

SENATE FILE NO. SF0049

Repeal of specified state boards and commissions.

Sponsored by: Management Audit Committee

A BILL

for

1 AN ACT relating to boards and commissions; repealing the  
 2 palliative care advisory council, the governor's food  
 3 safety council, the division advisory committees on  
 4 underground water, the health benefits plan committee, the  
 5 state employee compensation commission and the Wyoming  
 6 public television council; making optional the division  
 7 advisory committee on underground water; providing  
 8 conforming amendments; providing for rulemaking; providing  
 9 for the reversion of funds; and providing for an effective  
 10 date.

11

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

13

14       **Section 1.** W.S. 9-2-1012(g), 9-2-3207(b)(ii),  
 15 26-43-106(a), 35-1-240(a)(xxiii), 35-1-1201(a)(ii),  
 16 35-1-1204, 35-1-1205, 35-7-110(a)(xxxii), 35-7-115(a),

1 35-7-119(d), 35-7-121(f), 35-7-123(a)(iii) and (b)(ii),  
2 41-3-908(a), 41-3-909(a)(vi) and 41-3-913(b) and (d) are  
3 amended to read:

4

5 **9-2-1012. Duties of the department; transmittal of**  
6 **standard budget and manual; return of completed exception**  
7 **and expanded budgets; submission to governor; disposition**  
8 **of excess general fund appropriations; submission of**  
9 **selected budget information to joint appropriations**  
10 **committee.**

11

12 (g) The ~~state—employee—compensation—commission~~  
13 department of administration and information shall submit  
14 to the department and the joint appropriations committee  
15 within the time periods specified in subsection (a) of this  
16 section its recommendations regarding state employee  
17 compensation. The department shall consider those  
18 recommendations in developing budgets and submitting  
19 recommendations to the governor pursuant to subsection (b)  
20 of this section. When distributing the overall state  
21 budget to the legislature, the governor shall summarize the  
22 manner in which the proposed budget addresses the

1 recommendations of the ~~state—employee—compensation~~  
2 ~~commission—~~department of administration and information.

3

4 **9-2-3207. Duties of department performed through**  
5 **human resources division.**

6

7 (b) The state compensation plan shall, to the extent  
8 not otherwise provided by law, apply to all state executive  
9 branch employees except those employees of the University  
10 of Wyoming and community colleges. The compensation and  
11 classification plan shall be designed to attract and retain  
12 a sufficient quantity of quality employees with competitive  
13 compensation based on relevant labor markets for each class  
14 of employment. The plan shall be based upon principles of  
15 fairness and equity and be administered with sound fiscal  
16 discipline. The plan shall utilize both fixed and variable  
17 compensation as well as noncash reward and recognition  
18 programs. All variable compensation benefits under the  
19 plan, except as otherwise provided by law, shall be  
20 administered by the department as a separately designated  
21 and appropriated budget item. The plan shall consist of:

22

1           (ii) Job content and classification. This  
2 process shall formally assign positions to classifications  
3 and determine pay grades in one (1) or more pay systems  
4 based on an evaluation of the content of jobs using  
5 quantitative point factors. At a minimum, these factors  
6 shall include knowledge, experience, skill problem solving,  
7 accountability and working conditions. These factors and  
8 their weights shall be established by the human resources  
9 division and reflect the relative importance of job content  
10 to the state and to the appropriate local, regional,  
11 national market or a combination of these markets as  
12 determined by the division. Establishing the value of  
13 compensation shall be primarily based on establishing the  
14 appropriate market value of the job. For positions for  
15 which a market value cannot readily be identified, the  
16 value of compensation shall be based on a fair and  
17 defensible method. Total compensation, including base  
18 salary, benefits, lump sum payments, allowances and other  
19 variable elements of compensation shall be targeted at a  
20 competitive level when compared to the appropriate labor  
21 markets to allow the state to attract and retain the  
22 quality and quantity of employees needed to fulfill service  
23 commitments to its citizens. The human resources division

1 shall periodically audit and update the system to ensure  
2 that it reflects current labor market conditions and ~~at the~~  
3 ~~request of the state employee compensation commission~~ shall  
4 review applicable department rules and regulations, or  
5 through assessing employee complaints analyze hiring  
6 difficulties and turnover statistics;

7

8 **26-43-106. Minimum benefits; limitations.**

9

10 (a) Pool coverage shall be offered to eligible  
11 persons subject to the termination and disenrollment  
12 provisions of W.S. 26-43-103(e). The commissioner shall  
13 establish by rule and regulation the pool coverage, its  
14 schedule of benefits, exclusions and other limitations  
15 consistent with this act and taking into consideration the  
16 advice and recommendations of the board. ~~and the health~~  
17 ~~benefits plan committee created pursuant to W.S. 26-2-132.~~  
18 The commissioner and the board annually shall review the  
19 pool coverage, its schedule of benefits, exclusions and  
20 limitations and make changes to reflect the levels of  
21 health insurance coverage provided in this state.

22

23 **35-1-240. Powers and duties.**

1

2 (a) Subject to subsection (c) of this section, the  
3 department of health, through the state health officer, or  
4 under his direction and supervision, through the other  
5 employees of the department, shall have and exercise the  
6 following powers and duties:

7

8 (xxiii) ~~If the duty is not assigned to another~~  
9 ~~entity pursuant to W.S. 35-1-1202,~~ Develop initiatives and  
10 provide information to the public regarding palliative care  
11 as provided in W.S. 35-1-1203.

12

13

## ARTICLE 12

14

## PALLIATIVE CARE

15

16 **35-1-1201. Definitions.**

17

18 (a) As used in this article:

19

20 (ii) "Department" means the department of  
21 health; ~~unless the governor establishes the council within~~  
22 ~~a different office or department pursuant to W.S.~~  
23 ~~35-1-1202, in which case department means the office or~~

1 ~~department within which the governor establishes the~~  
2 ~~council;~~

3

4 **35-1-1204. Mandatory report to legislature.**

5

6 The department shall provide the legislature and the  
7 legislature's joint labor, health and social services  
8 interim committee with a report by July 1, 2022. ~~on the~~  
9 ~~success or failure of the council.~~ The report should  
10 contain ~~recommendations to abolish, continue or modify the~~  
11 ~~council and any other~~ recommendations as are appropriate  
12 concerning further palliative care initiatives. The  
13 department ~~and council~~ shall provide information necessary  
14 for the preparation of this report, provided the  
15 information requested is reasonable, economical and not  
16 otherwise protected by law. Concerned parties may either  
17 collaborate for the preparation of the report or provide  
18 their own reports. All reports received pursuant to this  
19 section shall be treated as public documents by the joint  
20 labor, health and social services interim committee and the  
21 legislative service office.

22

23 **35-1-1205. Sunset.**

1

2 W.S. 35-1-1201, ~~through 35-1-1203~~ and 35-1-1204 are  
3 repealed effective July 1, 2023.

4

5 **35-7-110. Definitions.**

6

7 (a) As used in this act:

8

9 (xxxii) "This act" means W.S. 35-7-109 through  
10 ~~35-7-127~~ 35-7-126.

11

12 **35-7-115. Food; definitions and standards.**

13

14 (a) Definitions and standards of identity, quality  
15 and fill of container under the federal act or its  
16 regulations are the definitions and standards of identity,  
17 quality and fill of container in this state. However, when  
18 the action will promote honesty and fair dealing in the  
19 interest of consumers, the director may promulgate  
20 regulations establishing definitions and standards of  
21 identity, quality and fill of container for foods where no  
22 federal regulations exist. In addition, ~~in conjunction with~~  
23 ~~W.S. 35-7-127,~~ the director may promulgate amendments to



1 any federal or state regulations which set definitions and  
2 standards of identity, and may promulgate amendments to any  
3 federal or state regulations which set standards of quality  
4 and fill of container for foods.

5

6 **35-7-119. Fair packaging and labeling provisions.**

7

8 (d) If the director determines that regulations  
9 containing prohibitions or requirements other than those  
10 prescribed by subsection (a) of this section are necessary  
11 to prevent the deception of consumer or to facilitate value  
12 comparisons as to any consumer commodity, the director  
13 shall promulgate rules and regulations with respect to that  
14 commodity. ~~in conjunction with W.S. 35-7-127.~~

15

16 **35-7-121. Inspections; examinations.**

17

18 (f) Any person conducting an inspection of an  
19 establishment for the department or any local health  
20 department shall demonstrate their qualifications by being  
21 a Wyoming or nationally registered environmental health  
22 specialist or sanitarian, a registered food safety  
23 specialist or hold an in-training status and be working

1 toward registration, be standardized by the federal food  
2 and drug administration or meet qualifications set forth by  
3 the director. ~~in conjunction with the food safety council.~~  
4 Only a registered environmental health specialist or a  
5 registered food safety specialist shall be authorized to  
6 recommend the summary suspension of an establishment  
7 license by a regulatory authority pursuant to W.S.  
8 35-7-125.

9

10 **35-7-123. Establishment of food safety system.**

11

12 (a) The director of the department of agriculture  
13 shall establish and maintain a food safety program located  
14 within the department. The director shall carry out the  
15 provisions of the food safety program and shall be assisted  
16 by the director of the department of health. A local  
17 department of health, if established according to law, may  
18 establish and maintain its own local food safety program so  
19 long as the program meets the requirements of this act. The  
20 director of the department of agriculture or his designee  
21 shall:

22

1           (iii) Regulate the safety of foods and work  
2 together with the department of health ~~and the governor's~~  
3 ~~food safety council established pursuant to W.S. 35-7-127~~  
4 to promulgate rules and regulations necessary to carry out  
5 the provisions of this act, except that the director of the  
6 department of agriculture shall not promulgate any rules  
7 which impose standards or requirements related to meat  
8 processing which are more stringent than federal law, rules  
9 or regulations. In any area which does not have a local  
10 food safety program established pursuant to law, the  
11 department shall issue licenses, conduct inspections, hold  
12 hearings to enforce any legal provision or rule promulgated  
13 under this act;

14

15           (b) The director of the department of health or his  
16 designee shall:

17

18           (ii) Participate with the department of  
19 agriculture ~~and the governor's food safety council~~  
20 ~~established pursuant to W.S. 35-7-127~~ in a joint food  
21 safety rulemaking process;

22

1           **41-3-908. Division advisory committee; appointment;**  
2 **removal; duties; expense allowances.**

3  
4           (a) In each of the water divisions of the state, as  
5 defined in W.S. 41-3-501, there ~~shall~~may be established a  
6 division advisory committee on underground water at the  
7 discretion of the board of control. Each committee shall  
8 consist of three (3) persons, appointed by the governor,  
9 who shall in making such appointments, select persons who,  
10 in his opinion, will adequately represent the landowners  
11 and water users of the division, the geographical areas of  
12 the division and the public interest. The first committee  
13 in each division shall consist of one (1) member appointed  
14 for a term of two (2) years, one (1) member appointed for a  
15 term of four (4) years, and one (1) member appointed for a  
16 term of six (6) years. Their successors shall each be  
17 appointed for a term of six (6) years. The governor may  
18 remove any member of any advisory committee as provided in  
19 W.S. 9-1-202.

20  
21           **41-3-909. State engineer; powers generally.**

22

1           (a) In the administration and enforcement of this act  
2 and in the effectuation of the policy of the state to  
3 conserve its underground water resources, the state  
4 engineer is authorized and empowered on advice and consent  
5 of the board of control:

6  
7           (vi) To establish standards for the construction  
8 of wells, to work with ~~the division advisory board,~~  
9 governmental subdivisions, and water user organizations to  
10 encourage the adoption of local standards of beneficial use  
11 and methods of conveyance and application of water designed  
12 to conserve and prevent waste of supplies;

13  
14           **41-3-913. Control areas; election of control area**  
15 **advisory board; mileage and expense allowances.**

16  
17           (b) The state engineer ~~shall notify the division~~  
18 ~~advisory committee of the division in which the control~~  
19 ~~area is located, of the designation or redesignation of the~~  
20 ~~control area. Within twenty (20) days of notification, the~~  
21 ~~division advisory committee~~ or the state engineer's  
22 designee shall select a nominating committee of not less  
23 than three (3) persons entitled to vote in the election of

1 the control area advisory board. The nominating committee  
2 shall nominate not less than five (5) persons for election  
3 to the control area advisory board or, if board member  
4 districts have been established, it shall nominate at least  
5 one (1) person for election in each district. Within thirty  
6 (30) days of its selection, the nominating committee shall  
7 report its nominations to the ~~division advisory committee~~  
8 state engineer or the state engineer's designee. The  
9 ~~division advisory committee~~state engineer or the state  
10 engineer's designee shall call an election of members of  
11 the control area advisory board, to be held within forty  
12 (40) days from the date of the report. The call of the  
13 election shall state the time, the place within the control  
14 area, the purpose of the election, and the names of persons  
15 nominated for election. It shall be published for two (2)  
16 consecutive weeks at least twenty (20) days prior to the  
17 election in a newspaper of general circulation in each  
18 county in which a part of the control area or board member  
19 district lies.

20

21 (d) At the hour and place of the election the  
22 ~~division advisory committee~~state engineer or the state  
23 engineer's designee shall call the roll of those entitled

1 to vote, and the number of votes each is entitled to. They  
2 shall make a record of the qualified voters present,  
3 receive all proxies and prescribe the method of canvassing  
4 the votes. All proxies shall be in writing and signed by  
5 the person entitled to vote. The five (5) persons receiving  
6 the highest number of votes, or the person receiving the  
7 highest number of votes within each board member district,  
8 shall be declared to be elected, regardless of whether or  
9 not they have received a majority of votes cast. No  
10 election shall be invalid because a majority of the acreage  
11 of the control area or board member district was not  
12 represented at the election. Two (2) of the members so  
13 elected shall serve until one (1) year from the third  
14 Tuesday in July of the year following the election, and  
15 three (3) of the members so elected shall serve until two  
16 (2) years following such date. The ~~division—advisory~~  
17 ~~committee—state engineer or the state engineer's designee~~  
18 shall decide by lot which members shall serve for these  
19 terms.

20

21 **Section 2.** W.S. 9-2-3206(e) through (h), 21-23-101,  
22 26-2-132, 35-1-1201(a)(i), 35-1-1202, 35-1-1203(a)(iii) and  
23 35-7-127 are repealed.

1

2           **Section 3.** Any agency with rules or regulations  
3 impacted by the repeal of these boards and commissions  
4 shall promulgate new rules or regulations to effectuate the  
5 provisions of this act.

6

7           **Section 4.** If this bill is enacted into law, any  
8 funds appropriated to the Wyoming public television council  
9 in 2022 Senate File 0001 are not effective. Any unexpended,  
10 unobligated funds remaining from the appropriation for the  
11 current fiscal biennium as enacted by 2020 Wyoming session  
12 laws, chapter 80, section 2, section 057, as amended by  
13 2021 Wyoming session laws, chapter 69, section 2, section  
14 057 shall revert as provided by law upon the effective date  
15 of this act.

16

17           **Section 5.** This act is effective July 1, 2022.

18

19

(END)