

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

AN ACT relating to the administration of government; updating references to implement the consolidation of the department of employment into the department of workforce services; repealing obsolete provisions; and providing for an effective date.

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

**Section 1.** W.S. 9-2-2018 by creating new subsections (g) and (h), 9-2-2604(b)(i)(A), 9-5-102(a), 16-6-101(a)(i)(intro) and (J)(III), 16-6-102(c), 16-6-120(a) and (c), 16-6-1001(c), 19-11-110(b), 20-6-106(j), 20-6-211(c), 25-13-102(a), 27-1-106(a), 27-1-108, 27-1-109, 27-1-115(b), 27-2-104(a)(intro), 27-2-105(a)(intro), 27-2-108, 27-2-109(a) and (g), 27-2-112, 27-2-113, 27-3-102(a)(v) and (xx), 27-3-601(a), 27-3-602(a)(i) and (f), 27-3-603, 27-3-605(a), 27-4-301(e), 27-4-402(a)(x), 27-4-501(a)(iv), 27-6-107, 27-6-108(a)(iii), 27-6-112(a)(ii) and (b), 27-8-101, 27-8-103, 27-8-104, 27-8-105, 27-8-108, 27-8-109, 27-9-102(d), 27-11-112, 27-13-102(a)(intro), 27-14-102(a)(vi), 27-14-201(o)(v) and (r)(intro), 27-14-202(g), 27-14-408(c), 27-14-805(a)(intro), 30-2-101(a)(ii), 30-2-201(a)(intro), 30-2-301(a)(intro), 35-11-401(e)(vi), 35-12-110(b)(xix), 35-24-102(a)(xiii), 39-15-105(b)(intro) and (i) and 39-16-105(b)(i) are amended to read:

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

(g) The governor may:

(i) Eliminate any council or commission within the department which is not created under state law if no

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

longer required as a condition to receiving federal funds or if no longer necessary to conform with federal law or regulations;

(ii) Consolidate any council or commission within the department which is required in accordance with federal law, but not created under state law, with any other council or commission if the consolidation does not violate federal law or regulations.

(h) Information obtained by any division in the department may be transferred to other divisions within the department so long as the transfer is not restricted by federal law, rule or contract. Such information shall not be disclosed outside of the department except as otherwise provided by law. Any employee who discloses information outside of the department in violation of federal or state law may be terminated without progressive discipline.

**9-2-2604. Workforce development training fund established.**

(b) Revenues in the Wyoming workforce development training fund may be expended for the following:

(i) For all administrative costs incurred by:

(A) The department of ~~employment—workforce~~ services associated with establishing, assessing, collecting and maintaining the state unemployment insurance trust fund and assessing and collecting the Wyoming workforce development training fund; and

**9-5-102. State building commission; authority to buy and lease property; acceptance of donations, grants and devises.**

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

(a) In order to obtain building sites for additional office space and state uses and to insure the proper keeping of valuable state records and provide for the expansion of functions of the state, the general services division, with the approval of the state building commission, may buy, take options to buy and lease property to be used for building sites for future state office buildings. The general services division, with the approval of the commission may lease acquired property until it is needed. The general services division, with the approval of the state building commission, in cooperation with the department of ~~employment~~workforce services, may acquire lands and buildings in the name of the state of Wyoming by purchase, lease agreement, gift or devise to provide suitable quarters for the administration of the Wyoming Employment Security Law and to develop improvements, maintain and repair the lands and buildings.

**16-6-101. Definitions.**

(a) As used in this act:

(i) "Resident" means a person, partnership, limited partnership, registered limited partnership, registered limited liability company or corporation certified as a resident by the department of ~~employment~~workforce services following receipt of an affidavit executed by the president of the company or his designee of compliance with this act and prior to bidding upon the contract or responding to a request for proposal, subject to the following criteria:

(J) A corporation organized under the laws of any state which has been in existence for two (2) years or more:

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

(III) Has paid worker's compensation and unemployment taxes in Wyoming for at least one (1) year and is in good standing with Wyoming worker's compensation and department of ~~employment~~workforce services at the time the bid or request for proposal is submitted.

