

SENATE FILE NO. SF0110

Select committees, task forces and appointments-repeal.

Sponsored by: Senator(s) Scott

A BILL

for

1 AN ACT relating to select committees, task forces and
 2 legislative appointments; repealing the legislative
 3 management audit committee; repealing select committees and
 4 legislatively created task forces; amending legislative
 5 appointments to task forces, councils and commissions as
 6 specified; making conforming amendments; repealing reporting
 7 requirements; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 5-11-101(a)(intro) and (b),
 12 9-1-221(b)(ii), 9-2-125(a), 9-2-1013(d)(i), 9-2-1019(e) and
 13 (f), 9-2-1035(a)(v)(A), 9-2-2106(a)(intro), 9-4-216(a),
 14 9-4-715(b) and (n)(intro), 9-4-719(n) and (p), 9-12-1401(a),
 15 9-12-1509(a), 9-15-104(e), (h) and (k), 9-15-106,
 16 9-19-101(a)(intro) and (e), 10-3-602(c), 10-7-104,

1 16-1-303(b), (c)(ii), (vi) and (j), 16-1-305(a),
2 16-1-308(a)(intro) and (ii), 21-4-601(d), 21-15-109(e),
3 21-15-114(a)(xv), 21-15-115(c), 21-15-117(c),
4 21-15-119(a)(intro) and (c), 21-16-1302(b), 21-17-117(e),
5 28-1-107(a)(i), 28-1-109(a), 28-1-116(c), 28-8-104(e),
6 28-8-111(a), 28-8-116(d), 30-8-101(a), 35-11-210(a)(intro)
7 and (c), 41-2-120, 41-2-123(e)(iv) and (f), 41-2-125(a)(iii)
8 and 41-2-1301(d) and (e) are amended to read:

9

10 **5-11-101. Wyoming court security commission created;**
11 **membership; powers and duties; compensation; report required.**

12

13 (a) The Wyoming court security commission is created
14 under the supervision of the Wyoming supreme court. The
15 commission shall be composed of the director of the office of
16 homeland security or his designee and ~~nine (9)~~ seven (7)
17 additional members who shall be appointed for a term of three
18 (3) years commencing July 1, 2008, who may be reappointed to
19 serve subsequent terms. The ~~nine (9)~~ seven (7) additional
20 members shall include:

21

22 (b) ~~Nonlegislative~~ Members of the commission shall
23 receive no compensation, but shall be reimbursed under W.S.

1 9-3-102 and 9-3-103 for per diem and travel expenses incurred
2 in the performance of their duties on the commission.

3

4 **9-1-221. Tribal liaison program; qualifications of**
5 **liaisons; removal; duties.**

6

7 (b) The governor shall select and employ two (2)
8 persons to serve as tribal liaisons and to administer the
9 tribal liaison program as provided in this section. Before
10 making a selection, the governor shall solicit a list of
11 nominations from the Eastern Shoshone business council and
12 the Northern Arapaho business council. The selection of the
13 liaisons shall be with the advice and consent of the senate
14 in accordance with W.S. 28-12-101 through 28-12-103. If the
15 legislature has adjourned, the governor may make temporary
16 selections in the manner provided for in W.S. 28-12-101(b).
17 Each liaison shall be a qualified elector of the state and
18 may be removed by the governor as provided in W.S. 9-1-202.
19 The liaisons shall:

20

21 (ii) Facilitate communication between the tribes
22 and the office of the governor, executive branch agencies,
23 ~~the select committee on tribal relations~~ and the legislature;

1

2 **9-2-125. Client treatment records; confidentiality;**
3 **limited disclosure permitted; definitions.**

4

5 (a) Client registration records and treatment records
6 relating to persons receiving mental health or substance
7 abuse treatment at a treatment facility under contract with
8 the department shall remain confidential, except as provided
9 in this section, W.S. 7-4-201(f), ~~28-8-107, 28-8-108,~~
10 28-8-111 and 35-2-605 through 35-2-617.

11

12 **9-2-1013. State budget; distribution of copies to**
13 **legislators; copies and reports of authorizations; interfund**
14 **loans.**

15

16 (d) In addition to the items contained in subsection
17 (a) of this section and notwithstanding any other
18 recommendations made by the governor, the state budget shall
19 also include the governor's recommendations for
20 appropriations for the ensuing two (2) years, or if a
21 supplemental budget request, the remainder of the budget
22 period, subject to the following:

23

1 (i) The state budget shall include the governor's
2 recommendations for a total appropriation from the school
3 foundation program account and based upon recommendations of
4 the ~~select school facilities~~ joint education interim
5 committee, ~~under W.S. 28-11-301,~~ a total appropriation for
6 school capital construction purposes for both fiscal years;

7
8 **9-2-1019. Personnel hearings; state employee**
9 **compensation commission created; duties.**

10
11 (e) The state employee compensation commission is
12 created to review issues related to employee compensation.
13 The commission shall consist of not more than ~~six (6)~~ four
14 (4) members to serve two (2) year terms. ~~Three (3) members~~
15 One (1) member shall be appointed by the management council
16 of the legislature ~~of whom one (1) who~~ shall be from the
17 private sector, ~~and one (1) each from the senate and house~~
18 ~~of representatives.~~ Two (2) members shall be appointed by the
19 governor, of whom one (1) shall be from the private sector.
20 One (1) member shall be appointed by the chief justice of the
21 Wyoming supreme court but shall be a nonvoting member. The
22 commission shall elect a chairman from among its ~~two (2)~~
23 legislative members.

1

2 (f) Members who are not ~~legislators or~~ state employees
3 shall receive per diem and travel expenses in the same manner
4 and amount provided under W.S. 28-5-101.

5

6 **9-2-1035. Definitions.**

7

8 (a) As used in this act:

9

10 (v) "Public financial information" means official
11 public records as defined in W.S. 16-4-201(a)(vi)(A) that are
12 required to be made available on the Wyoming public finance
13 and expenditure of funds website as required by this act, but
14 shall not include any information:

15

16 (A) Provided pursuant to W.S. 26-34-129,
17 26-34-130, ~~28-8-108,~~ 35-2-605 through 35-2-617, 35-2-910 or
18 35-17-105;

19

20 **9-2-2106. Departmental advisory council; created;**
21 **term; composition; meetings; removal of members; selection of**
22 **officers; vacancies; expenses.**

23

1 (a) There is created within the department an advisory
2 council of not more than ~~sixteen (16)~~ fourteen (14) members
3 appointed by the governor to represent the interests of the
4 public and the department. Each member shall serve a three
5 (3) year term, ~~except legislators shall serve only for the~~
6 ~~term of office during which they were appointed. The council~~
7 ~~shall include:~~

8

9 **9-4-216. Financial advisory council.**

10

11 (a) There is established a financial advisory council
12 consisting of the state auditor, the state treasurer, the
13 director of the state department of audit, the director of
14 the department of administration and information, the
15 director of the department of revenue, ~~a member or designee~~
16 ~~of the joint appropriation interim committee,~~ and other
17 persons the governor appoints as ex officio members without
18 voting privileges. The state auditor is chairman of the
19 financial advisory council.

20

21 **9-4-715. Permissible investments.**

22

1 (b) The state treasurer, or his designee, which shall
2 be registered under the Investment Advisor's Act of 1940 as
3 amended if required to be registered by the terms of that act
4 as amended, may invest up to seventy percent (70%) of the
5 permanent funds in equities, including stocks of corporations
6 pursuant to subsections (c) and (d) of this section. The state
7 treasurer shall report at least annually to ~~the select~~
8 ~~committee on capital financing and investments and~~ the joint
9 appropriations committee on the analysis conducted pursuant
10 to paragraph (d)(ii) of this section and W.S. 9-4-716(b)(ix).

11

12 (n) The state treasurer shall not invest state funds
13 for a specific public purpose authorized or directed by the
14 legislature in excess of a total of one billion dollars
15 (\$1,000,000,000.00), excluding investments made pursuant to
16 W.S. 37-5-406. ~~By November 1 of each calendar year, the state~~
17 ~~treasurer, in consultation with the board, the Wyoming water~~
18 ~~development office, the Wyoming business council and the~~
19 ~~office of state lands and investments, shall provide a report~~
20 ~~to the select committee on capital financing and investments~~
21 ~~on all state funds invested for a specific public purpose~~
22 ~~authorized or directed by the legislature. The report shall~~
23 ~~include:~~

1

2 **9-4-719. Investment earnings spending policy permanent**
3 **funds.**

4

5 (n) To the extent the spending policy amount
6 established in subsection (o) of this section exceeds
7 earnings from the excellence in higher education endowment
8 fund for the prior fiscal year, the state treasurer shall
9 distribute from the excellence in higher education reserve
10 account an amount equal to one-half (1/2) the difference, and
11 such amounts are continuously appropriated from the reserve
12 account for that purpose. Any funds distributed pursuant to
13 this subsection shall be distributed no later than ninety
14 (90) days after the end of the fiscal year and shall be
15 distributed and expended as provided in W.S. 21-16-1201
16 through 21-16-1203 for earnings from the excellence in higher
17 education endowment fund. The state treasurer in
18 consultation with the University of Wyoming and community
19 college commission, shall report to the governor, joint
20 appropriations ~~interim~~ committee, and the joint education
21 interim committee ~~and select committee on capital financing~~
22 ~~and investments~~ no later than November 1, of any year in which

1 funds have been or are anticipated to be distributed from the
2 reserve account under this subsection.

3

4 (p) Annually, not later than November 1, the state
5 treasurer, in consultation with the state loan and investment
6 board, shall provide a recommendation to the ~~select committee~~
7 ~~on capital financing and investments~~ legislature regarding
8 modifications to the spending policy amounts contained in
9 this section. The recommendations shall be consistent with
10 the purposes specified in subsection (a) of this section. ~~The~~
11 ~~select committee on capital financing and investments shall~~
12 ~~annually submit a recommendation to all members of the~~
13 ~~legislature before the convening of the session regarding~~
14 ~~modifications to the spending policy amounts.~~

15

16 **9-12-1401. Economically needed diversity options for**
17 **Wyoming executive council; creation; appointment and terms of**
18 **members.**

19

20 (a) There is created the economically needed diversity
21 options for Wyoming (ENDOW) executive council. The members
22 shall represent existing, new and emerging economic sectors
23 or subsectors or have demonstrated executive level

1 experience. The council shall consist of not more than twenty
2 (20) voting members, appointed by the governor with the advice
3 and consent of the senate. ~~The presiding officers of the house
4 and senate and the chairmen of the house and senate minerals,
5 business and economic development committees shall be ex
6 officio, nonvoting members.~~ The governor may remove any
7 appointed member as provided in W.S. 9-1-202. If an appointed
8 member's position is vacant the governor shall appoint a new
9 member as provided in W.S. 28-12-101. The governor, or his
10 designee, shall be a member and chairman of the council, but
11 shall not vote. The council shall elect a vice-chairman from
12 among the appointed members. One-half plus one (1) of the
13 appointed members shall have initial terms of four (4) years
14 and the remaining members shall have initial terms of two (2)
15 years. Thereafter, appointed members shall serve for terms of
16 four (4) years.

17

18 **9-12-1509. Advisory council; broadband coordinator.**

19

20 (a) The business council shall, in consultation with
21 the economically needed diversity options for Wyoming (ENDOW)
22 executive council, establish a broadband advisory council
23 consisting of eleven (11) members. One (1) member shall be

1 the state chief information officer or his designee.
2 Remaining members shall be appointed by the council from the
3 public at-large, with geographic diversity and to include
4 diverse interests, including backgrounds in economic
5 development, state or local government entities, broadband
6 providers, technology related businesses, health care,
7 education, library services and public safety. At least one
8 (1) representative of the Northern Arapaho or Eastern
9 Shoshone tribes of the Wind River Indian Reservation shall be
10 appointed to the advisory council. ~~One (1) senator appointed~~
11 ~~by the president of the senate and one (1) representative~~
12 ~~appointed by the speaker of the house shall serve as~~
13 ~~legislative liaisons to the advisory council. Legislative~~
14 ~~liaisons shall be paid salary, per diem and mileage as~~
15 ~~provided in W.S. 28-5-101 when attending meetings of the~~
16 ~~advisory council.~~ Members of the advisory council shall
17 receive no salary, but shall be reimbursed under W.S. 9-3-102
18 and 9-3-103 for per diem and travel expenses incurred in the
19 performance of their duties.

20

21 **9-15-104. Wildlife and natural resource trust account**
22 **board established; terms; meetings; duties.**

23

1 (e) The board shall receive and evaluate applications
2 for grants from the income account, ~~shall forward~~
3 ~~applications for large projects to the select committee for~~
4 ~~review and recommendation.~~ The board may approve grants for
5 any ~~small~~ project. Funds in the income account are
6 continuously appropriated for ~~small~~ project grants approved
7 by the board, ~~and for approved large projects as specified by~~
8 ~~subsection (k) of this section.~~

9

10 (h) The board shall annually report to the governor,
11 the joint appropriations ~~interim~~ committee, ~~the select~~
12 ~~committee~~ and the joint travel, recreation, wildlife and
13 cultural resources interim committee no later than September
14 1 with respect to all federal grants, state appropriations
15 and other contributions, grants, gifts, bequests and
16 donations received and credited to the trust account and
17 income account during the preceding fiscal year. The report
18 shall include all grants awarded by the board to nonprofit
19 and governmental organizations and progress made toward the
20 condition of any grant made.

21

22 (k) No funds shall initially be expended from the
23 income account for large projects except upon specific

1 legislative authorization. Following the initial legislative
2 authorization to expend funds for a large project, the board
3 may approve additional grants for that large project not to
4 exceed a total of an additional one hundred thousand dollars
5 (\$100,000.00). ~~and shall forward a notice of any such~~
6 ~~additional grant to the select committee within thirty (30)~~
7 ~~days of each approval.~~ Subsequent legislative authorization
8 shall be required for any grant in excess of the limits of
9 this subsection.

10

11 **9-15-106. Audits.**

12

13 The director of the department of audit or his designee shall
14 audit the trust account annually. Copies of the audit shall
15 be provided to the governor, the joint appropriations ~~interim~~
16 ~~committee, the select committee~~ and the joint travel,
17 recreation, wildlife and cultural resources interim
18 committee.

19

20 **9-19-101. Sage grouse implementation team created;**
21 **membership; duties.**

22

1 (a) There is created a sage grouse implementation team
2 that shall consist of members appointed by the governor as
3 provided in this subsection. ~~and members of the legislature~~
4 ~~as provided in subsection (b) of this section.~~ Members of the
5 implementation team appointed pursuant to this subsection
6 shall serve staggered terms of four (4) years. As terms of
7 current implementation team members expire, the governor
8 shall appoint each new member or reappointed member to a four
9 (4) year term. The implementation team members appointed by
10 the governor shall consist of the following members:

11

12 (e) The governor shall appoint a chairman and other
13 officers deemed necessary from among the members. The
14 implementation team may meet as often as deemed necessary by
15 a majority of the implementation team or at the request of
16 the chairman or the governor. Except as otherwise provided in
17 this subsection, members shall serve without salary but may,
18 at the governor's discretion, receive per diem and mileage
19 for attending team meetings in the manner and amounts provided
20 by law for state employees. Members who are government
21 employees or public officials shall be considered on official
22 business of their agency when performing duties as members of
23 the implementation team. ~~Legislative members shall be paid~~

1 ~~salary, per diem and mileage as provided in W.S. 28-5-101~~
2 ~~when performing duties as members of the implementation team.~~

3 Remaining members may, at the governor's discretion, receive
4 payment authorized by this subsection from the governor's
5 office.

