

HOUSE BILL NO. HB0062

General procedures for licensure boards.

Sponsored by: Management Audit Committee

A BILL

for

1 AN ACT relating to professions and occupations; creating a
2 general administrative act for licensure boards;
3 establishing minimum meeting requirements; establishing
4 internal controls and periodic audits; establishing uniform
5 compensation; clarifying administrative support for
6 licensure boards; refining the cost allocation calculation
7 for services provided to licensure boards; delegating
8 licensure authority to committee and staff; providing
9 authority to contract and hire staff; amending provisions
10 relating to deposit of monies collected; making conforming
11 changes; and providing for an effective date.

12

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

14

15 **Section 1.** W.S. 33-1-301 through 33-1-303 are created
16 to read:

17

1

ARTICLE 3

2

GENERAL PROCEDURES FOR LICENSURE BOARDS

3

4

33-1-301. Purpose and scope.

5

6 (a) The purpose of this article is to establish
7 procedures for the operation of boards authorized to
8 establish examination, inspection, permit or license fees
9 for any profession or occupation regulated under this title
10 or under W.S. 11-25-105, 21-2-802 and 23-2-414.

11

12 (b) The provisions of this article supplement the
13 statutes related to the specific board and profession
14 regulated. If the statutes governing a board or regulated
15 profession are silent or unclear the provisions of this
16 article shall be applied. The statutes governing the
17 operation or creation of a specific board or commission are
18 effective and controlling to the extent they conflict with
19 a provision of this article.

20

21

33-1-302. Duties of licensure boards.

22

23

24

(a) Except as otherwise specifically provided by
statute, a board authorized to establish examination,

1 inspection, permit or license fees for any profession or
2 occupation regulated under this title or under W.S.
3 11-25-105, 21-2-802 or 23-2-414 shall:

4

5 (i) Prescribe and enforce rules, regulations and
6 policies for its own government consistent with the laws of
7 the state and rules and regulations;

8

9 (ii) Keep minutes of all meetings at which
10 official action is taken and a record of all official acts;

11

12 (iii) Fix the time and place of regular
13 meetings, provided, that there shall be at least one (1)
14 meeting per year;

15

16 (iv) Require adequate internal control
17 structures to ensure the processing and accounting of all
18 financial transactions and, at a minimum, conduct periodic
19 audits of internal controls and receipts to determine:

20

21 (A) Whether expenditures are made for the
22 benefit of the state in administration or operation of the
23 law and applicable rules and regulations;

24

1 (B) Whether the financial reports of an
2 audited entity are presented fairly; and

3

4 (C) Whether the entity has complied with
5 applicable laws and regulations.

6

7 (v) Provide a copy of the audit required by
8 paragraph (iv) of this subsection to the department of
9 audit, the state auditor and the legislative service
10 office;

11

12 (vi) Prohibit members from receiving
13 compensation as an employee of the board or commission
14 including but not limited to positions of executive
15 director, administrative assistant or other employee
16 serving in a similar capacity;

17

18 (vii) Compensate each member for per diem and
19 mileage for attending and traveling to and from meetings,
20 hearings and other activities necessary in the performance
21 of the duties of the office in the same manner and amount
22 as members of the Wyoming legislature. Members who are
23 state employees that receive compensation from their
24 employers for activities performed pursuant to this title

1 or under W.S. 11-25-105, 21-2-802 or 23-2-414 shall not
2 receive additional compensation but shall receive mileage
3 and per diem as provided under this paragraph if they are
4 not reimbursed by their employers;

5

6 (viii) Receive budget, fiscal, administrative
7 and clerical service from the department of administration
8 and information as provided in W.S. 9-2-1002(b) and
9 9-2-1707(b)(iii), except as provided hereinafter. The
10 licensure board or commission shall pay a reasonable rate
11 established by rule and regulation of the department of
12 administration and information for services necessary to
13 support the operation of the licensure board or commission.
14 A board or commission may terminate services described
15 herein upon demonstration to the department of
16 administration and information, in the manner and form
17 determined sufficient by the department of administration
18 and information, that the board or commission is
19 financially independent and able to secure staff to perform
20 the functions necessary for independent operation;

21

22 (ix) If applicable, pay the amount determined
23 appropriate for any cost allocation program supporting

1 licensure boards as determined by the department of
2 administration as provided in W.S. 9-2-1004(c).

3

4 **33-1-303. Powers of licensure boards.**

5

6 (a) Except as otherwise specifically provided by
7 statute, a board authorized to establish examination,
8 inspection, permit or license fees for any profession or
9 occupation regulated under this title or under W.S.
10 11-25-105, 21-2-802 or 23-2-414 may:

11

12 (i) Enter into agreement with any public or
13 private agency, institution, person or corporation for the
14 performance of acts or furnishing of services or facilities
15 by or for the board or commission;

16

17 (ii) Delegate temporary licensure authority to
18 licensure board members or staff to be reviewed and
19 approved by the full board;

20

21 (iii) Seek injunctive relief to prevent
22 individuals from practicing without a license.

23

1 **Section 2.** W.S. 9-2-1707(b)(iii)(B), 11-25-105(d),
2 21-2-801(c), 23-2-408(f), 33-3-106, 33-3-107, 33-4-109,
3 33-5-103, 33-7-103(b), 33-7-104, 33-9-108, 33-9-112,
4 33-10-114(b), 33-11-104, 33-12-125(b), 33-12-139(c),
5 33-15-104, 33-16-204, 33-21-126, 33-22-106, 33-23-106(a),
6 33-24-108(b), 33-25-103(c), 33-26-203(c), 33-27-115(e),
7 33-28-105(e), 33-29-303, 33-30-204(e), 33-33-204,
8 33-35-117(d), 33-38-104(d), 33-39-104(c), 33-40-114(d),
9 33-41-109, 33-42-104(d), 33-43-107(a), 33-45-104 and
10 33-47-104(f) are amended to read:

11

12 **9-2-1707. Reorganization method; types of transfer.**

13

14 (b) As used in reorganization acts to create
15 departments, the following described transfers have the
16 effects specified:

17

18 (iii) Type 3 transfer - A Type 3 transfer is the
19 transfer of an agency with a primary function of issuing
20 licenses or permits to engage in a profession or occupation
21 to a department. The department shall provide budget,
22 fiscal, administrative and clerical services to any agency
23 requesting these services, but not affect its authority
24 with respect to licensure. The positions, personnel,

1 property and appropriated funds of these agencies shall not
2 be transferred to the department. Any agency requesting the
3 services described in this paragraph shall compensate the
4 department for them at a reasonable rate established by the
5 department. In addition to offering the optional services
6 specified in this paragraph, the department shall:

7

8 (B) Provide guidance to agencies in matters
9 pertaining to budget preparation, individual agency
10 administration, personnel and other procedural functions in
11 accordance with rules and regulations promulgated by the
12 department;

13

14 **11-25-105. Pari-mutuel permits; fees and reports;**
15 **disposition of funds; enforcement of provisions.**

16

17 (d) All sums paid to the commission under this act
18 except contributions from permittees to the breeder award
19 fund, amounts paid under paragraph (b)(iii) of this
20 section, fines and penalties shall be credited to the pari-
21 mutuel account which shall be used by the commission for
22 the payment of all expenses incurred in enforcing this act.
23 All fines and penalties collected under this act shall be
24 paid to the state treasurer and credited as provided in

1 W.S. 8-1-109. The state treasurer shall pay out of the
2 account all warrants drawn by the state auditor, upon
3 vouchers issued and signed by the president, vice-president
4 or executive secretary of the commission. The commission
5 shall keep an accurate and true account of all funds
6 received and all vouchers issued by the commission. All
7 funds received and all vouchers issued by the commission
8 shall be audited at least biennially by the director of the
9 state department of audit or his designee and a copy of the
10 audit shall be delivered within thirty (30) days after
11 completion to the governor and the commission. The costs of
12 the audit shall be borne by the commission. The members of
13 the commission shall receive ~~statutory~~ per diem ~~expenses~~
14 and mileage ~~as allowed state employees~~ as provided in W.S.
15 33-1-302(a)(vii), and compensation of fifty dollars
16 (\$50.00) for each day during which they are actually
17 engaged in the discharge of their duties. The total
18 expenses incurred by the commission shall not exceed the
19 total amount in the pari-mutuel account.

20

21 **21-2-801. Creation of board; appointment and**
22 **composition; terms; vacancies; compensation.**

23

1 (c) The members shall ~~be paid~~ receive per diem and
2 ~~travel expenses~~ mileage as provided in W.S.
3 33-1-302(a)(vii) while attending board meetings. ~~at the~~
4 ~~same rate allowed by law for state employees.~~ The board
5 shall meet not less than once every three (3) months.

6

7 **23-2-408. Wyoming state board of outfitters and**
8 **professional guides; membership; meetings; compensation.**

9

10 (f) Appointed members of the board shall serve
11 without compensation but when engaged in actual duties of
12 the board, shall receive ~~travel expenses and~~ per diem ~~in~~
13 ~~the same manner and amount~~ and mileage as provided ~~by law~~
14 ~~for state employees~~ in W.S. 33-1-302(a)(vii).

15

16 **33-3-106. Compensation of board members; expenses.**

17

18 Each member of the board shall receive as salary the sum
19 paid each day to members of the state legislature, for each
20 day spent in the discharge of his official duties and
21 mileage and per diem allowance as ~~allowed to state~~
22 ~~employees~~ provided in W.S. 33-1-302(a)(vii). Compensation,
23 reimbursement of expenses and all other obligations

1 incurred by the board shall be paid from the certified
2 public accountant's account.

3

4 **33-3-107. Fees; collection; certified public**
5 **accountant's account; disbursements; transfer of existing**
6 **funds.**

7

8 All fees collected under the provisions of this act shall
9 be paid by the secretary of the board at the end of each
10 month into the Wyoming state treasury. The Wyoming state
11 treasurer shall account for all collections and other funds
12 of the board in a separate account. ~~The treasurer shall~~
13 ~~credit five percent (5%) of all money collected each year~~
14 ~~to the general fund and the balance to the certified public~~
15 ~~accountant's account.~~ All funds of any organization of
16 certified public accountants held by the Wyoming state
17 treasurer on the effective date of this act shall be
18 transferred to and become a part of the certified public
19 accountant's account.

20

21 **33-4-109. Disposition of money collected;**
22 **compensation for members of board.**

23

1 All money shall be received and deposited to a separate
2 account and payments made according to regulations
3 established by the department of administration and
4 information. The members of the board shall receive per
5 diem and mileage allowance as provided in W.S. ~~9-3-102~~
6 33-1-302(a)(vii), for each official board meeting. The
7 total expense for every purpose incurred by the board shall
8 not exceed the total of revenue collected.

9

10 **33-5-103. State board of law examiners; compensation.**

11

12 The members of the state board of law examiners shall
13 receive as compensation ten dollars (\$10.00) for each day
14 necessarily employed in attending the meetings of the
15 board, and shall also receive per diem and mileage
16 ~~allowance as allowed to state employees for attending the~~
17 ~~meetings and performing the duties incumbent upon them as~~
18 ~~members of the board~~ as provided in W.S. 33-1-302(a)(vii).

19 The expenses of the board and its members in the
20 performance of their duties and the compensation of its
21 members shall be paid out of the state treasury upon an
22 itemized voucher duly verified and accompanied by a
23 certificate signed by a majority of the members of the
24 board showing that the expense has been actually and

1 properly incurred in the performance of the duties
2 devolving upon the board, or that the compensation has been
3 duly earned, as the case may be. Upon the presentation of
4 the voucher and certificate, the auditor shall draw his
5 warrant upon the treasurer for the amount thereof in favor
6 of the proper person. However, the aggregate expenditures
7 and salaries of the state board of law examiners shall not
8 exceed the amount of revenue collected by the board.

9

10 **33-7-103. State board of barber examiners; election**
11 **of officers; duties of secretary-treasurer; disposition of**
12 **money received.**

13

14 (b) Each fee required shall be paid in advance and
15 shall be received and collected as provided by law. The
16 state treasurer shall place ~~two percent (2%) of~~ the money
17 ~~in the general fund and the remainder~~ in a separate
18 account. The money so received and placed in the account
19 may be used by the members of the board in defraying their
20 actual expenses and per diem allowance as hereinafter
21 provided in carrying out the provisions of this act.

22

23 **33-7-104. State board of barber examiners; powers and**
24 **duties; compensation.**

1

2 The board shall furnish suitable quarters and adopt and use
3 a common seal for the authentication of its orders and
4 records. To assist in implementing this act, the board may
5 employ personnel as it deems necessary and fix their duties
6 and remuneration. Each member of the board shall receive as
7 salary the sum paid each day to legislators, or an
8 equivalent hourly wage, together with per diem and mileage
9 ~~allowance as allowed to state employees, when actually~~
10 ~~engaged in board activities~~ as provided in W.S.
11 33-1-302(a)(vii). The entire costs and expenses of carrying
12 out this act shall be paid only out of the fees collected
13 in the administration of this act.

14

15 **33-9-108. Disposition of fees.**

16

17 All fees and money shall be received and collected as
18 provided by law. The state treasurer shall place ~~ten~~
19 ~~percent (10%) of the money in the general fund of the state~~
20 ~~and the remainder~~ in a separate account which shall be
21 subject at all times to warrant of the state auditor drawn
22 upon vouchers issued and signed by the president and the
23 secretary-treasurer of the board.

24

1 **33-9-112. Compensation of board.**

2

3 Each member of the board shall receive ~~reimbursement for~~
4 per diem, and mileage ~~and expenses for attending meetings,~~
5 ~~in the same manner and amount as state employees~~ as
6 provided in W.S. 33-1-302(a)(vii). Any incidental expenses
7 necessarily incurred by the board or any member, if
8 approved by the board, shall be paid from the state
9 treasury, but only from the fees received under the
10 provisions of this act that are paid into the state
11 treasury by the board.

12

13 **33-10-114. Disposition of money collected; expenses**
14 **of board; compensation of members.**

15

16 (b) The members of the board shall receive as salary
17 the sum paid each day to legislators, or an equivalent
18 hourly wage, together with per diem and mileage ~~allowance~~
19 ~~as allowed to state employees, when actually engaged in~~
20 ~~official board duties~~ as provided in W.S. 33-1-302(a)(vii).

21

22 **33-11-104. Collection agency board; compensation.**

23

1 All members of the collection agency board shall be paid
2 salary, ~~per diem and mileage~~ in the same manner and amount
3 as members of the Wyoming legislature when attending any
4 regular or called meeting of the board and receive per diem
5 and mileage as provided in W.S. 33-1-302(a)(vii). Salary,
6 per diem and travel expense for all board members shall be
7 paid solely from the account containing the license fees
8 established and payable under this act.

9

10 **33-12-125. Assistants; inspectors; compensation.**

11

12 (b) Board members shall receive as salary the sum
13 paid each day to legislators, or an equivalent hourly wage,
14 together with per diem and mileage allowance as ~~allowed to~~
15 ~~state employees~~ provided in W.S. 33-1-302(a)(vii), when
16 actually engaged in official board duties.

17

18 **33-12-139. Fees; disposition of fees.**

19

20 (c) Each fee required shall be paid in advance and
21 shall be received and collected as provided by law. The
22 state treasurer shall place ~~two percent (2%) of~~ the money
23 ~~in the state's general fund, and the remainder~~ in a
24 separate account.

1

2 **33-15-104. Board of dental examiners; indebtedness;**
3 **compensation.**

4

5 The board shall not create any indebtedness on behalf of
6 the state of Wyoming, except as provided in this section.
7 Out of the funds assessed by the board, each of the members
8 of the board shall receive compensation each day or part of
9 a day in which they are engaged in performance of their
10 official duties, including necessary travel, at the same
11 rate as state legislators and shall ~~be reimbursed for~~
12 ~~actual and necessary expenses,~~ receive per diem and mileage
13 as provided in W.S. 33-1-302(a)(vii) incurred in the
14 performance of their official duties. The secretary of the
15 board shall receive compensation for his services.

16

17 **33-16-204. Compensation for members.**

18

19 The members of this board shall receive no salary, except
20 the secretary who shall receive such sum as set by the
21 board, but each member of the board shall be allowed five
22 dollars (\$5.00) per day and shall receive ~~travel expenses,~~
23 per diem and mileage expenses ~~in the same manner and amount~~
24 ~~as employees of the state~~ as provided in W.S.

1 33-1-302(a)(vii), but per diem shall not be allowed for
2 more than six (6) days at any one (1) examination.

3

4 **33-21-126. Board; compensation**

5

6 Each member of the board shall receive as salary the sum
7 paid each day to legislators and shall ~~be reimbursed under~~
8 ~~W.S. 9-3-102 and 9-3-103 for~~ receive per diem and ~~travel~~
9 ~~expenses~~ mileage as provided in W.S. 33-1-302(a)(vii),
10 incurred in the performance of their duties.

11

12 **33-22-106. Officers of board; rules and regulations;**
13 **compensation of board; necessary personnel.**

14

15 The board shall elect from its membership a chairman, vice-
16 chairman and secretary-treasurer, and shall adopt rules and
17 regulations to govern its proceedings. This board will
18 serve without compensation except for ~~travel and the~~
19 receipt of per diem ~~at the usual rate of other state~~
20 ~~officials and~~ mileage as provided in W.S. 33-1-302(a)(vii).

21 The board may employ and fix the compensation and duties of
22 necessary personnel to assist it in the performance of its
23 duties.

24

1 **33-23-106. Board of examiners in optometry;**
2 **compensation of members; disposition of funds.**

3

4 (a) Each member of the board may receive as
5 compensation the sum paid each day to members of the state
6 legislature for each day spent in board meetings and per
7 diem and mileage as ~~is paid state employees~~ provided in
8 W.S. 33-1-302(a)(vii). Expenses shall be paid from the
9 fees, fines and assessments received under the provisions
10 of this act. All fees, fines, assessments and other monies
11 received under the provisions of this act, may be used for
12 meeting the expenses of the board and in carrying out the
13 provisions of this act. In no event shall any expenses be
14 charged against the state.

15

16 **33-24-108. State board of pharmacy; creation of**
17 **indebtedness; compensation of members; employment and**
18 **compensation of staff; legal counsel.**

19

20 (b) Out of the fees collected and funds assessed by
21 the board, each of the members of the board shall receive
22 compensation at the rate of fifty dollars (\$50.00) for each
23 full day actually engaged in the duties of his office and
24 shall be reimbursed for per diem and mileage as provided

1 ~~for employees of the state~~ in W.S. 33-1-302(a)(vii). Per
2 diem and mileage expenses shall be paid from the board's
3 account.

4

5 **33-25-103. Board of physical therapy; established;**
6 **members; terms; removal; compensation.**

7

8 (c) Members of the board shall each receive from the
9 physical therapy account compensation at the salary rate
10 provided in W.S. 28-5-101(d) for each day actually spent in
11 the performance of their board duties along with per diem
12 and mileage ~~allowance as allowed to state employees as~~
13 provided in W.S. 33-1-302(a)(vii). Board members shall
14 serve without compensation where there are insufficient
15 monies in the account to pay the compensation.

16

17 **33-26-203. Board; employment and salary of executive**
18 **director; and other employees; compensation of members.**

19

20 (c) Board members shall receive salary in the same
21 manner and amount as members of the Wyoming legislature and
22 shall ~~be reimbursed for actual and necessary expenses~~
23 receive per diem and mileage as provided in W.S.
24 33-1-302(a)(vii), incurred in the performance of their

1 official duties. Any incidental expenses necessarily
2 incurred by the board or any member, if approved by the
3 board, shall be paid from the account from fees collected
4 pursuant to this chapter.

5

6 **33-27-115. State board of psychology.**

7

8 (e) Board members shall serve without compensation
9 other than per diem and mileage ~~allowance as allowed to~~
10 ~~state employees for the performance of their duties as~~
11 provided in W.S. 33-1-302(a)(vii).

12

13 **33-28-105. Creation of commission; membership; terms;**
14 **removal; chairman; powers and duties; director and duties**
15 **thereof; other employees; compensation; disposition of**
16 **fees.**

17

18 (e) Each member of the commission shall receive
19 compensation from the real estate commission account for
20 each day actually spent on his official duties including
21 per diem and mileage ~~allowance as allowed for state~~
22 ~~employees as provided in W.S. 33-1-302(a)(vii)~~ and salary
23 in the amount provided by W.S. 28-5-101(d) for the
24 performance of official duties.

1

2 **33-29-303. Compensation of board members.**

3

4 Members of the board shall receive compensation for each
5 day or part of a day in which they engage in the
6 performance of their board duties at the same rate provided
7 members of the state legislature under W.S. 28-5-101 and
8 shall ~~be reimbursed for actual and necessary expenses~~
9 receive per diem and mileage, incurred in the performance
10 of their board duties. Compensation and expenses incurred
11 by the board or any member shall be approved by the board.
12 Compensation and expenses shall be paid only from the fees
13 collected by the board. This section shall not apply to the
14 state engineer.

15

16 **33-30-204. Board of veterinary medicine.**

17

18 (e) Each member of the board shall receive
19 compensation from the veterinary medicine account for each
20 day actually spent in the performance of his official board
21 duties at the salary rate provided in W.S. 28-5-101(d) and
22 per diem and mileage as ~~allowed to state employees provided~~
23 in W.S. 33-1-302(a)(vii).

24

1 **33-33-204. Compensation of board members.**

2

3 Board members shall receive no compensation for their
4 services, but shall receive per diem ~~for travel expenses in~~
5 ~~accordance with W.S. 9-3-102~~ and mileage as provided in
6 W.S. 33-1-302(a)(vii).

7

8 **33-35-117. Board of hearing aid specialists.**

9

10 (d) Board members shall receive no compensation for
11 their services but shall ~~be paid for actual expenses~~
12 receive per diem and mileage as provided in W.S.
13 33-1-302(a)(vii), incurred in the performance of their
14 duties.

15

16 **33-38-104. Board created; expenses.**

17

18 (d) The members of the board shall be paid mileage
19 and per diem ~~allowance as allowed to state employees as~~
20 provided in W.S. 33-1-302(a)(vii) when engaged in
21 performing their duties as members of the board.

22

23 **33-39-104. Board of certified real estate appraisers.**

24

1 (c) Each member of the board shall receive from the
2 certified real estate appraisal board account for each day
3 actually spent on his official duties, per diem and mileage
4 ~~allowance as allowed to state employees~~ as provided in W.S.
5 33-1-302(a)(vii) for the performance of official duties.

6
7 **33-40-114. Board of occupational therapy practice;**
8 **established; compensation.**

9
10 (d) Members of the board shall receive per diem and
11 mileage as provided in W.S. ~~9-3-102~~ 33-1-302(a)(vii).

12
13 **33-41-109. Compensation and expenses.**

14
15 Each member of the board not otherwise in full-time
16 employment with the state shall receive ~~the same~~ per diem
17 and ~~travel expenses as other state employees~~ mileage as
18 provided in W.S. 33-1-302(a)(vii) while engaged in official
19 business or actual duties of the board. The fees and
20 expenses shall be paid from the funds of the board.

21
22 **33-42-104. Board of examining water well drilling**
23 **contractors and water well pump installation contractors**

1 created; composition; appointment; terms; vacancies;
2 qualification; compensation.

3

4 (d) The members of the board shall serve without
5 compensation other than per diem and mileage ~~allowance as~~
6 ~~allowed to state employees as provided in W.S.~~
7 33-1-302(a)(vii) for the performance of their duties.

8

9 **33-43-107. Compensation of board members; immunity.**

10

11 (a) Members of the board shall not receive
12 compensation for their services but shall receive mileage
13 and per diem ~~in the same manner and amount as state~~
14 ~~employees as provided in W.S. 33-1-302(a)(vii)~~ while
15 engaged in the discharge of official duties.

16

17 **33-45-104. Board of athletic training; compensation.**

18

19 Each member of the board shall receive ~~the same~~ per diem
20 and ~~travel expenses~~ mileage as provided ~~by law for state~~
21 ~~employees in W.S. 33-1-302(a)(vii)~~ while engaged in
22 official business or actual duties of the board. The fees
23 and expenses shall be paid from the funds of the board.

24

1 33-47-104. Board created; membership; appointment;
2 terms; removal; meetings; compensation; immunity.

3

4 (f) Members of the board shall not receive
5 compensation for their services but shall receive mileage
6 and per diem ~~in the same manner and amount as state~~
7 ~~employees~~ as provided in W.S. 33-1-302(a)(vii) while
8 engaged in the discharge of official duties.

9

10 **Section 3.** This act is effective July 1, 2014.

11

12

(END)