

## HOUSE BILL NO. HB0049

Agency fee revisions.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to agency fees; modifying health care  
2 facility licensing fees; modifying department of  
3 environmental quality permitting fees; authorizing the  
4 department of family services to set the fee for central  
5 registry applications; modifying department of agriculture  
6 food licensing fees; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 14-3-214(f), 35-2-904(a)(ii) and by  
11 creating new subsections (g) and (h), 35-7-124(b),  
12 35-11-211(b)(intro) and by creating a new subsection (j),  
13 35-11-406(a)(xii), 35-11-410(b)(vi), 35-11-414(a),  
14 35-11-1420(c), 35-11-1425(a) and 35-20-116(a) are amended  
15 to read:

16

1           14-3-214. Confidentiality of records; penalties;  
2 access to information; attendance of school officials at  
3 interviews; access to central registry records pertaining  
4 to child protection cases.

5  
6           (f) Upon appropriate application, the state agency  
7 shall provide to any employer or entity whose employees or  
8 volunteers may have unsupervised access to children in the  
9 course of their employment or volunteer service, for  
10 employee or volunteer screening purposes, a summary of  
11 central registry records maintained under state agency  
12 rules since December 31, 1986, for purposes of screening  
13 employees or volunteers. The state agency shall provide the  
14 results of the records check to the applicant by certified  
15 mail if the records check confirms the existence of a  
16 report "under investigation" or a "substantiated" finding  
17 of abuse or neglect. Otherwise, the state agency shall  
18 provide the results of the records check to the applicant  
19 in accordance with agency rules and by United States mail.  
20 The written results shall confirm that there is a report  
21 "under investigation", a "substantiated" finding of abuse  
22 or neglect on the central registry naming the individual or  
23 confirm that no record exists. When the individual is

1 identified on the registry as a "substantiated" perpetrator  
2 of abuse or neglect, the report to the applicant shall  
3 contain information with respect to the date of the  
4 finding, specific type of abuse or neglect, a copy of the  
5 perpetrator's voluntary statement and whether an appeal is  
6 pending. The applicant, or an agent on behalf of the  
7 applicant, shall submit a fee ~~of ten dollars (\$10.00)~~ in an  
8 amount determined by rule of the state agency and proof  
9 satisfactory to the state agency that the prospective or  
10 current employee or volunteer whose records are being  
11 checked consents to the release of the information to the  
12 applicant. The applicant shall use the information received  
13 only for purposes of screening prospective or current  
14 employees and volunteers who may, through their employment  
15 or volunteer services, have unsupervised access to minors.  
16 Applicants, their employees or other agents shall not  
17 otherwise divulge or make public any information received  
18 under this section. The state agency shall notify any  
19 applicant receiving information under this subsection of  
20 any subsequent reclassification of the information pursuant  
21 to W.S. 14-3-213(e). The state agency shall screen all  
22 prospective agency employees in conformity with the  
23 procedure provided under this subsection.

1

2           35-2-904. Issuance of license; fee; duration;  
3 renewal; transferability; provisional licenses; procedures.

4

5           (a) The division shall issue a license under this  
6 act:

7

8                   (ii) Upon payment of a license fee ~~as~~  
9 ~~established by the department~~ for each health care facility  
10 as specified in subsection (g) of this section. The  
11 department ~~shall~~ may adopt rules which provide for  
12 reasonable fees for health care facilities not specified in  
13 subsection (g) of this section in amounts not to exceed  
14 five hundred dollars (\$500.00) designed to recover  
15 administrative and operational expenses of the department  
16 in conducting its licensure program under this article for  
17 those facilities.

18

19           (g) Health care facilities shall be assessed the  
20 following fees:

21

22                   (i) Adult day care facility . . . . . \$250.00;

23

1           (ii) Adult foster care home . . . . . \$250.00;

2

3           (iii) Ambulatory surgical center . . . \$500.00;

4

5           (iv) Assisted living facility:

6

7               (A) For a facility with a bed capacity of

8 at least one (1) but not more than twenty-five (25) . . . .

9 . . . . . \$250.00;

10

11               (B) For a facility with a bed capacity of

12 more than twenty-five (25) but not more than fifty (50) . .

13 . . . . . \$500.00;

14

15               (C) For a facility with a bed capacity of

16 more than fifty (50) . . . . . \$1,000.00.

17

18           (v) Birthing center . . . . . \$500.00;

19

20           (vi) Boarding home in an amount established by

21 the department within this range . . . . . \$500.00-\$750.00;

22

23           (vii) Critical access hospital . . . . . \$500.00;

1

2

(viii) Renal dialysis center . . . . . \$500.00;

3

4

(ix) Freestanding diagnostic testing center . .

5

. . . . . \$500.00;

6

7

(x) Freestanding emergency center . . . \$500.00;

8

9

(xi) Home health agency . . . . . \$150.00;

10

11

(xii) Hospice facility . . . . . \$250.00;

12

13

(xiii) Hospital . . . . . \$1,000.00;

14

15

(xiv) Intermediate care facility for people with

16

intellectual disability . . . . . \$250.00;

17

18

(xv) Medical assistance facility . . . \$250.00;

19

20

(xvi) Nursing care facility:

21

1                   (A) For a facility with a bed capacity of  
2 at least one (1) but not more than twenty-five (25) . . . .  
3 . . . . . \$250.00;

4  
5                   (B) For a facility with a bed capacity of  
6 more than twenty-five (25) but not more than fifty (50) . .  
7 . . . . . \$500.00;

8  
9                   (C) For a facility with a bed capacity of  
10 more than fifty (50) . . . . . \$1,000.00.

11  
12                   (xvii) Psychiatric hospital . . . . . \$1,000.00;

13  
14                   (xviii) Rehabilitation facility . . . . . \$500.00;

15  
16                   (xix) Rehabilitation hospital . . . . . \$500.00.

17  
18                   (h) In addition to the fees imposed under subsection  
19 (g) of this section, if a licensed health care facility  
20 changes its name, location or number of beds, the facility  
21 shall pay a fee in the amount of two hundred fifty dollars  
22 (\$250.00) for a revised license.

1           35-7-124. License required; exemptions; electronic  
2 transmittals.

3  
4           (b) Written application for a new license shall be  
5 made on a form approved by the department of agriculture  
6 and provided by the department of agriculture or the local  
7 health department and shall be signed by the applicant.  
8 License requirements and fees for temporary food events  
9 operated by nonprofit organizations shall be waived.  
10 Licenses shall expire one (1) year after the date of  
11 issuance unless suspended or revoked. Licenses may be  
12 renewed each year upon application to the department or  
13 local health department. The director shall establish  
14 license categories and fees by rule and no fee shall exceed  
15 one hundred dollars (\$100.00), except that the following  
16 fees shall be as specified:

17  
18           (i) Food license . . . . . \$200.00;

19  
20           (ii) Food license annual renewal . . . \$100.00;

21  
22           (iii) Temporary food establishment license . . .

23           . . . . . \$50.00.

1

2           **35-11-211. Fees.**

3

4           (b) Permit fees shall be assessed against operators  
5 of sources applying for any permit under this article and  
6 annually thereafter for the duration of the permit. The  
7 fee for operating sources shall be based on the emissions  
8 of each regulated pollutant, as defined in section  
9 502(b)(3)(B)(ii) of the Clean Air Act. The department shall  
10 exclude any amount of regulated pollutant emitted by any  
11 source in excess of four thousand (4,000) tons per year in  
12 determining the amount of fee required for any operating  
13 source. A fee shall be assessed upon applicants for  
14 construction and modification permits based on costs to the  
15 department in reviewing and acting upon those permit  
16 applications. The department shall develop a fee structure  
17 subject to the minimum amounts specified in subsection (j)  
18 of this section which equitably assesses the fees based on  
19 emissions for operating sources and projected costs of  
20 reviewing and acting upon construction and modification  
21 permits sufficient to recover the amount reviewed by the  
22 joint appropriations committee and appropriated by the  
23 legislature for implementing the operating permit program.

1 The fee structure and appropriation shall be based upon  
2 measurable goals and approved by the joint appropriations  
3 committee prior to implementation. The department shall  
4 prepare a biennium report for review by the joint minerals,  
5 business and economic development interim committee by  
6 October 31 of the year prior to the Wyoming legislative  
7 budget session. Permit fees shall cover all reasonable  
8 direct and indirect costs including the costs of:

9  
10 (j) The department shall charge the following minimum  
11 fees under this section:

12  
13 (i) Application . . . . . \$500.00;

14  
15 (ii) In addition to paragraph (i) of this  
16 subsection, review and acting on an application . . \$75.00  
17 per hour;

18  
19 (iii) Relocation of portable sources or  
20 facilities that are authorized to use self issuance permits  
21 . . . . . \$150.00;

22

1            (iv) Relocation of portable sources or  
2 facilities not authorized to use self issuance permits . .  
3 . . . . . \$300.00.

4  
5            **35-11-406. Application for permit; generally; denial;**  
6 **limitations.**

7  
8            (a) Applications for a mining permit shall be made in  
9 writing to the administrator and shall contain:

10  
11            (xii) A minimum fee of ~~one hundred dollars~~  
12 ~~(\$100.00)~~ two hundred dollars (\$200.00) plus ten dollars  
13 (\$10.00) for each acre in the requested permit, but the  
14 maximum fee for any single permit shall not exceed two  
15 thousand dollars (\$2,000.00). The permit is amendable,  
16 excepting permits for surface coal mining operations,  
17 without public notice or hearing if the area sought to be  
18 included by amendment does not exceed twenty percent (20%)  
19 of the total permit acreage, is contiguous to the permit  
20 area, and if the operator includes all of the information  
21 necessary in his application to amend that is required in  
22 this section including a mining and reclamation plan  
23 acceptable to the administrator. The fee for a permit

1 amendment shall be two hundred dollars (\$200.00) plus ten  
2 dollars (\$10.00) for each acre not to exceed two thousand  
3 dollars (\$2,000.00);

4

5 **35-11-410. License to mine for minerals; application.**

6

7 (b) Any operator desiring to engage in a mining  
8 operation shall make a written application to the  
9 administrator on forms furnished by the administrator for a  
10 license to mine. A license is required for each mining  
11 operation for which a separate mining permit is issued. The  
12 application shall contain or be accompanied by:

13

14 (vi) A fee of ~~twenty five dollars (\$25.00)~~ one  
15 hundred fifty dollars (\$150.00).

16

17 **35-11-414. Special license to explore for minerals by**  
18 **dozing; application; standards; fee; bond; denial; appeal.**

19

20 (a) Any person desiring to engage in mineral  
21 exploration by dozing shall apply to the administrator for  
22 a special license. The application shall be in accordance  
23 with rules and regulations adopted pursuant to the

1 standards set forth in subsection (b) of this section, by  
2 the council upon recommendation by the director after  
3 consultation with the administrator and advisory board, and  
4 shall be accompanied by a fee of ~~twenty five dollars~~  
5 ~~(\$25.00)~~ two hundred fifty dollars (\$250.00).

6  
7 **35-11-1420. Tank notification required; change of**  
8 **owner; installation requirements; inspections.**

9  
10 (c) The department shall collect an installation or  
11 modification fee of ~~two hundred fifty dollars (\$250.00)~~  
12 five hundred dollars (\$500.00) for each tank or for all  
13 multiple tanks installed or modified at the same time and  
14 at the same site. The fees collected under this subsection  
15 shall be deposited in the general fund.

16  
17 **35-11-1425. Tank fee; deposit into corrective action**  
18 **account; late fee.**

19  
20 (a) On or before January 1 of each year the owner of  
21 a tank shall pay a fee to the department of two hundred  
22 dollars (\$200.00) per tank owned, ~~except the owner of an~~  
23 ~~aboveground storage tank subject to this section that holds~~

1 ~~five thousand (5,000) gallons or less shall pay a fee of~~  
2 ~~fifty dollars (\$50.00) per tank owned.~~ This fee shall be  
3 deposited in the corrective action account.  
4

5       **35-20-116. Access to central registry records**  
6 **pertaining to adult protection cases; child and vulnerable**  
7 **adult abuse and registry account.**  
8

9       (a) Upon appropriate application and for employee or  
10 volunteer screening purposes, the department shall provide  
11 to any employer or entity whose employees or volunteers may  
12 have unsupervised access to vulnerable adults in the course  
13 of their employment or volunteer service a record summary  
14 concerning abuse, neglect, exploitation or abandonment of a  
15 vulnerable adult involving a named individual or shall  
16 confirm that no record exists. The state agency shall  
17 provide the results of the records check to the applicant  
18 by certified mail if the records check confirms the  
19 existence of a report "under investigation" or a  
20 "substantiated" finding of abuse or neglect. Otherwise,  
21 the state agency shall provide the results of the records  
22 check to the applicant in accordance with agency rules and  
23 by United States mail. The written results shall confirm

1 that there is a report "under investigation", a  
2 "substantiated" finding of abuse or neglect on the central  
3 registry naming the individual or confirm that no record  
4 exists. When the individual is identified on the registry  
5 as a "substantiated" perpetrator of abuse or neglect, the  
6 report to the applicant shall contain information with  
7 respect to the date of the finding, specific type of abuse  
8 or neglect, a copy of the perpetrator's voluntary statement  
9 and whether an appeal is pending. Any applicant receiving  
10 a report under this section identifying an individual as  
11 "under investigation" shall be notified by the department  
12 as to the final disposition of that investigation and  
13 whether an appeal is pending. The applicant, or an agent  
14 on behalf of the applicant, shall submit a fee ~~of not to~~  
15 ~~exceed ten dollars (\$10.00) as established by~~ in an amount  
16 determined by rule of the department and proof satisfactory  
17 to the department that the prospective or current employee  
18 or volunteer whose records are being checked consents to  
19 the release of the information to the applicant. The  
20 applicant shall use the information received only for  
21 purposes of screening prospective or current employees and  
22 volunteers who may, through their employment or volunteer  
23 services, have unsupervised access to vulnerable adults.

1 Applicants, their employees or other agents shall not  
2 otherwise divulge or make public any information received  
3 under this section. The department shall notify any  
4 applicant receiving information under this subsection of  
5 any subsequent reclassification of the information pursuant  
6 to W.S. 35-20-115(c). The department shall screen all  
7 prospective employees in conformity with the procedure  
8 provided under this subsection.

10           **Section 2.** This act is effective July 1, 2021.

( END )