6

7 **10-3-602. Wyoming air services enhancement account.**

8

9 (c) The commission shall report to the joint minerals,
10 business and economic development interim committee, ~~and~~ the
11 joint appropriations ~~interim~~ committee ~~and the air~~
12 ~~transportation liaison committee~~ annually no later than
13 September 30, with respect to the status of the program under
14 W.S. 10-3-601. The report shall include any actions taken and
15 funds expended in consideration of, and pursuant to, any
16 contract entered into under W.S. 10-3-601, and the
17 performance of any recipient of funds under the contract
18 including measurements of contractual assurances of benefits
19 accruing to the state.

20

21 **10-7-104. Contracts to improve commercial air service.**

22

1 The commission may, after competitive bidding, enter into
2 contracts to procure commercial air service, to obtain
3 professional, financial or technical assistance directly
4 related to the commercial air service improvement plan or for
5 any other purposes necessary to implement the commercial air
6 service improvement plan. The attorney general shall review
7 and approve any contract under this subsection before it is
8 executed. Beginning September 30, 2019, and by September 30
9 annually thereafter, the commission shall provide a report on
10 any contracts entered into under this subsection to the
11 governor, the joint minerals, business and economic
12 development interim committee, and the joint appropriations
13 committee. ~~and the air transportation liaison committee.~~ The
14 report shall describe any actions taken and funds expended in
15 consideration of, and pursuant to, any contract entered into
16 under this subsection, and shall analyze the performance of
17 any recipient of funds under any contract.

18

19 **16-1-303. Account administration; board powers and**
20 **duties; department powers and duties; water development**
21 **office powers and duties; fiscal procedures.**

22

1 (b) The board, subject to ~~select water committee~~ review
2 and recommendation of projects by the joint agriculture,
3 state and public lands and water resources interim committee,
4 shall administer the account including issuing loans and
5 other forms of financial assistance for purposes authorized
6 in this article on the basis of a priority listing of eligible
7 projects. The board shall adopt reasonable rules and
8 regulations necessary to administer the account within the
9 requirements of this article, the Safe Drinking Water Act and
10 other federal and state laws, including the content of
11 applications, priority listing for use of funds in accordance
12 with requirements established in section 1452(b)(3) of the
13 Safe Drinking Water Act (42 U.S.C. § 300j-12(b)), criteria
14 for awarding, security, and terms and conditions for making
15 loans and providing financial assistance.

16

17 (c) The office of state lands and investments shall:

18

19 (ii) Receive, review and make recommendations to
20 the board and the ~~select water~~ joint agriculture, state and
21 public lands and water resources interim committee for
22 approval of applications for financial assistance from the
23 account in accordance with requirements established by the

1 board for publicly owned water systems of municipalities,
2 counties, joint powers boards, state agencies, and other
3 entities constituting a political subdivision under the laws
4 of the state on forms supplied by the office of state lands
5 and investments;

6

7 (vi) Following public input and recommendations
8 from the water development office and department and upon
9 review and recommendation of the intended use plan and the
10 project priority list by the ~~select water~~ joint agriculture,
11 state and public lands and water resources interim committee,
12 the state loan and investment board shall give final
13 authorization and adoption of the annual intended use plans
14 and the final priority listing of eligible projects.

15

16 (j) The ~~select water~~ joint agriculture, state and
17 public lands and water resources interim committee shall
18 review and recommend for approval project applications
19 submitted to the committee pursuant to ~~subsection~~ paragraph
20 (c)(ii) of this section.

21

22 **16-1-305. Authorized projects; authorized financial**
23 **assistance.**

1

2 (a) Subject to ~~select water committee~~ review and
3 recommendation of projects by the joint agriculture, state
4 and public lands and water resources interim committee, the
5 account may be used for financial assistance for the planning,
6 design and construction of projects on eligible publicly
7 owned water systems which may be either community or
8 noncommunity water systems. Eligible projects may be
9 comprised of improvements to all components of a water supply
10 system as appropriate and permitted by the Safe Drinking Water
11 Act.

12

13 **16-1-308. Emergency financial assistance.**

14

15 (a) Notwithstanding any provision of W.S. 16-1-303(b)
16 or (j) or 16-1-305(a), the board may, without further ~~select~~
17 ~~water committee~~ review and recommendation by the joint
18 agriculture, state and public lands and water resources
19 interim committee, authorize loans or other forms of
20 financial assistance from the account for purposes authorized
21 in this article, if the board determines:

22

1 (ii) There is insufficient time to obtain ~~select~~
2 ~~water~~ joint agriculture, state and public lands and water
3 resources interim committee review and recommendation of the
4 project in order to effectively address the emergency
5 situation.

6

7 **21-4-601. Education programs on the Wind River Indian**
8 **Reservation.**

9

10 (d) The joint business council of the Eastern Shoshone
11 and the Northern Arapaho Indian Tribes shall annually report
12 to the governor, the state superintendent of public
13 instruction, and the joint education interim committee and
14 ~~the select committee on tribal relations~~ on the expenditure
15 of contractual amounts as required under subsection (b) of
16 this section.

17

18 **21-15-109. Major building and facility repair and**
19 **replacement payments; computation; square footage allowance;**
20 **use of payment funds; accounting and reporting requirements.**

21

22 (e) Amounts distributed under subsection (b) of this
23 section shall be deposited by the recipient district into a

1 separate account, the balance of which may accumulate from
2 year-to-year. Except as specified under subsection (f) of
3 this section, expenditures from the separate account,
4 including any interest earnings on the account, shall be
5 restricted to expenses incurred for major building and
6 facility repair and replacement as defined in subsection (a)
7 of this section and shall be in accordance with the district's
8 facility plan under W.S. 21-15-116. Account expenditures may
9 include the expenses of district personnel performing work
10 described under paragraph (a)(iii) of this section if
11 approved by the department and if documented within the
12 district's facility plan. The district's facility plan shall
13 clearly specify proposed major maintenance expenditures for
14 addressing district major building and facility repair and
15 replacement needs on a building-by-building basis, updated
16 for the applicable reporting period, which shall be aligned
17 to the statewide adequacy standards and prioritized based
18 upon the impact of the building or facility on the district's
19 ability to deliver the required educational program. The
20 district shall include plans for maintaining any district
21 building or facility which is under a lease agreement,
22 specifying lease revenues available to the district for
23 maintenance of facilities to the level required by statewide

1 adequacy standards. No expenditures shall be made from the
2 separate account unless the repair or replacement of the
3 building or facility systems for which the expenditure is to
4 be made is clearly specified within the district's facility
5 plan or otherwise approved by the department. In a manner and
6 form required by commission rule and regulation, each
7 district shall annually report to the department on the
8 expenditures made from the separate account during the
9 applicable reporting period, separating account expenditures
10 on a building-by-building basis. The department shall
11 annually review account expenditures and shall report
12 expenditures to the commission and the ~~select~~ joint education
13 interim committee. ~~on school facilities established under~~
14 ~~W.S. 28-11-301.~~ The department shall compile reported
15 building-by-building expenditure information for each
16 district and the district facility plan. ~~and include this~~
17 ~~information in its annual report to the select committee~~
18 ~~pursuant to W.S. 21-15-121.~~ If any district expends funds
19 within the separate account for purposes not authorized by
20 this subsection or by rule and regulation of the commission,
21 the payments for that district shall be reduced by the amount
22 of the unauthorized expenditure in the school year following
23 the year in which the expenditure was discovered or the school

1 year in which notification was provided by the department,
2 whichever first occurs.

3

4 **21-15-114. School facilities commission powers and**
5 **duties.**

6

7 (a) The school facilities commission shall:

8

9 (xv) With prior consultation with the ~~select joint~~
10 ~~education interim~~ committee, ~~on school facilities~~, promulgate
11 necessary rules and regulations to administer and implement
12 this act.

13

14 **21-15-115. Statewide standards for school building and**
15 **facility adequacy; adequacy assessment.**

16

17 (c) The commission shall not less than once every four
18 (4) years, review and evaluate the building and facility
19 adequacy standards established under subsection (a) of this
20 section. Review and evaluation of the standards shall include
21 the identification of local enhancements to buildings and
22 facilities during this review and evaluation period, and
23 based upon criteria and procedures developed by the

1 commission, a determination as to whether and how any local
2 enhancements should be incorporated into the statewide
3 standards. The review and evaluation under this subsection
4 shall extend to components of the annual evaluation of school
5 buildings, the facility remediation schedule and the needs
6 prioritization process established by the commission under
7 W.S. 21-15-117. Findings and recommendations pursuant to this
8 subsection shall be reported to the ~~select-joint education~~
9 ~~interim~~ committee ~~on-school facilities~~ before the next
10 convening date of the legislative session immediately
11 following completion of the review and evaluation, and shall
12 specifically address any need to expand the needs assessment,
13 to conduct a reassessment of building and facility adequacy
14 or to modify the needs prioritization process.

15

16 **21-15-117. Annual evaluation of school buildings and**
17 **facilities; remediation schedule; needs prioritization;**
18 **combining facilities; implementation of remedy.**

19

20 (c) In determining the most cost effective method in
21 meeting capital construction needs in order to deliver
22 quality educational services, the commission in consultation
23 with the ~~select-joint education interim~~ committee, ~~on-school~~

1 ~~facilities,~~ may recommend consolidating educational
2 facilities within, between or among school districts. The
3 legislature shall approve any consolidation of educational
4 facilities between two (2) or more school districts.

5

6 **21-15-119. Commission budget and funding**
7 **recommendations.**

8

9 (a) Notwithstanding W.S. 9-2-1012, the commission shall
10 annually, not later than September 1, develop and submit a
11 recommended budget for projects and school capital
12 construction financing to the governor, through the budget
13 division of the department of administration and information
14 and to the ~~select joint education interim~~ committee. ~~on school~~
15 ~~facilities.~~ The department shall prepare and provide
16 information as requested by the commission. The commission
17 shall include with its recommended budget ~~to the select~~
18 ~~committee~~ the comprehensive assessment specified in W.S.
19 21-15-115(b), ~~and~~ the prioritized list of projects specified
20 in W.S. 21-15-117 including the amounts allocated to each
21 project, ~~and the annual building status report specified~~
22 ~~under W.S. 21-15-121.~~ The recommended budget submitted by the
23 commission shall include:

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(c) Budgets submitted by the commission under subsection (a) of this section and recommended by the ~~select~~ joint education interim committee ~~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 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~~ joint education interim 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).~~ Amounts appropriated by the legislature shall not be construed to be an entitlement or guaranteed amount and shall be expended by the department in accordance with facility guidelines to ensure adequate, efficient and cost effective school

1 buildings and facilities as required by W.S.
2 21-15-114(a)(vii).

3

4 **21-16-1302. Hathaway scholarship expenditure account**
5 **created; reserve account created; use and appropriation of**
6 **funds.**

7

8 (b) There is created the Hathaway student scholarship
9 reserve account. The reserve account shall consist of those
10 monies deposited to the account pursuant to subsection (a) of
11 this section and such other funds appropriated by the
12 legislature to the reserve account. Interest and other
13 earnings on funds within the reserve account shall be credited
14 to the reserve account. To the extent funds within the
15 Hathaway scholarship expenditure account are insufficient in
16 any fiscal year to fully fund scholarships awarded under this
17 article, monies within the reserve account shall be deposited
18 by the state treasurer to the expenditure account for
19 distribution to eligible institutions to fund those
20 scholarships. As soon as possible after the end of each of
21 the fiscal years beginning on and after July 1, 2007, the
22 state treasurer shall transfer monies from this reserve
23 account to the Hathaway student scholarship endowment fund to

1 the extent monies within the reserve account are in excess of
2 the greater of twelve million dollars (\$12,000,000.00) or an
3 amount equal to four and one-half percent (4.5%) of the
4 previous five (5) year average market value of the Hathaway
5 student scholarship endowment fund, calculated from the first
6 day of the fiscal year. The state treasurer shall report not
7 later than November 1, of each year to the joint education
8 interim committee ~~and the select committee on capital~~
9 ~~financing and investments~~ the amount of funds within the
10 reserve account at the end of the previous fiscal year and as
11 of July 1, of the current fiscal year.

12

13 **21-17-117. School of energy resources; creation**
14 **authorized; University of Wyoming energy resources council**
15 **established; reports.**

16

17 (e) The University of Wyoming energy resources council
18 is created and shall provide direction to the school of energy
19 resources regarding identifying and prioritizing issues which
20 should be targeted for research and outreach. The University
21 of Wyoming energy resources council shall consist of eleven
22 ~~(11)~~ nine (9) members, including the president of the
23 university and the director of the Ruckleshaus institute of

1 environment and natural resources, both of whom are ex officio
2 nonvoting members. ~~One (1) member of the house of~~
3 ~~representatives shall be appointed by the speaker of the house~~
4 ~~and one (1) member of the senate shall be appointed by the~~
5 ~~president of the senate. Each appointed legislative member~~
6 ~~shall serve a two (2) year term.~~ The remaining seven (7)
7 members shall be appointed for terms of three (3) years,
8 except that for the initial appointments two (2) members shall
9 be appointed for one (1) year and two (2) members shall be
10 appointed for two (2) years. These seven (7) members shall
11 represent to the greatest extent practicable the diverse
12 components of Wyoming's energy industries, and shall be
13 appointed by the governor and approved with the advice and
14 consent of the senate, in accordance with W.S. 28-12-101
15 through 28-12-103. The council shall select a chairman and
16 vice-chairman from among its members.

17

18 **28-1-107. Definitions.**

19

20 (a) As used in this act:

21

22 (i) "Committee" means any duly constituted
23 committee of the legislature, any standing committee of

1 either house of the legislature, joint interim committee of
2 the legislature, and special investigating committee
3 established by joint resolution of the legislature; ~~and the~~
4 ~~committees established by W.S. 28-11-101, 28-11-201 and~~
5 ~~28-11-301;~~

6

7 **28-1-109. Issuance and service of subpoena; privilege**
8 **of witness; witness fees and expenses.**

9

10 (a) The presiding officer of either house of the
11 legislature, the council, or a committee may issue a subpoena
12 upon request of a majority of the members of the body.
13 ~~Subpoenas also may be issued on behalf of the management audit~~
14 ~~committee as provided by W.S. 28-8-107(h).~~

15

16 **28-1-116. Continuous planning; performance budgeting.**

17

18 (c) On or before September 1 of each odd numbered year,
19 each agency, as defined under W.S. ~~28-1-115(f)~~ 28-1-115(g),
20 following an opportunity for public review, shall submit to
21 and have approved by the governor a plan as described by W.S.
22 28-1-115(a)(ii).

23

1 **28-8-104. Direction by legislature during sessions;**
2 **joint interim committees; requests for services;**
3 **establishment of priorities; vacancies; enlarging committees.**

4
5 (e) Of committees comprised of members of both houses
6 of the legislature, only management council, joint interim
7 committees of the legislature, **and** the joint appropriations
8 committee, ~~the management audit committee and select~~
9 ~~committees explicitly authorized by statute or joint rule or~~
10 ~~resolution of the legislature~~ shall sponsor and introduce
11 legislation during a legislative session. Nothing in this
12 subsection shall restrict the right of a member of the
13 legislature to sponsor legislation.

14
15 **28-8-111. Assistance to be provided by state and local**
16 **officers or agencies; duty of audited agencies.**

17
18 (a) Upon request of the director and with the approval
19 of the management council, ~~or the management audit committee,~~
20 each officer, board, commission, department or any political
21 subdivision of state government or any local government shall
22 provide assistance, documents and information to the
23 legislative service office.

1

2 **28-8-116. Confidential communications.**

3

4 (d) The recording or broadcast of a communication made
5 by a legislator or legislative staff which would otherwise be
6 confidential and privileged under this section shall not be
7 deemed confidential and privileged to the extent that the
8 communication is audible on the official legislative service
9 office recording or broadcast of a public meeting of
10 management council, the joint appropriations committee, ~~the~~
11 ~~management audit committee~~, a joint interim committee, select
12 committee or task force. Nothing in this subsection shall be
13 deemed to waive the privilege for any communication or portion
14 of a communication that is not audible on the recording or
15 broadcast.

16

17 **30-8-101. Enhanced oil recovery commission created;**
18 **duties.**

19

20 (a) The Wyoming enhanced oil recovery commission is
21 created. The commission shall consist of ~~eight (8)~~ seven (7)
22 members. The governor and the state geologist shall serve as
23 ex officio members of the commission. ~~One (1) legislative~~

1 ~~member shall be appointed by the management council of the~~
2 ~~legislature who shall serve as an ex officio member of the~~
3 ~~commission.~~ The governor shall appoint the remaining members
4 of whom one (1) shall be from the public at large with
5 experience in the oil and gas industry, one (1) shall be a
6 member of the oil and gas conservation commission, two (2)
7 shall represent the oil and gas industry and one (1) shall be
8 a representative of the University of Wyoming. The
9 gubernatorial appointments shall be confirmed by the senate.
10 Appointed members shall serve three (3) year terms. Members
11 of the commission shall not receive any fees, salary or other
12 compensation for services rendered but are entitled to
13 receive per diem and mileage on the same basis and at the
14 same rate as state employees and reimbursement for any other
15 actual and necessary expenses incurred in the performance of
16 commission duties. The governor may remove any appointed
17 member as provided in W.S. 9-1-202. ~~Except for the legislative~~
18 ~~member,~~ Initial appointments or any vacancy occurring between
19 sessions of the legislature may be filled by the governor in
20 accordance with W.S. 28-12-101(b). The commission shall be
21 staffed by executive branch agencies as designated by the
22 governor.

23

1 **35-11-210. Small business assistance program advisory**
2 **panel.**

3
4 (a) There is created a compliance advisory panel
5 consisting of the following ~~nine (9)~~ five (5) members:

6
7 (c) Except for the initial members the panel members
8 shall serve four (4) year terms and may be reappointed. ~~The~~
9 ~~legislative members appointed from the house of~~
10 ~~representatives shall initially serve two (2) year terms.~~ One
11 (1) member appointed by the governor shall initially serve a
12 three (3) year term. A vacancy occurs if a member ceases to
13 meet the qualifications specified in subsection (a) of this
14 section. A vacancy shall be filled in the same manner as the
15 original appointment. The panel shall select from its members
16 a chairman. The panel shall hold at least four (4) regularly
17 scheduled meetings each year, and may hold special meetings
18 as called by the chairman. ~~Five (5)~~ Three (3) members shall
19 constitute a quorum for the purposes of conducting business,
20 but all decisions must be approved by a majority of the total
21 membership of the panel. Each member, except the department
22 representative, shall be reimbursed for per diem, mileage and
23 expenses for attending panel meetings in the same manner and

1 amount as state employees. The department representative
2 shall suffer no loss of wages for the time devoted to the
3 duties of the panel.

4

5 **41-2-120. Approval of loans, construction or water**
6 **contracts and agreements.**

7

8 All loans, construction or water contracts and agreements to
9 which the state is a party, entered into pursuant to this act
10 or W.S. 41-2-114, shall be submitted to the ~~select~~-joint
11 agriculture, state and public lands and water resources
12 interim committee for thirty (30) days for its review and
13 recommendation and approved and executed by the governor and
14 the head of the agency, commission or board.

15

16 **41-2-123. Project studies generally; hearings;**
17 **reimbursement of costs; source of funding; use of unobligated**
18 **funds; recommendations to legislature.**

19

20 (e) The water development commission may commence and
21 contract for a Level II feasibility study of a project using
22 unobligated funds authorized by law for a Level I
23 reconnaissance study of the project if:

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23

(iv) The ~~select water committee created under W.S. 28-11-101~~ joint agriculture, state and public lands and water resources interim committee reviews the commission request to proceed with the Level II study.

(f) All recommendations, including proposed legislation, from the water development commission to the legislature required by law regarding specific water projects shall be presented to the ~~select water~~ joint agriculture, state and public lands and water resources interim committee ~~created by W.S. 28-11-101~~ not later than fifteen (15) days prior to commencement of the legislature to which the reports are due. The committee shall review and make recommendations to the legislature regarding commission recommendations and proposed legislation.

41-2-125. Office of water programs created; duties; annual report.

(a) There is created the office of water programs within the office of research at the University of Wyoming. The office of water programs shall:

1

2 (iii) In conjunction with the Wyoming water
3 development office, submit a report annually prior to each
4 legislative session to the ~~select water~~ joint agriculture,
5 state and public lands and water resources interim committee
6 and the Wyoming water development commission on the
7 activities of the office.

8

9 **41-2-1301. Transfer of water authorized; conditions.**

10

11 (d) If the director of the Wyoming water development
12 office determines that Wyoming water users are not receiving
13 the regulatory certainty under the endangered species act as
14 provided for in the Platte River recovery implementation
15 program, he shall submit a report to the ~~select water~~ joint
16 agriculture, state and public lands and water resources
17 interim committee outlining the inadequacy of the regulatory
18 certainty.

19

20 (e) If the state engineer determines that the transfers
21 authorized under subsections (a) and (b) of this section cause
22 injury to Wyoming water users beyond those identified in the
23 final opinion and recommendations provided to the legislature

1 pursuant to W.S. 41-3-115(q), then the state engineer shall
2 report the injury to the ~~select water~~ joint agriculture, state
3 and public lands and water resources interim committee.
4

5 **Section** 2. W.S. 99-3-1105(b)(vi)(D),
6 99-3-1703(o)(vi)(A) and 99-99-1001(n) are amended to read:

7

8 **99-3-1105. Level III construction projects - dams and**
9 **reservoirs.**

10

11 (b) Project - Pathfinder Modification Project:

12

13 (vi) Special conditions:

14

15 (D) If the state engineer honors a call for
16 regulation of water rights upstream of Pathfinder Reservoir
17 pursuant to the Nebraska v. Wyoming final settlement
18 stipulation number 108, Original 534 U.S. 40 (2001), the water
19 development office, in consultation with the state engineer,
20 shall report to the governor ~~and select water committee~~ if
21 the call for regulation was caused by the project;

22

1 **99-3-1703. Level III construction projects - new**
2 **development.**

3
4 (o) Project - Pavillion East Water Supply Project:

5
6 (vi) Special conditions:

7
8 (A) The Commission, in coordination with the
9 governor's office, ~~select water committee,~~ department of
10 environmental quality and the Wyoming oil and gas
11 conservation commission shall develop project operating
12 criteria to include, but not limited to the following: the
13 project area, eligibility of residences in the project area
14 to participate in the project and utilization of water sources
15 which would not impact existing uses;

16
17 **99-99-1001. Creation; use of funds; interest.**

18
19 (n) All revenues received by the state from the lease,
20 sale, assignment or transfer of ownership of power or water
21 resulting from the state's interest in the Lake DeSmet
22 Reservoir, Healy Reservoir and Dam, and associated facilities
23 as provided in W.S. 99-1-602 shall be deposited in the account

1 created by paragraph (a)(ix) of this section. The Wyoming
2 water development commission shall administer the account and
3 use any monies in the account to meet the operation,
4 maintenance and replacement obligations of the state related
5 to the Lake DeSmet Reservoir, Healy Reservoir and Dam, and
6 associated facilities. The Wyoming water development
7 commission shall report on operations of Lake DeSmet
8 Reservoir and Healy Reservoir and Dam and administration of
9 the Lake DeSmet Reservoir account to the joint appropriations
10 committee ~~and the select water committee~~ not later than
11 December 31 of each year through December 31, 2020.

12

13 **Section 3.** W.S. 5-11-101(a)(vii) and (c), 9-1-221(c),
14 9-2-2106(a)(i) through (iii), 9-4-715(n)(i) through (iii),
15 9-15-102(a)(v), 9-19-101(b), 21-15-121, 21-16-810(a)(iii),
16 21-16-813(c)(ix), 21-17-121, 28-1-115(d) and (f),
17 28-8-104(c), 28-8-107, 28-8-108, 28-11-101, 28-11-201,
18 28-11-301, 28-11-401, 28-11-501, 35-11-210(a)(ii),
19 39-14-802, 99-1-601(a)(ii), 99-3-2003(r)(vi)(D) and
20 99-3-2004(g)(vii)(C) are repealed.

21

22 **Section 4.**

23

1 (a) The Air Transportation Liaison Committee, the
2 Legislative Artwork Donation Program Committee, the Select
3 Committee on Legislative Facilities, Technology and Process,
4 the Select Committee on Tribal Relations and any other select
5 committee or task force created by the management council
6 shall cease to exist as of the effective date of this act.

7

8 (b) Legislative appointments for members to serve as
9 state building commission liaisons and the state retirement
10 board liaison shall cease as of the effective date of this
11 act.

12

13 **Section 5.** The legislative service office shall review
14 all applicable legislative rules, policies and handbooks and
15 make recommendations for changes to management council.

16

17 **Section 6.**

18

19 (a) Except as otherwise provided in this section, any
20 unexpended, unobligated funds remaining from appropriations
21 for the purposes of the select committees, task forces or
22 legislative appointments repealed by this act shall revert as
23 provided by law on the effective date of this act.

1

2 (b) Any unexpended, unobligated funds remaining in the
3 account established in W.S. 39-14-802, repealed by this act,
4 shall revert as provided by law on the effective date of this
5 act unless the governor, in consultation with the department
6 of administration and information, determines that the
7 reversion of funds in this account would jeopardize the
8 state's ability to retain or spend any obligated funds in the
9 account.

10

11 (c) Any appropriation to the legislative service office
12 shall not be expended for any select committee, task force or
13 legislative appointment repealed by this act.

14

15 **Section 7.** This act is effective immediately upon
16 completion of all acts necessary for a bill to become law as
17 provided by Article 4, Section 8 of the Wyoming Constitution.

18

19

(END)