

ORIGINAL HOUSE
BILL NO. HB0049

ENGROSSED

ENROLLED ACT NO. 69, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

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

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

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

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

(f) Upon appropriate application, the state agency shall provide to any employer or entity whose employees or volunteers may have unsupervised access to children in the course of their employment or volunteer service, for employee or volunteer screening purposes, a summary of central registry records maintained under state agency rules since December 31, 1986, for purposes of screening employees or volunteers. The state agency shall provide the results of the records check to the applicant by certified mail if the records check confirms the existence of a report "under investigation" or a "substantiated" finding of abuse or neglect. Otherwise, the state agency shall provide the results of the records check to the applicant

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in accordance with agency rules and by United States mail. The written results shall confirm that there is a report "under investigation", a "substantiated" finding of abuse or neglect on the central registry naming the individual or confirm that no record exists. When the individual is identified on the registry as a "substantiated" perpetrator of abuse or neglect, the report to the applicant shall contain information with respect to the date of the finding, specific type of abuse or neglect, a copy of the perpetrator's voluntary statement and whether an appeal is pending. The applicant, or an agent on behalf of the applicant, shall submit a fee ~~of ten dollars (\$10.00)~~ in an amount determined by rule of the state agency and proof satisfactory to the state agency that the prospective or current employee or volunteer whose records are being checked consents to the release of the information to the applicant. The applicant shall use the information received only for purposes of screening prospective or current employees and volunteers who may, through their employment or volunteer services, have unsupervised access to minors. Applicants, their employees or other agents shall not otherwise divulge or make public any information received under this section. The state agency shall notify any applicant receiving information under this subsection of any subsequent reclassification of the information pursuant to W.S. 14-3-213(e). The state agency shall screen all prospective agency employees in conformity with the procedure provided under this subsection.

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

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

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

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

(i) Adult day care facility \$250.00;

(ii) Adult foster care home \$250.00;

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

(iv) Assisted living facility:

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

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

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

(v) Birthing center \$500.00;

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(vi) Boarding home in an amount established by
the department within this range \$500.00-\$750.00;

(vii) Critical access hospital \$500.00;

(viii) Renal dialysis center \$500.00;

(ix) Freestanding diagnostic testing center . . .
. \$500.00;

(x) Freestanding emergency center \$500.00;

(xi) Home health agency \$150.00;

(xii) Hospice facility \$250.00;

(xiii) Hospital \$1,000.00;

(xiv) Intermediate care facility for people with
intellectual disability \$250.00;

(xv) Medical assistance facility \$250.00;

(xvi) Nursing care facility:

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

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

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

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(xvii) Psychiatric hospital \$1,000.00;

(xviii) Rehabilitation facility \$500.00;

(xix) Rehabilitation hospital \$500.00.

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

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

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

(i) Food license \$200.00;

(ii) Food license annual renewal \$100.00;

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(iii) Temporary food establishment license . . .
. \$50.00.

(c) Fifty percent (50%) of the fees collected pursuant to paragraphs (b)(i) through (iii) of this section shall be credited to the general fund. The remainder of any fees collected under this section shall be distributed as follows:

35-11-211. Fees.

(b) Permit fees shall be assessed against operators of sources applying for any permit under this article and annually thereafter for the duration of the permit. The fee for operating sources shall be based on the emissions of each regulated pollutant, as defined in section 502(b)(3)(B)(ii) of the Clean Air Act. The department shall exclude any amount of regulated pollutant emitted by any source in excess of four thousand (4,000) tons per year in determining the amount of fee required for any operating source. A fee shall be assessed upon applicants for construction and modification permits based on costs to the department in reviewing and acting upon those permit applications. The department shall develop a fee structure subject to the minimum amounts specified in subsection (j) of this section which equitably assesses the fees based on emissions for operating sources and projected costs of reviewing and acting upon construction and modification permits sufficient to recover the amount reviewed by the joint appropriations committee and appropriated by the legislature for implementing the operating permit program. The fee structure and appropriation shall be based upon measurable goals and approved by the joint appropriations committee prior to implementation. The department shall prepare a biennium report for review by the joint minerals,

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business and economic development interim committee by October 31 of the year prior to the Wyoming legislative budget session. Permit fees shall cover all reasonable direct and indirect costs including the costs of:

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

(i) Application \$500.00;

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

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

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

35-11-406. Application for permit; generally; denial; limitations.

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

(xii) A minimum fee of ~~one hundred dollars (\$100.00)~~ two hundred dollars (\$200.00) plus ten dollars (\$10.00) for each acre in the requested permit, but the maximum fee for any single permit shall not exceed two thousand dollars (\$2,000.00). The permit is amendable, excepting permits for surface coal mining operations, without public notice or hearing if the area sought to be

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included by amendment does not exceed twenty percent (20%) of the total permit acreage, is contiguous to the permit area, and if the operator includes all of the information necessary in his application to amend that is required in this section including a mining and reclamation plan acceptable to the administrator. The fee for a permit amendment shall be two hundred dollars (\$200.00) plus ten dollars (\$10.00) for each acre not to exceed two thousand dollars (\$2,000.00);

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

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

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

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

(a) Any person desiring to engage in mineral exploration by dozing shall apply to the administrator for a special license. The application shall be in accordance with rules and regulations adopted pursuant to the standards set forth in subsection (b) of this section, by the council upon recommendation by the director after consultation with the administrator and advisory board, and shall be accompanied by a fee of ~~twenty five dollars (\$25.00)~~ two hundred fifty dollars (\$250.00).

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35-11-1420. Tank notification required; change of owner; installation requirements; inspections.

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

35-11-1425. Tank fee; deposit into corrective action account; late fee.

(a) On or before January 1 of each year the owner of a tank shall pay a fee to the department of two hundred dollars (\$200.00) per tank owned, ~~except the owner of an aboveground storage tank subject to this section that holds five thousand (5,000) gallons or less shall pay a fee of fifty dollars (\$50.00) per tank owned.~~ This fee shall be deposited in the corrective action account.

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

(a) Upon appropriate application and for employee or volunteer screening purposes, the department shall provide to any employer or entity whose employees or volunteers may have unsupervised access to vulnerable adults in the course of their employment or volunteer service a record summary concerning abuse, neglect, exploitation or abandonment of a vulnerable adult involving a named individual or shall confirm that no record exists. The state agency shall provide the results of the records check to the applicant by certified mail if the records check confirms the

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existence of a report "under investigation" or a "substantiated" finding of abuse or neglect. Otherwise, the state agency shall provide the results of the records check to the applicant in accordance with agency rules and by United States mail. The written results shall confirm that there is a report "under investigation", a "substantiated" finding of abuse or neglect on the central registry naming the individual or confirm that no record exists. When the individual is identified on the registry as a "substantiated" perpetrator of abuse or neglect, the report to the applicant shall contain information with respect to the date of the finding, specific type of abuse or neglect, a copy of the perpetrator's voluntary statement and whether an appeal is pending. Any applicant receiving a report under this section identifying an individual as "under investigation" shall be notified by the department as to the final disposition of that investigation and whether an appeal is pending. The applicant, or an agent on behalf of the applicant, shall submit a fee ~~of not to exceed ten dollars (\$10.00) as established by~~ in an amount determined by rule of the department and proof satisfactory to the department that the prospective or current employee or volunteer whose records are being checked consents to the release of the information to the applicant. The applicant shall use the information received only for purposes of screening prospective or current employees and volunteers who may, through their employment or volunteer services, have unsupervised access to vulnerable adults. Applicants, their employees or other agents shall not otherwise divulge or make public any information received under this section. The department shall notify any applicant receiving information under this subsection of any subsequent reclassification of the information pursuant to W.S. 35-20-115(c). The department shall screen all

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prospective employees in conformity with the procedure provided under this subsection.

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

(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