**16-6-102. Resident contractors; preference limitation with reference to lowest bid or qualified response; decertification; denial of application for residency.**

(c) If any person who applies for certification as a resident contractor is denied certification because of not meeting the residency requirements, that person may not reapply for certification for a period of one hundred eighty (180) days from the date certification is denied. No person shall be denied certification because of inadvertent omission of information, as determined by the department of ~~employment~~workforce services, on an application for resident certification.

**16-6-120. Rulemaking; penalties; enforcement.**

(a) The department of ~~employment~~workforce services shall promulgate rules and regulations required to enforce this act.

(c) The department of ~~employment~~workforce services is authorized and directed to enforce W.S. 16-6-101 through 16-6-206.

**16-6-1001. Capital construction projects restrictions; preference requirements; waivers; sunset of section.**

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

(c) Any agency which has received an appropriation of state funds on or after July 1, 2008, for any capital construction project shall conduct a review of each project funded with state funds to assess whether contractors that were awarded contracts using a resident preference complied in all respects to applicable resident preference laws. If the agency determines that there is reasonable suspicion that a contractor failed to comply with the resident preference laws, the agency shall report the matter to the department of ~~employment~~workforce services and the attorney general. The department of ~~employment~~workforce services and the attorney general shall take such enforcement action on behalf of the state of Wyoming and the agency against the contractor as they deem appropriate.

**19-11-110. Worker's compensation benefits; supplementary earnings; voluntary suspension.**

(b) The director of the office of workers' compensation of the department of ~~employment~~workforce services shall, by rule, prescribe the method by which such employee may request the suspension of benefits.

**20-6-106. Powers and duties of department regarding collection of support.**

(j) The department may offer each county a cooperative agreement relating to the services to be provided by clerks of district court or child support authorities in child support enforcement cases. The department shall enter into a cooperative agreement with the department of ~~employment~~workforce services to recover sums owed under a support order from unemployment benefits awarded to an obligor.

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

**20-6-211. Service of income withholding order; amended notice to payor; notice to labor organizations; penalty.**

(c) In addition to subsection (a) of this section and in those cases in which it is known that the obligor may be placed in employment with a payor by a labor or other private or public employment referral organization referring individuals to employment and operating within this state, the obligee or the department may prepare, file with the clerk of court and mail to the referring organization certified copies of the income withholding order and the notice to payor or an amended notice to payor pursuant to subsection (b) of this section. The obligee or the department shall send the notice to payor under this subsection within the dates specified under subsection (a) of this section. The referring organization shall at the time of placement, forward the notice to payor to each payor with which the organization places the obligor. Upon forwarding the notice to payor, a labor or other nongovernmental organization shall notify the district court that the income withholding order has been forwarded to the payor. The district court shall, at the time it sends the withholding order and the notice to payor to the referring organization, include a self-addressed, stamped return envelope for the referring organization's use for notification to the district court. Additional envelopes shall be available to the referring organization upon request. Any labor or other nongovernmental organization failing to provide notification to any payor at the time of placement as required by this subsection is liable for an amount of up to fifty dollars (\$50.00) that the payor should have withheld from the obligor's income. The department of ~~employment~~workforce services may be reimbursed by the department of family services for its costs incurred under this act.

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

**25-13-102. Correctional industries advisory board.**

(a) There is created the correctional industries advisory board. The board shall consist of seven (7) members appointed by the governor. Members shall serve a three (3) year term provided that of the initial board, two (2) members shall be appointed for a one (1) year term, two (2) members for two (2) year terms and three (3) members for three (3) year terms. Membership on the board shall include representatives of organized labor, business, the criminal justice system and the educational community. The director of the department of corrections and the director of the department of ~~employment~~workforce services, or their designees, shall serve as ex officio nonvoting members of the board.

**27-1-106. Certain nonresident employers required to post bond; exceptions.**

(a) All firms, corporations or employers of any kind who are nonresident employers and expect to pay wages in the state of Wyoming in excess of ten thousand dollars (\$10,000.00) monthly or one hundred twenty thousand dollars (\$120,000.00) annually as a result of conducting business within Wyoming, are required to file with the director of the department of ~~employment~~workforce services a surety bond or other security meeting the requirements of this section, approved by the director and the attorney general.

**27-1-108. Penalties generally.**

Any person who violates or omits to comply with any of the provisions of this act, or any final order of the department of ~~employment~~workforce services is guilty of a misdemeanor and upon conviction shall be punished by a fine

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

of not more than one thousand dollars (\$1,000.00), imprisonment in the county jail for not more than one (1) year, or both.

**27-1-109. Prosecution of violations.**

The district attorney for any county in this state shall, upon receipt of a verified complaint from the director of the department of ~~employment~~workforce services or a final agency decision of the department of ~~employment~~workforce services prosecute to termination before any court of competent jurisdiction, in the name of the state of Wyoming, actions or proceedings against any person or persons charged with violation of any of the provisions of this act, or any of the laws of this state enacted for the protection of employees.

**27-1-115. State directory of new hires; requirements; exceptions; definitions.**

(b) Except as provided in subsection (c) of this section, each employer in the state shall furnish to the department of ~~employment~~workforce services within twenty (20) days of hiring a new employee, or in the case of an employer transmitting reports magnetically or electronically, by two (2) monthly transmissions not less than twelve (12) days nor more than sixteen (16) days apart, a report that contains the name, address and social security number of the employee and the name and address of, and identifying number assigned to, the employer under section 6109 of the Internal Revenue Code. The report shall be made on a W-4 form approved by the internal revenue service or, at the option of the employer, on an equivalent form approved by the department. The form may be transmitted by first class mail, electronically or



ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

magnetically in a format acceptable to the designated department.

**27-2-104. Duties of department of workforce services.**

(a) The department of ~~employment~~ workforce services shall:

**27-2-105. Report to governor; statistics and information required.**

(a) The department of ~~employment~~ workforce services shall collect, classify, have printed and submit to the governor in its annual report the following statistics:

**27-2-108. Right of entry.**

The director of the department of ~~employment~~ workforce services may designate employees of the department who shall have power to enter any manufacturing establishment, mill, workshop, office, bakery, laundry, store, hotel, theater, hall, or any public or private works where labor is employed, rooms are rented to the public, or machinery is used, for the purpose of enforcing the provisions of this act.

**27-2-109. Examination of witnesses.**

(a) The director of the department of ~~employment~~ workforce services may designate employees of the department who shall have the power to administer oaths, to examine witnesses under oath, to compel the attendance of witnesses and the giving of testimony in any part of this state.

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

(g) Except as otherwise provided by law, final agency decisions of the department of ~~employment~~workforce services with regard to chapters 4, 5, 6, 7, 8 and 9 of title 27, shall be issued only after an opportunity for hearing pursuant to the Wyoming Administrative Procedure Act. Any party aggrieved by a final agency decision of the department of employment with regards to chapters 4, 5, 6, 7, 8 and 9 of title 27, shall have the right to appeal to district court pursuant to the Wyoming Administrative Procedure Act.

**27-2-112. Sale of office publications; exception.**

The department of ~~employment~~workforce services may sell any publication or other duplicated or printed material, other than the biennial report, which it prepares and which the public may desire to purchase.

**27-2-113. Sale of office publications; limitation on charges.**

The charges made by the department of ~~employment~~workforce services shall not exceed the cost of materials, printing, duplication, packaging and postage.

**27-3-102. Definitions generally.**

(a) As used in this act:

(v) "Commission" means the unemployment insurance commission of Wyoming within the department of ~~employment~~workforce services;

(xx) "Department" means the divisions within the department of ~~employment~~workforce services established under W.S. 9-2-2002 which contain the principal operating

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

units that administer the unemployment compensation program pursuant to the Social Security Act;

**27-3-601. Unemployment insurance commission created; composition; terms; vacancies; salary; chairman; quorum; removal; office; seal.**

(a) The unemployment insurance commission of Wyoming is created within the department of ~~employment—workforce~~ services and shall consist of three (3) members serving a term of six (6) years each. Appointments, vacancies and expiration of terms shall be in accordance with W.S. 28-12-101 through 28-12-103. A member shall not hold any state office or serve as an officer or on a committee of any political organization during the term of membership. No more than two (2) members shall be of the same political party.

**27-3-602. Powers and duties of unemployment insurance commission; personnel.**

(a) The commission shall:

(i) Adopt rules necessary for the administration of this act by the department of ~~employment—workforce~~ services and the department, in accordance with law, may make expenditures, require reports, make investigations and take other action it considers necessary;

(f) The department of ~~employment—workforce~~ services shall provide personnel necessary to administer this act in accordance with rules of the commission and determinations of the commission authorized by law. The commission shall not exercise supervisory authority over those personnel.

**27-3-603. Confidentiality of information.**

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

Except as otherwise provided, information maintained pursuant to this act shall not be disclosed in a manner which reveals the identity of the employing unit or individual. The confidentiality limitations of this section do not apply to transfers of information between the divisions of the department of ~~employment~~workforce services so long as the transfer of information is not restricted by federal law, rule or contract. Any employee who discloses information outside of the department in violation of federal or state law may be terminated without progressive discipline.

**27-3-605. Responsibilities of department of workforce services.**

(a) The department of ~~employment~~workforce services shall administer the unemployment compensation program in this state.

**27-4-301. Definitions.**

(e) "Director" means the director of the department of ~~employment~~workforce services or his designee who is authorized to administer W.S. 27-4-301 through 27-4-304.

**27-4-402. Definitions.**

(a) As used in this act:

(x) "Department" means the department of ~~employment~~workforce services;

**27-4-501. Definitions.**

(a) Whenever used in this act:

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

(iv) "Department" means the department of ~~employment~~ workforce services;

**27-6-107. Children; proof of age required; prohibited employment.**

It shall be unlawful for any person, firm or corporation to employ, permit or allow any child under the age of fourteen (14) years to work at any gainful occupation except farm, domestic or lawn and yard service. To ensure that a child is of proper age to be employed under this section, every person, firm or corporation employing a child under sixteen (16) years of age shall procure and have on file where the child is employed, a form of proof of age as required under W.S. 27-6-108; provided however that under no circumstances shall any child under sixteen (16) years of age be employed in any occupation listed in W.S. 27-6-112 or in any occupation declared by the department of ~~employment~~ workforce services to be hazardous for children under sixteen (16) years of age.

**27-6-108. Children; proof of age required; inspection and form.**

(a) The proof of age required by W.S. 27-6-107 shall be made available for inspection by any official charged with the enforcement of laws regulating the employment of minors. The acceptable forms of proof of age include the following:

(iii) Any other document showing the age of the child as approved by the department of ~~employment~~ workforce services.

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

**27-6-112. Children; prohibition of employment in certain occupations.**

(a) No child under sixteen (16) years of age shall be employed, permitted, or allowed to work at, in, or in connection with any of the following occupations, or at any of the following kinds of work except for the purpose of instruction in the public schools:

(ii) Employment requiring contact with or exposure to explosives or dangerous chemicals; or in any other occupation declared by the department of employment workforce services as hazardous, for the employment of children under sixteen (16) years of age.

(b) The department of employment-workforce services is hereby authorized to declare any occupation hazardous for the employment of children under sixteen (16) years of age.

**27-8-101. Licenses required; fees; posting.**

No person, firm or corporation shall open, operate or maintain in this state any employment office or agency for the purpose of furnishing employers with persons seeking employment at manual labor or in clerical, industrial, commercial or business pursuits, or for the purpose of securing employment for such described persons, or where a fee, commission or other consideration is charged or exacted or received from applicants either for employment or for help, without first obtaining a license for the same from the department of employment-workforce services. The uniform fee for such license in cities of five thousand (5,000) inhabitants and over shall be twenty-five dollars (\$25.00) per annum, and in cities containing less than five thousand inhabitants, ten dollars (\$10.00) per annum. Every

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

license shall contain a designation of the city, street and number of the building in which such office or agency is conducted, and such license together with a copy of this act shall be posted in a conspicuous place in each and every employment agency.

**27-8-103. Bond of licensee.**

The department of ~~employment~~workforce services shall require with each application for a license a bond in the sum of five hundred dollars (\$500.00) with one (1) or more sureties to be approved by the department, and conditioned that the obligors will not violate any of the duties, terms, conditions, provisions or requirements of this act, or of other laws germane hereto. For any violation of the conditions of said bond, the department is authorized to commence and prosecute an action or actions on said bond or bonds in the name of the state of Wyoming, through the attorney general or other proper prosecuting officer.

**27-8-104. Revocation of license; complaint; hearing.**

Whenever a written complaint shall be filed with the department of ~~employment~~workforce services stating that any party so licensed as aforesaid, shall have violated any of the provisions of this act, the department shall give to said licensee notice of such complaint and appoint a day for a hearing thereon. If after a full and fair hearing, the department finds that the party licensed has violated any of the provisions of this act, the department is authorized to revoke the license theretofore issued to said party.

**27-8-105. Licensed agencies to maintain registers.**

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

It shall be the duty of every licensed agency to keep a register in which shall be entered with dates the name and address of every person who shall make application for help or servants, and the name and nature of such employment for which such help shall be wanted. Such register shall, at all reasonable hours be kept open to the inspection and examination of the department of ~~employment~~ workforce services.

**27-8-108. Duty of department to file complaints of violations; duty to enforce.**

It shall be the duty of the department of ~~employment~~ workforce services, when informed of any violation of this act, to file complaint of such violation with the attorney general or with the district attorney for the county in which such violation is alleged to have occurred and it shall be the duty of the official informed to institute proceedings for the enforcement of the penalties.

**27-8-109. Department of workforce services to account.**

All money or monies received from fees under this act shall be forthwith accounted for by the department of ~~employment~~ workforce services and turned over to the state treasurer, taking the state treasurer's receipt for the same. Such monies shall become a part of the state general fund.

**27-9-102. Definitions.**

(d) As used in W.S. 27-9-101 through 27-9-106, "department" means the department of ~~employment~~ workforce services and the term "director" means the director of the department or his designee who is authorized to administer W.S. 27-9-101 through 27-9-106.



ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

**27-11-112. Investigation of health and safety charges and complaints.**

The department of ~~employment~~workforce services shall investigate charges and complaints of violation of the laws of this state with respect to health and safety and any order, rules, or regulations of the commission made in connection therewith and report them to the commission.

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

(a) The division shall, in conjunction with the department of education, the business council, the department of ~~employment~~workforce services, the workforce development council, the University of Wyoming and the community college commission, establish and maintain a plan to implement the occupational transfer and retraining programs and services for displaced workers created under this act. The plan shall designate:

**27-14-102. Definitions.**

(a) As used in this act:

(vi) "Division" means the worker's compensation division within the department of ~~employment~~workforce services;

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

(o) The division may in accordance with its rules and regulations, grant a discount to rates established under this section in an amount not to exceed ten percent (10%) of the base rate for the employment classification of any employer if the employer complies with a safety program

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

approved by the division and a discount in an amount not to exceed five percent (5%) of the base rate for the employment classification if the employer complies with a drug and alcohol testing program approved by the division. In determining safety program approval, drug and alcohol program approval and the total discount granted under this subsection, the division shall consider:

(v) Whether the employer adopts and enforces policies establishing a drug-free workplace which may include an employee assistance program to assist employees with alcohol or other drug problems. The division shall follow rules adopted by the department of ~~employment~~ workforce services in consultation with the department of health for the effective implementation of this paragraph. Rules adopted pursuant to this paragraph shall not impose on any employer the requirement to pay the costs of treatment or any other intervention. Employers enrolled in a safety discount program under this paragraph shall have one (1) year from the effective date of those rules within which to come into compliance.

(r) In an industrial classification with less than twelve (12) employers in which a single employer contributes greater than fifty percent (50%) of the total premium in that classification, the director of the department of ~~employment~~ workforce services, with the concurrence of the governor, may adjust the base rate for the employer established pursuant to this section, not to exceed twenty-five percent (25%) subject to the following:

**27-14-202. Premium payments; payroll reports; department authority to establish joint reporting; remedies for incorrect earnings categorizations by employers.**

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

(g) The department of ~~employment~~workforce services shall by rule and regulation establish a joint payroll reporting system for the purposes of the Wyoming Worker's Compensation Act and Wyoming Employment Security Law. Nothing in this subsection shall require the department to provide a joint payroll reporting system to all qualifying employers.

**27-14-408. Vocational rehabilitation; application; eligibility; plan; limitation; modification, suspension or termination.**

(c) Upon final determination of an injured worker's eligibility for rehabilitation, the division shall immediately send a copy of the application and determination to the local office of the division of vocational rehabilitation of the department of ~~employment~~workforce services.

**27-14-805. Confidentiality of information; unlawful disclosure; exception.**

(a) Except as otherwise provided by this act, information obtained from any employer or covered employee pursuant to reporting requirements under this act or investigations conducted under W.S. 27-14-803 shall not be disclosed in a manner which reveals the identity of the employer or employee except to the employer, the employee, legal counsel for an employer, legal counsel for an employee or in situations necessary for the division to enforce any of the provisions of this act. The confidentiality limitations of this section do not apply to transfers of information between the divisions of the department of ~~employment~~workforce services so long as the transfer of information is not restricted by federal law,

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

rule or contract. In addition, nothing in this section shall prohibit the division from:

**30-2-101. Definitions.**

(a) As used in this act:

(ii) "Council" means the state mining council which is within the department of ~~employment~~workforce services;

**30-2-201. Appointment and qualifications of inspector and deputy inspectors; terms of office; removal; bond coverage; to devote full time to duties.**

(a) There is created the office of the inspector of mines within the department of ~~employment~~workforce services. The inspector of mines shall be appointed by the governor by and with the advice and consent of the senate but is subject to the Wyoming Government Reorganization Act of 1989. His term of office is two (2) years. His office shall be located in the city of Rock Springs, Sweetwater county, Wyoming. Appointment, term and the filling of vacancies shall be under W.S. 28-12-101 through 28-12-103. His salary shall be determined under W.S. 9-3-101. He may be discharged at any time during his term by the governor as provided in W.S. 9-1-202. The inspector shall:

**30-2-301. Board of mines renamed mining council; created; composition; qualifications, appointment and term of members; removal; officers; rules; quorum; vacancies; compensation.**

(a) There is created a state board of mines which is renamed the state mining council within the department of ~~employment~~workforce services which shall consist of eleven

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

(11) members. Ten (10) members shall be appointed equally from among the management and hourly employees of the mining industry, including surface and underground coal mining, and shall serve for a term of four (4) years and until their successors are appointed and qualified except for the inspector who is a member of the council and entitled to vote in case of a tie. Each member of the council, except the inspector, shall be a qualified elector of the state and shall have at least five (5) years experience in the mining industry immediately preceding his appointment. The members shall be appointed by the governor by and with the advice and consent of the senate and from among the management and employees of the mining industry. The tenure of the members of the council shall be so arranged that the terms of not more than five (5) of the members shall expire in any one (1) year period. The governor may remove any council member as provided in W.S. 9-1-202. The council shall have among its appointed members:

**35-11-401. Compliance generally; exceptions.**

(e) The provisions of this article shall not apply to any of the following activities:

(vi) Surface mining operations, whether commercial or noncommercial, for the removal of sand, gravel, scoria, limestone, dolomite, shale, ballast or feldspar from an area of ten (10) acres or less of affected land if the operator has written permission for the operation from the owner and lessee, if any, of the surface; provided that the operator shall notify the land quality division of the department of environmental quality and the inspector of mines within the department of ~~employment~~ workforce services of the location of the land

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

to be mined and the postal address of the operator before commencing operations;

**35-12-110. Service of notice of application; information and recommendations; application deficiencies; procedure; jurisdiction; hearing.**

(b) The division shall obtain information and recommendations from the following state agencies relative to the impact of the proposed facility as it applies to each agency's area of expertise:

(xix) Department of ~~employment~~ workforce services;

**35-24-102. Definitions.**

(a) As used in this chapter:

(xiii) "Third party payor" means any insurer or other entity responsible for providing payment for health care services, including the worker's compensation division of the department of ~~employment~~ workforce services and any self-insured entity;

**39-15-105. Exemptions.**

(b) The Wyoming business council, the department of ~~employment~~ 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), (R) or (S) 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

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

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:

(i) A history of employment in terms of numbers of employees, full-time and part-time employees and rates of turnover classified by the 2007 edition, as amended, of the North American Industry Classification System (NAICS) code manufacturing section 31 - 33 from information collected by the department of ~~employment~~workforce services;

**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), (G) or (H) of this section is in effect. If requested by the department of revenue, any person utilizing the exemption under subparagraph (a)(viii)(D) of this section shall report to the department the amount of use 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:

(i) A history of employment in terms of numbers of employees, full-time and part-time employees and rates of turnover classified by the 2007 edition, as amended, of the North American Industry Classification System (NAICS) code manufacturing section 31 - 33 from information collected by the department of ~~employment~~workforce services;

ORIGINAL HOUSE  
BILL NO. 0008

ENROLLED ACT NO. 1, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

**Section 2.** W.S. 9-2-2002(a) through (g) is repealed.

**Section 3.** This act is effective July 1, 2012.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk