

ORIGINAL SENATE
FILE NO. 0048

ENROLLED ACT NO. 19, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2008 BUDGET SESSION

AN ACT relating to the administration of government; amending and repealing various reporting requirements to the legislature and legislative committees; repealing obsolete and executed provisions; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 1-1-124(c), 1-42-113(a)(intro), (iii) and (iv), 1-42-201(a)(viii), 5-2-120, 7-2-106(c), 9-1-507(a)(vi), 9-2-106(d), 9-2-1215, 9-2-2004(b), 9-2-2005(b), 9-2-2006(b), 9-2-2007(b), 9-2-2008(b), 9-2-2012(b), 9-2-2018(b) and (e)(vi), 9-2-2308(a), 9-2-2401(f), 9-2-2701(b) and (f), 9-2-2702(a)(vii), 11-6-304 by creating a new subsection (f), 14-10-101(f)(vii), 14-11-109, 16-1-104(e), 20-2-306, 23-1-705(j), 27-13-102(b)(iii), 28-1-116(b), 31-1-203(b), 31-7-140, 35-11-1701(f), 36-8-1001(d)(intro), 37-2-106, 37-2-126, 37-2-304(a), 39-15-105 by creating a new subsection (b), 39-16-105 by creating a new subsection (b), 39-17-109(d)(v) and 42-3-102 are amended to read:

1-1-124. Pretrial screening.

(c) The supreme court shall annually report to the ~~legislature~~ joint judiciary interim committee the costs of operating the expedited screening procedure and shall submit a recommendation for the proration and assessment of costs among the professions subject to the pretrial screening procedure.

1-42-113. Proposal to transfer administration of local government self-insurance account; transfer after approval; effect.

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(a) The local government self-insurance policy board may submit to all participating local governments a proposal to transfer administration of the account and all functions under the provisions of this act to a joint powers board to operate the local government self-insurance program in accordance with W.S. 1-42-201 through ~~1-42-207~~ 1-42-206. As of July 1, next following the approval of such a proposal by two-thirds (2/3) of the participating local governments:

(iii) All liabilities, if any, for unasserted claims, asserted claims and pending lawsuits involving local government participants or their public employees under the provisions of this act are transferred to the program and the program shall assume and be responsible for the same under the provisions of W.S. 1-42-201 through ~~1-42-207~~ 1-42-206. The state of Wyoming shall have no remaining liability to any person, firm or local government upon the transfer of funds to the program. The state of Wyoming and its employees shall cooperate in the transfer of records and files necessary to accomplish the purposes of this section;

(iv) The local government self-insurance program shall be operated in accordance with the provisions of W.S. 1-42-201 through ~~1-42-207~~ 1-42-206, and not in accordance with the provisions of this act. The program shall be administered by the risk manager under the direction of the board for up to one (1) year after the transfer of the program. The program shall reimburse the department of administration and information for one hundred percent (100%) of the direct costs and thirty percent (30%) of the budget of the office costs, salaries and benefits of the self-insurance program within the general services division of the department during that period.

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1-42-201. Definitions.

(a) As used in this act:

(viii) "This act" means W.S. 1-42-201 through ~~1-42-207~~ 1-42-206.

5-2-120. Judicial systems automation account created; purposes.

There is created an account entitled the "judicial systems automation account." No funds shall be expended from the account unless and until the legislature appropriates the funds. Funds within the account shall be used by the supreme court for the purchase, maintenance and operation of computer hardware and software to enhance the communication, records and management needs of the courts of the judicial branch of the state of Wyoming. Interest accruing to this account shall be retained therein and shall be expended for the purposes provided in this section, as appropriated by the legislature. Annually, the supreme court shall develop a plan for all trial and appellate courts within the state for the expenditure of funds from the account. Prior to implementation, the plan shall be annually submitted to the joint appropriations interim committee and joint judiciary interim committee for review and comment.

7-2-106. Extraterritorial authority of peace officers; requests for assignment of peace officers; liability; compensation.

(c) A peace officer acting pursuant to subsection (a) or (b) of this section outside his own jurisdiction shall be deemed to be acting within the scope of his duties for purposes of the Wyoming Governmental Claims Act and the

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state self-insurance program, W.S. 1-41-101 through 1-41-111, or the local government self-insurance program, W.S. 1-42-201 through ~~1-42-207~~ 1-42-206. All privileges and immunities from liability, and all pension, disability, worker's compensation and other benefits which normally apply to peace officers while they perform their duties in their own jurisdiction shall also apply to them when acting as provided in subsection (a) or (b) of this section. For purposes of W.S. 27-14-104, the requesting and assigning law enforcement agencies shall be a joint employer as defined under W.S. 27-14-102(a)(xix) and the designated peace officer shall be a joint employee as defined under W.S. 27-14-102(a)(xxi).

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

(a) The director of the state department of audit shall:

(vi) Conduct performance measure reviews based on the standards developed in W.S. 28-1-115(a)(ii)(A). The director shall determine the means to be used to verify and validate the performance measures. The results of the reviews shall be reported to the agency head, governor, and secretary of state; ~~and the legislative service office;~~

9-2-106. Duties and powers of director of department.

(d) The director may authorize the Wyoming state training school, the Wyoming state hospital, the Wyoming pioneer home, the veterans' home of Wyoming and the Wyoming retirement center to provide services to persons with conditions other than those specified in the provisions governing those state institutions in title 25 of the

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Wyoming statutes when the director determines that there is a need for such services, that the services can be provided effectively by the institution, that the services will be delivered in a manner that assures the safety of all individuals served by the institution and the services provided are statutorily authorized for any of these institutions, the service needs are similar to those authorized for any of these institutions or the services are necessary to protect the public health and safety. The director may promulgate rules and regulations and policies and procedures necessary to implement this subsection. Nothing in this subsection shall be construed to authorize the director to eliminate services that are otherwise required by statute. ~~The director shall report to the joint labor, health and social services interim committee no later than October 1 of odd numbered years with respect to the status of any actions taken under this subsection and the results of those actions.~~

9-2-1215. Biennial report by board.

Beginning September 1, 2003, the board shall report to the division on aging, and the governor ~~and the joint labor, health and social services interim committee~~ no later than September 1 of each odd-numbered year with respect to the grants awarded, and how those grants have benefited senior citizens in the state.

9-2-2004. Department of transportation created; director appointed; structure.

(b) The administrative head of the department shall be a director appointed by the governor. ~~not later than July 1, 1990. The director shall prepare a plan for reorganization of the agencies, programs and functions specified in this section and submit it to the governor for~~

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~~approval. The department reorganization plan, as approved, shall be submitted to the joint transportation and highways interim committee of the legislature and made available to the public. The committee shall hold at least one (1) public hearing regarding the plan before the 1991 general session of the legislature convenes. The joint transportation and highways interim committee shall report to the legislature by December 1, 1990, its recommendations on the plan, including necessary legislation with respect to the plan. The plan, as approved by act of the legislature, shall be implemented not later than July 1, 1991.~~

9-2-2005. Department of health created; director appointed; structure.

~~(b) The administrative head of the department shall be a director appointed by the governor not later than July 1, 1990. The director shall prepare a plan for reorganization of the agencies, programs and functions specified in this section and submit it to the governor for approval. The department reorganization plan, as approved, shall be submitted to the joint senate education, health and welfare and house labor, health and social services interim committee of the legislature and made available to the public. The committee shall hold at least one (1) public hearing regarding the plan before the 1991 general session of the legislature convenes. The joint senate education, health and welfare and house labor, health and social services interim committee shall report to the legislature by December 1, 1990, its recommendations on the plan, including necessary legislation with respect to the plan. The plan, as approved by act of the legislature, shall be implemented not later than July 1, 1991.~~

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9-2-2006. Department of family services created; director appointed; structure.

(b) The administrative head of the department shall be a director appointed by the governor. ~~not later than July 1, 1990. The director shall prepare a plan for reorganization of the agencies, programs and functions specified in this section and submit it to the governor for approval. The department reorganization plan, as approved, shall be submitted to the joint senate education, health and welfare and house labor, health and social services interim committee of the legislature and made available to the public. The committee shall hold at least one (1) public hearing regarding the plan before the 1991 general session of the legislature convenes. The joint senate education, health and welfare and house labor, health and social services interim committee shall report to the legislature by December 1, 1990, its recommendations on the plan, including necessary legislation with respect to the plan. The plan, as approved by act of the legislature, shall be implemented not later than July 1, 1991.~~

9-2-2007. Department of revenue created; director appointed; structure.

(b) The administrative head of the department shall be a director appointed by the governor. ~~not later than July 1, 1990. The director shall prepare a plan for reorganization of the agencies, programs and functions specified in this section and submit it to the governor for approval. The department reorganization plan, as approved, shall be submitted to the joint revenue interim committee of the legislature and made available to the public. The committee shall hold at least one (1) public hearing regarding the plan before the 1991 general session of the legislature convenes. The joint revenue interim committee~~

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~~shall report to the legislature by December 1, 1990, its recommendations on the plan, including necessary legislation with respect to the plan. The plan, as approved by act of the legislature, shall be implemented not later than July 1, 1991.~~

9-2-2008. Department of administration and information created; director appointed; structure.

~~(b) The administrative head of the department shall be a director appointed by the governor not later than July 1, 1990. The director shall prepare a plan for reorganization of the agencies, programs and functions specified in this section and submit it to the governor for approval. The department reorganization plan, as approved, shall be submitted to the joint appropriations interim committee and the select management audit committee of the legislature and made available to the public. The committees shall hold at least one (1) public hearing regarding the plan before the 1991 session of the legislature convenes. The select management audit committee shall report its advisory recommendations on the plan to the joint appropriations interim committee, including necessary legislation with respect to the plan. The joint appropriations interim committee shall consider the recommendations and shall report to the legislature by December 1, 1990, its recommendations on the plan, including necessary legislation with respect to the plan. The plan, as approved by act of the legislature, shall be implemented not later than July 1, 1991.~~

9-2-2012. Department of corrections created; director appointed; structure.

~~(b) The administrative head of the department shall be a director appointed by the governor not later than~~

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~~July 1, 1991. The director shall prepare a plan for reorganization of the agencies, programs and functions specified in this section and submit it to the governor for approval. The department reorganization plan, as approved, shall be submitted to the joint judiciary interim committee of the legislature and made available to the public. The committee shall hold at least two (2) public hearings regarding the plan before the 1992 budget session of the legislature convenes. The joint judiciary interim committee shall report to the legislature by December 1, 1991, its recommendations on the plan, including necessary legislation with respect to the plan. The plan, as approved by act of the legislature, shall be implemented not later than July 1, 1992.~~

9-2-2018. Department of workforce services created; director appointed; structure.

(b) The administrative head of the department shall be a director appointed by the governor. ~~not later than April 1, 2001. The director shall prepare a plan for reorganization of the agencies, programs and functions specified in this section and submit it to the governor for approval. The department reorganization plan, as approved, shall be submitted to the joint labor, health and social services interim committee of the legislature no later than October 15, 2001 and made available to the public. The committee shall hold at least one (1) public hearing regarding the plan before the 2002 budget session of the legislature convenes. The joint labor, health and social services interim committee shall report to the legislature by December 1, 2001, its recommendations on the plan, including necessary legislation with respect to the plan. The plan, as approved by act of the legislature, shall be implemented not later than July 1, 2002.~~

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(e) In developing the plan required under W.S. 9-2-1707(a)(iii), the director shall consider:

(vi) Identifying outcome-based data for all workforce programs, including those programs not proposed for transfer to the department of workforce services under this section; ~~Upon approval of the plan by the legislature, the director shall submit a report to the governor and the joint labor, health and social services interim committee no later than October 1 of each year thereafter addressing the results of such program evaluations;~~

9-2-2308. Biennial audit; report by board.

(a) The director of the department of audit or his designee shall audit the trust fund created by W.S. 9-2-2304 biennially. ~~Copies of the audit shall be provided to the governor and the joint travel, recreation, wildlife and cultural resources interim committee.~~

9-2-2401. Reorganization plan for courts; purpose, plan and schedule; judicial planning commission established.

(f) The commission shall meet not less than three (3) times annually at the call of the chairman or a majority of the members. The commission shall review the progress of the reorganization effort and review possible changes to statutes, the Wyoming constitution and court rules necessary to implement reorganization. The commission shall hold at least one (1) public meeting and seek input from the public regarding reorganization of the judicial branch of government. The commission shall solicit comments from the Wyoming state bar, the Wyoming trial lawyers association and the Wyoming public defender's office. ~~The~~

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~~commission shall submit a report for reorganization of the judicial branch, including draft legislation necessary to implement the reorganization, to the governor and management council, not later than November 1, 1999.~~

9-2-2701. Substance abuse control plan.

(b) The department of health shall, in consultation with the department of education, department of family services, department of workforce services and department of corrections adopt rules and regulations establishing standards for the effective treatment and prevention of substance abuse. The rules shall be adopted by December 31, 2002, and shall include standards for providers, programs and facilities. The rules shall include procedures for data collection and analysis, protocols for testing and methods of measuring outcomes. The rules shall require the use of best practices, establish the means for determining priorities for treatment and prevention services, set standards for managing wait lists of patients and establish standards for cross training and continuing education of personnel. The rules shall specify certification requirements for programs, providers and facilities. The rules and regulations shall establish a process for denying continued funding for programs or providers who fail to comply with certification requirements established under this section. The rules and regulations establishing standards for treatment programs in state correctional facilities and the secure facilities authorized under W.S. 9-2-2704 shall be promulgated by the department of corrections, in consultation with the department of health, department of education, department of family services and department of workforce services no later than December 31, 2002. ~~Rules and regulations establishing standards for those programs reviewed pursuant to W.S. 9-2-2705 shall be adopted no later than July 1, 2004.~~

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(f) No later than forty-five (45) days prior to the adoption of new rules under this act, the department of health shall provide notice of intent to adopt the rules, a copy of the proposed rules and a synopsis of those rules to ~~the joint labor, health and social services interim committee and~~ the joint judiciary interim committee.

9-2-2702. Definitions.

(a) As used in this act:

(vii) "This act" means W.S. 9-2-2701 through ~~9-2-2707~~ 9-2-2706.

11-6-304. ADMB responsibilities; animal damage management policy; rules; methods to manage predatory animals, predacious birds, depredating animals and rabid wildlife; manner of calling meetings; frequency.

(f) The board shall investigate, test and refine the concept of integrated predator management. The board shall develop and establish measurable goals and objectives. The board shall report to the governor and the joint agriculture, public lands and water resources interim committee and joint appropriations interim committee on or before December 31 of each year to determine the progress the board has made toward achieving the goals and objectives it has established.

14-10-101. State advisory council on juvenile justice.

(f) The advisory council shall:

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(vii) Develop recommendations concerning establishments of priorities and needed improvements with respect to juvenile justice, delinquency prevention and juvenile services and report its recommendations to the governor and ~~legislature~~ joint judiciary interim committee annually, on or before December 31;

14-11-109. Reports of relinquishments.

Each local child protective agency shall maintain and update on a monthly basis a report of the number of newborn children who have been relinquished pursuant to this act and shall submit the information to the department of family services. ~~The department of family services shall submit an annual report to the joint labor, health and social services interim committee beginning July 1, 2004, and annually thereafter, that compiles the monthly reports required by this section.~~

16-1-104. Joint powers, functions and facilities; city-county airport board; eligible senior citizen centers.

(e) A governing body of an eligible senior citizen center may enter into a joint powers agreement under this act in order to participate in the local government self-insurance program as provided in W.S. 1-42-201 through ~~1-42-207~~ 1-42-206. An eligible senior citizen center which enters into a joint powers agreement pursuant to this subsection shall be bound by all provisions of the agreement, but shall not be entitled to participate as a member of the joint powers board.

20-2-306. Revision of presumptive child support.

On or before December 1, 1996, and at least once every four (4) years thereafter, the department of family services

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shall review the presumptive child support established under this article to ensure that application results in the determination of appropriate child support award amounts. ~~and shall submit a report to the joint labor, health and social services interim committee and shall recommend any proposed changes.~~

23-1-705. Complimentary licenses; one-shot antelope hunt licenses; gunpowder and buckskin hunt licenses; gratuitous licenses.

(j) In addition the commission may issue upon payment of proper fees up to ten (10) antelope licenses, ten (10) deer licenses, five (5) elk licenses and ten (10) turkey licenses each year for the exclusive distribution by nonprofit charitable organizations for use by persons eighteen (18) years of age or younger with life threatening illnesses. As a condition of accepting the license, the organization shall agree to provide the license at no cost to the licensee and to report the distribution of all licenses received under this subsection to the department. ~~The department shall provide an annual report to the joint travel, recreation, wildlife and cultural resources interim committee detailing the distribution and use of licenses issued under this subsection.~~

27-13-102. Powers and duties; rules and regulations.

(b) The division shall:

(iii) Annually report to the ~~joint labor, health and social services interim committee and the~~ joint appropriations interim committee regarding programs under this act.

28-1-116. Continuous planning; performance budgeting.

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(b) The governor may submit draft goals and objectives to the management council for comment.—~~The final goals and objectives defined by the governor as required in subsection (a) of this section shall be distributed to all members of the legislature.~~

31-1-203. Special enforcement officers; summons and notice to appear for violations; deposit for appearance; disposition of deposit.

(b) Employees designated under subsection (a) of this section may issue summons for violations of W.S. 31-4-101, 31-7-106, 31-7-133, 31-18-101 through 31-18-603, 31-18-701 and 31-18-801 through 31-18-808.—~~The department shall submit a report to the joint transportation and highways interim committee no later than December 1, 2002, providing data with respect to the number of port of entry officers issuing summonses, the types and numbers of violations for which summonses were issued and an estimate of the time saved for commercial vehicle operators and highway patrol troopers as a result of summonses being issued by port of entry officers.~~

31-7-140. Nonresident Violator Compact of 1977; division to enter into compact.

The division shall execute all documents and perform other duties as necessary to enter into and carry out the provisions of the Nonresident Violator Compact of 1977.—~~and shall report to the legislature after two (2) years on revenue changes in the collection of fines from nonresident violators.~~

35-11-1701. Orphan site remediation.

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(f) ~~The department shall prepare a report for review by the joint minerals, business and economic development interim committee by October 31, 2001. The report shall describe the department's activities and costs for the prior biennium in the remediation of orphan sites, shall provide an inventory of all known orphan sites within the state, shall project its budget for the next biennium and shall estimate the total remaining costs for remediation of contaminated orphan sites.~~ The department ~~also~~ shall project an annual funding need for the identification, characterization, prioritization and remediation of contaminated orphan sites within the state and shall recommend a funding source adequate to meet the identified funding need.

36-8-1001. Description and declaration; plan for park development and operation; plan for development of prison buildings as state historic site.

(d) The department of state parks and cultural resources shall prepare a plan for the operation of the Wyoming territorial prison historic site and state park by the department as part of the department's comprehensive plan under W.S. 36-4-106. ~~The plan shall be presented to the joint travel, recreation, wildlife and cultural resources interim committee not later than September 1, 2004.~~ In developing the plan, the department shall:

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

Monies derived from a uniform assessment of persons subject to assessment under W.S. 37-2-107, except motor carriers as defined in W.S. 31-18-101(a)(x), shall be credited to the public service commission account for the purpose of

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defraying administrative expenses of the commission with respect to the persons assessed. At each regular session, the state legislature shall, under the budget provisions of Wyoming budget law, determine the amount to be collected. ~~No later than October 1 of each year, the commission shall make a written report to the joint corporations, elections and political subdivisions interim committee on the continuing efficiency and fairness of the method by which the amount is collected.~~ It shall be the duty of the director of the revenue department to ascertain and collect the proportional amount of the approved biennial budget to be paid by each person assessed and to remit the funds immediately to the state treasurer for deposit in the public service commission account. All expenditures therefrom shall be subject to the warrant of the state auditor, upon submission of properly executed vouchers authorized by the commission in the same manner as other funds are disbursed.

37-2-126. Report to the governor.

The commission shall, as required by ~~section 9-21 of the statutes~~ W.S. 9-2-1014, report to the governor, including in such detail as the commission may deem expedient all proceedings and investigations of the commission during such period and shall contain abstracts of the reports of public utilities prepared by the commission. It shall also contain the recommendations of the commission for new legislation and any other matters the commission desires to call to the attention of the governor and the legislature.

37-2-304. Administration; rules.

(a) The commission shall monitor the effectiveness of the telephone assistance program and ~~prepare~~ include such information in its annual reports to the legislature.

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39-15-105. Exemptions.

(b) The Wyoming business council 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) or (R) of this section is in effect. The report shall evaluate the cumulative effects of each exemption that is in effect from initiation of the exemption and shall include:

(i) A history of employment in terms of numbers of employees, full-time and part-time employees and rates of turnover;

(ii) A history of wages and benefits disaggregated by gender for each job category; and

(iii) A comprehensive history of taxes paid to the state of Wyoming.

39-16-105. Exemptions.

(b) The Wyoming business council 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)(D) or (G) of this section is in effect. The report shall evaluate the cumulative effects of each exemption that is in effect from initiation of the exemption and shall include:

(i) A history of employment in terms of numbers of employees, full-time and part-time employees and rates of turnover;

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(ii) A history of wages and benefits disaggregated by gender for each job category; and

(iii) A comprehensive history of taxes paid to the state of Wyoming.

39-17-109. Taxpayer remedies.

(d) Credits. The following shall apply:

(v) No later than January 1, ~~2002~~ of each year, the department, in consultation with the department of administration and information, shall submit a report to the joint transportation and highways interim committee and the joint revenue interim committee. The report shall provide information with respect to the economic benefits of the ethanol credit voucher program created under this subsection and the cost to the state for the program;

42-3-102. Administration.

The department shall administer the funds in the child support and revenue enhancement account and report annually to the ~~legislature~~ joint appropriations interim committee and joint judiciary interim committee. The account may be divided into subaccounts for purposes of administrative management.

Section 2. W.S. 1-42-207, 9-2-122(d), 9-2-1603(b), 9-2-1607, 9-2-2705, 9-2-2707, 10-3-201(h), 10-3-204(a), 12-2-301(e), 16-4-104(j), 16-6-902(f), 23-1-304(p) as created by 2007 Wyoming Session Laws, Chapter 168, Section 3, 30-7-101(e), 30-8-101(e), 34.1-9-527, 37-7-311, 39-14-105(d), 39-14-202(a)(ix), 2003 Wyoming Session Laws, Chapter 112, Section 3, 2004 Wyoming Session Laws, Chapter

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27, Section 2 and 2006 Wyoming Session Laws, Chapter 14, Section 2 are repealed.

Section 3. 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.

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.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk