

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

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

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

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

ARTICLE 3
GENERAL PROCEDURES FOR LICENSURE BOARDS

33-1-301. Purpose and scope.

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

(b) The provisions of this article supplement the statutes related to the specific board and profession regulated. If the statutes governing a board or regulated profession are silent or unclear the provisions of this article shall be applied. The statutes governing the operation or creation of a specific board or commission are

ORIGINAL HOUSE
BILL NO. 0062

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

effective and controlling to the extent they conflict with a provision of this article.

33-1-302. Duties of licensure boards.

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

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

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

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

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

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

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

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

ORIGINAL HOUSE
BILL NO. 0062

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

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

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

(vii) Compensate each member for per diem and mileage for attending and traveling to and from meetings, hearings and other activities necessary in the performance of the duties of the office in the same manner and amount as members of the Wyoming legislature. Members who are state employees that receive compensation from their employers for activities performed pursuant to this title or under W.S. 11-25-105, 21-2-802 or 23-2-414 shall not receive additional compensation but shall receive mileage and per diem as provided under this paragraph if they are not reimbursed by their employers;

(viii) Receive budget, fiscal, administrative and clerical service from the department of administration and information as provided in W.S. 9-2-1002(b) and 9-2-1707(b)(iii), except as provided hereinafter. The licensure board or commission shall pay a reasonable rate established by rule and regulation of the department of administration and information for services necessary to support the operation of the licensure board or commission. A board or commission may terminate services described herein upon demonstration to the department of administration and information, in the manner and form determined sufficient by the department of administration

ORIGINAL HOUSE
BILL NO. 0062

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

and information, that the board or commission is financially independent and able to secure staff to perform the functions necessary for independent operation;

(ix) If applicable, pay the amount determined appropriate for any cost allocation program supporting licensure boards as determined by the department of administration as provided in W.S. 9-2-1004(c).

33-1-303. Powers of licensure boards.

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

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

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

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

Section 2. W.S. 9-2-1707(b)(iii)(B), 11-25-105(d), 21-2-801(c), 23-2-408(f), 33-3-106, 33-3-107, 33-4-109, 33-5-103, 33-7-103(b), 33-7-104, 33-9-108, 33-9-112, 33-10-114(b), 33-11-104, 33-12-125(b), 33-12-139(c), 33-15-104, 33-21-126, 33-22-106, 33-23-106(a), 33-24-108(b), 33-25-103(c), 33-26-203(c), 33-27-115(e), 33-28-105(e), 33-29-303, 33-30-204(e), 33-33-204,

ORIGINAL HOUSE
BILL NO. 0062

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

33-35-117(d), 33-38-104(d), 33-39-104(c), 33-40-114(d),
33-41-109, 33-42-104(d), 33-43-107(a), 33-45-104 and
33-47-104(f) are amended to read:

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

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

(iii) Type 3 transfer - A Type 3 transfer is the transfer of an agency with a primary function of issuing licenses or permits to engage in a profession or occupation to a department. The department shall provide budget, fiscal, administrative and clerical services to any agency requesting these services, but not affect its authority with respect to licensure. The positions, personnel, property and appropriated funds of these agencies shall not be transferred to the department. Any agency requesting the services described in this paragraph shall compensate the department for them at a reasonable rate established by the department. In addition to offering the optional services specified in this paragraph, the department shall:

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

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

(d) All sums paid to the commission under this act except contributions from permittees to the breeder award fund, amounts paid under paragraph (b)(iii) of this

ORIGINAL HOUSE
BILL NO. 0062

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

section, fines and penalties shall be credited to the pari-mutuel account which shall be used by the commission for the payment of all expenses incurred in enforcing this act. All fines and penalties collected under this act shall be paid to the state treasurer and credited as provided in W.S. 8-1-109. The state treasurer shall pay out of the account all warrants drawn by the state auditor, upon vouchers issued and signed by the president, vice-president or executive secretary of the commission. The commission shall keep an accurate and true account of all funds received and all vouchers issued by the commission. All funds received and all vouchers issued by the commission shall be audited at least biennially by the director of the state department of audit or his designee and a copy of the audit shall be delivered within thirty (30) days after completion to the governor and the commission. The costs of the audit shall be borne by the commission. The members of the commission shall receive ~~statutory~~ per diem ~~expenses~~ and mileage ~~as allowed state employees~~ as provided in W.S. 33-1-302(a)(vii), and compensation of fifty dollars (\$50.00) for each day during which they are actually engaged in the discharge of their duties. The total expenses incurred by the commission shall not exceed the total amount in the pari-mutuel account.

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

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

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

ORIGINAL HOUSE
BILL NO. 0062

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

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

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

Each member of the board shall receive as salary the sum paid each day to members of the state legislature, for each day spent in the discharge of his official duties and mileage and per diem allowance as ~~allowed to state employees~~ provided in W.S. 33-1-302(a)(vii). Compensation, reimbursement of expenses and all other obligations incurred by the board shall be paid from the certified public accountant's account.

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

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

ORIGINAL HOUSE
BILL NO. 0062

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

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

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

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

The members of the state board of law examiners shall receive as compensation ten dollars (\$10.00) for each day necessarily employed in attending the meetings of the board, and shall also receive per diem and mileage ~~allowance as allowed to state employees for attending the meetings and performing the duties incumbent upon them as members of the board~~ as provided in W.S. 33-1-302(a)(vii). The expenses of the board and its members in the performance of their duties and the compensation of its members shall be paid out of the state treasury upon an itemized voucher duly verified and accompanied by a certificate signed by a majority of the members of the board showing that the expense has been actually and properly incurred in the performance of the duties devolving upon the board, or that the compensation has been duly earned, as the case may be. Upon the presentation of the voucher and certificate, the auditor shall draw his warrant upon the treasurer for the amount thereof in favor of the proper person. However, the aggregate expenditures and salaries of the state board of law examiners shall not exceed the amount of revenue collected by the board.

ORIGINAL HOUSE
BILL NO. 0062

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

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

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

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

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

33-9-108. Disposition of fees.

All fees and money shall be received and collected as provided by law. The state treasurer shall place ~~ten percent (10%) of the money in the general fund of the state and the remainder~~ in a separate account which shall be subject at all times to warrant of the state auditor drawn

ORIGINAL HOUSE
BILL NO. 0062

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

upon vouchers issued and signed by the president and the secretary-treasurer of the board.

33-9-112. Compensation of board.

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

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

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

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

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

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

ORIGINAL HOUSE
BILL NO. 0062

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

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

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

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

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

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

33-21-126. Board; compensation

Each member of the board shall receive as salary the sum paid each day to legislators and shall ~~be reimbursed under W.S. 9-3-102 and 9-3-103 for~~ receive per diem and ~~travel~~

ORIGINAL HOUSE
BILL NO. 0062

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

~~expenses—mileage as provided in W.S. 33-1-302(a)(vii),~~
incurred in the performance of their duties.

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

The board shall elect from its membership a chairman, vice-chairman and secretary-treasurer, and shall adopt rules and regulations to govern its proceedings. This board will serve without compensation except for ~~travel and the receipt of~~ per diem ~~at the usual rate of other state officials—~~and mileage as provided in W.S. 33-1-302(a)(vii). The board may employ and fix the compensation and duties of necessary personnel to assist it in the performance of its duties.

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

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

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

ORIGINAL HOUSE
BILL NO. 0062

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(b) Out of the fees collected and funds assessed by the board, each of the members of the board shall receive compensation at the rate of fifty dollars (\$50.00) for each full day actually engaged in the duties of his office and shall be reimbursed for per diem and mileage as provided ~~for employees of the state in W.S. 33-1-302(a)(vii)~~. Per diem and mileage expenses shall be paid from the board's account.

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

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

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

(c) Board members shall receive salary in the same manner and amount as members of the Wyoming legislature and shall ~~be reimbursed for actual and necessary expenses~~ receive per diem and mileage as provided in W.S. 33-1-302(a)(vii), incurred in the performance of their official duties. Any incidental expenses necessarily incurred by the board or any member, if approved by the board, shall be paid from the account from fees collected pursuant to this chapter.

33-27-115. State board of psychology.

ORIGINAL HOUSE
BILL NO. 0062

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

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

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

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

33-29-303. Compensation of board members.

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

33-30-204. Board of veterinary medicine.

(e) Each member of the board shall receive compensation from the veterinary medicine account for each

ORIGINAL HOUSE
BILL NO. 0062

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

day actually spent in the performance of his official board duties at the salary rate provided in W.S. 28-5-101(d) and per diem and mileage as ~~allowed to state employees~~ provided in W.S. 33-1-302(a)(vii).

33-33-204. Compensation of board members.

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

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

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

33-38-104. Board created; expenses.

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

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

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

ORIGINAL HOUSE
BILL NO. 0062

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

33-40-114. Board of occupational therapy practice; established; compensation.

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

33-41-109. Compensation and expenses.

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

33-42-104. Board of examining water well drilling contractors and water well pump installation contractors created; composition; appointment; terms; vacancies; qualification; compensation.

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

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

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

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

ORIGINAL HOUSE
BILL NO. 0062

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

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

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

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk