.

36-5-109. When rental due; procedure upon failure to pay.

Upon notice provided not less than ~~thirty (30) days prior to~~ sixty (60) days before the anniversary date of a lease, all rentals accruing to the state by virtue of this act, except those for the first year, shall become due and payable at the office of ~~the director~~ state lands and investments on the anniversary date of the lease. If the rent is not paid on the anniversary date, the ~~director-office~~ shall again notify the lessee or ~~his~~ the lessee's authorized agent by certified mail that the lease ~~will~~ may be cancelled if the rent and a late fee equal to ten percent (10%) of the annual rental is not received within thirty (30) days following the date of the certified notice. If the lease is cancelled, the ~~director-office~~ shall as soon as possible thereafter, advertise the lands in the county where located, as vacant and subject to lease.

Section 2. This act is effective July 1, 2023.

Approved March 9, 2023.

Chapter 160

REVISOR'S BILL

Original House Bill No. 52

AN ACT relating to the revision of statutes and other legislative enactments; correcting statutory references and language resulting from inadvertent errors and omissions in previously adopted legislation; amending obsolete references; repealing obsolete provisions; and providing for an effective date.

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

Section 1. W.S. 9-2-1014(e)(ii), 9-4-108(a)(iii), 11-25-104(k), 14-2-308(a)(ii)(B), 14-3-415(a), 14-4-102(b)(vii), 16-1-301(a)(i), 16-6-801(a)(viii), 17-16-1630(e), 17-29-407(b)(ii)(A), 21-3-307(d), 21-13-713, 21-15-121(a)(iii) and (v), 21-24-102(a)(i), 21-24-103(a)(i), 26-35-101, 31-2-217(a), 31-5-102(a)(lix), 31-18-403(j), 33-15-108(g), 33-30-204(m)(xii), 34-19-101(a)(v), 39-11-101(a)(xviii), 39-13-109(c)(vi)(intro) and 39-15-105(b)(intro) are amended to read:

9-2-1014. Report required with budget request; format and contents of report; compilation of compendium of agency reports; distribution of copies.

(e) In making its recommendations, the committee shall consider:

(ii) The amount of funds available within the legislative stabilization reserve account and other expendable funds, and limitations on recommended contingent appropriations from the legislative stabilization reserve account under this section and W.S. 9-2-1013(d)(v);

9-4-108. Crediting of investment returns.

(a) Earnings on state funds invested by the state treasurer shall be credited to accounts or funds as provided by law and as follows:

(iii) Any debit against the account or fund which exists as a result of realized investment losses from a prior ~~years'~~ year's investments of the fund or account shall be paid before distributions under paragraph (ii) of this subsection;

11-25-104. Gaming commission; officers; director; meetings; quorum; records; licenses generally; effect of financial interest in events.

(k) The commission shall access criminal history record information for all operators and vendors under article 3 of this chapter ~~3 of this article~~ and all licensees, permittees and employees of the commission under W.S. 9-1-627(d)

for the purposes of this act. Every applicant for a permit or license under this act shall provide the commission fingerprints and other information necessary for a criminal history record background check as provided under W.S. 7-19-201.

14-2-308. Definitions.

(a) As used in this act:

(ii) "Authorized agency" means:

(B) A private child welfare agency certified by the state for such purposes pursuant to W.S. 14-6-201 through 14-6-243, 14-4-101 through 14-4-116, 1-22-101 through 1-22-114, 14-4-101 through 14-4-117 or 14-6-201 through 14-6-243;

14-3-415. Presence of parent, custodian or guardian at hearing; failure to appear; avoidance of service; issuance of bench warrant.

(a) The court shall ~~insure~~ensure the presence at any hearing of the parents, guardian or custodian of any child subject to the proceedings under this act.

14-4-102. Certification required; exceptions.

(b) W.S. 14-4-101 through 14-4-111 do not apply to:

(vii) Ranches or farms not offering services to children who are homeless, delinquent or have an intellectual disability; ~~and~~

16-1-301. Definitions.

(a) As used in this article:

(i) "Account" means the state drinking water revolving loan account created by W.S. 16-1-302;

16-6-801. Definitions.

(a) As used in this article:

(viii) "Works of art" means any ~~frescoe~~fresco, mosaic, sculpture, drawing, painting, photograph, calligraphy, graphic art, stained glass, wall hanging, tapestry, fountain, ornamental gateway, monument, display, architectural embellishment, craft, architectural landscape or any work of mixed media by an artist.

17-16-1630. Filing of reports and payment of tax required; amount of tax; exemptions; records.

(e) Every corporation registered or authorized to do business in the state of Wyoming shall preserve for three (3) years at its principal place of business, suitable records and books as may be necessary to determine the amount of tax for which it is liable ~~for~~ under this act. All records and books shall be available for examination by the secretary of state or his designee during regular business hours except as arranged by mutual consent.

17-29-407. Management of limited liability company.

(b) In a member-managed limited liability company, unless the articles of organization or the operating agreement provide otherwise, the following rules apply:

(ii) Each member has equal rights in the management and conduct of the company's activities except:

(A) ~~That~~ When a member's interest is otherwise defined in W.S. ~~17-29-102(a)(xxiv)~~ 17-29-102(a)(xxv);

21-3-307. Charter application; contents; phased-in application process.

(d) The state superintendent shall through rule and regulation prescribe a uniform charter school application and renewal application form to be used by each authorizer and charter school applicant for purposes of this article, and shall establish charter school application review procedures, including timelines for application components specified under subsection (a) of this section. The phased application process prescribed by state superintendent rule and regulation may provide a process for mediation of disputes concerning completeness of an application between the applicant and authorizer, which would be subject to W.S. 1-43-101 through 1-43-104, would allow either party to initiate mediation and would impose costs of mediation equally upon both parties. Any mediation process prescribed by rule shall specify professional requirements for the impartial third party facilitating mediation. If either party refuses to mediate, the dispute may be appealed to the state board, ~~as provided in W.S. 21-3-310.~~

21-13-713. Tax levy.

~~Subject to W.S. 21-15-105,~~ The board of county commissioners shall cause to be levied annually upon all taxable property of the school district, in addition to other authorized taxes, a sufficient sum to pay the principal and interest on school district bonds as the payments thereon become due. All taxes for the repayment of bonded indebtedness shall be levied, assessed, and collected in the same manner as other taxes for school purposes. The taxes shall be levied in the manner prescribed above until the principal and interest of the bonds are fully paid.

21-15-121. Annual school building status report to select committee on school facilities.

(a) Not later than September 1 of each year, the commission shall submit a report to the select committee on school facilities on progress being made under the school capital facilities system established under this act. The report shall be incorporated into the proposed budget submitted to the select committee under W.S. 21-15-119 and shall include:

(iii) Use of major building and facility repair and replacement funds which

have addressed buildings and facilities identified under W.S. 21-15-117(a), including the impact of expenditures of these funds, as quantified pursuant to any needs assessment under W.S. 21-15-117(a), on building condition as reported under paragraph (i) of this subsection and on the capacity, ~~educational suitability and technology readiness~~ of these buildings and facilities;

(v) The impact of expenditures on the building and facility scores for condition, ~~educational suitability and technology readiness, including~~ computed building capacity;

21-24-102. Definitions.

(a) As used in this compact, unless the context clearly requires a different construction:

(i) “Active duty” means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. ~~sections~~chapters 1209 and 1211;

21-24-103. Applicability.

(a) Except as otherwise provided in subsection (b) of this section, this compact shall apply to the children of:

(i) Active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. ~~sections~~chapters 1209 and 1211;

26-35-101. Manner of providing notice.

Notices required by this chapter shall be personally delivered to the insured and the agent or shall be mailed to the insured and the agent at their addresses last of record with the ~~insured insurer~~. If mailed, notice shall be deemed given when deposited in the United States mail, postage prepaid. Proof of mailing shall be sufficient proof of notice.

31-2-217. Special plates; Pearl Harbor survivors; national guard members; armed forces veterans; purple heart recipients.

(a) The county treasurer shall issue one (1) set of special license plates to each applicant for either a passenger car, truck, motorcycle, handicapped motorcycle or motor home owned or leased by a survivor of Pearl Harbor, a member of the Wyoming army or air national guard, a purple heart recipient or honorably discharged veteran of the United States armed forces in accordance with this section for the year 1990 and thereafter. For the year 1993 and thereafter, the county treasurer shall issue one (1) set of special license plates to each applicant for either a passenger car, truck, motorcycle, handicapped motorcycle or motor home owned by a purple heart recipient. These license plates shall be displayed upon the vehicle for which they are issued.

31-5-102. Definitions.

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

(lix) “This act” means W.S. 31-5-101 through ~~31-5-160~~ 31-5-170;

31-18-403. Single trip permits; temporary permits for motion picture industry vehicles, tour buses and mobile drilling rigs.

(j) An operator of a mobile drilling rig operated interstate and used in the production of gas, crude petroleum or oil which is constructed as a machine consisting in general of a mast, an engine for power and propulsion, a draw works and a chassis permanently constructed or assembled for the vehicle may obtain a single trip permit from the department in accordance with ~~subsection (a) of this section and~~ W.S. 31-18-201(s). Vehicles making an intrastate move shall be registered in Wyoming. Vehicles already registered in Wyoming need only notify the highway patrol when the vehicle is to be moved on a highway. Compliance with this section exempts the operator from all fees and inspections otherwise required by the commission [department] or its agents.

33-15-108. Licensing; qualifications; examinations; fees.

(g) The board shall make and prescribe all reasonable rules for its government governance and for the conduct of its business.

33-30-204. Board of veterinary medicine.

(m) The board is empowered to:

(xii) Adopt, amend, or repeal all rules necessary for its government governance and all regulations necessary to carry into effect the provision of this act including the establishment and publication of standards of professional conduct for the practice of veterinary medicine;

34-19-101. Definitions.

(a) As used in this act:

(v) “This act” means W.S. 34-19-101 through ~~34-19-106~~ 34-19-107.

39-11-101. Definitions.

(a) As used in this act unless otherwise specifically provided:

(xviii) “This act” means W.S. 39-11-101 through ~~39-22-111~~ 39-23-111.

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, that~~ is in addition to the program established under paragraph (v) of this subsection, upon 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:

39-15-105. Exemptions.

(b) The Wyoming business council, the department of workforce services and the department of revenue shall jointly report to the joint revenue interim committee on or before December 1 of each year that the exemption provided by subparagraph (a)(viii)(O), ~~(Q)~~, (R), (S) or (U) of this section is in effect. If requested by the department of revenue, any person utilizing the exemption under subparagraph (a)(viii)(O) of this section shall report to the department the amount of sales tax exempted, and the number of jobs created or impacted by the utilization of the exemption. The report shall evaluate the cumulative effects of each exemption that is in effect from initiation of the exemption and shall include:

Section 2. W.S. 21-16-1307(c) is repealed.

Section 3. 2023 Wyoming Session Laws, Chapter 46, Sections 3 and 4 are amended to read:

Section 3. The department of environmental quality is authorized up to two (2) additional full-time positions for the period beginning with the effective date of this act and ending June 30, 2026 for purposes of implementing this act. It is the intent of the legislature that the department of environmental quality include these full-time positions in its ~~2026-2027~~ 2027-2028 standard budget request.

Section 4. There is appropriated one million eight hundred forty thousand dollars (\$1,840,000.00) from the general fund to the department of environmental quality for the period beginning with the effective date of this act and ending June 30, 2026 to be expended only for purposes of entering into an agreement with the nuclear regulatory commission as authorized by W.S. 35-11-2001(a), as provided by section 1 of this act, and for establishing a program to assume regulatory authority over source material recovered from any mineral resources processed for purposes other than obtaining the source material content. 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, 2026. It is the intent of the legislature that this appropriation be included in the standard budget of the department of environmental quality for the ~~2026-2027~~ 2027-2028 fiscal biennium through a general fund appropriation.

Section 4.

(a) Except as otherwise provided in subsection (b) of this section, any other

act adopted by the Wyoming legislature during the same session in which this act is adopted shall be given precedence and shall prevail over the amendments in this act to the extent that such acts are in conflict with this act.

(b) Section 3 of this act shall be given precedence and shall prevail over Sections 3 and 4 of 2023 Wyoming Session Laws, Chapter 46, as enacted by the Wyoming legislature during the 2023 general session.

Section 5.

(a) Except as otherwise provided in this section, this act is effective July 1, 2023.

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

Approved March 9, 2023.

Chapter 161

CIVIL CASE FILING FEES-AMENDMENTS

Original House Bill No. 14

AN ACT relating to courts; increasing the original filing fee required for commencing or filing civil matters in district court; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 5-3-206(a)(i) is amended to read:

5-3-206. Fees.

(a) For all civil matters filed or commenced, the clerk of each district court shall charge the following fees:

(i) For filing instruments or documents in each civil action and certifying one (1) copy of any order, decree or judgment at the time of its filing for each party, an original filing fee of ~~one hundred twenty dollars (\$120.00)~~ one hundred sixty dollars (\$160.00), which shall be paid by the plaintiff. This fee shall apply to original actions commenced and to actions that are reopened after a final decree previously has been entered. Forty dollars (\$40.00) of the filing fee shall be for court automation, ten dollars (\$10.00) shall be for indigent civil legal services and both shall be remitted as provided in W.S. 5-3-205;

Section 2. There is appropriated forty-seven thousand eight hundred dollars (\$47,800.00) from the general fund and there is appropriated seventy-nine thousand two hundred dollars (\$79,200.00) from federal funds to the department of family services for payment of fees increased under this act for

the period beginning July 1, 2023 and ending June 30, 2024. This appropriation shall not be transferred or expended for any other purpose. Any unexpended, unobligated funds from these appropriations shall revert on June 30, 2024 as provided by law.

Section 3. This act is effective July 1, 2023.

Approved March 9, 2023.

Chapter 162

SENIOR CITIZEN DISTRICT PROGRAMS AND SERVICES

Original House Bill No. 144

AN ACT relating to senior citizen service districts; specifying how senior citizen service revenues may be expended; specifying requirements for the provision of services and programs; and providing for an effective date.

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

Section 1. W.S. 18-15-111(a)(intro), (i), (ii) and by creating a new paragraph (iv) and by creating new subsections (c) and (d) is amended to read:

18-15-111. Fund; disposition of revenue; contract requirements; expansion of the provision of services.

(a) The revenues collected under the tax levy authorized by W.S. 18-15-110 shall be remitted by the county treasurer to the district to a separate account and shall be used solely for senior citizen programs or services authorized by this subsection and for the payment of bond premiums authorized by W.S. 18-15-108(b), ~~but shall not be used for the purchase of real property or for capital construction expenditures.~~ For purposes of this section, senior citizen programs or services are limited to the following:

(i) Establishment, expansion, renovation, improvement or maintenance of programs or services for facilities owned, occupied or to be occupied by senior citizen centers and operational expenses of senior citizen centers, including utilities and other recurring expenses;

(ii) The continuation or the expansion of existing programs or services, or the establishment of new programs or services, provided by or through a senior citizen centers to provide programs such as center including but not limited to nutrition, health, mental health, dementia services, in-home services, socialization or transportation; ~~or~~

(iv) Assistance to income based or income restricted housing facilities within the district that are designated for senior citizens and that are operated by the senior citizen service district or another governmental entity to provide affordable housing to senior citizens within the district. Assistance under this

subsection may include maintenance costs and upgrades to address code or safety issues with the income based or income restricted housing facilities.

(c) Except as provided in subsection (d) of this section, any senior citizen service district seeking to expand the services provided by the district using the revenues collected under the tax levy authorized by W.S. 18-15-110 on or after July 1, 2023 shall not provide the additional programs or services until the next time a ballot proposition to impose or renew a mill levy is submitted to the resident electors as required by this chapter. The question of the proposed expansion or addition of district programs and services shall be included as a ballot proposition on the ballot for imposing or renewing a mill levy.

(d) Between July 1, 2023 and the date on which a district is required to renew a mill levy in accordance with this chapter, a district may designate and provide additional senior citizen service district programs or services under this chapter. The provision of additional programs or services under this subsection shall be in accordance with all of the following:

(i) Before providing the additional services or programs, the district shall:

(A) Determine the anticipated expenditures for the proposed additional programs or services;

(B) Hold a public hearing on the proposed additional programs or services;

(C) Publish a description of the proposed additional programs or services and the date, time and place of the public hearing not less than one (1) time in a newspaper of general circulation in the district and not later than thirty (30) days before the public hearing;

(D) Maintain a balance of not less than four million dollars (\$4,000,000.00) in the account established for the district under subsection (a) of this section at the time the additional programs or services are proposed.

(ii) The additional programs or services provided under this subsection shall only use existing revenues of the district;

(iii) The provision of additional programs or services shall cease if the ballot proposition for providing the additional programs or services is not adopted at the election for imposing or renewing a mill levy under this chapter.

Section 2. This act is effective July 1, 2023.

Approved March 9, 2023.

Chapter 163**LICENSING BOARDS AMENDMENTS****Original House Bill No. 76**

AN ACT relating to professions and occupations; removing a requirement that examinations for cosmetology and related licensure be conducted by the state board of cosmetology; reducing the number of practice years required for a license to practice veterinary medicine without an examination; and providing for an effective date.

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

Section 1. W.S. 33-12-131(a) and 33-30-208 are amended to read:

33-12-131. Time, place and scope of examinations.

(a) Examinations shall be held at least six (6) times a year at a time and place designated by the board. ~~The examinations shall be conducted by the board or a majority thereof.~~

33-30-208. When examination not required.

(a) The board may, but is not required to, issue a license without a written examination to a qualified applicant who:

(i) Has for the ~~five (5)~~ three (3) years next prior to filing his application been a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements at the time the applicant was first licensed which were substantially equivalent to the requirements of this act, and who has the recommendation for Wyoming licensure by the examining board of his state of residence;

Section 2. This act is effective July 1, 2023.

Approved March 9, 2023.

Chapter 164**SCHOOL FINANCE-CAREER TECHNICAL EDUCATION GRANTS****Original House Bill No. 33**

AN ACT relating to school finance; establishing competitive grants for public schools to purchase career and technical education supplies, materials and equipment; requiring rulemaking; requiring reporting; making conforming amendments; appropriating funds; and providing for an effective date.

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

Section 1. W.S. 21-13-337 is created to read:

21-13-337. Career and technical education equipment grants; application; criteria; limitations.

(a) A school district may apply to the state department of education for state assistance to fund the purchase of supplies, materials and equipment for a new or existing career and technical education program in the district. Amounts awarded under this section shall be in addition to and shall not be considered in determining the school foundation program amount under the education resource block grant model pursuant to W.S. 21-13-309. Any school district receiving funds under W.S. 21-12-105 for a career and technical education demonstration project grant shall be ineligible to receive funds under this section for the period the district receives funds under W.S. 21-12-105.

(b) A grant awarded under this section shall be for a period of two (2) years and shall not exceed fifty thousand dollars (\$50,000.00) per year. Applications for a grant under this section shall be submitted on a form and in a manner specified by rule of the department, shall be filed with the department on or before June 30 to secure a grant during the immediately succeeding school year and shall at a minimum include:

(i) A proposal documenting the need for the requested supplies, materials and equipment and the relationship of the career and technical education program to the workforce, education and economic needs of Wyoming;

(ii) The purpose, plan and timeline for expenditure of grant amounts;

(iii) Assurances that school facilities appropriately accommodate the career and technical education program for which the supplies, materials and equipment will be used;

(iv) Other necessary information required by the department.

(c) Not later than August 15 of the applicable school year and following review of applications submitted under this section, the department shall notify applicant districts of its grant awards and shall provide each applicant district a written statement of the reasons for approving or denying the application. No award shall be given to a district unless it has expended, or will expend with the award of the grant requested under this section, the entire amount generated under W.S. 21-13-309(m)(v)(D) for supplies, materials and equipment for career and technical education programs utilizing expenditure data from the immediately preceding five (5) school years from the date of application and amounts from the special reserve fund created under W.S. 21-13-504 for supplies, materials and equipment for career and technical education programs. Second preference shall be given to districts that have not received a grant under this section in the immediately preceding five (5) school years from the date of application. If an application is approved, the department shall award the grant from amounts made available by legislative appropriation from the public school foundation program account for purposes of this section.

(d) Each applicant district shall report to the department on the expenditure

of amounts awarded under this section and shall provide other information as required by rule of the department.

(e) The department of education shall promulgate rules necessary to carry out this section.

(f) As used in this section, “career and technical education program” shall be as specified in W.S. 21-13-309(m)(v)(D)(II).

Section 2. W.S. 21-12-105(b) is amended to read:

21-12-105. Career and technical education demonstration project grants; application; criteria; limitations.

(b) Any amount awarded to a district under this section shall be in addition to and not be considered in determining the school foundation program amount under the education resource block grant model pursuant to W.S. 21-13-309. A grant awarded under this section shall be for a period of two (2) years and shall not exceed one hundred fifty thousand dollars (\$150,000.00) for the first year of demonstration project planning, and not more than two hundred thousand dollars (\$200,000.00) for project implementation in year two (2) of the project grant. Thereafter, state assistance for the project shall be limited to funds distributed to the district within its foundation program amount as determined under the education resource block grant model. Any school district receiving funds under W.S. 21-13-337 for career and technical supplies, materials and equipment shall be ineligible to receive a grant under this section for the period the district receives funds under W.S. 21-13-337.

Section 3. There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the public school foundation program account to the department of education for the period beginning July 1, 2023 and ending June 30, 2024. This appropriation shall be used for the grant program established by W.S. 21-13-337 as created by 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 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 education for the immediately succeeding fiscal biennium.

Section 4. Not later than June 30, 2024, the data advisory committee established under W.S. 21-2-203(d) shall provide to the state superintendent of public instruction recommendations to more clearly identify expenditures on career and technical supplies, materials and equipment by school districts.

Section 5. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 9, 2023.

Chapter 165**LEGISLATIVE STABILIZATION RESERVE ACCOUNT-OBLIGATIONS****Original House Bill No. 64**

AN ACT relating to public funds; amending or eliminating unnecessary or obsolete borrowing authority or guarantees from the legislative stabilization reserve account as specified; repealing interfund loan authority for the unemployment compensation fund; repealing borrowing authority for the department of administration and information for purposes of school districts joining the state employees' and officials' group insurance plan; amending the source and amount of loans for the department of transportation as specified; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 9-1-418 and 21-7-301(b) are amended to read:

9-1-418. Legislative stabilization reserve account loans; maximum amount; repayment.

The state auditor is authorized to borrow from the legislative stabilization reserve account an amount not to exceed ~~two hundred million dollars (\$200,000,000.00)~~ one hundred million dollars (\$100,000,000.00) at any one (1) time to meet the obligations of the department of transportation which come due prior to the receipt of revenues. The amounts borrowed under this section shall be repaid as soon as the anticipated revenue is received. Interest on the unpaid balance shall be equal to the rate of return earned on ~~pooled fund investments~~ the legislative stabilization reserve account in the previous fiscal year. These loans shall not be used to fund shortages caused by expenditures exceeding projected revenues but are to be used only to fund temporary shortages caused by meeting obligations which come due prior to receipt of revenues.

21-7-301. Insurance and other fringe and employment benefits.

(b) The board of trustees of each school district which is a participating district in the state employees' and officials' group insurance plan, as defined under W.S. 9-3-203(a)(xvi), shall provide insurance under the group plan for the teachers, administrative personnel and other employees meeting the definition of employee under W.S. 9-3-203(a)(iv), as provided by W.S. 9-3-202 through 9-3-218. Each participating school district shall report to the department of administration and information ~~as specified by W.S. 9-3-205(e)~~ and make payments for employer and employee contributions as provided by W.S. 9-3-210 and 9-3-211. The amount of contributions paid under W.S. 9-3-211 for each employee electing coverage shall be deducted from the employee's monthly salary in accordance with W.S. 9-3-211.

Section 2. W.S. 9-3-205(e) and 27-3-303(e) are repealed.

Section 3. This act is effective July 1, 2023.

Approved March 9, 2023.

Chapter 166**K-12 SCHOOL FACILITY LEASING**

Original Senate File No. 83

AN ACT relating to K-12 school facility leasing; modifying leasing agreements; modifying the duties of the state construction department as specified; modifying use of school district facilities by charter schools as specified; requiring approval for major maintenance expenditures on leased facilities; requiring separate accounting; requiring reporting; and providing for an effective date.

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

Section 1. W.S. 21-3-110(a)(x)(intro), 21-3-304(k) and 21-15-123(f) by creating a new paragraph (ix) are amended to read:

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

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

(x) Subject to review by the ~~state construction department~~ school facilities commission under W.S. 21-15-117 for any project involving state capital construction assistance, fix the site of each school building and facility considering the needs of the people of each portion of the district. If the district enters into an agreement to lease buildings and facilities owned by the district and the buildings and facilities are included within the statewide database maintained by the state construction department under W.S. 21-15-123(f)(iv), the district shall, except as provided under W.S. 21-15-109(c)(i)(A)(II) and (III) and (B), ensure the lease agreement requires sufficient payment from the lessee to cover expenses necessary to adequately maintain the facility or building in accordance with statewide adequacy standards prescribed by the commission. If the district or a charter school operating within the boundaries of the district enters into an agreement to lease buildings and facilities under which the district or the charter school is the lessee and the building is to be used for the provision of the required educational program within the district, the lease agreement shall require the lessor to adequately maintain the buildings and facilities in accordance with standards prescribed by the commission. The lease agreement shall separately identify the amount to be expended on the major maintenance of the building or facility during the term of the lease. The amount of the total lease agreement to be expended on the major maintenance shall be accounted for and reported separately and shall not be transferred or expended for any purpose other than major maintenance of the leased building or facility. No expenditure shall be made from the funds dedicated for major maintenance of a leased facility without the approval of the district or the charter school. A district or charter school may request review of the amount to be expended on major maintenance for a lease by the school facilities division of the state construction department to determine the reasonableness of the major maintenance expense. The district shall be reimbursed for the lease payment of the district or the charter school if

the square footage of the leased facility is not included within the district's total square footage for purposes of major maintenance computations under W.S. 21-15-109, subject to the following:

21-3-304. Charter school; requirements; authority.

(k) Except as provided in subsection (j) of this section, a charter school shall not be required to pay rent for space which is deemed available, ~~as negotiated by contract, in school district facilities and adequate by the state construction department within the applicable district for operation of the charter school.~~ All other costs for the improvement, modification, operation and maintenance of school district facilities used by the charter school shall be subject to negotiation between the charter school and the district board.

21-15-123. State construction department; duties and authority relating to school facilities.

(f) The state construction department shall:

(ix) Review requests submitted by charter schools pursuant to W.S. 21-3-110(a)(x) and 21-3-304(k) to determine whether space exists within the applicable district for operation of the charter school that is available and adequate.

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, 2023.

Chapter 167

LEGISLATOR PER DIEM

Original Senate File No. 61

AN ACT relating to per diem rates; increasing the statutory per diem rate for specified legislative activities; increasing per diem rates that are based upon the legislative rate; providing for adjustment of the per diem rate; providing applicability; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 28-5-101(b) is amended to read:

28-5-101. Schedule of compensation, per diem and travel expenses.

(b) The per diem amount to be received by each member of the legislature for expenses shall be one hundred nine dollars (\$109.00) per day equal to an amount to be determined on July 1 of each year by the state auditor that is equal to the most recent per diem rates established by the United States general services administration for locations within Wyoming.

Section 2.

(a) There is appropriated one hundred twenty-five thousand dollars (\$125,000.00) from the general fund to the legislative service office for purposes of supplementing the per diem provided to legislators as required by this act.

(b) There is appropriated seventy-five thousand dollars (\$75,000.00) from the general fund to the state auditor's office for purposes of supplementing the per diem provided to members of any state board, commission, council, authority or other state entity paid from the general fund whose rate of per diem is based upon the amount of per diem paid to legislators as required by this act.

(c) For members of any state board, commission, council, authority or other state entity whose rate of per diem is based upon the amount of per diem paid to legislators and is paid from a nongeneral fund source, to the extent funds are available, there is appropriated from those accounts and funds to those entities amounts necessary to supplement the per diem provided to those members as required by this act.

(d) The appropriations under this section shall be for the period beginning with the effective date of this act and ending June 30, 2024. The appropriations under this section shall not be transferred or expended for any other purposes and any unexpended, unobligated funds remaining from the appropriations under this section shall revert as provided by law on June 30, 2024.

Section 3. This act is effective July 1, 2023.

Approved March 9, 2023.

Chapter 168**DOMESTIC VIOLENCE PROTECTION HEARINGS-REMOTE
APPEARANCE**

Original Senate File No. 167

AN ACT relating to domestic violence protection; authorizing parties to remotely attend hearings for orders of protection as specified; and providing for an effective date.

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

Section 1. W.S. 7-3-507 by creating a new subsection (f) and 35-21-103 by creating a new subsection (j) are amended to read:

7-3-507. Petition for order of protection; contents; requisites; indigent petitioners; remote appearance at hearings.

(f) For any hearing required or authorized for proceedings under W.S. 7-3-506 through 7-3-512, the petitioner or other party to the hearing may petition the court to appear at the hearing by remote means. The court may, in

its discretion, grant the petition for remote appearance at the hearing, provided that the court is equipped with appropriate audio or video technology to allow the petitioner or other party to fully participate in the hearing.

35-21-103. Petition for order of protection; contents; prerequisites; counsel to be provided petitioners; award of costs and fees; remote appearance at hearings.

(j) For any hearing required or authorized for proceedings under this act, the petitioner or other party to the hearing may petition the court to appear at the hearing by remote means. The court may, in its discretion, grant the petition for remote appearance at the hearing, provided that the court is equipped with appropriate audio or video technology to allow the petitioner or other party to fully participate in the hearing.

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

Approved March 9, 2023.

Chapter 169

OCCUPATIONAL THERAPIST CRIMINAL HISTORY

Original Senate File No. 152

AN ACT relating to criminal history records; clarifying that criminal history record information shall be disseminated to the board of occupational therapy 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)(xxxviii) and 7-19-201(a)(xxxiii) 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:

(xxxviii) The board of occupational therapy for purposes of obtaining background information on persons currently licensed occupational therapists and occupational therapist assistants 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:

(xxxiii) All ~~persons~~ currently licensed occupational therapists and occupational therapist assistants applying for a compact privilege under the Occupational Therapy Licensure Compact as provided in W.S. 33-40-201 through 33-40-216.

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, 2023.

Chapter 170

WITNESSING OF WILLS-REMOTE METHODS

Original Senate File No. 99

AN ACT relating to wills; authorizing witnesses to wills to appear electronically as specified; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 2-6-112 and 2-6-114(a) and (c) are amended to read:

2-6-112. Will to be in writing; number and competency of witnesses; signature of testator; subscribing witness not to benefit; exception.

(a) Except as provided in ~~the next section~~ W.S. 2-6-113, all wills to be valid shall be in writing, or typewritten, witnessed by two (2) competent witnesses and signed by the testator or by some person in his presence and by his express direction. If the witnesses are competent at the time of attesting the execution of the will, their subsequent incompetency shall not prevent the probate and allowance of the will. No subscribing witness to any will can derive any benefit therefrom unless there are two (2) disinterested and competent witnesses to the same, but if without a will the witness would be entitled to any portion of the testator's estate, the witness may still receive the portion to the extent and value of the amount devised.

(b) Witnesses to a will may appear in person or by the use of audio-video communication technology, provided that the witnesses can see and hear the testator in real time, have the opportunity to judge the competency of the testator, have the ability to securely sign the will electronically and can determine that the testator is freely and voluntarily signing and executing the will.

2-6-114. Self-proving wills.

(a) Any will may be simultaneously executed, attested and made self-proven, by the acknowledgment thereof by the testator and the affidavits of the

witnesses, each made before an officer authorized to administer oaths under the laws of the state where execution occurs and evidenced by the officer’s certificate under official seal, in form and content substantially as follows:

I, ..., the testator, sign my name to this instrument this ... day of ..., (year), and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am an adult person, of sound mind, and under no constraint or undue influence

Testator.....

We, ..., ... the witnesses, sign (or electronically sign by secure means) our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as his last will and that he signs it willingly (or willingly directs another to sign for him), and that he executes it as his free and voluntary act for the purposes therein expressed, and that each of us, in the presence and hearing of the testator (or appearing through the use of audio-video communication technology and able to see and hear the testator in real time), hereby signs this will (or electronically signs this will by secure means) as witnesses to the testator’s signature and that to the best of our knowledge the testator is an adult person, of sound mind, and under no constraint or undue influence.

Witness

Witness

STATE OF WYOMING)
) ss
COUNTY OF)

Subscribed, sworn to and acknowledged before me by ..., the testator, and subscribed and sworn to before me by ... and ..., witnesses, this ... day of

(SEAL) (Signed)

(Official Capacity of Officer)

(c) An attested will may at the time of its execution or at any subsequent date be made self-proven by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of this state or under the laws of the state where execution occurs, and evidenced by the officer’s certificate under official seal, attached or annexed to the will in form and contents substantially as follows:

STATE OF WYOMING)

COUNTY OF) ss)

We, ..., ..., and ..., the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the testator signed and executed the instrument as his last will and that he signed willingly or willingly directed another to sign for him, and that he executed it as his free and voluntary act for the purposes therein expressed; and that each of the witnesses, in the presence and hearing of the testator (or appearing through the use of audio-video communication technology and able to see and hear the testator in real time), signed the will (or electronically signed the will by secure means) as witness and that to the best of our knowledge the testator was at that time an adult person, of sound mind and under no constraint or undue influence.

Testator

Witness

Witness

Subscribed, sworn to and acknowledged before me by ..., the testator, and subscribed and sworn to before me by ... and ..., witnesses, this ... day of ..., ...

(SEAL)

(Signed)

(Official Capacity of Officer)

Section 2. This act is effective July 1, 2023.

Approved March 9, 2023.

Chapter 171

PUBLIC IMPROVEMENT CONTRACT REQUIREMENTS-AMENDMENTS

Original Senate File No. 164

AN ACT relating to cities and towns; amending requirements for contracts for public improvements for municipalities; amending requirements for the purchase or trade of property by cities and towns; amending the guarantees required for public improvement contracts; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 15-1-113(a), (d), (f), (g) and by creating a new subsection (t) is amended to read:

15-1-113. Contracts for public improvements.

(a) All contracts for any type of public improvement, excluding contracts

for professional services or where the primary purpose is emergency work or maintenance, for any city or town or joint powers board wherein at least one (1) member is a municipality shall be advertised for bid or for response if a request for proposal or qualification for construction manager agent, construction manager at risk or design-builder is used, if the estimated cost, including all related costs, exceeds a bid threshold of ~~thirty-five thousand dollars (\$35,000.00)~~ seventy-five thousand dollars (\$75,000.00), except that a contract for the purchase or lease of a new automobile or truck shall be advertised regardless of cost and if there is an automobile or truck for trade-in, it shall be included as a part of the advertisement and bid. The requirements of W.S. 15-1-112(a) do not apply to any city or town trading in an automobile or truck on the purchase of a new automobile or truck.

(d) Every contract shall be executed by the mayor or in his absence or disability, by the president or other presiding officer of the governing body and by the clerk or designee of the governing body. The successful bidder or respondent shall furnish to the city, town or joint powers board a bond or other form of guarantee in accordance with W.S. 16-6-112. A successful bidder shall not be required to furnish a bond or other form of guarantee if the contract is for the purchase or lease of a new automobile or truck that costs less than one hundred thousand dollars (\$100,000.00).

(f) In advertising for any bid, the forms of guarantee required under this section and approved by the city, town or joint powers board shall be specified. In addition, bidders shall be required to accompany each bid with a bid bond or if the bid is one hundred fifty thousand dollars (\$150,000.00) or less, any other form of bid guarantee approved by the city, town or joint powers board, equal to at least five percent (5%) of the total bid amount, with sufficient surety and payable to the city, town or joint powers board. Bidders shall not be required to accompany a bid with a bid bond or other form of bid guarantee if the bid is for the purchase or lease of a new automobile or truck that costs less than one hundred thousand dollars (\$100,000.00). The bid guarantee shall be forfeited as liquidated damages if the bidder, upon the letting of the contract to him, fails to enter into the contract within thirty (30) days after it is presented to him for that purpose or fails to proceed with the performance of the contract. The bid guarantee shall be retained by the city, town or joint powers board until proper bond or other form of security satisfactory to the city, town or joint powers board to secure performance of the contract has been filed and approved. The right to reject any bid is reserved in all bid advertisements. All bids shall be numbered consecutively before they are opened and no further bids may be received after the advertised time of opening bids and any bid is publicly opened. The city, town or joint powers board shall give all persons who desire an opportunity to inspect all bids when they are opened. No bid may be considered unless accompanied by a bid guarantee in the required amount.

(g) No contract for which a bond or other form of financial guarantee approved

by the city, town or joint powers board is required or for the purchase or lease of a new automobile or truck that is subject to the advertising requirements of subsection (a) of this section may be assigned or transferred in any manner except by operation of law or consent of the governing body endorsed on the contract. Assignment by any other means renders the contract null and void as to any further performance by the contractor or the assignee, without any act on the part of the city, town or joint powers board. The city, town or joint powers board may at once proceed to relet the contract or may at its discretion proceed to complete the contract as agent at the expense of the contractor and his sureties.

(t) If a city, town or joint powers board is unsuccessful in acquiring a bid as provided by this section, the city, town or joint powers board may proceed to acquire a vehicle or equipment for which the bid was sought through a solicitation process, provided that the cost of vehicle or equipment to be obtained under this subsection shall not exceed two hundred fifty thousand dollars (\$250,000.00).

Section 2. This act shall apply to all solicitations for contracts, purchases or leases initiated on and after April 1, 2023. Nothing in this act shall be construed to impair any contract or agreement entered into before April 1, 2023.

Section 3. This act is effective April 1, 2023.

Approved March 9, 2023.

Chapter 172

GOVERNMENT CONTRACTS-LABOR ORGANIZATION

Original Senate File No. 147

AN ACT relating to public works and contracts; prohibiting governmental entities from including specified terms related to labor organization agreements in construction related contracts and grants; providing exemptions; and providing for an effective date.

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

Section 1. W.S. 16-6-122 is created to read:

16-6-122. Public works contracts and grants; prohibited terms; exemptions; definitions.

(a) Subject to W.S. 16-6-108, a governmental entity that awards or renews a contract on or after July 1, 2023, for a construction related project regarding a facility the governmental entity owns or leases directly or through a building authority, shall not include any of the following terms in any contract related document a term that:

(i) Requires, prefers or prohibits a bidder, offeror, contractor or subcontractor from entering into or adhering to an agreement with any person including a labor organization in regard to the construction related project;

(ii) Subject to the provisions of the Wyoming Preference Act of 1971, W.S. 16-6-201 through 16-6-206, otherwise discriminates against a bidder, offeror, contractor or subcontractor for being, becoming or refusing to become or remain a signatory to, or for adhering or refusing to adhere to, an agreement with any person including a labor organization in regard to the construction related project.

(b) A governmental entity shall not award or renew a grant for a construction related project that is conditioned on the recipient including a term prohibited by subsection (a) of this section in a contract related document concerning a facility or real property that is the subject of the grant.

(c) The head of a governmental entity may exempt a contract related document or grant from the requirements of subsection (a) or (b) of this section, as applicable, if the governmental entity finds that the exemption is necessary to avert an imminent threat to public health or safety.

(d) As used in this section:

(i) "Construction related project" includes the construction, improvement, maintenance, expansion, repair, renovation, remodeling or demolition of a facility;

(ii) "Contract related document" includes a bid specification, project agreement or other controlling document for a construction related project;

(iii) "Facility" means:

(A) A highway, road, bridge, runway or rail;

(B) A building or structure along with its grounds, approaches, services, fixtures and appurtenances;

(C) Any other similar physical improvement to real property.

(iv) "Governmental entity" means the University of Wyoming, the state, any department thereof, and any county, city, town, school district, community college district, other political subdivision and other public corporation of the state.

Section 2. This act is effective July 1, 2023.

Approved March 9, 2023.

Chapter 173**SUBDIVISIONS-FENCING REQUIREMENTS****Original Senate File No. 137**

AN ACT relating to planning and zoning; requiring subdividers to construct and pay costs for perimeter fences as specified; specifying requirements for perimeter fences for subdivisions; specifying financial responsibility for maintaining perimeter fences; requiring the inclusion of perimeter fence information in subdivision permit applications; repealing conflicting provisions; and providing for an effective date.

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

Section 1. W.S. 18-5-319 is created to read:

18-5-319. Fencing requirements for subdivision permits.

(a) Each subdivider seeking to create or divide a subdivision that is adjacent to lands upon which livestock can be legally run at large shall comply with all of the following:

(i) The subdivider shall be responsible for the construction of a perimeter fence on any part of the subdivision that is adjacent to lands upon which livestock can be legally run at large unless a legal perimeter fence already exists at that location or all adjacent landowners' consent that a perimeter fence is not necessary;

(ii) The perimeter fence required under this subsection shall be a lawful fence as prescribed by W.S. 11-28-102;

(iii) The subdivider shall be responsible for all costs of the original construction for the perimeter fence.

(b) Upon completion of the construction of a perimeter fence required under this section, the subsequent landowner or, if the subdivided parcel has not been sold, the subdivider shall:

(i) Be responsible for the costs of maintaining the perimeter fence provided that the adjoining landowner shall be responsible for half of the costs of maintaining the perimeter fence, not to exceed the reasonable costs to maintain the fence if the fence was a fence under W.S. 11-28-102(a)(i);

(ii) Not be liable for any damage caused by or arising from livestock pastured on adjoining land that may breach the perimeter fence and wander on the subdivided land, provided that the perimeter fence is maintained in accordance with this section.

(c) The adjoining landowner shall not be liable for any damages caused by, or arising from, livestock pastured on the adjoining land that may wander onto the subdivided land except as provided in W.S. 11-28-108.

(d) Before receiving a subdivision permit under this article, a subdivider shall provide information and evidence of the construction or plans to construct any perimeter fence required by this section in accordance with W.S. 18-5-306(a)

(xiii).

Section 2. W.S. 18-5-306(a) by creating a new paragraph (xiii) is amended to read:

18-5-306. Minimum requirements for subdivision permits.

(a) The board shall require, and with respect to paragraph (xii) of this subsection may require, the following information to be submitted with each application for a subdivision permit, provided the board may by rule exempt from any of the following requirements of this subsection or subsection (c) of this section, 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:

(xiii) If required under W.S. 18-5-319, plans for the construction of perimeter fences, including the type of perimeter fence to be constructed, the materials to be used and the subdivider's plan for paying the costs of the perimeter fence and the construction of the perimeter fence.

Section 3. W.S. 11-28-106(b) is repealed.

Section 4. This act is effective July 1, 2023.

Approved March 9, 2023.

Chapter 174

WYOMING DIGITAL ASSET REGISTRATION ACT

Original Senate File No. 76

AN ACT relating to digital assets; providing for the registration of digital assets with the secretary of state as specified; providing a definition; amending jurisdictional requirements; requiring rulemaking; providing appropriations; and providing for effective dates.

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

Section 1. W.S. 34-29-201 through 34-29-209 are created to read:

ARTICLE 2

REGISTERED DIGITAL ASSETS

34-29-201. Definitions.

(a) For purposes of this article:

(i) "Secretary" means the secretary of state.

34-29-202. Registered digital assets; limitations; certificate.

(a) The lawful owner of any digital asset or the lawful owner's agent may register the digital asset with the secretary in accordance with this article. Digital assets registered with the secretary shall be deemed to be located within

the state for purposes of all laws and regulations of this state, or any applicable federal laws not in conflict with this article, which may impact ownership rights of the digital asset or require transfer of the digital asset.

(b) Following approval of an application for registration of a digital asset, the secretary shall provide a registration certificate cryptographically signed by the secretary for each registered digital asset that may be attached to or otherwise associated with the digital asset.

(c) Nothing in this article shall be construed to confer any ownership, property or other rights related to digital assets beyond those specifically granted in this article.

34-29-203. Application for registration; filing fee; limitations.

(a) Subject to the limitations set forth in this article, any person may submit an application to the secretary in the form and containing information as prescribed by the secretary, for registration of a digital asset. The application shall contain, at minimum, the following information:

- (i) The name and address of the person applying for registration;
- (ii) The nature of the digital asset and sufficient information to identify the digital asset;
- (iii) A statement that the applicant is the lawful owner of the digital asset or the lawful owner's agent and that to the knowledge of the applicant no other person has a current, valid registration of the digital asset either in this state or in any other jurisdiction;
- (iv) Cryptographic proof that the lawful owner has control of the digital asset at the time of application.

(b) The application shall be signed and verified by oath, affirmation or declaration subject to perjury laws by the applicant.

(c) The application for registration shall be accompanied by a registration fee set in accordance with W.S. 34-29-209, which registration fee shall not exceed five hundred dollars (\$500.00) and shall be payable to the secretary.

(d) The applicant shall be:

- (i) A resident of the state of Wyoming if the applicant is a natural person;
- (ii) Incorporated or organized in the state of Wyoming if the applicant is a business entity.

34-29-204. Examination of application; amendment of application.

(a) Upon the filing of a complete application for registration and payment of the registration fee, the application shall be deemed approved and the digital asset registered pursuant to this article unless the secretary, at his discretion, causes the application to be examined for conformity with this article subject

to the following:

(i) The applicant shall provide any additional information requested by the secretary and may make or authorize the secretary to make necessary amendments to the application as may be reasonably requested by the secretary or deemed by the applicant to be advisable to respond to any rejection or objection to the application;

(ii) The secretary may revise the application with agreement of the applicant or may require the applicant to submit a revised application;

(iii) If the applicant is found not to meet the registration requirements, the secretary shall advise the applicant of the reasons. The applicant shall have a reasonable period of time specified by the secretary in which to reply or to amend the application, in which event the application shall be reexamined. This procedure may be repeated until:

(A) The secretary finally refuses registration of the digital asset; or

(B) The applicant fails to reply or amend within the specified period, whereupon the application shall be deemed to have been abandoned.

34-29-205. Term of registration; renewals.

(a) Registration of a digital asset is effective for a term of five (5) years from the date of registration. Upon application filed within six (6) months prior to the expiration of the registration term and in a manner complying with the requirements of the secretary, the registration may be renewed for a term of five (5) years from the end of the expiring term. The renewal fee shall be set in accordance with W.S. 34-29-209, but shall not exceed two hundred fifty dollars (\$250.00) and shall be submitted with the application for renewal of the registration.

(b) A digital asset registration may be renewed for successive periods of five (5) years under this section.

34-29-206. Public record of digital assets.

The secretary shall keep for public examination a record of all registered digital assets under this article.

34-29-207. Cancellation of registration.

(a) A digital asset shall no longer be deemed registered and the secretary shall cancel from the register:

(i) Any registration upon a voluntary request for cancellation thereof from the lawful owner of the digital asset or his agent and payment of a fee set in accordance with W.S. 34-29-209, but not to exceed thirty dollars (\$30.00);

(ii) Any registration that is not renewed under this article;

(iii) Any registration if a court of competent jurisdiction finds:

- (A) That the registration was granted improperly;
- (B) That the registration was obtained fraudulently.

(iv) Any registration when a court of competent jurisdiction orders cancellation of a registration on any ground.

34-29-208. False or fraudulent representations or declarations; liability for damages sustained.

Any person who for himself, or on behalf of any other person, files or registers any digital asset in the office of the secretary under the provisions of this article by knowingly making any false or fraudulent representation or declaration, orally or in writing, or by any other means, shall be liable to pay all damages sustained in consequence of the filing or registration, to be recovered by or on behalf of the injured party in any court of competent jurisdiction.

34-29-209. Powers of secretary of state; filing and other fees.

(a) The secretary has all powers reasonably necessary to perform the duties required by this article including the promulgation of rules and regulations necessary to carry out the purposes of this article.

(b) The secretary shall set and collect registration, service and copying fees to recover the costs of providing these services and administering this act. Fees shall not exceed the costs of providing these services and administering this act.

Section 2. W.S. 5-13-115(b) by creating a new paragraph (xvii) is amended to read:

5-13-115. Purpose and jurisdiction.

(b) The chancery court shall have jurisdiction to hear and decide actions for equitable or declaratory relief and for actions where the prayer for money recovery is an amount exceeding fifty thousand dollars (\$50,000.00), exclusive of claims for punitive or exemplary damages, prejudgment or post judgment interest, costs and attorney fees provided the cause of action arises from at least one (1) of the following:

(xvii) A dispute concerning a digital asset registered under W.S. 34-29-201 through 34-29-209.

Section 3. The secretary of state shall promulgate any rules necessary to implement this act not later than October 1, 2023.

Section 4.

(a) There is appropriated one hundred fifty thousand dollars (\$150,000.00) from the general fund to the secretary of state's office for the purpose of administering the registration of digital assets as authorized by this act. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2025. 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, 2025. It is the intent of the legislature that this appropriation not be included in the secretary of state's office standard budget for the immediately succeeding fiscal biennium.

(b) There is appropriated twenty thousand dollars (\$20,000.00) from the general fund to the secretary of state's office for the purpose of administering this act. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2025. 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, 2025.

Section 5.

(a) Except as provided in subsection (b) of this section, this act is effective December 1, 2023.

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

Approved March 9, 2023.

Chapter 175

SCHOOL CAPITAL CONSTRUCTION FUNDING

Original Senate File No. 66

AN ACT relating to school finance accounts; eliminating the school major maintenance subaccount within the strategic investments and projects account, the school lands mineral royalties account and the school capital construction account; modifying the distribution of revenues; clarifying the timing of transfers from the strategic investments and projects account as specified; transferring funds; making conforming amendments; repealing provisions; and providing for effective dates.

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

Section 1. W.S. 9-4-203(a)(xiii), 9-4-220(b)(i), 9-4-305(b), 9-4-601(a)(ii), (b)(i)(intro), (iv)(A) and (B), 21-13-306(a) and (b), 21-13-311(a), 21-15-108(a) and (d)(vii), 21-15-109(b), 21-15-117(d), 21-15-119(a)(ii)(A) and (C) and 21-15-120(b) are amended to read:

9-4-203. Definitions.

(a) As used in this act:

(xiii) "This act" means W.S. ~~9-4-201~~ 9-4-202 through ~~9-4-224~~ 9-4-225.

9-4-220. Strategic investments and projects account created; purposes.

(b) For fiscal year 2021 and in each fiscal year thereafter unencumbered and unobligated funds available for expenditure in the strategic investments and projects account shall be expended for the following purposes and subject to the following:

(i) An amount equal to forty-five percent (45%) of the maximum amount which may be credited to the strategic investments and projects account pursuant to W.S. 9-4-719(q) shall be credited to a school major maintenance subaccount. Funds within the subaccount shall be expended only for school major maintenance obligations of the state. For purposes of accounting and investing only, the school major maintenance subaccount shall be treated as a separate account from the strategic investments and projects account; the public school foundation program account.

9-4-305. Disposition of state land revenue.

(b) Proceeds from the sale of state lands, mineral royalties and any money designated by the Wyoming constitution or Wyoming statutes as collected shall be transmitted to the state treasurer and credited to the proper accounts within the permanent land fund. As authorized by article 7, section 2 of the Wyoming constitution, thirty-three and one-third percent (33 1/3%) of the mineral royalties received from the lease of any school lands shall be deposited into the public school lands mineral royalties foundation program account. To the extent constitutionally permissible and notwithstanding any other provision of law, at the end of every fiscal year, the state treasurer shall transfer to the corpus of each account within the permanent land fund, except the common school account, from the income earned on the corresponding account within the permanent land fund, to the extent available, an amount as provided by this subsection. In determining the amount to be withheld, the state treasurer shall calculate the fiscal year beginning balance and ignore any appropriations made from the account within that fiscal year. For the fiscal year 2000, he shall transfer an amount equal to five percent (5%) of the inflation rate for the previous twelve (12) month period as determined by the department of administration and information multiplied by the beginning balance of each permanent land fund account, except the common school account. At the end of each succeeding fiscal year, the state treasurer shall increase the amount to be multiplied by that year's inflation rate by five percent (5%) until such time as the multiplier reaches one hundred percent (100%) of the inflation rate, and then multiply that amount by the beginning balance of each permanent land fund account, except the common school account.

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:

(ii) ~~Subject to paragraph (xi) of this section, Forty-four and eight-tenths percent (44.8%)~~ Forty-seven and one-half percent (47.5%) to the public school foundation program account subject to allocations under W.S. 9-4-605;

(b) The state treasurer shall ascertain and withhold all bonus payments received from the federal government attributable to coal, oil shale or geothermal leases of federal land within Wyoming and shall distribute it as follows:

(i) Fifty percent (50%), the first seven million five hundred thousand dollars (\$7,500,000.00) of which shall be distributed as follows, and any amount in excess of seven million five hundred thousand dollars (\$7,500,000.00) per year shall be deposited into the public school capital construction account established under W.S. 21-15-111(a)(i), except for fiscal years 2019, 2021 and 2022 amounts in excess of seven million five hundred thousand dollars (\$7,500,000.00) per year shall be deposited to the school foundation program reserve account; ~~created by W.S. 21-13-306.1;~~

(iv) And:

(A) Ten percent (10%) but not to exceed one million six hundred thousand dollars (\$1,600,000.00) per year, to a separate account which may be expended by the community college commission in accordance with and in addition to appropriations available under W.S. 21-18-205(c). Any amount in excess of one million six hundred thousand dollars (\$1,600,000.00) together with any unexpended revenues within the account at the end of any biennial budget period shall be credited to the public school capital construction account established under W.S. 21-15-111(a)(i), except for fiscal years 2019, 2021 and 2022 these funds shall be deposited to the school foundation program reserve account; ~~created by W.S. 21-13-306.1;~~

(B) Forty percent (40%) to be deposited to the public school capital construction account established under W.S. 21-15-111(a)(i), except for fiscal years 2019, 2021 and 2022 these funds shall be deposited to the school foundation program reserve account; ~~created by W.S. 21-13-306.1;~~

21-13-306. Foundation program account established; disposition of monies.

(a) The public school foundation program account is established to consist of funds appropriated to, or designated to the account by law, or by gift from whatever source, for distribution to districts in accordance with ~~this article law~~.

(b) Within the limits of legislative appropriation, if any, the resources of the public school foundation program account shall be paid into the state treasury and shall be drawn out and distributed to the districts in accordance with this article upon certification of the state superintendent and upon vouchers approved by the state auditor payable to the treasurer of the several districts.

21-13-311. Determination of amount to be distributed to each district from foundation account; undistributed balance; prohibition on expenditures.

(a) The amount of money which shall be distributed to each district in accordance with this article from the public school foundation program account shall be determined by subtracting the sum of the district revenues computed in accordance with W.S. 21-13-310 from the total amount of the foundation program computed in accordance with W.S. 21-13-309.

21-15-108. Revenue bonds for grants and loans; refunding revenue bonds.

(a) Before distribution to the public school ~~lands mineral royalties~~ foundation program account under W.S. 9-4-305(b), sufficient revenues for the purposes of this section shall be deducted therefrom and credited to a bond repayment account pursuant to the terms of the resolution, indenture or other appropriate proceeding authorizing the issuance of revenue bonds under this section. The revenues deducted shall be used as provided by this section. The balance of the revenues shall be credited to the public school ~~lands mineral royalties~~ foundation program account as provided under W.S. 9-4-305(b). After available revenues under W.S. 9-4-305(b) have been used, revenues under W.S. 21-13-301 shall also be credited, as necessary, to the bond repayment account and shall be used as provided by this section.

(d) Any bonds issued under this section shall:

(vii) Be additionally secured by a reserve fund created from revenues deposited within the public school ~~lands mineral royalties~~ foundation program account under W.S. 9-4-305(b) or from the proceeds of the bonds, or both, in an amount determined by the commission but not to exceed an amount equal to ten percent (10%) of the revenue bonds outstanding.

21-15-109. Major building and facility repair and replacement payments; computation; square footage allowance; use of payment funds; accounting and reporting requirements.

(b) To the extent funds are available, the state construction department shall, based upon square footage computations computed from the prior school year, distribute the estimated major building and facility repair and replacement payments in quarterly installments to each school district from the public

school ~~capital construction foundation program~~ account. The department shall distribute the first quarterly payment on July 1 of each fiscal year, with the remaining payments distributed on October 1, January 2 and April 1. Payments shall be made as equal as reasonably possible. If funds within the account are not sufficient for any quarterly payment, the department shall reduce all district payments for that quarter by a uniform percentage. The department shall also increase or reduce a subsequent school district payment, as appropriate, in the event a school district receives an excessive or deficient distribution. Major building and facility repair and replacement payments shall be computed in accordance with subsection (c) of this section.

21-15-117. Annual evaluation of school buildings and facilities; remediation schedules; needs prioritization; combining facilities; implementation of remedy.

(d) In determining building and facility remedies under subsection (b) of this section, in developing criteria and procedures for site analysis under W.S. 21-15-114(a)(xii) and in approving district facility plans under W.S. 21-15-116 and otherwise administering this act, the commission shall adopt the remedy that is in the best financial and educational interests of the state, taking into consideration the recommendations of the department and the most efficient and cost effective approach in order to deliver quality educational services and address building and facility need. Expenditures from the public school foundation program account for school capital construction ~~account~~ shall be for necessary and related costs to implement efficient and cost effective building and facility remedies required to deliver quality educational services. In making determinations under this subsection, the commission shall take into consideration the effects of the proposed activity on the local community. The commission shall implement this subsection in carrying out building and facility remedies and shall, giving proper consideration to the prevention of unnecessary delays in proceeding with a remedy, establish a process to work with other political subdivisions of the state in implementing this subsection.

21-15-119. Commission budget and funding recommendations.

(a) Notwithstanding W.S. 9-2-1012, the commission shall annually, not later than September 1, develop and submit a recommended budget for projects and school capital construction financing to the governor, through the state budget department and to the select committee on school facilities. The department shall prepare and provide information as requested by the commission. The commission shall include with its recommended budget to the select committee the prioritized schedules of projects specified in W.S. 21-15-117 including the amounts allocated to each project and the annual building status report specified under W.S. 21-15-121. The recommended budget submitted by the commission shall include:

- (ii) Financing alternatives for funding the recommended budget, which

uses any combination of the following financing alternatives:

(A) Direct payment from the public school ~~capital construction foundation program~~ account;

(C) Real property leasing under W.S. 21-15-112. Any payments for real property leasing shall be made from the public school ~~capital construction foundation program~~ account subject to W.S. 21-15-112. For the purpose of this section, real property leasing includes payments sufficient for the exercise of a purchase option under the lease.

21-15-120. Emergency facility needs.

(b) Upon a finding that an emergency exists under subsection (a) of this section, the commission shall in accordance with rules and regulations promulgated by the commission under this subsection and to the extent funds are available within the public school ~~capital construction foundation program~~ account or otherwise made available by the legislature, acquire facilities and equipment, undertake school building and facility repairs, fund additional operating expenses incurred in providing temporary measures and other responses to the emergency situation including necessary investigative and qualified contract assistance expenses incurred by the commission, as necessary to enable the district to provide educational programs required by law on a temporary basis until permanent action can be taken to address school building and facility adequacy.

Section 2. For fiscal years 2023 and 2024, prior to the transfer of any funds required under W.S. 9-4-220.1 from the strategic investments and projects account to the Wyoming state penitentiary capital construction account, the state auditor shall first transfer any funds required under W.S. 9-4-220(b)(i) to the school major maintenance subaccount within the strategic investments and projects account.

Section 3. W.S. 9-4-224, 9-4-601(a)(vii) and 21-15-111(a)(i) are repealed.

Section 4. The state auditor shall transfer any unencumbered, unobligated funds in the school major maintenance subaccount within the strategic investments and projects account, the school lands mineral royalties account and the school capital construction account to the public school foundation program account. The transfers shall be made on the effective date of this act, subject to accrual accounting principles. Any funds that are directed by law to revert to the school major maintenance subaccount within the strategic investments and projects account, the school lands mineral royalties account or the school capital construction account shall revert to the public school foundation program account.

Section 5.

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

(b) Sections 2 and 5 of this act are effective immediately upon completion of all acts necessary for a bill to become a law as provided by Article 4, Section 8 of this Wyoming Constitution.

Approved March 9, 2023.

Chapter 176

TAXATION OF CIGARS

Original Senate File No. 42

AN ACT relating to tobacco taxes; providing that the tax on a cigar, snuff and other tobacco products are due following the sale of the cigar; and providing for an effective date.

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

Section 1. W.S. 39-18-107(a)(ii) is amended to read:

39-18-107. Compliance; collection procedures.

(a) Returns and reports. The following shall apply:

(ii) On or before the tenth day of each calendar quarter, every consumer who, during the preceding calendar quarter, has acquired title to or possession of nicotine products for use or storage in this state, upon which products the tax imposed by W.S. 39-18-103(a)(iii) and (v) has not been paid, shall file a return with the department showing the quantity of such products so acquired. The return shall be made upon a form furnished and prescribed by the department and shall contain such other information as the department may require. The return shall be accompanied by a remittance for the full unpaid tax liability shown by it, provided that the tax on cigars, snuff and other tobacco products shall be due upon the sale of the cigars, snuff and other tobacco products as provided in subsection (b) of this section.

Section 2. This act is effective July 1, 2023.

Approved March 9, 2023.

Chapter 177

ELECTION SECURITY

Original Senate File No. 153

AN ACT relating to elections; requiring post-election ballot audits; changing the time absentee ballots may be distributed to applicants before the election; requiring that electronic voting systems have an air gap; providing that election records and returns be transported in a sealed and locked container as specified; providing definitions; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 22-6-130 is created to read:

22-6-130. Post-election ballot audit.

(a) Each county clerk shall complete an audit of the county's unofficial election results by identifying and reviewing the smallest observable percentage between the statewide candidates who received the most votes and the statewide candidates who received the second highest votes for each contest within the county not later than the first Thursday following a primary, special or general election. Additional contests may be added to the audit at the discretion of the county clerk. Using a formula developed by the University of Wyoming, each county clerk shall use the smallest observable percentage to determine a statistically significant sample size of the ballots to be audited under this section. To ensure the timely completion of this procedure under this subsection, the number of ballots audited shall not exceed five percent (5%) of the total number of ballots cast.

(b) Each county clerk shall conduct an audit of the election using the statistically significant ballot sample size and the corresponding ballots for the contests selected for audit determined under subsection (a) of this section. Each county clerk shall provide the audit results to the secretary of state not later than one (1) day before the meeting of the state canvassing board as provided in W.S. 22-16-118.

Section 2. W.S. 22-1-102(a) by creating a new paragraph (liv), 22-9-107, 22-11-103(a) by creating a new paragraph (xi), 22-11-104(b) by creating a new paragraph (vii), 22-14-111(a)(intro) and by creating a new subsection (b) and 22-14-114(b) are amended to read:

22-1-102. Definitions.

(a) The definitions contained in this chapter apply to words and phrases used in this Election Code and govern the construction of those words and phrases unless they are specifically modified by the context in which they appear. As used in this Election Code:

(liv) "Air gap" means a security measure where electronic voting systems and computers used within those systems are physically isolated from any network and are not directly or indirectly connected to the internet nor connected to any other system, network or device that is connected to the internet.

22-9-107. Delivering ballots to qualified applicants.

If the clerk determines that the applicant is entitled to vote, he shall mark the application "Accepted" and shall, not more than forty-five (45) days prior to the election for applicants with rights under the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301 et seq., and not more than twenty-eight

(28) days prior to the election for all other applicants or the individual designated by the applicant, distribute to the applicant, or the individual designated by the applicant, the absentee ballot or ballots requested, instructions for marking the ballot and the required envelopes for use in returning the ballot.

22-11-103. Capabilities required.

(a) Every electronic voting system adopted for use in Wyoming shall:

(xi) Have and use an air gap.

22-11-104. Conduct of elections in which systems utilized.

(b) The county clerk of each county using an electronic voting system shall:

(vii) Ensure that every electronic voting system used in the county has and uses an air gap.

22-14-111. Returning records and returns to clerk.

(a) Unless the votes are being counted at a central counting center as authorized by W.S. 22-14-114(b), an election judges-judge or peace officer as defined under W.S. 7-2-101(a)(iv)(A) or (B) and acting under the authority of the county clerk shall, as soon as possible after the tabulation of votes is complete, return ~~by messenger~~ to the clerk who prepared the ballots for the election the following records and returns in a sealed ~~packet and locked container with a numbered seal that includes a number or other identifier that is unique to that seal:~~

(b) The number or unique identifier on the numbered seal on the sealed and locked container required under subsection (a) of this section shall be documented by an election judge before departing the polling place and documented by the county clerk upon arriving at the county clerk's office.

22-14-114. Counting of ballots.

(b) At the request of a county clerk, an election judge shall place the ballots may be received from a polling place in a sealed and locked container with a numbered seal and an election judge or a peace officer as defined under W.S. 7-2-101(a)(iv)(A) or (B) shall transport the ballots to be counted at a central counting center in accordance with rules promulgated by the secretary of state pursuant to W.S. 22-2-121(g).

Section 3. There is appropriated one hundred thousand dollars (\$100,000.00) from the general fund to the state treasurer's office to be distributed to each county clerk in accordance with this section for purposes of obtaining an election consultant or attending training, including professional development training on election administration and security. Distributions shall be made on the effective date of this act in equal amounts with each county clerk receiving three thousand dollars (\$3,000.00). From the remainder of the appropriation available for distribution under this section, each county clerk

shall receive an amount in the proportion which the population of the county bears to the total state population. For purposes of this distribution, population shall be determined using the 2020 decennial federal census as reported by the economic analysis division within the department of administration and information and as defined in W.S. 8-1-102(a)(xv). This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on December 31, 2024 shall revert as provided by law.

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, 2023.

Chapter 178

STATE LAND LEASES

Original House Bill No. 171

AN ACT relating to state lands; providing that thirty (30) days notice shall be given before the lease of state lands; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 36-5-114(d) is amended to read:

36-5-114. Leasing for industrial, commercial, residential and recreational purposes; authority; rental fees; rules and regulations.

(d) The board shall promulgate rules and regulations implementing policies, procedures and standards for the long-term leasing of state lands for industrial, commercial and recreational purposes under the provisions of W.S. 36-5-114 through 36-5-117, including provisions requiring compliance with all applicable land use planning and zoning laws and permitting the board to terminate a lease for good cause shown. When the office of state lands and investments initiates a request for a proposed leasing of state lands, the office shall require not less than thirty (30) days notice be provided:

- (i) On the website of the office of state lands and investments;
- (ii) In a newspaper of general circulation in the county or counties where the state lands are to be leased; and
- (iii) To current lessees of the state lands and owners of adjoining lands by certified mail.

Section 2. The board of land commissioners shall promulgate all rules necessary to implement the provisions of this act.

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2023.

(b) Sections 2 and 3 of this act are effective immediately upon the 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, 2023.

Chapter 179**WYOMING CHARTER SCHOOL AUTHORIZING BOARD**

Original Senate File No. 174

AN ACT relating to charter schools; creating the Wyoming charter school authorizing board; modifying the duties of the state superintendent of public instruction; defining terms; revising the process for approval and renewal of charter schools; modifying the requirements for the operation of converted charter schools; modifying funding of charter schools; making conforming amendments; repealing provisions; requiring reporting; and providing for an effective date.

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

Section 1. W.S. 21-3-302.2 is created to read:

21-3-302.2. Wyoming charter school authorizing board.

(a) There is created the Wyoming charter school authorizing board. The mission of the board is to authorize high quality public charter schools.

(b) The Wyoming charter school authorizing board shall consist of the following eight (8) members:

(i) Three (3) members appointed by the superintendent of public instruction. Each member appointed under this paragraph shall have at minimum five (5) years of experience in Wyoming in education;

(ii) The chairman of the state board of education, or the chairman's designee;

(iii) Three (3) members appointed by the governor and confirmed by the senate;

(iv) The dean of the University of Wyoming's college of education, or his designee.

(c) Each member appointed shall represent the public interest and satisfy all of the following requirements:

(i) Be a resident of the state;

(ii) Possess experience and expertise in public or nonprofit governance,

management and finance, public school leadership, assessment, curriculum or instruction or public education law.

(d) Of the initial members appointed to the board, the members appointed under paragraph (b)(i) of this section shall serve two (2) year terms and the members appointed under paragraph (b)(iii) of this section shall serve four (4) year terms. Thereafter, all appointments shall be for four (4) year terms. The initial appointments shall be made not later than July 1, 2023.

(e) Members appointed to the board under paragraph (b)(i) of this section may be removed by the superintendent of public instruction. Members appointed to the board by the governor under paragraph (b)(iii) of this section may be removed in accordance with W.S. 9-1-202.

(f) Vacancies shall be appointed pursuant to subsection (b) of this section.

(g) The board shall meet not less than two (2) times each year.

(h) All appointed members of the board shall receive compensation, per diem and mileage for actual time spent in performance of their duties and traveling expenses while in attendance and going to and from board meetings in the same manner and amount as members of the Wyoming legislature.

(j) Members shall be subject to the Ethics and Disclosure Act, W.S. 9-13-101 through 9-13-109.

Section 2. W.S. 21-2-202 by creating a new subsection (h), 21-3-302(a)(vii) and by creating new paragraphs (xii) and (xiii), 21-3-302.1(a) by creating new paragraphs (iv) through (vi) and (b), 21-3-304(b) through (d), (j), (k) and by creating new subsections (q) and (r), 21-3-305(a)(intro), (i) through (iii), (vi), by creating a new paragraph (xvii) and (f), 21-3-306(a) and (b), 21-3-307(a)(vii), (xix), (xxiii)(G), by creating a new paragraph (xxvi), (d) and (e), 21-3-309 by creating a new subsection (g) and 21-3-314(c)(intro), (i)(intro), (ii), by creating a new paragraph (iv) and (v) and (e) are amended to read:

21-2-202. Duties of the state superintendent.

(h) The state superintendent shall designate an employee of the department of education to serve as the liaison to the Wyoming charter school authorizing board through which requests for staff assistance shall be directed.

21-3-302. Definitions.

(a) As used in this article:

(vii) “Authorizer” means a school district board or the ~~state loan and investment Wyoming charter school authorizing board as created by W.S. 21-3-302.2(a);~~

(xii) “Full-time virtual charter school” means a charter school that offers educational services primarily or completely through an online program;

(xiii) “Governing board” means the independent board of a charter

school that is a party to a charter contract with the authorizer, whose members have been selected pursuant to the charter application and who are subject to the Ethics and Disclosure Act, W.S. 9-13-101 through 9-13-109.

21-3-302.1. Charter school authorizers; powers and duties.

(a) Authorizers shall:

(iv) Establish and maintain policies and practices consistent with the principles and professional standards for authorizers of charter schools related to all of the following:

(A) Requirements for organizational capacity and infrastructure of the charter school;

(B) Soliciting and evaluating charter applications;

(C) Ongoing charter school oversight and evaluation;

(D) Charter application approval, renewal and revocation decision making.

(v) In determining whether to approve a charter application, the authorizer shall:

(A) Grant charters to applicants that possess competence in the elements of the charter application requirements identified in this article;

(B) Base decisions on documented evidence collected through the charter application review process.

(vi) Act as the local education agency for charter schools authorized to operate under this article to apply for, receive or administer grants through a grant program created by a federal or state statute or program which requires local education agency status.

(b) Funding for authorizers shall consist of administrative fees collected from the charter school. Fees shall not exceed three percent (3%) of the charter school's annual state funding. Authorizers shall restrict the expenditure of funds received under this subsection for the purpose of fulfilling duties under this article and shall annually publish and submit to the state superintendent of public instruction a report detailing expenditure of funds.

21-3-304. Charter school; requirements; authority.

(b) If a charter is granted by a school district, the charter school shall be a public school within the school district that grants its charter. If a charter is granted by ~~the state loan and investment~~ the Wyoming charter school authorizing board, the charter school shall be an independent public school within the district where the charter school is located. The charter school shall be accountable to its authorizer for purposes of ensuring compliance with applicable laws and charter provisions and the requirements of the state constitution.

(c) A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or need for special education services. Enrollment decisions shall be made in a nondiscriminatory manner specified by the charter school applicant in the charter school application. Enrollment decisions shall not discriminate against at-risk students or students with special program students. ~~A charter school specializing in at-risk or special education students may give a preference in enrollment to those students—education needs.~~ A charter school sponsored jointly or separately by the Eastern Shoshone or the Northern Arapaho Indian tribes may give preference to a student who is a member or eligible for membership in an Indian tribe.

(d) A charter school shall be administered and governed by a governing body in a manner agreed to by the charter ~~school applicant and the authorizer contract~~. A charter school may organize as a nonprofit corporation pursuant to the Wyoming Nonprofit Corporation Act, which shall not affect its status as a public school for any purposes under Wyoming law. A charter school organized by a school district may include school board members or school district employees on its governing board.

(j) A charter school may negotiate and contract with a school district, the governing body of a community college or the University of Wyoming, or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity or undertaking that the charter school is required to perform in order to carry out the educational program described in its charter. Any services for which a charter school contracts with a school district shall be provided by the district at the incremental cost and may be negotiated as an agreement separate from a charter contract between the charter school and the authorizer. For school district capital facilities that are rented at the time of the charter school application and had been rented for the immediately preceding six (6) months by a third party, the net loss of rental income shall be considered an incremental cost. The charter school shall have standing to sue and be sued in its own name for the enforcement of any contract created pursuant to this subsection.

(k) Except as provided in subsection (j) of this section, a charter school shall not be required to pay rent for space which is deemed available, as negotiated by contract, in school district facilities. All other costs for the improvement, modification, operation and maintenance of school district facilities used by the charter school shall be subject to negotiation between the charter school and the district board and may be negotiated as an agreement separate from a charter contract between the charter school and the authorizer.

(q) Individuals compensated by an education service provider shall be prohibited from serving as a voting member on the governing board of any

charter school that contracts with the education service provider unless waived by the authorizer.

(r) A charter school governing board shall have access to education service provider records as necessary to oversee the education service provider contract.

21-3-305. Charter schools; contract contents; renewal; revocation; closure; appeal; regulations.

(a) An approved charter application shall serve as the basis for a contract between the charter school and the authorizer. Within seventy-five (75) days of the final approval of a charter application, the governing board and the authorizer shall execute the charter contract. The charter contract shall:

(i) Be a written instrument which is a separate document from the charter application and shall be the final authorizing document for the charter school;

(ii) Be executed by an authorizer and a charter school, with a copy submitted to the state superintendent of public instruction within five (5) days after the signature of both parties;

(iii) Confer certain rights, privileges and obligations on the charter school pursuant to this article;

(vi) Provide for a review by the authorizer of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in the first year of operation and one (1) time in each five (5) year period that the charter is in effect thereafter;

(xvii) Specify closure protocols to ensure students receive educational services without interruption to the greatest extent reasonably possible in the event the charter school closes for any reason.

(f) The authorizer shall make a final ~~ruling decision~~ on the renewal application not later than ~~April 1 following thirty (30) days after~~ the filing of the renewal application under this subsection. ~~The April 1 deadline does not apply to any review or appeal of a final ruling. If a school district denies renewal of a charter, the charter school board may appeal to the state loan and investment board for a de novo consideration of the renewal. The state loan and investment board shall consider the renewal and if the renewal is approved shall be the authorizer of the charter school.~~

21-3-306. Application for establishing charter schools; conversion of existing schools.

(a) Any person may apply to an authorizer for the establishment of a new charter school. The applicant shall have the right to determine which authorizer to apply to and may apply to a different authorizer for renewal of a charter. ~~The state loan and investment Wyoming charter school authorizing board may~~

reject a renewal application from an existing charter school if the renewal is to avoid necessary corrective measures, including closure of the charter school, identified by the authorizer.

(b) Administrators and teachers employed by the district, parents of students enrolled in the district and any special district advisory group comprised of district residents may apply to the district board to convert an existing public school operating within the school district to a charter school. An application filed under this subsection shall demonstrate the support of not less than fifty percent (50%) of the teachers employed by the school who teach at the school proposed to be converted, and the parents of fifty percent (50%) of all students attending the school proposed to be converted. A converted charter school operated under this subsection is a separate school and shall have the rights and obligations provided under this article, including but not limited to the ability to hire its own employees.

21-3-307. Charter application; contents; phased-in application process.

(a) The charter school application shall be on a form prescribed by the state superintendent pursuant to subsection (d) of this section, and shall include:

(vii) Admission requirements, if applicable, provided that enrollment shall be open to all to the extent seats are available within the applicable grade level, subject to W.S. 21-3-304(c). If the number of applicants for enrollment exceeds the available seats, the charter school shall, subject to W.S. 21-3-304(c), hold a blind lottery to determine enrollment. Students enrolled in the previous year shall be guaranteed a seat, and applicants with a sibling enrolled in the charter school shall receive a preference. For converted charter schools, students who attended the converted charter school the previous school year shall be given an enrollment preference. If the number of students enrolled in the converted charter school does not exceed the capacity of the school, secondary preference shall be given to students who reside within the district boundary in which the charter school is located;

(xix) ~~An~~ A proposed agreement or summary of a proposed agreement between the parties charter school governing board and the authorizer and, if applicable, the district regarding their respective legal liability and applicable insurance coverage;

(xxiii) In the case of a proposed charter school that plans to establish a full-time virtual charter school, the application shall additionally require the applicant to provide a description regarding the methods by which the charter school will:

(G) Provide that no more than twenty percent (20%) of its enrollment shall be from outside of the school district where the charter school is located without prior approval of the ~~state loan and investment board~~ authorizer.

(xxvi) The school's plans for identifying and providing an education to

all students enrolled or to be enrolled in the charter school, including but not limited to students with special education needs, students who are English language learners and gifted and talented students.

(d) The state superintendent shall through rule and regulation prescribe a uniform charter school application and renewal application form to be used by each authorizer and charter school applicant for purposes of this article, and shall establish charter school application review procedures, including timelines for application components specified under subsection (a) of this section. The phased application process prescribed by state superintendent rule and regulation may provide a process for mediation of disputes concerning completeness of an application between the applicant and authorizer, which would be subject to W.S. 1-43-101 through 1-43-104, would allow either party to initiate mediation and would impose costs of mediation equally upon both parties. Any mediation process prescribed by rule shall specify professional requirements for the impartial third party facilitating mediation. If either party refuses to mediate, the dispute may be appealed to the state board, ~~as provided in W.S. 21-3-310.~~

(e) ~~The state loan and investment Wyoming charter school authorizing board~~ shall submit all applications received under this section to the department of education for review of compliance with the accreditation requirements. The department of education shall submit a report of this review to the ~~state loan and investment Wyoming charter school authorizing board.~~

21-3-309. Length of operation under charter; renewal; revocation.

(g) The charter school may appeal the authorizer's decision to revoke or not renew a charter application first to the office of administrative hearings, then to the district court where the charter school is located.

21-3-314. Students counted among district ADM; determination of charter school funding.

~~(c) As part of the charter school contract, the charter school and the school district shall agree on funding and any services to be provided by the school district to the charter school. The charter school and the school district shall begin discussions on the contract using the following revenue assumptions:~~
~~(i) The charter school shall be entitled to the following amounts:~~

~~(i) benefit of One hundred percent (100%) of the foundation program amount computed under W.S. 21-13-309(m) based upon the average daily membership of the charter school, less any district level amounts generated by the charter school's membership under W.S. 21-13-309(m) paragraphs (b)(xxix) and (xxx) of "Attachment A" as defined in W.S. 21-13-101(a)(xvii) and less amounts specified under W.S. 21-13-309(m)(v)(E) 21-13-309(m)(v)(E)(III) through (V);-~~

~~(ii) The charter school shall be entitled to the benefit of One hundred~~

percent (100%) of the amount to be contributed to the school district under major maintenance payments pursuant to W.S. 21-15-109 based upon the proportion that the charter school educational building gross square footage contributes to the district educational building gross square footage;

(iv) One hundred percent (100%) of the amount expended by the charter school that is eligible for reimbursement under W.S. 21-13-320 and 21-13-321 as computed under W.S. 21-13-309(m);

(v) One hundred percent (100%) of the amount expended by the charter school that is eligible for reimbursement by the department of education under W.S. 9-3-413.

~~(e) In lieu of paragraph (a)(iv) and subsections (c) and (d) of this section, The district and the charter school applicant may by mutual agreement fund the charter school through a specific budget for the charter school.~~

Section 3. W.S. 21-3-302.1(c), 21-3-305(g), 21-3-306(d) and 21-3-314(a)(i)(C), (iii), (c)(iii) and (f) are repealed.

Section 4.

(a) The Wyoming charter school authorizing board as created by section 1 of this act shall supervise and oversee the operation of any charter school authorized by the state loan and investment board. An amendment to the contracts executed by the state loan and investment board that approved the operation of three (3) charter schools shall be executed transferring oversight and supervision as the authorizer to the Wyoming charter school authorizing board.

(b) Notwithstanding any other provision of the law, not more than three (3) charter schools shall be authorized to operate by an entity other than a school district board, prior to July 1, 2026. The three (3) charter schools authorized by the state loan and investment board shall count towards the three (3) schools authorized to operate under this subsection. In the event a charter school previously authorized by the state loan and investment board closes for any reason, the Wyoming charter school authorizing board may approve a new charter school.

(c) Except as provided under subsection (b) of this section, but not prior to July 1, 2026, not more than one (1) charter school shall be authorized to operate by an entity other than a school district, prior to July 1, 2028.

(d) Not later than October 1, 2023, and each October 1 thereafter through October 1, 2028, the state superintendent, in consultation with the state construction department, shall provide to the joint education interim committee and the joint appropriations committee a report identifying the fiscal impact on the school foundation program account, the education resource block grant model as defined by W.S. 21-13-101(a)(xiv) and the school capital construction

account as a result of the operation of the three (3) charter schools approved by the state loan and investment board and the one (1) charter school which may be approved by the Wyoming charter school authorizing board. The reports shall specify the fiscal impact at the district and the school level and shall at minimum identify the amounts generated under W.S. 21-3-314(c), as amended by this act, and amounts for facility needs, including but not limited to lease amounts, expenditure or requests for major building and facility repair and replacement under W.S. 21-15-109 and any other requests related to capital construction projects.

Section 5. This act is effective July 1, 2023.

Approved March 10, 2023.

Chapter 180

OMNIBUS WATER BILL-CONSTRUCTION

Original House Bill No. 93

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; transferring funds from the general fund to water development account III; clarifying fund limits to the emergency water projects account; repealing obsolete provisions; and providing for an effective date.

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

Section 1. W.S. 99-3-2801 through 99-3-2804 are created to read:

ARTICLE 28

2023 CONSTRUCTION PROJECTS

99-3-2801. Definitions.

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

99-3-2802. General authorization.

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

99-3-2803. 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 2024 (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 2023-2024 season;
 - (iv) Total project budget: Eight hundred seventy-five thousand dollars (\$875,000.00);
 - (v) Appropriation: There is appropriated from water development account I to the Wyoming water development office eight hundred twenty-five thousand dollars (\$825,000.00) 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, 2025;
 - (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 2024 (ground based):
- (i) Project sponsor: The state of Wyoming;
 - (ii) Project purpose: To enhance the winter snowpack in the Wind River mountain and Sierra Madre mountain ranges;
 - (iii) Project description: Conduct a ground-based operational winter snowpack augmentation program during the 2023-2024 season;
 - (iv) Total project budget: Eight hundred five thousand dollars (\$805,000.00);
 - (v) Appropriation: There is appropriated from water development account I to the Wyoming water development office three hundred one thousand dollars (\$301,000.00) 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, 2025;
 - (vi) Special conditions:
 - (A) The state of Wyoming shall participate in the project described in this subsection at a rate up to thirty-seven percent (37%) of actual project operations costs not to exceed three hundred one thousand dollars (\$301,000.00);

(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 – Happy Valley Water Transmission and Storage 2023:

(i) Project sponsor: Happy Valley Water Improvement and Service District;

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

(iii) Project description: Design and pre-construction of water transmission pipelines, storage tanks, structures and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Four hundred sixty thousand dollars (\$460,000.00);

(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 and pre-construction engineering of the project an amount not to exceed three hundred eight thousand two hundred dollars (\$308,200.00) or sixty-seven percent (67%) of these actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission three hundred eight thousand two hundred dollars (\$308,200.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2028;

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

(e) Project – Sheridan Northeast Transmission Main Extension 2023:

(i) Project sponsor: City of Sheridan;

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

(iii) Project description: Design and pre-construction of water transmission pipelines, structures and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Three hundred eighteen thousand dollars (\$318,000.00);

(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 and pre-construction engineering of the project an amount not to exceed two hundred thirteen thousand sixty dollars (\$213,060.00) or sixty-seven percent (67%) of these actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission two hundred thirteen thousand sixty dollars (\$213,060.00) 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, 2028;

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

(f) Project – South End Water Users ISD Pipeline 2023:

(i) Project sponsor: South End Water Users Improvement and Service District;

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

(iii) Project description: Design and pre-construction of water transmission pipelines, structures and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Four hundred fifty-nine thousand four hundred three dollars (\$459,403.00);

(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 and pre-construction engineering of the project an amount not to exceed three hundred seven thousand eight hundred dollars (\$307,800.00) or sixty-seven percent (67%) of these actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission three hundred seven thousand eight hundred dollars (\$307,800.00) 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, 2028;

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

99-3-2804. 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 – CAID Lateral 256 Drop Structure 2023:

- (i) Project sponsor: Casper Alcova Irrigation District;
- (ii) Project purpose: Agricultural water supply;
- (iii) Project description: Design and construction of water control structures and appurtenances necessary to make the project function in the manner intended;
- (iv) Total project budget: Seven hundred twelve thousand dollars (\$712,000.00);
- (v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four hundred seventy-seven thousand forty dollars (\$477,040.00) 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 four hundred seventy-seven thousand forty dollars (\$477,040.00) 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, 2028;
- (vii) Special Conditions:

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

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

(c) Project – Enterprise WID Calvert Lateral 2023:

- (i) Project sponsor: Enterprise Watershed Improvement 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: Eight hundred seventy thousand dollars (\$870,000.00);
- (v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four hundred seventeen thousand six hundred dollars (\$417,600.00) or forty-eight percent (48%) 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 two hundred eight thousand eight hundred dollars (\$208,800.00) or twenty-four percent (24%) of these actual development costs, whichever is less, for a term of fifty (50) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission six hundred twenty-six thousand four hundred dollars (\$626,400.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2028;

(viii) Special Conditions:

(A) The sponsor is responsible for acquiring twenty-eight percent (28%) of the total project budget from other sources;

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

(d) Project – Goshen ID 56.0 Pipeline Phase I 2023:

(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: Two hundred thirty-six thousand three hundred dollars (\$236,300.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and as approved by the commission an amount not to exceed one hundred forty-nine thousand six hundred dollars (\$149,600.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission one hundred forty-nine thousand six hundred dollars (\$149,600.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2028;

(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.

(e) Project – Heart Mountain ID Lateral R4S 2023:

(i) Project sponsor: Heart Mountain 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 million six hundred fifty-six thousand dollars (\$4,656,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million one hundred sixty-four thousand dollars (\$1,164,000.00) or twenty-five percent (25%) of these actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission one million one hundred sixty-four thousand dollars (\$1,164,000.00) 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, 2028;

(vii) Special Conditions:

(A) The sponsor is responsible for acquiring seventy-five percent (75%) of the total project budget from other sources;

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

(f) Project – Interstate I&R ID Canal Phase III 2023:

(i) Project sponsor: Interstate Irrigation and Reservoir 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: Five million seven hundred thousand dollars (\$5,700,000.00);

(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 two hundred twenty-six thousand two hundred dollars (\$3,226,200.00) or fifty-six and six-tenths percent (56.6%) of these actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission three million two hundred twenty-six thousand two hundred dollars (\$3,226,200.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2028;

(vii) Special Conditions:

(A) The sponsor is responsible for acquiring forty-three and four-tenths percent (43.4%) of the total project budget from other sources;

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

(g) Project – Lakeview ID Rock Creek Siphon 2023:

(i) Project sponsor: Lakeview Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Two million nine hundred fifty thousand dollars (\$2,950,000.00);

(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 four hundred seventy-five thousand dollars (\$1,475,000.00) or fifty percent (50%) of these actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission one million four hundred seventy-five thousand dollars (\$1,475,000.00) 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, 2028;

(vii) Special Conditions:

(A) The sponsor is responsible for acquiring fifty percent (50%) of the total project budget from other sources;

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

(h) Project – Midvale ID Wyoming Canal Phase I 2023:

(i) Project sponsor: Midvale Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Four million two hundred fifty thousand dollars (\$4,250,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two million two hundred fifty thousand dollars (\$2,250,000.00) or fifty-three percent (53%) of these actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission two million two hundred fifty thousand dollars (\$2,250,000.00) 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, 2028;

(vii) Special Conditions:

(A) The sponsor is responsible for acquiring forty-seven percent (47%) of the total project budget from other sources;

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

[AMENDMENTS TO PRIOR PROJECTS]

Section 2. W.S. 99-3-1106(a)(iv), (vii), (b)(iv), (vii) and (viii), 99-3-1503(g)(iii) and (vi), 99-3-1903(k)(iv) through (vi), 99-3-2003(b)(iv) through (vii), 99-3-2203(b)(vi) and (e)(vi), 99-3-2205(e)(iv) through (vii), 99-3-2303(b)(vi) and (e)(vi), 99-3-2304(j)(vi), 99-3-2404(e)(vi) and (f)(iv)

through (vi), 99-3-2406(o)(iv) through (vi), 99-3-2503(g)(vi), 99-3-2504(c)(iv) through (vii), by creating a new paragraph (viii), (m)(iv) through (vi) and (vii) by creating a new subparagraph (C), 99-3-2603(f)(vi), 99-3-2604(d)(iv) through (vi) and 99-3-2704(e)(vii) and (g)(iv) through (vi) are amended to read:

99-3-1106. Sponsor's Contingency Funds.

(a) Project – Sponsor's Contingency Fund – New Development:

(iv) Total project budget: ~~Three million dollars (\$3,000,000.00)~~ Seven million dollars (\$7,000,000.00);

(vii) Appropriation: There is appropriated from water development account I to the commission ~~three million dollars (\$3,000,000.00)~~ seven million dollars (\$7,000,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2025~~ 2027; and

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

(iv) Total project budget: ~~Four million five hundred thousand dollars (\$4,500,000.00)~~ Five million seven hundred thousand dollars (\$5,700,000.00);

(vii) Appropriation: There is appropriated from water development account II to the commission ~~four million five hundred thousand dollars (\$4,500,000.00)~~ five million seven hundred thousand dollars (\$5,700,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2026~~ 2027; and

(viii) Special condition:

(A) The commission is authorized to consider and approve supplemental funding to complete existing water development program Level III construction projects any time during the calendar year;:

(B) The appropriation of additional funds for this project in the amount of one million two hundred thousand dollars (\$1,200,000.00) is contingent upon the transfer of funds to water development account II as described in section 3 of this act or the transfer of funds from another funding source.

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

(g) Project – Ethete Water Supply:

(iii) Project description: Design and construction of a well field, ~~transmission pipeline,~~ pump stations, storage tank improvements and appurtenances necessary to make the project function in the manner intended;

(vi) Appropriation: There is appropriated from water development account I to the commission two million dollars (\$2,000,000.00) or as much

thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2023~~2025;

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

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

(iv) Total project budget: ~~Fifteen million three hundred twenty-six thousand dollars (\$15,326,000.00)~~ Seventeen million three hundred twenty-six thousand dollars (\$17,326,000.00);

(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 ~~seven million six hundred sixty-three thousand dollars (\$7,663,000.00)~~ eight million six hundred sixty-three thousand dollars (\$8,663,000.00) 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 ~~seven million six hundred sixty-three thousand dollars (\$7,663,000.00)~~ eight million six hundred sixty-three thousand dollars (\$8,663,000.00) 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;

99-3-2003. Level III construction projects – new development.

(b) Project – Arapahoe Pipeline and Tank:

(iv) Total project budget: ~~Two million eight hundred seventy-six thousand dollars (\$2,876,000.00)~~ Five million five hundred thousand dollars (\$5,500,000.00);

(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 nine hundred twenty-six thousand nine hundred twenty dollars (\$1,926,920.00)~~ two million four hundred twenty thousand dollars (\$2,420,000.00) or ~~sixty-seven percent (67%)~~ forty-four percent (44%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission ~~one million nine hundred twenty-six thousand nine hundred twenty dollars (\$1,926,920.00)~~ two million four hundred twenty thousand dollars (\$2,420,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this

subsection shall revert to water development account I on July 1, ~~2023-2025~~;

(vii) Special conditions: The sponsor is responsible for acquiring ~~thirty-three percent (33%)~~ fifty-six percent (56%) of the total project budget from other sources.

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, ~~2023-2025~~;

(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, ~~2024-2025~~;

99-3-2205. Level III construction projects – dams and reservoirs.

(e) Project – Leavitt Reservoir Expansion:

(iv) Total project budget: ~~Forty-six million dollars (\$46,000,000.00)~~ Seventy-eight million dollars (\$78,000,000.00);

(v) Project Grant: The state of Wyoming shall grant to the sponsor from water development account III through the commission for project land procurement, construction engineering and construction of the project an amount not to exceed ~~forty-four million three hundred nineteen thousand dollars (\$44,319,000.00)~~ seventy-six million two hundred eighty-four thousand dollars (\$76,284,000.00) or ~~ninety-six and three tenths percent (96.3%)~~ ninety-seven and eight-tenths percent (97.8%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account III through the commission for project land procurement, construction engineering and construction of the project an amount not to exceed ~~one million six hundred eighty-one thousand dollars (\$1,681,000.00)~~ one million seven hundred sixteen thousand dollars (\$1,716,000.00) or ~~three and seven tenths percent (3.7%)~~ two and two-tenths percent (2.2%) of actual development costs, whichever is less, for a term of fifty (50) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation and authorization: There is appropriated from water development account III to the commission forty-six million dollars (\$46,000,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account III on July 1, ~~2025-2027~~. There is authorized for expenditure by the commission from the sponsor's contingency fund – account III, created by W.S. 99-3-2505(a), thirty-two million dollars (\$32,000,000.00) to carry out the purpose of this subsection.

99-3-2303. Level III construction projects – new development.

(b) Project – Gillette Regional Extensions Phase IV-2018:

(vi) Appropriation: There is appropriated from water development account I to the commission one million five hundred twelve thousand one hundred ninety dollars (\$1,512,190.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2023-2025~~;

(e) Project – Melody Ranch Water System Improvements 2018:

(vi) Appropriation: There is appropriated from water development account I to the commission nine hundred forty-four thousand seven hundred dollars (\$944,700.00) 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, ~~2023-2026~~;

99-3-2304. Level III construction projects – rehabilitation.

(j) Project – Riverton Valley Irrigation District Rehabilitation 2018:

(vi) Appropriation: There is appropriated from water development account II to the commission five hundred forty-two thousand five hundred dollars (\$542,500.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2023-2025~~;

99-3-2404. Level III construction projects – new development.

(e) Project – GR/RS/SC JPWB Pump Station 2019:

(vi) Appropriation: There is appropriated from water development account I to the commission seven million four hundred ninety-seven thousand three hundred dollars (\$7,497,300.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2024-2026~~;

(f) Project – Lander Storage Tanks and Pump Station 2019:

(iv) Total project budget: ~~Five million four hundred fifty thousand dollars (\$5,450,000.00)~~ Ten million four hundred ninety thousand dollars

(\$10,490,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~three million six hundred fifty-one thousand five hundred dollars (\$3,651,500.00)~~ seven million twenty-eight thousand three hundred dollars (\$7,028,300.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission ~~three million six hundred fifty-one thousand five hundred dollars (\$3,651,500.00)~~ seven million twenty-eight thousand three hundred dollars (\$7,028,300.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2024;

99-3-2406. Level III construction projects – rehabilitation.

(o) Project – Shoshone Irrigation District Rehabilitation 2019:

(iv) Total project budget: ~~Four hundred seventy-two thousand dollars (\$472,000.00)~~ Five hundred ninety-seven thousand dollars (\$597,000.000);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and as approved by the commission an amount not to exceed ~~one hundred eighty-one thousand dollars (\$181,000.00)~~ two hundred eighty-two thousand dollars (\$282,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission ~~one hundred eighty-one thousand dollars (\$181,000.00)~~ two hundred eighty-two thousand dollars (\$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 II on July 1, 2024;

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

(g) Project – Glenrock Transmission Pipeline 2020:

(vi) Appropriation: There is appropriated from water development account I to the commission nine hundred fifty-eight thousand one hundred dollars (\$958,100.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2025~~ 2027;

99-3-2504. Level III Construction Projects - rehabilitation.

(c) Project – Cottonwood Irrigation District Transmission Pipeline 2020:

(iv) Total project budget: ~~One million five hundred forty thousand dollars (\$1,540,000.00)~~ Three million one hundred eleven thousand dollars (\$3,111,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~one million thirty-one thousand eight hundred dollars (\$1,031,800.00)~~ one million seven hundred eleven thousand fifty dollars (\$1,711,050.00) or ~~sixty-seven percent (67%)~~ fifty-five percent (55%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~five hundred eight thousand two hundred dollars (\$508,200.00)~~ eight hundred eight thousand eight hundred sixty dollars (\$808,860.00) or ~~thirty-three percent (33%)~~ twenty-six percent (26%) of the actual development costs, whichever is less, for a term of forty (40) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission ~~one million five hundred forty thousand dollars (\$1,540,000.00)~~ two million five hundred nineteen thousand nine hundred ten dollars (\$2,519,910.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2025;

(viii) Special conditions: The sponsor is responsible for acquiring nineteen percent (19%) of the total project budget from other sources.

(m) Project – Sidon Irrigation District Sidon Canal 2020:

(iv) Total project budget: ~~One million seven hundred fifty-three thousand eight hundred fifty-seven dollars (\$1,753,857.00)~~ Two million five hundred fifty-four thousand dollars (\$2,554,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and as approved by the commission an amount not to exceed ~~one million sixty thousand dollars (\$1,060,000.00)~~ one million seven hundred eleven thousand dollars (\$1,711,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission ~~one million sixty thousand dollars (\$1,060,000.00)~~ one million seven hundred eleven thousand dollars (\$1,711,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended

funds appropriated under this subsection shall revert to water development account II on July 1, 2025;

(vii) Special conditions:

(C) The appropriation of additional funds for this project in the amount of six hundred fifty-one thousand dollars (\$651,000.00) is contingent upon the transfer of funds to water development account II as described in section 3 of this act or the transfer of funds from another funding source.

99-3-2603. Level III construction projects – new development.

(f) Project – Torrington Well Connection 2021:

(vi) Appropriation: There is appropriated from water development account I to the commission three hundred eighty-nine thousand two hundred seventy dollars (\$389,270.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2026~~2027;

99-3-2604. Level III construction projects – rehabilitation.

(d) Project – Shoshone Irrigation District Improvements 2021:

(iv) Total project budget: ~~Four hundred seventy-seven thousand five hundred dollars (\$477,500.00)~~ Five hundred eighty-five thousand dollars (\$585,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and as approved by the commission an amount not to exceed ~~two hundred forty thousand dollars (\$240,000.00)~~ three hundred twenty-nine thousand dollars (\$329,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission ~~two hundred forty thousand dollars (\$240,000.00)~~ three hundred twenty-nine thousand dollars (\$329,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2026;

99-3-2704. Level III construction projects – rehabilitation.

(e) Project – Dry Creek Irrigation District Pipeline Replacement 2022:

(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~~2028;

(g) Project – Goshen ID Tunnel Rehabilitation 2022:

(iv) Total project budget: ~~Two million three hundred fifty thousand dollars (\$2,350,000.00)~~ Four million seven hundred ninety-five thousand nine hundred twenty dollars (\$4,795,920.00). The sponsor's project budget is ~~one million one hundred fifty-one thousand five hundred dollars (\$1,151,500.00)~~ two million three hundred fifty thousand dollars (\$2,350,000.00) or forty-nine percent (49%) of the total project budget, whichever is less;

(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)~~ one million five hundred seventy-four thousand five hundred dollars (\$1,574,500.00) 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 engineering analysis, 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)~~ seven hundred seventy-five thousand five hundred dollars (\$775,500.00) 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%);

[Transfer of Funds]

Section 3. The Wyoming water development commission is hereby authorized to transfer eleven million two hundred thousand dollars (\$11,200,000.00) 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. There is appropriated thirty million dollars (\$30,000,000.00) from the general fund to water development account III, created by W.S. 41-2-124(a)(iii).

Section 5. W.S. 41-2-124(h) is amended to read:

41-2-124. Accounts created; unexpended balance.

(h) The commission shall adopt rules providing for eligibility determination, procedures and criteria for the application and award of funds from the emergency water projects account. The total amount awarded under this subsection for each emergency project shall not exceed three million dollars (\$3,000,000.00) per fiscal biennium. The maximum grant amount awarded for each emergency project shall not exceed seventy-five percent (75%) of the

total emergency project costs, the remaining twenty-five percent (25%) may be funded by the commission in the form of a loan. The term of a loan shall not exceed fifty (50) years and interest shall provide a reasonable return and shall not be less than four percent (4%). The commission shall include the total amount of all emergency water project grant or loan funds provided under this subsection and subtract that total from the maximum allowable grant under W.S. 41-2-121(a)(ii)(E)(I) for a subsequent water development project involving the same entity and project components. All emergency water projects account funds awarded under this subsection shall be approved by the state loan and investment board after review and recommendation by the water development commission prior to the release of funds.

Section 6. 2022 Wyoming Session Laws, Chapter 74, Section 1(a)(i) through (iii) is amended to read:

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) which shall be further appropriated from water development account I to the Wyoming water development commission 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~~ state loan and investment board 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) which shall be further appropriated from water development account II to the Wyoming water development commission for the Goshen irrigation district tunnels 1 and 2 rehabilitation water development project. No funds shall be expended from this appropriation until the ~~legislature~~ state loan and investment board 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) which shall be further appropriated from water development account II to the Wyoming water development commission for the purpose of the LaPrele dam rehabilitation water development project. No funds shall be expended from this appropriation until the ~~legislature~~ state loan and investment board authorizes the project as a water development program construction project.

Section 7. W.S. 99-3-2604(d)(vii)(C) and 99-3-2704(e)(viii), (g)(vii) and (ix) are repealed.

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, 2023.

Chapter 181

RESTORATION OF CIVIL RIGHTS

Original Senate File No. 120

AN ACT relating to crimes and criminal procedure; providing for the loss and restoration of rights as specified; creating a new misdemeanor offense; providing for the filing of certificates for restoration of rights as specified; amending a definition; and providing for an effective date.

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

Section 1. W.S. 6-1-104(a)(xii), 6-8-102(a) and by creating a new subsection (c), 6-10-106(a)(intro) and (iii), 7-13-105 by creating new subsections (f) and (g) and 9-1-302(a) by creating a new paragraph (v) are amended to read:

6-1-104. Definitions.

(a) As used in this act, unless otherwise defined:

(xii) “Violent felony” means murder, manslaughter, kidnapping, sexual assault in the first or second degree, robbery, aggravated assault, strangulation of a household member, aircraft hijacking, arson in the first or second degree, aggravated burglary, a violation of W.S. 6-2-314(a)(i) or 6-2-315(a)(ii), ~~or~~ a third, or subsequent, domestic battery under W.S. 6-2-511(a) and (b)(iii) or a violation of W.S. 6-5-204(b);

6-8-102. Use or possession of firearm by person convicted of certain felony and misdemeanor offenses; penalties; exception.

(a) Any person who has previously pleaded guilty to or been convicted of

committing or attempting to commit a violent felony, ~~or a felony under W.S. 6-5-204(b),~~ and has not been pardoned ~~or has not had the person's rights restored pursuant to W.S. 7-13-105(a) or (f)~~ and who uses or knowingly possesses any firearm is guilty of a felony punishable by imprisonment for not more than three (3) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

(c) Any person who has previously pleaded guilty to or been convicted of committing or attempting to commit a felony that is not a violent felony and has not been pardoned or has not had the person's rights restored pursuant to W.S. 7-13-105(a) or (f) and who uses or knowingly possesses any firearm is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

6-10-106. Rights lost by conviction of felony; restoration.

(a) A person convicted of a felony is incompetent to be an elector or juror or to hold any office of honor, trust or profit within this state or to use or knowingly possess any firearm, unless:

(iii) His rights are restored pursuant to W.S. 7-13-105(a) or (f); or

7-13-105. Certificate of restoration of rights; procedure for restoration in general; procedure for restoration of voting rights for nonviolent felonies; filing requirements.

(f) All other rights a person has lost pursuant to W.S. 6-10-106 shall be restored five (5) years after the person has completed their sentence, including applicable periods of probation or parole. A person shall only be eligible for restoration of their rights under this subsection if the person has not been convicted of any other felony other than convictions arising out of the same occurrence or related course of events for which restoration of rights is to be certified. The date on which all rights are restored under this subsection shall be noted on a certificate issued by the department which shall be the same certificate issued under subsections (b) and (c) of this section if the certificate is issued on or after July 1, 2023, or a separate certificate issued upon receipt of a written request on a form prescribed by the department for a person eligible for restoration of rights under this subsection prior to July 1, 2023. A conviction for a new felony upon the issuance of any certificate under this section shall render the certificate void.

(g) When a certificate of restoration of rights is issued pursuant to subsections (a) or (f) of this section, the department of corrections shall:

(i) Notify the federal bureau of alcohol, tobacco and firearms when any person's right to use or possess any firearm have been restored pursuant to subsections (a) or (f) of this section;

(ii) File a copy of the certificate with the secretary of state.

9-1-302. Powers and duties; custodian of public records; preservation of proclamations of governor; removal of public documents prohibited; exceptions.

(a) The secretary of state is the custodian of, and shall preserve:

(v) Copies of all restorations of rights filed pursuant to W.S. 7-13-105(a) and (f).

Section 2.

(a) The department of corrections is authorized one (1) at-will employment contract position for the period beginning with the effective date of this act and ending June 30, 2024 for purposes of implementing this act.

(b) There is appropriated sixty thousand dollars (\$60,000.00) from the general fund to the department of corrections for purposes of funding the position authorized in subsection (a) of this section and for implementing this act. 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 expended for any other purpose and any unexpended, unobligated funds remaining on June 30, 2024 shall revert as provided by law.

Section 3. This act is effective July 1, 2023.

Approved March 17, 2023.

Chapter 182

COLORADO RIVER ADVISORY COMMITTEE

Original House Bill No. 222

AN ACT relating to water; creating a Wyoming Colorado River advisory committee; establishing the purpose and duties of the committee; providing duties of the state engineer; authorizing a position; providing an appropriation; requiring a report; and providing for an effective date.

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

Section 1. W.S. 41-11-301 through 41-11-304 are created to read:

ARTICLE 3

WYOMING COLORADO RIVER ADVISORY COMMITTEE

41-11-301. Short title.

This article shall be known and may be cited as the “Wyoming Colorado River Advisory Committee Act.”

41-11-302. Wyoming Colorado River advisory committee; purpose; membership.

(a) The Wyoming Colorado River advisory committee is created within the

state engineer's office. The state engineer's office shall provide administrative services and staffing for the committee.

(b) The purpose of the committee is to advise and inform the governor, the state engineer and Wyoming's commissioner to the Upper Colorado River Commission regarding the beneficial use, development, protection and conservation of water from the Green and Little Snake rivers and their tributaries relative to Wyoming's rights and obligations under the 1922 Colorado River Compact and the 1948 Upper Colorado River Basin Compact.

(c) The committee may, at the request of the governor, develop a management plan to ensure that Wyoming can protect and develop water within Wyoming's portion of the Colorado River Basin to ensure that Wyoming can operate within the state's apportionment under the Colorado River compact and the Upper Colorado River Basin compact.

(d) The committee shall meet not less than two (2) times each year and shall meet additionally as necessary upon the request of the state engineer, Wyoming's commissioner to the Upper Colorado River Commission or the majority of the members of the committee.

(e) The committee shall consist of nine (9) members appointed by the governor, one (1) member appointed by the president of the senate and one (1) member appointed by the speaker of the house as follows:

(i) One (1) member representing agricultural irrigation interests that divert and use water from the Green River or its tributaries upstream from the Fontenelle Reservoir;

(ii) One (1) member representing agricultural irrigation interests that divert and use water from the Green River or its tributaries downstream from the Fontenelle Reservoir;

(iii) One (1) member representing agricultural interests that divert and use water from the Little Snake River or its tributaries;

(iv) One (1) member representing municipal water users that divert and use water from the Green River or its tributaries;

(v) One (1) member representing municipal water users that divert and use water from the Little Snake River or its tributaries;

(vi) Two (2) members representing industrial water users that divert and use water in Wyoming's portion of the Colorado River basin;

(vii) One (1) member representing recreational, fish, wildlife and environmental interests in Wyoming's portion of the Colorado River basin;

(viii) One (1) member representing conservation districts in Wyoming's portion of the Colorado River basin;

(ix) Two (2) legislators, one (1) from each house, appointed by the speaker of the house and president of the senate respectively.

(f) Committee members shall be appointed for a term of four (4) years, except legislators who shall serve only for the term of office during which they were appointed, and may be reappointed for subsequent terms. The governor may appoint some initial members for terms of less than four (4) years to provide for staggered terms. Members appointed to the committee by the governor may also be removed in accordance with W.S. 9-1-202.

(g) Nonlegislative members of the committee shall not receive any fees, salary or other compensation but are entitled to receive per diem and mileage on the same basis and at the same rate as state employees and reimbursement for any other actual and necessary expenses incurred in the performance of committee duties. The legislative members shall receive salary and reimbursement for per diem and travel expenses incurred in the performance of their duties on the committee, as provided in W.S. 28-5-101. Members who are government employees or public officials shall be considered on official business of their agency when performing duties as members of the committee.

(h) The committee shall elect a chairman and vice-chairman from among its members.

41-11-303. State engineer duties; dissemination of information.

(a) The state engineer or the state engineer's designated representative shall provide information and data to the committee regarding potential or existing programs, compact obligations or water administration issues or decisions that may affect the beneficial use, development and conservation of water from the Green and Little Snake rivers and their tributaries.

(b) To safeguard the rights and interests of Wyoming, Wyoming's agencies and Wyoming's residents related to the use of water within Wyoming's portion of the Colorado River Basin, the state engineer shall seek advice from the committee before exercising his authority as may be necessary to comply with Wyoming's obligations under the 1922 Colorado River compact and the 1948 Upper Colorado River Basin compact. Discussions under this subsection shall be held in executive session and are privileged and confidential.

(c) The state engineer shall designate an employee to assist with providing information and data to the committee and to act as a liaison between the state engineer and water users in Wyoming's portion of the Colorado River basin.

(d) Each member of the committee may disseminate information and data provided by the state engineer under subsection (a) of this section to interested stakeholders within the sector that the member was appointed to represent.

41-11-304. Applicability of public meetings act.

The Wyoming Colorado River advisory committee shall not be considered an agency as defined in W.S. 16-4-402(a)(ii) for the purposes of W.S. 16-4-401 through 16-4-408. When practicable, meetings of the committee shall be advertised and open to the public.

Section 2.

(a) The state engineer is authorized one (1) additional full-time equivalent position for the purposes of W.S. 41-11-303(c).

(b) There is appropriated two hundred thousand dollars (\$200,000.00) from the general fund to the state engineer's office. This appropriation shall only be expended for the purposes of this act including for the employee authorized under subsection (a) of this section and for the provision of per diem and travel expenses of the Wyoming Colorado River advisory committee. 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. It is the intent of the legislature that this appropriation shall be biennialized and included in the standard budget for the state engineer's office for the immediately succeeding fiscal biennium and thereafter.

(c) Not later than July 1, 2024 and each year thereafter until July 1, 2028, the state engineer shall provide an annual report to the select water committee on the recommendations and advice of the Wyoming Colorado River advisory committee.

Section 3. This act is effective July 1, 2023.

Approved March 17, 2023.

Chapter 183**VISITATION RIGHTS**

Original Senate File No. 80

AN ACT relating to public health and safety; establishing visitation rights and limitations for specified health care facilities; and providing for an effective date.

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

Section 1. W.S. 35-2-914 is created to read:

35-2-914. Visitation rights.

(a) A health care facility, as defined by W.S. 35-2-901(a)(x), that provides twenty-four (24) hour per day care shall allow visitation for a person receiving care in that facility. The visitation required under this section shall not apply to persons involuntarily detained under W.S. 25-10-109 or 25-10-110 or adults who have been charged with or convicted of a crime and are in the custody of the state or a local jurisdiction.

(b) A health care facility subject to subsection (a) of this section may impose and enforce restrictions on visitation that limit the number or age of visitors,

limit the location or time of visitation, require protective equipment or impose requirements otherwise required under W.S. 35-1-240 or by the centers for Medicaid and Medicare services, the centers for disease control or the joint commission on the accreditation of healthcare organizations. Visitation may be further restricted or limited under this section when the health care facility determines a restriction or limitation is necessary due to a court order, violent or disruptive behavior or reasonable suspicion of abuse or neglect against a person receiving care in the facility. A health care facility shall provide a written copy of its visitation policy upon request and shall visibly post in the facility one (1) copy of the most current visitation restrictions imposed in accordance with this subsection. The health care facility shall allow the person receiving care or that person's representative to designate persons as visitors or to prohibit some or all visitation under this section.

Section 2. W.S. 35-2-901(a)(xxvii) is amended to read:

35-2-901. Definitions; applicability of provisions.

(a) As used in this act:

(xxvii) "This act" means W.S. 35-2-901 through ~~35-2-913~~ 35-2-914.

Section 3. This act is effective July 1, 2023.

Approved March 17, 2023.

Chapter 184

LIFE IS A HUMAN RIGHT ACT

Original House Bill No. 152

AN ACT relating to abortion; creating the Life is a Human Right Act; providing findings and purposes; prohibiting abortion; specifying criminal and regulatory penalties and civil remedies; providing exceptions; specifying applicability and severability; making conforming amendments; renumbering current provisions on abortion; repealing and removing obsolete or conflicting provisions; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 35-6-120 through 35-6-128 are created to read:

35-6-120. Short title.

This act shall be known and may be cited as the "Life is a Human Right Act."

35-6-121. Findings and purposes.

(a) The legislature finds that:

(i) As a consequence of an unborn baby being a member of the species homo sapiens from conception, the unborn baby is a member of the human race under article 1, section 2 of the Wyoming constitution;

(ii) The legislature acknowledges that all members of the human race are created equal and are endowed by their creator with certain unalienable rights, the foremost of which is the right to life;

(iii) This act promotes and furthers article 1, section 6 of the Wyoming constitution, which guarantees that no person may be deprived of life or liberty without due process of law;

(iv) Regarding article 1, section 38 of the Wyoming constitution, abortion as defined in this act is not health care. Instead of being health care, abortion is the intentional termination of the life of an unborn baby. It is within the authority of the state of Wyoming to determine reasonable and necessary restrictions upon abortion, including its prohibition. In accordance with Article 1, Section 38(c) of the Wyoming constitution, the legislature determines that the health and general welfare of the people requires the prohibition of abortion as defined in this act;

(v) The legislature, in the exercise of its constitutional duties and powers, has a fundamental duty to provide equal protection for all human lives, including unborn babies from conception;

(vi) Wyoming's "legitimate interests include respect for and preservation of prenatal life at all stages of development; the protection of maternal health and safety; the elimination of particularly gruesome or barbaric medical procedures; the preservation of the integrity of the medical profession; the mitigation of fetal pain; and the prevention of discrimination on the basis of race, sex, or disability." *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228, 2284 (2022) (internal citations omitted).

35-6-122. Definitions.

(a) As used in this act:

(i) "Abortion" means the act of using or prescribing any instrument, medicine, drug or any other substance, device or means with the intent to terminate the clinically diagnosable pregnancy of a woman, including the elimination of one (1) or more unborn babies in a multifetal pregnancy, with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn baby. "Abortion" shall not include any use, prescription or means specified in this paragraph if the use, prescription or means are done with the intent to:

(A) Save the life or preserve the health of the unborn baby;

(B) Remove a dead unborn baby caused by spontaneous abortion or intrauterine fetal demise;

(C) Treat a woman for an ectopic pregnancy; or

(D) Treat a woman for cancer or another disease that requires medical treatment which treatment may be fatal or harmful to the unborn baby.

(ii) “Pregnant” means the human female reproductive condition of having a living unborn baby or human being within a human female’s body throughout the entire embryonic and fetal stages of the unborn human being from fertilization, when a fertilized egg has implanted in the wall of the uterus, to full gestation and childbirth;

(iii) “Reasonable medical judgment” means a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved;

(iv) “Unborn baby” or “unborn human being” means an individual living member of the species homo sapiens throughout the entire embryonic and fetal stages from fertilization to full gestation and childbirth;

(v) “Ectopic pregnancy” means a pregnancy that occurs when a fertilized egg implants and grows outside the main cavity of the uterus;

(vi) “Lethal fetal anomaly” means a fetal condition diagnosed before birth and if the pregnancy results in a live birth there is a substantial likelihood of death of the child within hours of the child’s birth;

(vii) “Molar pregnancy” means the development of a tumor or cysts that may or may not include placental tissue from trophoblastic cells after fertilization of an egg that results in spontaneous abortion or intrauterine fetal demise;

(viii) “This act” means W.S. 35-6-120 through 35-6-138.

35-6-123. Abortion prohibited.

(a) Except as provided in W.S. 35-6-124, no person shall knowingly:

(i) Administer to, prescribe for or sell to any pregnant woman any medicine, drug or other substance with the specific intent of causing or abetting an abortion; or

(ii) Use or employ any instrument, device, means or procedure upon a pregnant woman with the specific intent of causing or abetting an abortion.

35-6-124. Exceptions to abortion prohibition; applicability.

(a) It shall not be a violation of W.S. 35-6-123 for a licensed physician to:

(i) Perform a pre-viability separation procedure necessary in the physician’s reasonable medical judgment to prevent the death of the pregnant woman, a substantial risk of death for the pregnant woman because of a physical condition or the serious and permanent impairment of a life-sustaining organ of a pregnant woman, provided that no separation procedure shall be deemed necessary under this paragraph unless the physician makes all reasonable medical efforts under the circumstances to preserve both the life of the pregnant woman and the life of the unborn baby in a manner consistent

with reasonable medical judgment;

(ii) Provide medical treatment to a pregnant woman that results in the accidental or unintentional injury to, or the death of, an unborn baby;

(iii) Perform an abortion on a woman 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. Prior to the performance of any abortion under this paragraph the woman, or the woman's parent or guardian if the woman is a minor or subject to a guardianship, shall report the act of incest or sexual assault to a law enforcement agency and a copy of the report shall be provided to the physician; or

(iv) Perform an abortion on a woman when in the physician's reasonable medical judgment, there is a substantial likelihood that the unborn baby has a lethal fetal anomaly or the pregnancy is determined to be a molar pregnancy.

(b) Nothing in this act shall be construed to prohibit the use, sale, prescription or administration of a contraceptive measure, drug, chemical or device if the contraceptive measure, drug, chemical or device is used, sold, prescribed or administered in accordance with manufacturer instructions and is not used, sold, prescribed or administered with the specific intent to cause or induce an abortion.

35-6-125. Penalties and remedies.

(a) Any person who violates W.S. 35-6-123 is guilty of a felony punishable by a fine not to exceed twenty thousand dollars (\$20,000.00), imprisonment for not more than five (5) years, or both.

(b) Nothing in this act shall be construed to subject a pregnant woman upon whom any abortion is performed or attempted to any criminal penalty under this act.

35-6-126. Professional sanctions; civil penalties.

(a) In addition to any other penalties available under law, a physician or any other professionally licensed person who intentionally, knowingly or recklessly violates W.S. 35-6-123 commits an act of unprofessional conduct, and the physician's or person's license to practice in Wyoming shall be immediately revoked by the state board of medicine after due process in accordance with the rules and procedures of the state board of medicine. Any person may file a complaint against a physician or other licensed person under this section, or the state board of medicine may on its own accord initiate a complaint against a physician or other licensed person. The state board of medicine may assess or impose the costs of any investigation, fines not to exceed five thousand dollars (\$5,000.00) and any other disciplinary actions authorized by law that the board deems appropriate.

(b) No civil penalty shall be assessed against a pregnant woman upon whom an abortion is performed or attempted for a violation of this act.

35-6-127. Civil remedies.

(a) In addition to any remedies available under law, failure to comply with this act shall provide the basis for a civil action as provided by this section.

(b) Any pregnant woman upon whom an abortion has been performed, induced or coerced in violation of this act may maintain an action against the person or persons who violated this act for actual and punitive damages. In addition to all other damages and separate and distinct from all damages, a plaintiff prevailing in an action under this section shall be entitled to statutory damages of ten thousand dollars (\$10,000.00) for each violation of this act from each defendant for each violation.

(c) A separate and distinct cause of action for injunctive relief against any person who has violated this act to enjoin further violations of this act may be maintained by any of the following:

(i) The woman upon whom an abortion was performed or induced in violation of this act;

(ii) The parent or guardian of the pregnant woman if the woman had not attained eighteen (18) years of age at the time of the abortion or if the woman died as a result of the abortion;

(iii) A district attorney with proper jurisdiction;

(iv) The attorney general.

(d) If judgment is rendered in favor of the plaintiff in a civil action authorized by this section, the plaintiff shall be entitled to receive reasonable costs and attorney fees from the defendant.

35-6-128. Construction; severability.

It is the intent of the legislature that each provision of this act shall operate with equal force and shall be severable and that, in the event that any provision of this act shall be held invalid or unenforceable by a court of competent jurisdiction, the invalid or unenforceable provision shall be deemed severable, and the remaining provisions of this act shall be deemed fully enforceable.

Section 2. W.S. 5-8-102(a)(v) is amended to read:

5-8-102. Jurisdiction.

(a) The juvenile court has general jurisdiction in all matters and proceedings commenced therein or transferred to it by order of the district court concerning:

(v) The parents, guardian or custodian of any minor alleged to be delinquent, in need of supervision or neglected, and all persons living in the household with the minor, ~~and~~

Section 3. W.S. 35-6-108 as 35-6-132, 35-6-113 as 35-6-134, 35-6-114 as 35-6-135 and 35-6-117 as 35-6-138 are amended and renumbered to read:

~~35-6-108~~ 35-6-132. Compilations of abortions; matter of record; exception.

(a) The state office of vital records services shall prepare and keep on file for seven (7) years compilations of the information submitted on the abortion reporting forms. The compilations shall be available as provided in this section. The state health officer, in order to maintain and keep such compilations current, shall file with the reports any new or amended information. The information submitted under W.S. ~~35-6-107~~ 35-6-131 and compiled under this section, except the report required under subsection (c) of this section, shall not be stored in any computer.

(b) An abortion reporting form received under W.S. ~~35-6-107~~ 35-6-131 shall be maintained in strict confidence by the state office of vital records services, shall not be a public record and shall not be made available except to the attorney general or a district attorney with appropriate jurisdiction pursuant to a criminal investigation or to the state board of medicine pursuant to an investigation. The attorney general or a district attorney receiving an abortion form pursuant to this subsection shall keep the form and information from the form confidential except as may be required by law for a criminal prosecution. The state board of medicine receiving an abortion form pursuant to this subsection shall keep the form and information from the form confidential except as may be required by law to determine or enforce an action regarding licensure.

(c) Not later than June 30 of each year the office of vital records services shall issue a public report providing summary statistics for the previous calendar year compiled from all of the abortion reporting forms from that year submitted in accordance with this section for each of the items listed in W.S. ~~35-6-107~~ 35-6-131. The report shall also include the statistics for all previous calendar years during which this subsection was in effect, adjusted to reflect any additional information from late or corrected reports. The office shall ensure that no information included in the public reports could reasonably lead to the identification of any woman upon whom an abortion was performed, induced or attempted. The report shall be transmitted to the United States centers for disease control and prevention for the national abortion surveillance report.

~~35-6-113~~ 35-6-134. Penalty for violating W.S. 35-6-130.

Any person, firm, corporation, group or association who violates W.S. ~~35-6-106~~ 35-6-130 is guilty of an offense punishable by a fine of not more than ten thousand dollars (\$10,000.00).

~~35-6-114~~ 35-6-135. Right to damages for discriminatory employment practices for refusal to perform abortion.

Any person or persons injured by any action prohibited in W.S. ~~35-6-106~~ 35-6-130 may by civil action obtain injunctive relief or damages.

~~35-6-117~~ 35-6-138. Use of appropriated funds for abortion prohibited.

~~(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 4. W.S. 35-6-105 through 35-6-107, 35-6-109, 35-6-115 and 35-6-116 are renumbered as 35-6-129 through 35-6-131, 35-6-133, 35-6-136 and 35-6-137.

Section 5. W.S. 5-8-102(a)(vi), 35-6-101 through 35-6-104, 35-6-110 through 35-6-112, 35-6-118 and 35-6-119 are repealed.

Section 6. W.S. 35-6-117(a), renumbered as 35-6-138(a) by section 3 of this act, is repealed.

Section 7. The department of health shall promulgate all rules necessary to implement this act.

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.

Became law without signature March 17, 2023.

Chapter 185

WYOMING STABLE TOKEN ACT

Original Senate File No. 127

AN ACT relating to trade and commerce; creating the Wyoming Stable Token Act; creating the Wyoming stable token commission; authorizing the Wyoming stable token commission to issue Wyoming stable tokens as specified; providing for employees; specifying limitations; providing immunity; providing definitions; requiring reports; and providing for an effective date.

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

Section 1. W.S. 40-31-101 through 40-31-109 are created to read:

CHAPTER 31
WYOMING STABLE TOKEN ACT

40-31-101. Short title.

This act shall be known and may be cited as the “Wyoming Stable Token Act.”

40-31-102. Definitions.

(a) As used in this act:

(i) “Commission” means the Wyoming stable token commission created by W.S. 40-31-103;

(ii) “Board” means the board of the Wyoming stable token commission;

(iii) “Director” means the director of the Wyoming stable token commission;

(iv) “Financial institution” means any entity approved by the commission to act as a manager or otherwise to manage, operate and maintain Wyoming stable tokens;

(v) “Notional value” means face value;

(vi) “Token holder” means a person who lawfully owns any portion of a Wyoming stable token;

(vii) “Treasurer” means the state treasurer;

(viii) “Wyoming stable token” means the virtual currency issued by the commission pursuant to this act;

(ix) “Virtual currency” means as defined in W.S. 34-29-101(a)(iv);

(x) “This act” means W.S. 40-31-101 through 40-31-109.

40-31-103. Wyoming stable token commission.

(a) There is created the Wyoming stable token commission, which is a body politic and corporate operating as an instrumentality of the state of Wyoming, with authority to adopt an official seal and to sue and be sued.

(b) The commission shall be governed by a board composed of:

(i) The governor or the governor’s designee;

(ii) The auditor or the auditor’s designee;

(iii) The treasurer or the treasurer’s designee;

(iv) Not more than four (4) subject matter experts in virtual currency and financial technology appointed by a majority vote of the members of the board designated in paragraphs (i) through (iii) of this subsection, and serving at the discretion of those members. Only subject matter experts who are free from conflict of interest in performing the duties of the board shall be appointed to, or serve on, the board. Each subject matter expert shall be required to

furnish fingerprints for submission to the federal bureau of investigation or any governmental agency or entity authorized to receive fingerprints for a state, national and international criminal history background check.

(c) Members of the board appointed pursuant to paragraph (b)(iv) of this section shall receive the same per diem, expenses and travel allowance as members of the legislature under W.S. 28-5-101 while in attendance at meetings of the board and while performing their duties as members of the board.

(d) The commission is subject to the requirements of:

- (i) W.S. 16-3-101 through 16-3-105;
- (ii) W.S. 16-4-201 through 16-4-205;
- (iii) W.S. 16-4-401 through 16-4-408.

40-31-104. Wyoming stable token value; limitations.

A Wyoming stable token is a virtual currency representative of and redeemable for one (1) United States dollar held in trust by the state of Wyoming as provided by W.S. 40-31-106. Stable tokens shall only be issued in exchange for United States dollars.

40-31-105. Powers of the commission.

(a) This act shall be administered by the commission in accordance with this act.

(b) The commission shall adopt rules and regulations as necessary to administer this act and to ensure compliance with all applicable state and federal law.

(c) The commission may:

(i) Issue Wyoming stable tokens as provided in this act, and provide for matters related to the issuance of Wyoming stable tokens, including the overall number of Wyoming stable tokens to be issued, the means used to issue, maintain and manage the Wyoming stable tokens and the manner of and requirements for redemption;

(ii) Retain professional services, if necessary, including accountants, auditors, consultants and other experts;

(iii) Make and enter into any contracts, agreements or arrangements and retain, employ and contract for the services of financial institutions and research, technical and other services as necessary to implement this act;

(iv) Select the financial institutions to manage the Wyoming stable tokens;

(v) Seek rulings and other guidance from the United States department of the treasury, the United States internal revenue service, the United States securities and exchange commission and any other relevant federal agency relating to this act;

(vi) Utilize the services of the state treasurer's office in investing and managing the Wyoming stable token trust account;

(vii) Employ a director and employees as it deems necessary for the performance of its duties. The commission shall prescribe the powers and duties and fix the compensation of the director and employees. The director shall be required to furnish fingerprints for submission to the federal bureau of investigation or any governmental agency or entity authorized to receive fingerprints for a state, national and international criminal history background check.

(d) The commission shall:

(i) Notwithstanding W.S. 9-4-716, maintain, invest and reinvest the funds received for issuing Wyoming stable tokens and any earnings from those investments in accordance with investment policies established by rule and regulation of the commission in consultation with the treasurer and according to this act;

(ii) Oversee the review and audit of the operations and transactions implemented pursuant to this act to include the commissioning of independent audits as necessary. Costs incurred to perform independent audits and reviews of the implementation of this act shall be deemed operational costs.

(e) Before initially issuing any Wyoming stable tokens, the director shall provide a comprehensive report to the select committee on blockchain, financial technology and digital innovation technology and the joint minerals, business and economic development interim committee on all actions taken under this act.

40-31-106. Wyoming stable token accounts.

(a) The Wyoming stable token trust account is created. The commission shall deposit all funds received for the issuance of Wyoming stable tokens into the account. Funds within the account received from the sale of Wyoming stable tokens shall be held in trust to support the redemption of Wyoming stable tokens, and shall not be expended for any other purpose but shall be expended to redeem Wyoming stable tokens. The commission shall invest funds within the account exclusively in United States treasury bills. By creation of this trust, the state does not create any fiduciary duty to token holders. Investment earnings generated by the funds in the account may be deposited in the Wyoming stable token administration account as provided in subsection (b) of this section.

(b) Not less than one hundred percent (100%) of the notional value of all outstanding issued Wyoming stable tokens shall be maintained in the Wyoming stable token trust account. All earnings paid on funds and investments in the account shall be deposited in the account. Investment earnings on funds in the account in excess of one hundred two percent (102%) of the notional value of all outstanding issued Wyoming stable tokens shall be transferred to the

Wyoming stable token administration account.

(c) The Wyoming stable token administration account is created. Funds received into the account from any source shall be retained, expended or transferred and are continuously appropriated according to the following priority:

- (i) To pay for the operational costs of this act;
- (ii) Retention of savings in an amount consistent with rules set by the commission to provide for future expenditures under paragraph (i) of this subsection;
- (iii) Any remainder shall be distributed on a quarterly basis, into the school foundation program account created by W.S. 21-13-306(a).

40-31-107. Redemption.

One (1) Wyoming stable token shall be redeemable for one (1) United States dollar upon demand as set forth by rule of the commission. The value of the Wyoming stable token upon redemption shall be one (1) United States dollar for each one (1) Wyoming stable token, unless the interest rate of United States treasury bills at the time of redemption is negative or the total assets available in the Wyoming stable token trust account divided by the number of outstanding Wyoming stable tokens is less than one (1) dollar, in which case the value of the Wyoming stable token upon redemption shall be the liquidated value of the United States treasury bill redeemed to pay the demand for the Wyoming stable token as determined by rule of the commission. In no case shall the redemption result in the state paying a higher amount than the total assets in the Wyoming stable token trust account divided by the number of outstanding Wyoming stable tokens after all expenses have been paid as determined by the commission and auditor as provided by rules and regulations of the commission.

40-31-108. Notice of limitations.

Under rules adopted by the commission, every contract, application or other similar document that may be used in connection with the purchase of Wyoming stable tokens shall clearly state that the Wyoming stable token is not insured by this state and the principal deposited is not guaranteed by the state beyond the notional value of the Wyoming stable token trust account.

40-31-109. Limitations on liability.

(a) The state shall not be liable to any person for any amount beyond the notional value of the fund maintained in the Wyoming stable token trust account. Any Wyoming stable tokens issued under this act are payable and collectable solely out of the Wyoming stable token trust account. Token holders shall not look to any general or other state fund for redemption of any Wyoming stable tokens. The Wyoming stable tokens shall not constitute any indebtedness or a debt within the meaning of any constitutional or statutory

provision or limitation. The tokens shall not be considered or held to be general obligations of the state but shall constitute special obligations of the state and the commission shall not pledge the state's full faith and credit for redemption of any Wyoming stable token.

(b) The state, the board and employees of the Wyoming stable token commission shall be entitled to immunity from liability, including defense, in connection with any contract or transaction involving or related to Wyoming stable tokens under this act. The state shall be entitled to reasonable attorney fees and costs from any party who brings an unsuccessful action on the notional value of a token.

Section 2.

(a) Except as provided in subsection (b) of this section, the commission shall endeavor to issue at least one (1) Wyoming stable token not later than December 31, 2023.

(b) The attorney general shall monitor the startup phase of the issuance of Wyoming stable tokens to ensure it is permissible under federal and state law. If, after assessing available legal options, the attorney general determines that issuing a Wyoming stable token is not permissible under either federal or state law, the commission shall not issue a Wyoming stable token and the director shall provide a report not later than November 1, 2023 to the select committee on blockchain, financial technology and digital innovation technology stating the reasons for not issuing a Wyoming stable token and providing recommendations that would allow for issuance in the future.

Section 3. The commission shall promulgate all rules necessary to implement this act.

Section 4. There is transferred five hundred thousand dollars (\$500,000.00) from the general fund to the Wyoming stable token administration account for purposes of this act. These funds shall not be transferred or expended for any other purpose. These funds shall be repaid pursuant to W.S. 40-31-105(a), as created by section 1 of this act.

Section 5. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Became law without signature March 17, 2023.

Chapter 186

OMNIBUS WATER BILL-PLANNING AND ADMINISTRATION

Original Senate File No. 96

AN ACT relating to water development projects; authorizing specified level I and level II studies; providing appropriations; requiring reports; providing for the reversion of unexpended funds; authorizing unobligated funds to be used to complete other designated projects as specified; extending reversion and study dates; authorizing a position; and providing an effective date.

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

[2023-2024 WATER PROGRAM]

[AUTHORIZED LEVEL I AND LEVEL II STUDIES]

Section 1. LEVEL I RECONNAISSANCE STUDIES – NEW DEVELOPMENT. The following sums of money are appropriated from water development account I, as created by W.S. 41-2-124(a)(i), to the water development commission to be expended to conduct the following reconnaissance studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project 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 the reconnaissance study for any other project listed in this section. Appropriated funds not expended or obligated prior to July 1, 2026 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 2025 legislative session:

[LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Glendo Water Master Plan	Platte County	\$180,000
Newcastle Water Master Plan	Weston County	\$223,000
Orchard Valley Water Master Plan	Laramie County	\$222,000
Ranchester Water Master Plan	Sheridan County	\$128,000
Rawlins Water Master Plan	Carbon County	\$250,000
UW Water Research Program	Statewide	\$442,820
Wardwell Water Master Plan	Natrona County	<u>\$151,000</u>
Total appropriation for Section 1		\$1,596,820

Section 2. LEVEL II FEASIBILITY STUDIES – NEW DEVELOPMENT. The following sums of money are appropriated from water development account I, as created by W.S. 41-2-124(a)(i), to the water development commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project 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 the feasibility study for any other project listed

in this section. Appropriated funds not expended or obligated prior to July 1, 2026 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 2025 legislative session:

[LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Central Wyoming Regional Water System Well Field Study	Natrona County	\$1,567,000
GR-RS-SC JPWB Eastside Zone Study	Sweetwater County	<u>228,000</u>
Total appropriation for Section 2		\$1,795,000

Section 3. LEVEL I RECONNAISSANCE STUDIES – REHABILITATION. The following sums of money are appropriated from water development account II, as created by W.S. 41-2-124(a)(ii), to the water development commission to be expended to conduct the following reconnaissance studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project 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 the reconnaissance study for any other project listed in this section. Appropriated funds not expended or obligated prior to July 1, 2026 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 2025 legislative session.

[LEVEL I RECONNAISSANCE STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Casper Alcova Irrigation District Master Plan	Natrona County	\$310,000
Goshen Irrigation District Master Plan	Goshen County	\$300,000
Sidon Irrigation District Master Plan	Big Horn County	\$177,000
Tillard Canal Master Plan	Big Horn County	<u>\$173,000</u>
Total appropriation for Section 3		\$960,000

Section 4. LEVEL II FEASIBILITY STUDIES – REHABILITATION. The following sums of money are appropriated from water development account II, as created by W.S. 41-2-124(a)(ii), to the water development commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project 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 the feasibility study for any other project listed

in this section. Appropriated funds not expended or obligated prior to July 1, 2026 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 2025 legislative session.

[LEVEL II FEASIBILITY STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Cody Canal Rehabilitation	Park County	\$257,000
GVID Upper Sunshine Outlet Works Rehab	Park County	\$621,000
Lakeview Irrigation District Rehabilitation	Park County	\$160,000
Shoshoni Groundwater Supply & Transmission	Fremont County	\$249,000
Willwood Irrigation District Rehabilitation	Park and Big Horn Counties	\$346,000
Total appropriation for Section 4		\$1,633,000

Section 5. There is appropriated five hundred thousand dollars (\$500,000.00) from the water development account I, as created by W.S. 41-2-124(a)(i), to the water development commission to be expended for the Green River/Little Snake River Basins Conveyance Loss Study. This appropriation is contingent upon the transfer of funds to water development account I as described in section 8 of this act and shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert to water development account I as provided by law on July 1, 2026.

Section 6. 2017 Wyoming Session Laws, Chapter 65, Section 2 is amended to read:

Section 2. LEVEL II FEASIBILITY STUDIES – NEW DEVELOPMENT.

(a) ~~The following sums of money listed in subsection (d) of this section~~ 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 ~~that are listed in subsection (d) of this section~~. 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 funds~~

(b) The sums of money appropriated to the following studies by subsection (d) of this section that are not obligated prior to

July 1, 2020 shall revert to water development account I: and the commission shall submit a report to the legislature on each of the following studies prior to the 2019 legislative session:

- (i) Big Horn Regional Southern Water Supply;
- (ii) Buffalo Groundwater Supply;
- (iii) GR/RS/SC JPWB Wind River Zone Study;
- (iv) Lake DeSmet Facilities Acquisition; and
- (v) Rolling Hills Groundwater Supply.

(c) The sums of money appropriated to the following studies by subsection (d) of this section that are not obligated prior to July 1, 2026 shall revert to water development account I and the commission shall submit a report to the legislature on each of the following studies prior to the 2025 legislative session:

- (i) Douglas Test Well Study.

(d) The following feasibility studies and appropriations are authorized under this section:

[LEVEL II FEASIBILITY STUDIES – NEW
DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Big Horn Regional Southern Water Supply	Hot Springs County	\$180,000
Buffalo Groundwater Supply	Johnson County	\$180,000
Douglas Test Well Study	Converse County	\$1,205,000 <u>\$1,655,000</u>
GR/RS/SC JPWB Wind River Zone Study	Sweetwater County	\$180,000
Lake DeSmet Facilities Acquisition	Johnson County	\$200,000
Rolling Hills Groundwater Supply	Converse County	<u>\$750,000</u>
Total 2017 appropriation for Section 2		\$2,695,000
Total 2023 appropriation for Section 2		<u>\$450,000</u>

Section 7. 2021 Wyoming Session Laws, Chapter 11, Section 5 is amended to read:

Section 5. ~~TIME EXTENSION FOR LEVEL II FEASIBILITY STUDIES – DAMS AND RESERVOIRS.~~ In the 2015 Omnibus water bill – planning, 2015 Wyoming Session Laws, Chapter 168, Section 5, the following sums of money ~~were~~ 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. A three (3) year time extension is granted for the Shell Valley Storage – Leavitt Reservoir project and appropriated funds for that project not obligated prior to July 1, 2021 shall revert to water development account III. A six (6) year time extension is granted for the Clear Creek Storage ~~and Nowood River Storage – Alkali Cr. projects~~ project and funds appropriated for ~~those projects~~ the project but not obligated prior to July 1, 2024 shall revert to water development account III. A seven (7) year time extension is granted for the Nowood River Storage – Alkali Cr. project and funds appropriated for that project but not obligated prior to July 1, 2025 shall revert to water development account III. The commission shall submit a report to the legislature prior to the 2020 legislative session: on the Shell Valley Storage – Leavitt Reservoir project study; ~~and~~ prior to the 2023 legislative session on the Clear Creek Storage ~~and Nowood River Storage – Alkali Cr. studies~~ study; and prior to the 2024 legislative session on the Nowood River Storage – Alkali Cr. study.

[LEVEL II FEASIBILITY STUDIES – DAMS AND RESERVOIRS]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Clear Creek Storage	Johnson County	\$700,000
Nowood River Storage - Alkali Cr.	Big Horn, Washakie Counties	\$4,000,000 <u>\$4,420,000</u>
Shell Valley Storage - Leavitt Reservoir	Big Horn County	<u>\$4,500,000</u>
Total 2015 appropriation for Section 5		\$9,200,000
Total 2018 appropriation for Section 5		\$0
Total 2021 appropriation for Section 5		\$0
<u>Total 2023 appropriation for Section 5</u>		<u>\$420,000</u>

Section 8. The state auditor shall transfer five hundred thousand dollars (\$500,000.00) from the general fund to water development account I as created by W.S. 41-2-124(a)(i).

Section 9.

(a) The water development office is authorized one (1) full-time employee for a ~~[n upper Colorado river basin]~~ project coordinator. There is appropriated one hundred twenty-five thousand dollars (\$125,000.00) from water development account I as created by W.S. 41-2-124(a)(i) to the water development office for purposes of funding the position created by this section for the period beginning

July 1, 2023 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 and this full-time employee be included in the standard budget for the water development office for the immediately succeeding fiscal biennium. **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]**

(b) There is appropriated five hundred thousand dollars (\$500,000.00) from water development account I as created by W.S. 41-2-124(a)(i) to the water development office for the purpose of engaging the services of consultants and other qualified professionals as needed to assist with upper Colorado river basin projects or potential projects. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on July 1, 2026 shall revert as provided by law.

Section 10. There is appropriated sixteen million six hundred eighty-eight thousand forty-three dollars (\$16,688,043.00) from the general fund to water development account III, as created by W.S. 41-2-124(a)(iii).

Section 11. There is appropriated five million eight hundred eleven thousand nine hundred fifty-seven dollars (\$5,811,957.00) from the general fund to water development account I, as created by W.S. 41-2-124(a)(i).

Section 12. 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, 2023.

Chapter 187

STATE FUNDED CAPITAL CONSTRUCTION

Original Senate File No. 146

AN ACT relating to state funded capital construction; creating accounts; authorizing the inclusion of construction contract provisions related to inflation; providing definitions; providing appropriations for purposes related to state funded capital construction; providing for capital construction grants for purposes of economic development; making appropriations subject to terms and conditions as specified; providing matching funds for specified projects; authorizing the expenditure of prior appropriations as specified; providing for the reversion of funds; creating a task force; authorizing the purchase of land for future construction; providing for interfund borrowing; providing for reports; and providing for an effective date.

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

Section 1. W.S. 9-4-226 is created to read:

9-4-226. Wyoming state hospital demolition account.

The Wyoming state hospital demolition 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. All funds within the account shall be invested by the state treasurer in accordance with law and all investment earnings from the account shall be credited to the general fund.

Section 2. W.S. 9-2-3006 by creating new subsections (g) and (h) and 9-4-203(a)(xiii) are amended to read:

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

(g) The department is authorized to develop a list of material commodities that have been subject to significant cost escalation as the result of documented price fluctuations in the market. Using unobligated, unexpended funds within available appropriations for capital construction, the department and, if applicable, the University of Wyoming may incorporate a provision in agency contracts or university contracts for any capital construction project to be performed by applying a material cost escalation factor and a material cost de-escalation factor. In no event shall the department approve a contract that contains a material cost escalation factor less than seven and one-half percent (7.5%) or greater than thirty percent (30%). The provisions of this subsection shall be implemented by:

(i) The state building commission for state facilities and community college facilities except for facilities owned by the University of Wyoming;

(ii) The school facilities commission for school facilities;

(iii) The University of Wyoming, in consultation with the department, for facilities owned by the University of Wyoming.

(h) The department and the University of Wyoming shall expend appropriations designated for inflationary costs only after all other alternative project funding sources and appropriations have been obligated or exhausted and after a determination by the department or the University of Wyoming, as appropriate, that the authorized project cannot be completed without additional funds as the result of inflation-related cost increases.

9-4-203. Definitions.

(a) As used in this act:

(xiii) "This act" means W.S. 9-4-201 through ~~9-4-224~~9-4-226.

Section 3. 2019 Wyoming Session Laws, Chapter 206, Sections 4 and 7(a) and (b) are amended to read:

Section 4. There is created the University of Wyoming student

housing account. Funds from the account shall be expended for the University of Wyoming student housing project as provided in this act. The treasurer shall disburse funds from the account upon request of the University of Wyoming board of trustees. Funds in the account appropriated under Section 7(b) of this act may only be expended by the trustees of the university for the payment of principal and interest on any outstanding securities issued by the university as of March 1, 2019 and funds appropriated under Section 7(a) of this act may only be expended by the trustees of the university for other initial costs of construction for phase 1 and phase 2 of the student housing project. Funds in the account shall be invested by the state treasurer's office. Notwithstanding W.S. 9-2-1008 and 9-4-207, any earnings from the account shall be credited to the legislative stabilization reserve account. The University of Wyoming shall repay on a twenty (20) year accrual schedule all funds expended by the university from the account at an annually adjusted interest rate of one-quarter of one percent (.25%) higher than the return received by the state in the immediately preceding fiscal year on the portion of the legislative stabilization reserve account that is not invested in equities. The interest rate shall be capped at a maximum rate of four and one-half percent (4.5%) per annum. All interest and principal payments made by the university in repayment of monies expended from the account shall be credited to the legislative stabilization reserve account. The University of Wyoming board of trustees may dedicate any available funds to repay funds expended from this account. Repayment of funds under this section shall commence on July 1 of the year following the year in which the funds were expended. Notwithstanding any other provision of law and subject to section 7(a) and (b) of this act, all unobligated and unencumbered funds in the account on June 30, 2029 shall revert to the legislative stabilization reserve account.

Section 7.

(a) There is continuously appropriated not more than fifteen million dollars (\$15,000,000.00) at any one (1) time, except as otherwise provided in this section from the legislative stabilization reserve account to the University of Wyoming student housing account created by this act. Funds from this appropriation may only be expended by the trustees of the university for initial costs of construction for phase 1 and phase 2 of the student housing project. All unexpended,

unobligated funds appropriated under this subsection shall revert to the legislative stabilization reserve account on March 24, 2023.

(b) There is appropriated thirty-four million dollars (\$34,000,000.00) from the legislative stabilization reserve account to the University of Wyoming student housing account created by this act. Funds from this appropriation may only be expended by the trustees of the University of Wyoming for the payment of principal and interest on any outstanding securities issued by the university as of March 1, 2019. All unexpended, unobligated funds appropriated under this subsection shall revert to the legislative stabilization reserve account on March 24, 2023.

Section 4.

(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 fund and other funds as specified;

(ii) “FF” means federal funds;

(iii) “PR” means private funding sources;

(iv) “SR” means an agency’s account within the special revenue fund;

(v) “S0” means other funds identified by footnote;

(vi) “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) When used in a footnote in this act, “this appropriation” shall be construed as a reference to that portion of the appropriated funds identified in the footnote.

[CAPITAL CONSTRUCTION]

Section 5.

(a) The following sums of money are appropriated for the capital construction projects specified:

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

(i) Appropriations and authorization for projects administered through the state construction department:

Section 027. CAPITAL CONSTRUCTION PROJECTS

PROGRAM				
SBC - State Facility				
Inflation Reserve ¹	51,405,563			51,405,563
SBC – Cost Escalation/				
De-escalation Fund	7,058,700			7,058,700
AGR - State Fair Projects ²	500,000			500,000
AGR – Ft. Washakie Demo.	452,000			452,000
SCD – Riverton State				
Office [Bldg.]	[±]2,500,000			[±]2,500,000
DOH - State Hospital Demo. ³			15,000,000	\$0 15,000,000
DFS – Emerson Bldg. Rehab. ⁴	500,000			500,000
LCCC – Exterior Facade	5,779,006		4,687,463	PR 10,466,469
WWCC – Powerline Tech.	2,220,994		1,791,125	PR 4,012,119
EWC – Construction Tech.			3,386,811	PR 3,386,811
NWC – Orendorff Bldg.	4,000,000			4,000,000
WCCC - Military Campus Rec. ⁵	25,000			25,000
OSLI - Ranch A ⁶			1,000,000	S13 1,000,000
DOC - Women's Ctr. Roof	3,920,000			3,920,000
TOTALS	88,361,263	0	25,865,399	114,226,662

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

1. This appropriation shall only be expended in accordance with W.S. 9-2-3006(h), as created by section 2 of this act. Of this general fund appropriation, twenty-six million seven hundred sixty-five thousand eight hundred thirty-three dollars (\$26,765,833.00) is appropriated for inflationary costs associated with previously appropriated and authorized projects for state facilities managed by the state construction department other than community college projects. Of this general fund appropriation, twenty-four million six hundred thirty-nine thousand seven hundred thirty dollars (\$24,639,730.00) is appropriated for inflationary costs associated with previously appropriated and authorized projects for community college facilities.

- | APPROPRIATION
FOR | GENERAL
FUND | FEDERAL
FUNDS | OTHER
FUNDS | TOTAL
APPROPRIATION |
|----------------------|-----------------|------------------|----------------|------------------------|
| \$ | \$ | \$ | \$ | \$ |
2. This appropriation shall only be expended on projects identified in the 2020 state fair master plan that are feasible to be completed within one (1) to three (3) years. As a condition of this appropriation and prior to the expenditure of general funds, the department of agriculture shall secure matching funds in the ratio of five dollars (\$5.00) of appropriated general funds to not less than one dollar (\$1.00) of matching funds from any other source.
 3. Of this other funds appropriation, up to fifteen million dollars (\$15,000,000.00) \$0 or as much thereof as is available is appropriated from the Wyoming state hospital demolition account, as created by section 1 of this act, for purposes of the demolition and abatement of unused or abandoned facilities on the campus of the Wyoming state hospital.
 4. This appropriation is for the rehabilitation and renovation of the Emerson building on the campus of the Wyoming life resource center.
 5. The state construction department shall transfer this appropriation to the Wyoming community college commission for distribution to any Wyoming community college that achieves the formal designation of a military friendly campus for purposes of constructing a military or veterans memorial or display. Any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2026.
 6. This appropriation shall be deposited into the Ranch A account and shall be expended only on major maintenance and the rehabilitation of Ranch A.

(ii) Appropriations and authorizations for University of Wyoming projects:

SECTION 067. CAPITAL CONSTRUCTION PROJECTS

PROGRAM				
UW - 2023 Capital Projects				
Acct. ¹	45,000,000			45,000,000
UW - AMK Ranch Reno.			10,000,000	PR 10,000,000
UW - Science Initiative	12,250,000			12,250,000
TOTALS	57,250,000	0	10,000,000	67,250,000

1. This appropriation shall be deposited to the University of Wyoming 2023 capital projects account.

Section 6. In addition to the level I and level II reconnaissance and feasibility studies previously authorized under 2021 Wyoming Session Laws, Chapter 140, Section 3(a)(i) and from the other funds appropriation of eight hundred ninety-nine thousand eight hundred dollars (\$899,800.00) \$13 made in section 3(a)(i) of that act, the state construction department is authorized to include

the office, housekeeping area, locker room, storage and remodel project of the Wyoming law enforcement academy under the office of the attorney general for expenditure from those previously appropriated other funds.

[AUTHORIZATION OF LEVEL I/II STUDY]

[CASPER STATE OFFICE BUILDING – REVERSIONS]

Section 7.

(a) As determined by the state construction department and notwithstanding any other provision of law, any unexpended, unobligated funds appropriated for the construction of the state office building in Casper, also known as the Thyra Thomson state office building, shall revert to the Casper state facilities account.

(b) Not more than ten (10) business days after the reversion of funds specified in subsection (a) of this section is completed, the state construction department shall advise the state auditor of project completion of the Casper state office building. Upon receiving notice under this subsection from the state construction department, the state auditor shall transfer any unexpended, unobligated funds within the Casper state facilities account to the state building commission's contingency fund (unit 7201). All funds transferred to the state building commission under this subsection are hereby appropriated for purposes of the state building commission's contingency fund (unit 7201).

[ECONOMIC DEVELOPMENT – CAPITAL CONSTRUCTION
GRANTS]

Section 8.

(a) There is appropriated four million dollars (\$4,000,000.00) from the general fund to the office of state lands and investments for purposes of providing a grant as provided in this subsection for infrastructure related to qualifying special events conducted on the grounds of any indoor or outdoor rodeo with a total seating capacity of not less than seven thousand five hundred (7,500). This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2026. Grant recipients that qualify under this subsection shall be selected by the state loan and investment board, subject to the following conditions:

(i) Any grant under this subsection shall only be awarded for infrastructure projects that create or enhance pedestrian transportation infrastructure to increase safety and avoid pedestrian and vehicle interactions, collisions and conflicts;

(ii) Expenditure of any grant by a 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.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

[RIVERTON STATE OFFICE [~~BUILDING~~] TASK FORCE]

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

Section 9.

(a) There is created the Riverton state office [~~building~~] task force. The task force shall be comprised of: **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]**

(i) Six (6) members of the legislature as follows:

(A) Three (3) members of the senate, appointed by the president of the senate;

(B) Three (3) members of the house of representatives, appointed by the speaker of the house of representatives.

(ii) The director of the state construction department or the director's designee;

(iii) Not more than four (4) members appointed by the governor from state agencies with a physical presence in Riverton.

(b) The president of the senate and the speaker of the house shall each designate a co-chairman of the task force.

(c) Legislative members of the task force shall receive salary, mileage and per diem for attending meetings. Members appointed under paragraphs (a)(ii) and (iii) of this section who are government employees shall be considered to be on official business of their agency when performing duties as members of the task force.

(d) The task force shall serve in an advisory role and provide recommendations to the executive branch of state government for the procurement of [~~professional services and completion of~~] a [~~level II feasibility~~] study [~~described in W.S. 9-5-108(a)(ii), level III construction and operation plans described in W.S. 9-5-108(a)(iii) and the construction or acquisition of a building~~] for the Riverton state office [~~building project~~]. While serving in an advisory role, the task force shall: **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]**

(i) Receive and, when necessary, request information from the state construction department to stay informed on all aspects of the Riverton state office [~~building project~~]; **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]**

(ii) Closely monitor [~~the procurement of professional services and progress on~~] the planning [~~and design~~] of the Riverton state office [~~building~~]

project]; [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

(iii) When necessary or prudent, make recommendations to the state construction department regarding important aspects of the Riverton state office [~~building project~~]; [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

(iv) Provide interim reports on the activities of the task force to the joint appropriations committee not later than November 1 of each year that the task force is in existence;

(v) Include in each interim report any recommendations [~~for legislative action~~] for consideration during the legislative session immediately following the report as necessary [~~to complete or continue the Riverton state office building project~~]. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

(e) The task force shall be staffed by the [~~state construction department, with assistance provided by the~~] legislative service office. [~~In~~] staff[~~ing the task force, the state construction department~~] shall: [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

(i) Coordinate and schedule all meetings, assemble all required meeting agendas and meeting materials for the task force [~~and include and communicate with the legislative service office to allow the legislative service office to provide sufficient assistance to legislative members of the task force to fulfill their responsibilities as members of the task force~~]; [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

(ii) Act as a liaison between the task force and the executive branch of state government to communicate task force recommendations;

(iii) Provide regular updates [~~and progress reports~~] to [~~the task force and~~] the state building commission [~~regarding the Riverton state office building project~~]; [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

(iv) Provide other information and assistance [~~to the task force~~] as requested. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

(f) The task force shall terminate on June 30, 2028.

(g) There is appropriated fifty thousand dollars (\$50,000.00) from the general fund to the legislative service office for the period beginning with the effective date of this act and ending June 30, 2028. This appropriation shall only be for purposes of providing salary, mileage and per diem of legislative members of the

task force. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2028.

[WYOMING STATE PENITENTIARY CAPITAL CONSTRUCTION
ACCOUNT – APPROPRIATIONS]

Section 10.

(a) There is appropriated an amount not to exceed ten million dollars (\$10,000,000.00) from the Wyoming state penitentiary capital construction account to the state construction department for, in consultation with the department of corrections:

- (i) Demolition of the north unit of the old state penitentiary in Rawlins;
- (ii) Demolition of the administrative building at the Wyoming honor farm;
- (iii) Relocation of utilities and information technology assets in the administrative building at the Wyoming honor farm to a suitable location on the campus of the honor farm.

(b) Only after the state construction department, in consultation with the department of corrections, has obligated sufficient funds to complete all activities specified in subsection (a) of this section, any unexpended, unobligated funds remaining in the Wyoming state penitentiary capital construction account are appropriated to the state construction department for purposes of acquiring land for a future state penitentiary by the state building commission in or near Rawlins.

[UNIVERSITY OF WYOMING 2023 CAPITAL PROJECTS ACCOUNT]

Section 11.

(a) There is appropriated one hundred twenty million dollars (\$120,000,000.00) from the University of Wyoming 2023 capital projects account, which is hereby created, to the University of Wyoming for construction of any or all of the following projects, the University of Wyoming student housing project, the west stands of the University of Wyoming war memorial stadium and the natatorium to replace or expand Corbett pool.

(b) The state treasurer and the state auditor shall utilize interfund loans from the legislative stabilization reserve account for deposit to the University of Wyoming 2023 capital projects account as necessary to meet appropriations from that account and contract obligations of the University of Wyoming incurred for purposes of this section. No interfund loans authorized under this section shall be made after completion of the projects specified in subsection (a) of this section.

(c) The state treasurer, after consultation with the state auditor, shall include

an appropriation request in each biennial budget and supplemental budget request in an amount equal to the lesser of forty million dollars (\$40,000,000.00) or the outstanding loan balance until all loans from the legislative stabilization reserve account to the University of Wyoming 2023 capital projects account are repaid. In no event shall the total appropriation requests under this subsection exceed seventy-five million dollars (\$75,000,000.00).

[UNIVERSITY OF WYOMING CONSTRUCTION
REPORTING AND LIMITATIONS]

Section 12.

(a) Not later than July 10, 2023, and again not later than the tenth calendar day after the end of each calendar quarter, the University of Wyoming shall report to the joint appropriations committee on the budget, construction status, timelines, fundraising and matching efforts of all University of Wyoming construction projects supported by state appropriations provided in this act.

(b) The University of Wyoming shall not engage in any new capital construction projects until the University of Wyoming construction projects supported by state appropriations provided in this act are completed and all buildings constructed are occupied or being used for their intended purpose, except for major maintenance projects, emergency projects, projects at the agriculture experiment stations, projects funded entirely by private funds or projects related to research or instructional needs.

[EFFECTIVE DATE]

Section 13. 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, 2023

Chapter 188

AMERICAN RESCUE PLAN ACT APPROPRIATIONS-AMENDMENTS

Original House Bill No. 195

AN ACT relating to the emergency expenses of government; providing definitions; providing appropriations; amending and repealing prior appropriations of COVID-19 relief funds; specifying conditions on the appropriation and expenditure of COVID-19 relief funds; amending prior conditions on the reduction and prioritization of COVID-19 relief funds; providing for the reversion of unexpended funds; authorizing emergency government programs; authorizing rulemaking; requiring reporting; specifying applicability; providing for priority of appropriations; 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. 117-2, 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. 2022 Wyoming Session Laws, Chapter 50, Section 2, Section 400 is amended to read:

Section 2.

Section 400. AMERICAN RESCUE PLAN DIRECT (ARPD) APPROPRIATIONS

AGENCY & PROGRAM

001 - Discr. Health Response ¹ .	50,000,000	ARPD
	<u>4,414,100</u>	<u>ARPD</u>
001 - Workforce Prgms ² .	10,000,000	ARPD
024 - Outdoor Rec. Grant Prgm ³ .	10,000,000	ARPD
	<u>22,000,000</u>	<u>ARPD</u>
024 - Outdoor Rec. & Tourism ⁴ .	2,000,000	ARPD
045 - Tech. Needs for WyoLink ⁵ .	35,000,000	ARPD
045 - Air Service Financial Assistance ²⁵ .	8,832,058	ARPD
048 - HHS Staffing Stabilization ⁶ .	13,000,000	ARPD
048 - HHS Innovation Fund ⁷ .	5,000,000	ARPD
048 - EMS Dispatch Cert. ⁸ .	84,000	ARPD
048 - 2-1-1 Capacity Building ⁹ .	1,750,000	ARPD
048 - EMS Stabilization Fund ¹⁰ .	5,000,000	ARPD
048 - EMS Regionalization Pilot ¹¹ .	10,000,000	ARPD
048 - WYHS (FY2023) ¹².	2,749,894	ARPD

048 - HHS Cap. Imprv. & Provider Relief ^{13.}	5,000,000	ARPD
048 - 24-7 Suicide Prevention ^{26.}	2,100,000	ARPD
048 - Mental Health Provider Training Phase II ^{28.}	200,000	ARPD
048 - First Responder & Law Enforcement Mental Health Support ^{29.}	1,000,000	ARPD
049 - Food Insecurity - Network Evaluation System Improv. ^{30.}	250,000	ARPD
	<u>3,250,000</u>	<u>ARPD</u>
057 - WYIN Loan & Grant Prgm ^{15.}	6,427,477	ARPD
060 - HHS Capital Construction ^{16.}	85,000,000	ARPD
	<u>125,000,000</u>	<u>ARPD</u>
060 - Local Gov. Support Projects ^{17.}	50,000,000	ARPD
	<u>70,300,000</u>	<u>ARPD</u>
060 - Eligible Water & Sewer Projects ^{18.}	50,000,000	ARPD
	<u>80,000,000</u>	<u>ARPD</u>
067 - Family Medicine Residency Program ^{19.}	708,407	ARPD
067 - WWAMI T&F Inflation ^{20.}	1,579,948	ARPD
067 - College of Health Sciences ^{31.}	500,000	ARPD
080 - SUD Treatment Backlog ^{21.}	1,200,000	ARPD
085 - Connect Wyoming 2 ^{22.}	25,000,000	ARPD
101 - Circuit Court eFiling ^{23.}	2,140,000	ARPD
101 - PPE, & Tests and <u>Mental Health Diversion</u> ^{24.}	150,000	ARPD
101 - Equal Justice Wyoming ^{32.}	817,900	ARPD
TOTALS	<u>431,239,684</u>	
	<u>440,373,942</u>	

1. This appropriation to the governor's office is for purposes of responding to the COVID-19 public health emergency.

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 programs 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.

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.

~~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.

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~~ eighty-eight million dollars (\$88,000,000.00) 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 subsections (a) through (c) of 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;:

(iv) The state loan and investment board shall only consider applications for grants available under subsections (a) through (c) of this footnote that were submitted on and before January 23, 2023 [for grants under subsections (a) through (c) of this footnote]. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

(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;

(ii) Up to two million dollars (\$2,000,000.00)ARPD may be expended to provide grants for rural telehealth pilot projects.

(d) 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 supplemental grants for projects approved in 2022 by the state loan and investment board under subsection (a) of this footnote. These supplemental grants shall only be for purposes of inflation related costs. The maximum supplemental grant for any single project under this subsection shall be five million dollars (\$5,000,000.00).

17. (a) 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.

(b) Of this appropriation to the office of state lands and investments, five

million dollars (\$5,000,000.00)ARPD shall be for the purpose of providing grants to cities, counties and tribal governments in Wyoming for unmet affordable housing needs through infrastructure, including utilities.

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;:

(iii) The state loan and investment board shall only consider applications for grants available under this footnote that were submitted on and before January 23, [2023 for grants under this footnote]. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

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 in Wyoming cities, towns and counties;

(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;

(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. The supreme court may expend any funds not expended on COVID-19 mitigation measures for the study, planning and design of diversionary treatments and systems of care for defendants with mental and substance abuse illnesses.

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.

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~~ Of this appropriation to the department of family services, two hundred twenty-five thousand dollars (\$225,000.00) ARPD 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. Of this appropriation, three million twenty-five thousand dollars (\$3,025,000.00) ARPD is to provide one (1) time grant funds to Wyoming organizations and entities to implement recommendations from the assessment and evaluation of the food distribution system to Wyoming citizens who face food insecurity.

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) 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 April 1, 2023 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 the state:

(i) The governor shall reduce and prioritize appropriations to executive branch agencies and the University of Wyoming to not exceed the total unexpended, unobligated funds;

(ii) 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.

Section 401. AMERICAN RESCUE PLAN DIRECT (ARPD) 2023 APPROPRIATIONS

AGENCY & PROGRAM

048 - Behavioral Health Redesign ¹ .	5,000,000	ARPD
049 - Family Resource Centers ⁶ .	2,750,000	ARPD
049 - High Needs and High-Risk Youth ² .	4,000,000	ARPD
049 - Difficult to Employ		
Self-Sufficiency Program ⁴ .	2,252,500	ARPD

053 - Workforce Programs II ³ .	2,500,000	ARPD
101 - Treatment Courts Transfer ⁵ .	100,000	ARPD

TOTALS

 16,602,500

1. This appropriation to the department of health, behavioral health division, is for implementation and infrastructure changes for behavioral health redesign as provided in 2021 Wyoming Session Laws, Chapter 79 and 2022 Wyoming Session Laws, Chapter 31. This appropriation shall be used in lieu of the expenditure of state general funds for any qualifying ARPD expenditures for the implementation of the behavioral health redesign.

2. This appropriation to the department of family services is to provide educational, behavioral health, child welfare and juvenile delinquency services to children who have profound and complex diagnoses including mental health, intellectual disabilities and severe behavioral issues.

3. (a) This appropriation to the department of workforce services 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 demonstrate an 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.

4. This appropriation to the department of family services is to develop an integrated case management model for clients who are among the most difficult to employ and whose barriers have kept them from re-entering the workforce after the COVID-19 pandemic.

5. This appropriation to the supreme court is to implement, expand and improve court supervised treatment programs within the judicial branch. This appropriation shall only be effective if 2023 Senate File 0023 is enacted into law.

6. This appropriation to the department of family services is for the purposes of developing a program to provide grants, collect and monitor data and provide technical assistance to communities to establish or strengthen family resource centers.

Section 4.

(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 5.

(a) Any unexpended funds appropriated in this act and in 2022 Wyoming Session Laws, Chapter 50, Section 2, Section 400 remaining at project completion, as determined by the recipient agency, shall revert and are hereby reappropriated in equal amounts to:

(i) The office of state lands and investments for purposes of providing

grant funding for qualifying health and human services infrastructure and capital construction investments. Grants provided under this paragraph shall be in accordance with 2022 Wyoming Session Laws, Chapter 50, Section 2, Section 400, Footnote 16(a), as amended by this act, provided that the state loan and investment board shall prioritize grants for projects that are ready for construction and that will be completed before December 31, 2026;

(ii) The office of state lands and investments for purposes of providing grant funding to cities, counties, special districts and tribal governments for eligible water and wastewater projects. Grants provided under this paragraph shall be in accordance with 2022 Wyoming Session Laws, Chapter 50, Section 2, Section 400, Footnote 18(a), as amended by this act, provided that the state loan and investment board shall prioritize grants for projects that are ready for construction and that will be completed before December 31, 2026.

Section 6. Nothing in this act shall be construed to modify or impair any existing contract or obligation of the state that is executed or incurred on or before the effective date of this act.

Section 7. To the extent the total sum of appropriations made under any law enacted through the 2023 general session exceed the amount of unexpended, unobligated American Rescue Plan Act direct funds available for expenditure, the appropriations made under this act and 2022 Wyoming Session Laws, Chapter 50, Section 2, Section 400 as amended by section 2 of this act, shall be given precedence.

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 17, 2023.

Chapter 189

WYOMING PRESCRIPTION DRUG TRANSPARENCY ACT

Original Senate File No. 151

AN ACT relating to the insurance code; prohibiting specified actions by pharmacy benefit managers; allowing individuals to choose in network retail pharmacies as specified; providing definitions; excluding certain claims as specified; amending a definition; requiring pharmacy benefit managers to provide contact information as specified; amending the process for when a maximum allowable cost appeal is denied; requiring pharmacy benefit managers to allow pharmacies to file appeals in electronic batch formats; requiring pharmacy benefit managers to reimburse pharmacies as specified; authorizing pharmacies to decline to provide pharmacy services as specified; making conforming amendments; requiring rulemaking; providing appropriations; and providing for effective dates.

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

Section 1. W.S. 26-52-105 through 26-52-107 are created to read:

26-52-105. Transparency; prohibitions.

(a) A pharmacy benefit manager or an agent of a pharmacy benefit manager shall not:

(i) Cause or knowingly permit the use of an advertisement, promotion, solicitation, representation, proposal or offer that is untrue, deceptive or misleading;

(ii) Charge a pharmacist or pharmacy provider a fee for any of the following:

(A) The submission of a claim;

(B) Enrollment or participation in a retail pharmacy network;

(C) The development or management of claims processing services or claims payment services related to participation in a retail pharmacy network;

(D) An application to apply for network access with the pharmacy benefit manager;

(E) Credentialing or re-credentialing;

~~[(F) Any change of ownership.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]~~

(iii) Retroactively deny or reduce reimbursement for a covered pharmacy service or claim after adjudication of the claim, unless:

(A) The original claim was fraudulent; or

(B) The denial or reduction is necessary to correct errors found in an audit, provided that the audit was conducted in compliance with W.S. 26-52-103.

~~[(iv) Restrict a person's choice of network providers for prescription drugs, except for specialty medications as defined by W.S. 26-52-102(a)(xi);] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]~~

~~[(v) Conduct spread pricing;] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]~~

~~[(vi) Retain funds paid by a pharmaceutical manufacturer to a pharmacy benefits manager as a result of negotiations of a reduced price for a pharmaceutical between a pharmacy benefits manager and a manufacturer, in relation to a contract between a pharmacy benefits manager and an insurer related to its insured prescription drug benefits. Funds retained under this paragraph shall be remitted to and retained by the insurer and~~

~~shall be used by the insurer to lower premiums for covered persons under the insurer's health benefits plan or to allow for remittance directly to the covered person at the point of sale to reduce the covered person's out-of-pocket costs;~~ [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

(vii) Prohibit a pharmacy, pharmacy services administrative organization, contracting agent or agent of a pharmacy from sharing, upon request, copies of pharmacy benefit manager contracts with ~~requesting pharmacies or~~ the department of insurance; [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

(viii) Prohibit, restrict or limit disclosure of information to the insurance commissioner, law enforcement or other state or federal government officials who are investigating or examining a complaint or conducting a review of the pharmacy benefit manager's compliance with the requirements of this chapter;

~~[(ix) Reimburse a pharmacy for pharmacy services in an amount less than the amount that the pharmacy benefit manager reimburses a pharmacy benefit manager owned or pharmacy benefit manager affiliated pharmacy for providing the same pharmacy services. The reimbursement amount paid to the pharmacy shall be equal to the reimbursement amount paid to a pharmacy benefit manager owned or pharmacy benefit manager affiliated pharmacy.]~~ [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

~~[(b) A person's choice of network provider shall include a retail pharmacy. An insurer or pharmacy benefit manager shall not require or incentivize using any discounts in cost sharing or a reduction in copay or the number of copays to individuals to receive prescription drugs from an individual's choice of in-network pharmacy, except for specialty medications as defined by W.S. 26-52-102(a)(xi).]~~ [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

(c) Insurers, pharmacies and pharmacy benefit managers shall adhere to all state laws and rules when mailing or shipping prescription drugs into the state.

26-52-106. Alternate reimbursement methodologies.

~~[(a)]~~ All contracts between a pharmacy benefits manager and a pharmacy services administrative organization, or its contracted pharmacies, and all contracts directly between a pharmacy benefits manager and a pharmacy shall include a process to investigate and resolve disputes ~~[and allow appeals regarding brand and multiple-source generic drug pricing, including if applicable brand effective rates, for pharmacy reimbursement].~~ [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

~~[(b) Appeals authorized under this section shall comply with the~~

~~procedures specified in W.S. 26-52-104.~~ [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

26-52-107. Certain claims excluded.

W.S. 26-52-104 through 26-52-106 shall apply to all health benefit plan issuers and pharmacy benefit managers except those claims associated with the Wyoming Medicaid fee-for-service program, the Wyoming workers compensation division or those claims otherwise prohibited by federal law.

Section 2. W.S. 26-52-102(a)(vii) and by creating new paragraphs (viii) through (xii) and 26-52-104(a)(i), (d)(ii), (e), (f) and by creating new subsections (k) and (m) are amended to read:

26-52-102. Definitions.

(a) As used in this article:

(vii) “Pharmacy benefit manager” means an entity that contracts with a pharmacy or the pharmacy’s designee who holds a contract with the pharmacy benefit manager on behalf of an insurer or third party administrator to administer or manage prescription drug benefits;

~~[(viii) “Pharmacy acquisition cost” means the amount a pharmaceutical wholesaler charges for a pharmaceutical product as listed on the pharmacy’s billing invoice;]~~ [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

(ix) “Pharmacy services” means any product, good or service, or any combination of products, goods or services, provided as part of the practice of pharmacy;

(x) “Pharmacy services administrative organization” means an organization that evaluates and executes pharmacy benefit manager contracts on behalf of pharmacies and provides administrative, clerical, audit and data analytics support services;

~~[(xi) “Specialty medication” means a prescription drug that is typically high cost and that:~~

~~(A) Is prescribed for a person with a:~~

~~(I) Chronic, complex or life-threatening condition; or~~

~~(H) Rare medical condition;~~

~~(B) Has limited or exclusive distribution; or~~

~~(C) Requires:~~

~~(I) Specialized product handling or administration by the dispensing pharmacy; or~~

~~(H) Specialized clinical care, including frequent dosing adjustments;~~

~~**intensive clinical monitoring or expanded services for patients.**~~

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

~~[(xii) **“Spread pricing” means a prescription drug pricing model utilized by a pharmacy benefit manager where the pharmacy benefit manager charges a health benefit plan a contracted price for prescription drugs that differs from the amount the pharmacy benefit manager directly or indirectly pays the pharmacy or pharmacist for providing prescription drugs.**~~] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

26-52-104. Maximum allowable cost; offering information and alternatives.

(a) To place a drug on a maximum allowable cost list, a pharmacy benefit manager shall ensure that the drug is:

(i) If the drug is a generically equivalent drug, rated “A” or “B” in the most recent version of the United States Food and Drug Administration’s Approved Drug Products with Therapeutic Equivalence Evaluations (Orange Book), or rated “NR” or “NA,” or has a similar rating, by a nationally recognized reference;

(d) A pharmacy benefit manager shall:

(ii) Provide a telephone number, email address and website at which a network pharmacy or the pharmacy’s designee who holds a contract with the pharmacy benefit manager may contact an employee of a pharmacy benefit manager to discuss the pharmacy’s appeal;

(e) A pharmacy benefit manager shall establish a process by which a contracted pharmacy, or the pharmacy’s designee who holds a contract with the pharmacy benefit manager, can appeal the provider’s reimbursement for a drug subject to maximum allowable cost pricing. A contracted pharmacy, or the pharmacy’s designee who holds a contract with the pharmacy benefit manager, shall have up to ten (10) business days after dispensing a drug subject to a maximum allowable cost in which to appeal the amount of the maximum allowable cost. A pharmacy benefit manager shall respond to the appeal within ten (10) business days after the contracted pharmacy or the pharmacy’s designee who holds a contract with the pharmacy benefit manager makes the appeal.

(f) If a maximum allowable cost appeal is denied, the pharmacy benefit manager shall provide to the appealing pharmacy, or the pharmacy’s designee who holds a contract with the pharmacy benefit manager, the reason for the denial and the national drug code number for the drug that is available for purchase by similarly situated pharmacies in the state ~~from and the names of~~ national or regional wholesalers that have the product available for purchase at a price that is at or below the maximum allowable cost.

(k) A pharmacy benefit manager shall not prevent a network pharmacy or the pharmacy's designee who holds a contract with the pharmacy benefit manager from filing appeals in an electronic batch format. The pharmacy benefit manager shall respond in an electronic format to valid reimbursement appeals filed in an electronic batch format. A batch appeal shall not be considered a valid appeal unless all required information for each claim in the batch is submitted electronically with the correct, contractually required information and in the required format. An appeal shall not be considered valid for purposes of the ten (10) day response timeframe until all information is received.

(m) A pharmacy or pharmacist may decline to provide pharmacy services to a patient or pharmacy benefit manager if the pharmacy or pharmacist is to be paid less than the pharmacy acquisition cost for the pharmacy providing pharmacy services.

Section 3.

(a) The department of insurance is authorized one (1) full-time position for the purpose of implementing and administering this act. There is appropriated one hundred twenty-five thousand dollars (\$125,000.00) from the general fund to the department of insurance for the salary and benefits of the position authorized under this section. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2024 and shall only be expended for the additional position authorized under this section. 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 is appropriated one hundred thousand dollars (\$100,000.00) from the general fund to the department of insurance for the purposes of implementing and administering this act. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2025. 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, 2025.

Section 4. The department of insurance shall promulgate any rules necessary to implement this act.

Section 5.

(a) Except as otherwise provided by subsection (b) of this section, this act is effective July 1, 2023.

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

Approved March 17, 2023.

Chapter 190**PROHIBITING CHEMICAL ABORTIONS****Original Senate File No. 109**

AN ACT relating to abortions; prohibiting chemical abortions as specified; providing criminal penalties; providing definitions; specifying exceptions; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 35-6-120 is created to read:

35-6-120. Chemical abortions prohibited; exceptions; penalty.

(a) Notwithstanding any other provision of law, it shall be unlawful to prescribe, dispense, distribute, sell or use any drug for the purpose of procuring or performing an abortion on any person.

(b) The prohibition in subsection (a) shall not apply to:

(i) The sale, use, prescription or administration of any contraceptive agent administered before conception or before pregnancy can be confirmed through conventional medical testing;

(ii) The treatment of a natural miscarriage according to currently accepted medical guidelines;

(iii) Treatment necessary to preserve the woman from an imminent peril that substantially endangers her life or health, according to appropriate medical judgment, 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. As used in this paragraph, "imminent peril" means only a physical condition and shall not include any psychological or emotional conditions. No medical treatment shall form the basis for an exception under this paragraph if it is based on a claim or diagnosis that the pregnant woman will engage in conduct which she intends to result in her death or other self-harm.

(c) Except as otherwise provided in this section, any physician or other person who violates subsection (a) of this section is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine not to exceed nine thousand dollars (\$9,000.00), or both.

(d) A woman upon whom a chemical abortion is performed or attempted shall not be criminally prosecuted pursuant to subsection (c) of this section.

Section 2. W.S. 35-6-101(a)(vi) and (xii) is amended to read:

35-6-101. Definitions.

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

(vi) "Pregnant" or "pregnancy" means that condition of a woman who has a human embryo or fetus within her as the result of conception;

(xii) “This act” means W.S. 35-6-101 through ~~35-6-119~~ 35-6-120.

Section 3. This act is effective July 1, 2023.

Approved March 17, 2023.

Chapter 191

STUDENT ELIGIBILITY IN INTERSCHOLASTIC SPORTS

Original Senate File No. 133

AN ACT relating to education; prohibiting students of the male sex from competing on a team designated for students of the female sex as specified; prohibiting retaliation; providing for an administrative hearing as specified; alternatively providing for a commission to determine student eligibility as specified; providing definitions; providing immunity as specified; providing an appropriation; requiring rulemaking; and providing for an effective date.

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

Section 1. W.S. 21-25-101 through 21-25-204 are created to read:

CHAPTER 25

STUDENT ELIGIBILITY IN INTERSCHOLASTIC ACTIVITIES

ARTICLE 1

PARTICIPATION IN FEMALE SPORTS

21-25-101. Definitions.

(a) As used in this chapter:

(i) “Coed” or “mixed” means that a team is composed of members of both sexes who traditionally compete together;

(ii) “Interscholastic athletic activity” means that a student represents the student’s school in a Wyoming high school activities association sanctioned sport;

(iii) “School” means a school consisting of grades seven (7) through 12 (twelve), or any combination of grades within this range, as determined by the plan of organization by the school district board of trustees;

(iv) “Sex” means the biological, physical condition of being male or female, determined by an individual’s genetics and anatomy at birth.

21-25-102. Participation in school athletic activities.

(a) A public school or a private school that competes against a public school shall expressly designate school athletic activities and teams as one (1) of the following based on sex:

- (i) Designated for students of the male sex;
 - (ii) Designated for students of the female sex; or
 - (iii) Coed or mixed.
- (b) A student of the male sex shall not compete, and a public school shall not allow a student of the male sex to compete, in an athletic activity or team designated for students of the female sex.
- (c) A government entity or licensing or accrediting organization shall not entertain a complaint, open an investigation or take any other adverse action against a school described in subsection (a) of this section for maintaining separate school athletic activities and teams for students of the female sex.
- (d) Nothing in this section shall be construed to:
- (i) Restrict the eligibility of any student to participate in any interscholastic athletic activity designated for students of the male sex or designated as coed or mixed; or
 - (ii) Prohibit a school from permitting males to train or practice with an interscholastic athletic activity that is designated for females so long as no female is deprived of a roster spot on a team or sport, opportunity to participate in a practice or competition, scholarship, admission to an educational institution or any other benefit that accompanies participating in the interscholastic athletic activity.
- (e) A government entity, any licensing or any athletic association shall not retaliate or take any adverse action against:
- (i) A school for maintaining separate athletic teams or sports for students of the female sex; or
 - (ii) A student if the student or the parent or guardian of a student requests a contested case pursuant to subsection (f) of this section or that reports a violation of this section to an employee or representative of the school or athletic association.
- (f) Any student or parent or guardian of a student aggrieved by an act of a government entity, school, athletic association or licensing or accrediting organization for failing to enforce the provisions of this act, may seek review in accordance with the Wyoming Administrative Procedures Act. In accordance with W.S. 16-3-112, review of a decision of a government entity, school, athletic association or licensing or accrediting organization under this subsection shall be before the state board of education.

ARTICLE 2 STUDENT ELIGIBILITY

21-25-201. Definitions.

- (a) As used in this article:

(i) “Athletic association” means an association that governs or regulates a student’s participation in an athletic interscholastic activity;

(ii) “Commission” means the school activity eligibility commission created in W.S. 21-25-203;

(iii) “Female-designated” means an interscholastic activity that is designated specifically for female students;

(iv) “Gender-designated” means an interscholastic activity or facility that is designated specifically for female or male students;

(v) “Gender identity” means as stated in the Diagnostic and Statistical Manual. A person’s gender identity can be shown by providing evidence, including but not limited to medical history, care or treatment of the gender identity, consistent and uniform assertion of the gender identity or the evidence that the gender identity is sincerely held, part of a person’s core identity and not being asserted for an improper purpose;

(vi) “Interscholastic activity” means an activity in which a student represents the student’s school in the activity in competition against another school;

(vii) “Male-designated” means an interscholastic activity that is designated specifically for male students;

(viii) “Student” means a student who is enrolled in grades seven (7) through twelve (12) of a public school that participates in interscholastic activities;

(ix) “This article” means W.S. 21-25-201 through 21-25-204.

21-25-202. Effect contingent on court ruling.

This article is effective only during the period when a court of competent jurisdiction has invalidated or enjoined W.S. 21-25-102. The attorney general shall, within thirty (30) days of the date of any invalidation or enjoinder, notify the governor who shall certify to the office of the secretary of state that this article is effective. If at any point the invalidation or enjoinder is lifted, the attorney general shall, within thirty (30) days of the invalidation or enjoinder being lifted, notify the governor who shall certify to the office of the secretary of state that this article is no longer effective and W.S. 21-25-102 is effective.

21-25-203. School activity eligibility commission.

(a) There is created the school activity eligibility commission.

(b) The commission shall consist of five (5) members appointed by the Wyoming high school activities association within thirty (30) days following this article becoming effective pursuant to W.S. 21-25-202 and who may be removed by the Wyoming high school activities association. The members shall be residents of the state of Wyoming and shall consist of:

- (i) A current or former athletic director or coach;
 - (ii) A mental health professional;
 - (iii) A parent of a current student;
 - (iv) Two members at large.
- (c) All members of the commission shall be required to constitute a quorum of the commission for the determination of the eligibility of a student. A majority of the commission constitutes a quorum for any other purpose.
- (d) An action of a majority of a quorum constitutes an action of the commission.
- (e) The members of the commission shall elect a chairman from among their membership. Appointments by the Wyoming high school activities association shall be made within thirty (30) days of expiration of membership terms. Each member shall serve a three (3) year term. A vacancy on the commission shall be filled for the unexpired term by the Wyoming high school activities association.
- (f) The chairman of the commission shall:
- (i) Schedule meetings of the commission;
 - (ii) Set the agenda of commission meetings; and
 - (iii) Facilitate discussion among the commission's members.
- (g) Members of the commission shall serve without salary but shall receive per diem and mileage or actual expenses for attending meetings in the manner and amounts provided by law for state employees. Members who are government employees shall be considered on official business of their agency when performing duties as members of the commission.
- (h) The commission shall promulgate rules to determine eligibility based on physical characteristics for the age and gender group in a given gender-designated interscholastic activity including height, weight, physical characteristics relevant to the application of the standard described in W.S. 21-25-204 and other relevant factors.
- (j) Any record of the commission, including any communication between an athletic association and the commission, that relates to a specific student is not a public record for purposes of the Public Records Act, W.S. 16-4-201 through 16-4-205 and shall not be available for inspection under that Act.
- (k) The commission has no authority in relation to eligibility questions other than participation in a gender-designated interscholastic activity under this article.
- (m) Necessary clerical and administrative support for the commission shall be furnished by the Wyoming department of education.

(n) Any person, who serves on the commission or on the Wyoming high school activities association is immune from any liability arising from complying with or administering this act. This immunity shall apply to any health care provider as defined in W.S. 35-31-101(a)(iii) that assists the commission in making eligibility determination in accordance with this act. Nothing in this subsection shall be construed to limit any other immunity available under law.

21-25-204. Eligibility for interscholastic activities.

(a) Notwithstanding any state board rule or policy of an athletic association, and except as provided in subsections (b) and (c) of this section:

(i) Once a student has obtained the eligibility approval of the commission under subsection (d) of this section, the student may participate in a gender-designated interscholastic activity that does not correspond with the sex designation on the student's birth certificate; or

(ii) If a student does not obtain the eligibility approval of the commission under subsection (d) of this section, the student shall not participate in a gender-designated interscholastic activity that does not correspond with the sex designation on the student's birth certificate.

(b) A student who has undergone or is undergoing a gender transition shall obtain the eligibility approval of the commission under subsection (d) of this section before participating in a gender-designated interscholastic activity that does not correspond with the student's biological sex.

(c) Nothing in this subsection prohibits a student from participating in a gender-designated interscholastic activity in accordance with 34 C.F.R. 106.41(b) as of December 31, 2022.

(d) When a student registers to participate in a gender-designated interscholastic activity:

(i) A student who has undergone or is undergoing a gender transition shall notify the athletic association of the student's transition and the need for the commission's eligibility approval as described in subsection (b) of this section;

(ii) The athletic association shall notify the commission of a student for whom an eligibility determination of the commission is required due to the sex designation on the student's birth certificate not corresponding with the gender-designation of the gender-designated interscholastic activity in which the student seeks to participate or the student's notice of a gender transition under paragraph (a)(ii) of this section;

(iii) The commission shall notify the student described in paragraphs (i) and (ii) of this subsection regarding the process for determining the student's eligibility for the activity under this section.

(e) The commission shall:

(i) Schedule a closed meeting to consider a student's eligibility to be held within thirty (30) days after the day on which the commission receives the notification described in subsection (d) of this section; and

(ii) Notify the relevant athletic association and the student's parents or legal guardians of the scheduled meeting.

(f) Before the meeting described in subsection (e) of this section:

(i) The student for whom the commission has scheduled the meeting or the student's parent or guardian may submit to the commission any information the student wishes to disclose to the commission that may be relevant to the commission's eligibility determination, including information regarding:

(A) The gender-designated interscholastic activities for which the student seeks eligibility;

(B) The gender-designated interscholastic activities in which the student has previously participated; and

(C) The student's physical characteristics or medical treatments that support the student's eligibility for the specific gender-designated interscholastic activity.

(ii) The commission may request additional evidence from the student that is:

(A) Limited to the extent possible to protect the student's privacy; and

(B) Only directly relevant to the commission's eligibility determination.

(iii) The commission shall cover the cost of a diagnostic assessment if the commission makes a request for medical information under paragraph (ii) of this subsection for which the student's insurance does not provide coverage or reimbursement for the diagnostic that:

(A) Would provide the requested information; and

(B) Is not free or otherwise readily available without additional expense to the student.

(g) During the meeting described in subsection (e) of this section:

(i) Only the following persons may be present or participate electronically:

(A) The student for whom the commission is meeting to make an eligibility determination;

(B) The student's parents or guardians;

(C) The members and necessary staff of the commission; and

(D) Any medical professionals or other witnesses the student chooses to include to support the student's eligibility.

(ii) Attendees may participate in person or electronically;

(iii) The commission shall:

(A) Hear the information that supports the student's eligibility;

(B) Render the commission's eligibility determination in accordance with subsection (h) of this section or request additional information and schedule an additional commission meeting to be held within thirty (30) days of the meeting and in accordance with this subsection to discuss the additional information and render the commission's eligibility determination.

(h) In making an eligibility determination the commission shall:

(i) Make a determination regarding whether, when measured against the eligibility criteria established by rule of the commission, granting the student's eligibility would:

(A) Present a substantial safety risk to the student or others that is significantly greater than the inherent risks of the given activity; or

(B) Likely give the student a material competitive advantage when compared to students of the same age competing in the relevant gender-designated activity, including consideration of the student's previous history of participation in gender-designated interscholastic activities.

(ii) Record the commission's decision and rationale in writing and provide the written decision to the student within thirty (30) days after the day on which the commission renders an eligibility decision.

(j) Notwithstanding any other provision of law and except as provided in subsections (h) and (k) of this section, the commission shall not disclose:

(i) The name of a student whose eligibility the commission will consider, is considering, or has considered;

(ii) The commission's determination regarding a student's eligibility.

(k) The commission shall disclose the commission's determination of a student's eligibility for a given gender-designated interscholastic activity to the relevant athletic association, only for the purpose of confirming whether the student is eligible for the interscholastic activity.

(m) Notwithstanding any other provision of law, no athletic association shall disclose the information described in paragraphs (j)(i) and (ii) of this section.

(n) Nothing in subsections (k) or (m) of this section prohibits an athletic association from affirming that a student is eligible if the eligibility of a student is questioned.

Section 2. W.S. 16-4-405 by creating a new paragraph (xiii) is amended to read:

16-4-405. Executive sessions.

(a) A governing body of an agency may hold executive sessions not open to

the public:

(xiii) To consider an individual student's eligibility to participate in an interscholastic activity, including the school activity eligibility commission's determinative vote on the student's eligibility, pursuant to W.S. 21-25-204, if the commission is in effect pursuant to W.S. 21-25-202.

Section 3. There is appropriated one hundred thousand dollars (\$100,000.00) from the general fund to the department of education for purposes of funding the school activity eligibility commission created under this act for the period beginning July 1, 2023 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 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 education for the immediately succeeding fiscal biennium.

Section 4. This act is effective July 1, 2023.

Became law without signature March 17, 2023.

Original Senate Resolution No. 7

A JOINT RESOLUTION in support of Taiwan.

WHEREAS, Taiwan and the United States are bonded by their shared commitment to democracy, human rights, the rule of law and a free market economy; and

WHEREAS, on March 5, 1984, the State of Wyoming adopted Taiwan as Wyoming's sister state; and

WHEREAS, Taiwan ranks as the United States' eighth largest trading partner, Taiwan ranks as the United States' sixth largest agricultural goods export destination and bilateral trade between the United States and Taiwan reached an estimated one hundred fourteen billion dollars (\$114,000,000,000.00) in 2021; and

WHEREAS, the United States and Taiwan have welcomed the resumption of high-level trade engagement and have expressed a desire to work closely together; and

WHEREAS, Taiwan ranks as the State of Wyoming's eighth largest trading partner in Asia and both the State of Wyoming and Taiwan are committed to strengthening bilateral economic bonds; and

WHEREAS, the United States Congress passed the landmark Taiwan Relation Act in 1979 to sustain a close, bilateral relationship and to advance mutual security and commercial interests between the United States and Taiwan; and

WHEREAS, based on the principles of the United States' and Taiwan's Education Initiative in 2020, Taiwan's Ministry of Education and the State of Wyoming's Department of Education signed a memorandum of understanding on educational cooperation in 2022 to further promote teacher and student exchanges and cultural awareness; and

WHEREAS, the United States has previously assisted Taiwan in its participation with the World Health Organization, the International Civil Aviation Organization and the International Criminal Police Organization and the United States will continue to support Taiwan's meaningful participation in these and other international organizations; and

WHEREAS, Taiwan, as a willing and contributing member of the world community, has made countless contributions of technical and financial assistance in the wake of natural disasters worldwide.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That Wyoming reaffirms its commitment to the strong and deepening relationship between Taiwan and the State of Wyoming.

Section 2. That Wyoming supports Taiwan's participation in internal

organizations that impact the global trade, health, safety and well-being of the twenty-three million (23,000,000) people in Taiwan.

Section 3. That Wyoming reiterates its support for a closer economic and trade partnership between the United States and Taiwan including signing the United States-Taiwan Bilateral Trade Agreement.

Section 4. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of the United States Congress, to Wyoming's Congressional Delegation, to Taiwan President Tsai Ing-wen and to the Taipei Economic and Cultural Office, Seattle, Washington.

Approved February 15, 2023.

Original Senate Resolution No. 5

A JOINT RESOLUTION to recognize and congratulate the United States Air Force on the 75th anniversary of its founding.

WHEREAS, the United States Air Force was founded in 1947 and has had a continuous and active presence in Wyoming since that time; and

WHEREAS, The United States Air Force's heritage in Wyoming pre-dates the Air Force founding as a separate military branch and includes the significant training mission of strategic bomber crews at the Casper Army Air Field during World War II; and

WHEREAS, Francis E. Warren Air Force Base is the oldest continuously active Air Force base in the nation; and

WHEREAS, Francis E. Warren Air Force Base has played a vital role in the strategic defense of the United States and its allies by maintaining the first fully operational Intercontinental Ballistic Missile (ICBM), the Atlas D, in 1959; and

WHEREAS, Francis E. Warren Air Force Base is home to the 90th Missile Wing, one of three active missile wings currently operating the Minuteman III ICBM and the headquarters of 20th Air Force, which commands all three (3) missile wings; and

WHEREAS, the 90th Missile wing was the only military unit to operate the Peacekeeper ICBM, the most advanced ballistic missile fielded to date which was deployed exclusively in Wyoming; and

WHEREAS, the 90th Missile Wing will continue to play a vital role in the strategic defense of the United States now and into the future and be the first unit to deploy the new Sentinel ICBM; and

WHEREAS, the University of Wyoming has a strong history of supporting the United States Air Force by establishing Air Force ROTC Detachment 940 in

1952 and counting Samuel C. Phillips, the leader of the Air Force's Minuteman ICBM program, as an alumnus; and

WHEREAS, the Wyoming Air National Guard has continuously supported our state and nation since 1946; and

WHEREAS, the Wyoming Air National Guard became part of the Air Force in 1947 and ever since has honorably, ably and faithfully been the "Sword and Shield" for our state and nation; and

WHEREAS, the Wyoming Air National Guard, as the Sword, has played a vital role in guarding the United States and defending freedom in nearly every major conflict and contingency by repeatedly answering the nation's call in places such as Korea, Kuwait, Afghanistan, Iraq and around the world; and

WHEREAS, the Wyoming Air National Guard, as the Shield, has fought fires on the ground and in the air in Wyoming and throughout the West, mitigated flooding in Saratoga, Fremont county and elsewhere, and most recently provided desperately needed manpower for medical facilities throughout the state during the height of the COVID-19 pandemic; and

WHEREAS, the State of Wyoming is dedicated to memorializing the story of the Air Force through the Wyoming Veterans Memorial Museum and Quebec 01 Missile Alert Facility State Historic Site.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1.

(a) The State of Wyoming commends the United States Air Force on its 75th anniversary.

(b) The state of Wyoming acknowledges the strong historic relationship between the United States Air Force and the State.

(c) The State of Wyoming recognizes the significant service that the United States Air Force currently provides in protecting our vital state and national interests.

(d) The state of Wyoming is determined to continue the strong partnership between the State and the United States Air Force.

Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Wyoming Congressional Delegation, the Secretary of Defense, the Secretary of the Air Force, the Commander of the 90th Missile Wing, 20th Air Force and the Commander of the Air Force ROTC Detachment 940.

Approved March 2, 2023.

Original Senate Resolution No. 3

A JOINT RESOLUTION to amend the Wyoming Constitution by providing for the assessment of residential real property as a separate property class for the purpose of taxation.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING, two-thirds of all the members of the two houses, voting separately, concurring therein:

Section 1. The following proposal to amend Wyoming Constitution, Article 15, Section 11 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 15, Section 11. Uniformity of assessment required.

(a) All property, except as in this constitution otherwise provided, shall be uniformly valued at its full value as defined by the legislature, in ~~three (3)~~ four (4) classes as follows:

(i) Gross production of minerals and mine products in lieu of taxes on the land where produced;

(ii) Property used for industrial purposes as defined by the legislature;
and

(iii) Residential real property; and

(iv) All other property, real and personal.

(b) The legislature shall prescribe the percentage of value which shall be assessed within each designated class. All taxable property shall be valued at its full value as defined by the legislature except agricultural and grazing lands which shall be valued according to the capability of the land to produce agricultural products under normal conditions. The percentage of value prescribed for industrial property shall not be more than forty percent (40%) higher nor more than four (4) percentage points more than the percentage prescribed for residential real property or more than forty percent (40%) higher nor more than four (4) percentage points more than the percentage prescribed for all other property other than minerals.

(c) Except as provided in this subsection the legislature shall not create new classes or subclasses or authorize any property to be assessed at a rate other than the rates set for authorized classes. The legislature may create a subclass of residential real property for owner occupied primary residences.

(d) All taxation shall be equal and uniform within each class and subclass of property. The legislature shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal.

Section 2. That the Secretary of State shall endorse the following statement

on the proposed amendment:

The adoption of this amendment would separate residential real property into its own class of property for purposes of property tax assessments. The amendment would authorize the legislature to create a subclass of owner occupied primary residences.

Approved March 3, 2023.

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