

# EXHIBIT A

**SESSION  
LAWS  
OF  
WYOMING**

---

**2016  
Budget Session**

**SESSION LAWS  
OF THE  
STATE OF WYOMING  
PASSED BY THE  
SIXTY-THIRD LEGISLATURE  
2016 BUDGET SESSION**

---

**CONVENED AT CHEYENNE, February 8, 2016  
ADJOURNED March 4, 2016**

---

**Compiled and Published under Statutory Authority  
by  
LEGISLATIVE SERVICE OFFICE**

# TABLE OF CONTENTS

---

## TABLE OF CHAPTERS

CHAPTER	HB/SF		PAGE
1	SF0046	ASSET FORFEITURE-1.....	1
2	SF0008	BICYCLE AND PEDESTRIAN SYSTEM TASK FORCE.....	8
3	SF0056	DIETITIAN REIMBURSEMENT.....	10
4	SF0059	DEFERRED COMPENSATION AUTOMATIC ENROLLMENT AMENDMENTS-2.....	11
5	SF0007	LANDFILL REMEDIATION PRIORITY LIST.....	11
6	SF0049	DIRECT PRIMARY CARE-INSURANCE EXEMPTION.....	14
7	SF0023	NRC AGREEMENT STATE AMENDMENTS.....	15
8	SF0026	LAPSING OF APPROPRIATED FUNDS-AMENDMENTS..	19
9	SF0011	YOUTH CHALLENGE PROGRAM.....	20
10	HB0055	NURSE LICENSURE COMPACT-1.....	21
11	HB0056	ADVANCED PRACTICE NURSE LICENSURE COMPACT.	39
12	SF0019	PUBLIC FUNDS INVESTING.....	58
13	SF0047	JUVENILE SEX OFFENDER-RISK ASSESSMENT.....	59
14	HB0010	CLEAN WATER REVOLVING FUND AMENDMENTS.....	62
15	SF0015	HATHAWAY SCHOLARSHIP ELIGIBILITY.....	63
16	SF0021	MINERAL TAX ARCHAIC PROVISIONS.....	66
17	SF0029	LEGISLATOR PARTICIPATION IN STATE BENEFIT PLANS.....	71
18	SF0103	AT-WILL EMPLOYMENT CONTRACTS.....	72
19	HB0002	ELECTRIC VEHICLE DECAL.....	73
20	HB0059	HEALTH CARE-STATUTORY COMPLIANCE.....	74
21	SF0010	FIREARMS-EXEMPTION FROM EXECUTION.....	76
22	HB0031	UNIFORM SECURITIES ACT.....	76
23	SF0090	LIFETIME GAME AND FISH LICENSES-PURPLE HEART RECIPIENTS.....	145
24	HB0032	INSURANCE REGULATION PARITY.....	146
25	HB0052	SCHOOL FACILITIES APPROPRIATIONS-3.....	148
26	HB0020	STATE PUBLIC PURPOSE INVESTMENTS-REPORTING..	152
27	HB0028	CEASE AND TRANSFER PROGRAM LOCAL GOVERNMENT FUNDING.....	154
28	HB0046	INVESTMENT OF WORKER'S COMPENSATION ACCOUNT.....	155
29	HB0054	TREASURY OFFSET PROGRAM STATUTORY REFERENCE AMENDMENTS.....	155
30	HB0088	ETS-ZERO BASED BUDGET SUNSET.....	156
31	SF0001	GENERAL GOVERNMENT APPROPRIATIONS.....	156
32	SF0004	MILITARY SERVICE MEMBER PROTECTIONS.....	224
33	SF0020	SALES AND USE TAX REMEDY REVISIONS.....	226



34	SF0030	INITIATIVE REVIEW PROCESS.....	229
35	SF0038	DATA MANAGEMENT POLICIES.....	230
36	SF0089	WORKERS COMPENSATION-TIME FOR REQUESTING HEARING.....	231
37	SF0044	OBSOLETE STATUTORY LANGUAGE-HEALTH CARE...	232
38	SF0031	OMNIBUS WATER BILL-PLANNING.....	235
39	SF0034	UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT.....	239
40	SF0043	WORKFORCE INVESTMENT ACT STATUTORY REFERENCE AMENDMENTS.....	249
41	SF0063	ECONOMIC DEVELOPMENT PROGRAMS-REVISIONS..	250
42	HB0108	FOREIGN LLC-OPERATION IN WYOMING.....	253
43	HB0039	ENHANCED SPEEDING FINES-AMENDMENTS.....	254
44	HB0060	STATE HEALTH FACILITY MISSIONS-STATUTORY COMPLIANCE.....	255
45	HB0063	HEALTH CARE FACILITY RECEIVERSHIP ACT .....	257
46	HB0008	PROPERTY ASSESSMENT TEST RULES .....	261
47	HB0011	ENERGY PRODUCING STATES COALITION EXTENSION.....	262
48	HB0013	PUBLIC RECORDS-STUDENT COMMUNICATIONS.....	263
49	HB0043	CONCEALED WEAPONS-MILITARY APPLICANT .....	264
50	HB0027	LEGISLATIVE OVERSIGHT.....	265
51	HB0030	OBSOLETE LAWS.....	266
52	HB0036	LIVESTOCK DEALERS.....	276
53	HB0084	CATERING PERMITS.....	277
54	SF0036	LLC MEMBER AND MANAGER LIABILITY.....	277
55	HB0041	OMNIBUS WATER BILL-CONSTRUCTION .....	278
56	HB0130	JUVENILE DETENTION FACILITY-DEFINITION.....	297
57	HB0137	CONTROLLED SUBSTANCES-DISPOSAL .....	298
58	HB0075	PROFESSIONAL LICENSURE BOARDS .....	299
59	HB0085	MEDICAL EDUCATION FUNDING .....	300
60	HB0107	UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT.....	303
61	SF0009	RAILROAD QUIET ZONES.....	306
62	SF0081	SCHOOL CAPITAL CONSTRUCTION-CHARTER SCHOOL LEASES.....	308
63	SF0099	EMERGENCY MEDICAL SERVICES.....	310
64	SF0100	SPECIAL DISTRICTS-EMERGENCY MEDICAL SERVICES .....	312
65	SF0053	2016 LARGE PROJECT FUNDING .....	313
66	SF0061	OCCUPATIONAL HEALTH AND SAFETY ACT-CIVIL PENALTIES .....	316
67	SF0070	OFF-ROAD RECREATIONAL VEHICLES.....	318
68	SF0039	CEASE AND TRANSFER PRIORITY LIST .....	319
69	SF0060	PUBLIC HEALTH NURSING .....	321
70	SF0006	FIRST JUDICIAL DISTRICT-NUMBER OF DISTRICT JUDGES.....	323
71	HB0081	DRUG COURT SURCHARGE .....	324

## TABLE OF CONTENTS

vii

72	HB0117	PESTICIDE APPLICATOR CERTIFICATION PROGRAM FUNDING.....	326
73	HB0095	ABANDONED GIFT CERTIFICATES AND VALUE CARDS-SUNSET REPEAL.....	327
74	HB0114	PUBLIC ASSISTANCE-ELIGIBILITY .....	327
75	HB0140	ATTORNEYS AT LAW AMENDMENTS.....	328
76	HB0058	HUMAN TRAFFICKING-FORFEITURE OF PROPERTY ..	329
77	HB0077	ELECTRONIC ASSESSMENT FORMS.....	333
78	HB0029	REVISOR'S BILL .....	335
79	HB0050	APPROPRIATION FOR THE LEGISLATURE .....	338
80	HB0053	SPECIAL DISTRICTS TASK FORCE .....	343
81	SF0074	STATE MINER'S HOSPITAL BOARD EMPLOYEES .....	345
82	SF0018	COMPETITIVE BID SPECIFICATION REQUIREMENTS..	345
83	SF0052	STATE SHRUB .....	346
84	HB0066	RETIRED FIREFIGHTER'S LICENSE PLATES RENEWAL..	347
85	SF0028	CARBON CAPTURE, STORAGE AND SEQUESTRATION PERMIT .....	348
86	SF0062	HOMEMADE BEVERAGES .....	349
87	HB0080	COMMUNITY COLLEGE BUDGET REQUEST RECALIBRATION.....	351
88	HB0087	SCHOOL FINANCE-NONRESIDENT ATTENDANCE .....	354
89	SF0094	PAYMENT FOR EDUCATIONAL SERVICES.....	356
90	HB0035	PHARMACY BENEFIT MANAGER REGULATION.....	359
91	HB0076	DESIGNATED CAREGIVER.....	364
92	HB0067	SENIOR CENTER MEAL SALES TAX EXEMPTION.....	367
93	HB0057	UPPER PAYMENT LIMIT PROGRAM-PRIVATE HOSPITALS .....	367
94	HB0074	UPPER PAYMENT LIMIT PROGRAM-PUBLIC NURSING HOMES .....	372
95	HB0118	FOSTER CARE AND PERMANENCY-ADDITIONAL REQUIREMENTS.....	373
96	SF0045	RURAL HEALTH CARE DISTRICTS-AUTHORITY .....	381
97	SF0041	STATE FUNDED CAPITAL CONSTRUCTION .....	387
98	SF0101	PUBLIC HEALTH LABORATORY FEES .....	399
99	SF0057	FREESTANDING EMERGENCY CENTER.....	400
100	SF0097	STUDENT AND SCHOOL SAFETY CALL CENTER .....	401
101	SF0091	STATE PENAL FACILITIES REVIEW .....	403
102	SF0058	INVOLUNTARY HOSPITALIZATION AND TREATMENT .....	404
103	SF0073	WELFARE FRAUD PREVENTION.....	414
104	SF0042	OCCUPATIONAL THERAPY PRACTICE ACT.....	418
105	SF0092	STATE CONSTRUCTION DEPARTMENT .....	426
106	SF0065	PATENT TROLLING .....	440
107	SF0003	PERMISSIVE PREFERENCE FOR VETERANS IN PRIVATE EMPLOYMENT .....	444
108	SF0032	ALTERNATIVE SCHOOL ACCOUNTABILITY .....	444
109	HB0049	ABANDONED VEHICLES-2 .....	449
110	HB0021	STATE PUBLIC PURPOSE INVESTMENTS-REVISIONS..	456

111	HB0051	LOCAL GOVERNMENT DISTRIBUTIONS.....	459
112	HB0097	WOLF DEPREDATION COMPENSATION.....	464
113	HB0019	STATEWIDE STUDENT ASSESSMENT .....	465
114	SF0072	SEVENTY MILES PER HOUR SPEED LIMIT-STATE HIGHWAYS.....	472
115	SF0076	CIVIL TRESPASS TO COLLECT DATA-AMENDMENTS..	474
116	SF0040	ABANDONED MINE LAND FUNDS.....	476
117	SF0075	CRIMINAL TRESPASS TO COLLECT DATA- AMENDMENTS.....	481
118	SF0068	BUDGET SHORTFALL MEASURES.....	483
119	SF0037	BOARDS AND COMMISSIONS PARTY AFFILIATION.....	492

through seventy (70) miles per hour, shall be fined five dollars (\$5.00) for each mile per hour in excess of the legal speed limit not to exceed twenty-five dollars (\$25.00);

(ii) Every person convicted of a violation of W.S. 31-5-301(b)(vii), for speeds above seventy-five (75) miles per hour, or W.S. 31-5-301(b)(iv), for speeds ~~at or~~ above seventy (70) miles per hour, shall be fined twenty-five dollars (\$25.00) plus three dollars (\$3.00) per mile for each mile per hour in excess of ~~seventy (70) miles per hour~~ the legal speed limit with assessed court costs;

(v) Notwithstanding W.S. 5-9-107, court costs for violations of W.S. 31-5-301(b)(iii), (iv), ~~or (vi) or (vii)~~ shall not be assessed for speeds up to ~~four (4)~~ five (5) miles per hour over the speed limits authorized by W.S. 31-5-301(b)(iii), (iv), ~~or (vi) or (vii)~~.

(g) In addition to any other penalty, every person convicted of violating W.S. 31-5-301(b)(iii), (iv), (vi), (vii) or (c) or 31-5-302 by exceeding the posted speed limit by six (6) or more miles per hour, while operating a vehicle or combination of vehicles with a gross vehicle weight or gross vehicle weight rating exceeding ~~twenty-six thousand (26,000)~~ thirty-nine thousand (39,000) pounds shall be fined three hundred dollars (\$300.00).

**Section 2.** W.S. 31-18-704 is repealed.

**Section 3.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 15, 2016.

## Chapter 115

### CIVIL TRESPASS TO COLLECT DATA-AMENDMENTS

Original Senate File No. 76

AN ACT relating to trade and commerce; amending provisions related to the civil causes of action for trespass to unlawfully collect resource data and unlawful collection of resource data; creating the civil trespass to access adjacent or proximate land; providing definitions; repealing a duplicative provision; and providing for an effective date.

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

**Section 1.** W.S. 40-27-101(a)(intro), (i), (ii)(A), (B), (b)(intro), (ii), by creating a new subsection (c), by amending and renumbering (c) as (d), by amending and renumbering (d) and (f) as (f) and (g) and by creating a new subsection (h) is amended to read:

**40-27-101. Trespass to unlawfully collect resource data; unlawful collection of resource data.**



(a) A person commits a civil trespass to unlawfully collect resource data from private land if he:

(i) Enters onto ~~open~~ private land for the purpose of collecting resource data; and

(ii) Does not have:

(A) An ownership interest in the real property or statutory, contractual or other legal authorization to enter ~~or access~~ the private land to collect the specified resource data; or

(B) Written or verbal permission of the owner, lessee or agent of the owner to enter ~~or access~~ the private land to collect the specified resource data.

(b) A person commits a civil trespass of unlawfully collecting resource data if he enters onto private ~~open~~ land and collects resource data from private land without:

(i) Written or verbal permission of the owner, lessee or agent of the owner to enter the private land to collect the specified resource data.

(c) A person commits a civil trespass to access adjacent or proximate land if he:

(i) Crosses private land to access adjacent or proximate land where he collects resource data; and

(ii) Does not have:

(A) An ownership interest in the real property or, statutory, contractual or other legal authorization to cross the private land; or

(B) Written or verbal permission of the owner, lessee or agent of the owner to cross the private land.

~~(c)~~(d) A person who trespasses to unlawfully collect resource data, ~~or a person who unlawfully collects resource data~~ or a person who trespasses to access adjacent or proximate land under this section shall be liable in a civil action by the owner or lessee of the land for all consequential and economic damages proximately caused by the trespass. In a civil action brought under this section, in addition to damages, a successful claimant shall be awarded litigation costs. For purposes of this subsection, "litigation costs" shall include, but is not limited to, court costs, expert witness fees, other witness fees, costs associated with depositions and discovery, reasonable attorney fees and the reasonably necessary costs of identifying the trespasser, of obtaining effective service of process on the trespasser and of successfully effecting the collection of any judgment against the trespasser.

~~(d)~~(f) Resource data unlawfully collected on private land under this section is not admissible in evidence in any civil, criminal or administrative proceeding, other than a civil action for trespassing under this section or a criminal

prosecution for trespassing under W.S. 6-3-414.

~~(f)~~(g) Resource data unlawfully collected on private land under this section in the possession of any governmental entity as defined by W.S. 1-39-103(a)(i) shall be expunged by the entity from all files and data bases, and it shall not be considered in determining any agency action.

(h) As used in this section:

(i) "Collect" means to take a sample of material, acquire, gather, photograph or otherwise preserve information in any form and the recording of a legal description or geographical coordinates of the location of the collection;

(ii) "Peace officer" means as defined by W.S. 7-2-101;

(iii) "Resource data" means data relating to land or land use, including but not limited to data regarding agriculture, minerals, geology, history, cultural artifacts, archeology, air, water, soil, conservation, habitat, vegetation or animal species. "Resource data" does not include data:

(A) For surveying to determine property boundaries or the location of survey monuments;

(B) Used by a state or local governmental entity to assess property values;

(C) Collected or intended to be collected by a peace officer while engaged in the lawful performance of his official duties.

**Section 2.** W.S. 40-27-101(e) is repealed.

**Section 3.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 15, 2016.

## Chapter 116

### ABANDONED MINE LAND FUNDS

Original Senate File No. 40

AN ACT relating to abandoned mine land funds; authorizing application for funds; appropriating and specifying authorized use of funds; reappropriating prior authorizations; redirecting prior authorizations; specifying and amending reversion dates for funds; extending the University of Wyoming reclamation and restoration challenge account; and providing for an effective date.

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

[FUTURE AML FUNDING]

unexpended, unobligated funds upon completion of the project or purposes for which the appropriations were made.

**Section 8.** Except for funds specified in this section, funds appropriated in this act shall be for the period beginning with the effective date of this act and ending June 30, 2018. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, any unexpended, unobligated funds subject to section 1 of this act shall remain in effect until the projects are completed.

**Section 9.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 15, 2016.

## Chapter 117

### CRIMINAL TRESPASS TO COLLECT DATA-AMENDMENTS

Original Senate File No. 75

AN ACT relating to crimes and offenses; amending provisions related to the crimes of trespassing to unlawfully collect resource data and unlawful collection of resource data; creating the crime of trespassing to access adjacent or proximate land; repealing the definition of "open land"; and providing for an effective date.

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

**Section 1.** W.S. 6-3-414(a)(intro), (i), (ii)(A), (B), (b)(intro), (ii), by creating a new subsection (c) and by amending and renumbering (c) through (f) as (d) through (g) is amended to read:

**6-3-414. Trespassing to unlawfully collect resource data; unlawful collection of resource data.**

(a) A person is guilty of trespassing to unlawfully collect resource data from private land if he:

(i) Enters onto ~~open-private~~ land for the purpose of collecting resource data; and

(ii) Does not have:

(A) An ownership interest in the real property or, statutory, contractual or other legal authorization to enter ~~or access the private~~ land to collect the specified resource data; or

(B) Written or verbal permission of the owner, lessee or agent of the owner to enter ~~or access the private~~ land to collect the specified resource data.

(b) A person is guilty of unlawfully collecting resource data if he enters onto private ~~open~~ land and collects resource data from private land without:

(i) Written or verbal permission of the owner, lessee or agent of the own-

er to enter the private land to collect the specified resource data.

(c) A person is guilty of trespassing to access adjacent or proximate land if he:

(i) Crosses private land to access adjacent or proximate land where he collects resource data; and

(ii) Does not have:

(A) An ownership interest in the real property or, statutory, contractual or other legal authorization to cross the private land; or

(B) Written or verbal permission of the owner, lessee or agent of the owner to cross the private land.

~~(c)(d)~~ Trespassing to unlawfully collect resource data and unlawfully collecting resource data Crimes committed under subsection (a), (b) or (c) of this section are punishable as follows:

(i) By imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both;

(ii) By imprisonment for not less than ten (10) days nor more than one (1) year, a fine of not more than five thousand dollars (\$5,000.00), or both, if the person has previously been convicted of trespassing to unlawfully collect resource data or unlawfully collecting resource data.

~~(d)~~(e) As used in this section:

(i) "Collect" means to take a sample of material, acquire, gather, photograph or otherwise preserve information in any form ~~from open land which is submitted or intended to be submitted to any agency of the state or federal government and the recording of a legal description or geographical coordinates of the location of the collection;~~

(iii) "Peace officer" means as defined by W.S. 7-2-101;

(iv) "Resource data" means data relating to land or land use, including but not limited to data regarding agriculture, minerals, geology, history, cultural artifacts, archeology, air, water, soil, conservation, habitat, vegetation or animal species. "Resource data" does not include data:

(A) For surveying to determine property boundaries or the location of survey monuments;

(B) Used by a state or local governmental entity to assess property values;

(C) Collected or intended to be collected by a peace officer while engaged in the lawful performance of his official duties.

~~(e)~~(f) No resource data collected on private land in violation of this section is admissible in evidence in any civil, criminal or administrative proceeding, other than a prosecution for violation of this section or a civil action against

the violator.

(f)(g) Resource data collected on private land in violation of this section in the possession of any governmental entity as defined by W.S. 1-39-103(a)(i) shall be expunged by the entity from all files and data bases, and it shall not be considered in determining any agency action.

**Section 2.** W.S. 6-3-414(d)(ii) is repealed.

**Section 3.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 15, 2016.

## Chapter 118

### BUDGET SHORTFALL MEASURES

Original Senate File No. 68

AN ACT relating to administration of government; providing a process for appropriations, expenditure of funds and other measures to address state budget reductions; requiring public reports on the use of the governor's exercise of specified budget powers; providing for contingent appropriations; defining the consensus revenue estimating group; amending public meetings, public records and administrative procedures provisions in relation to the consensus revenue estimating group; providing for revenue diversions for appropriations purposes; specifying contingency of certain revenue streams; specifying application and a conflict of laws provision; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 9-2-1014.2 is created to read:

**9-2-1014.2. Budget shortfall measures; expenditure reductions; use of contingent appropriations.**

(a) The governor shall periodically review agency budgets and expenditures. If the governor determines during the review that the probable receipts from taxes or other sources of revenue for any fund or account will be less than were anticipated, and if the governor determines that these receipts plus existing revenues in the fund or account which are available will be less than the amount appropriated, the governor, after complying with the provisions of this section, shall give notice to the state agencies concerned and reduce the amount expended to prevent a deficit. In making any determination under this subsection the governor may but need not consider statutory authority to transfer appropriated funds or use a contingent appropriation to address revenue shortfalls. This subsection shall apply to all appropriations to state agencies regardless of whether the appropriation is for a specified project or purpose, including but not limited to capital construction projects. This subsection shall apply whether the appropriation is to be expended directly by an agency or is

# EXHIBIT A





HOUSE BILL NO. [BILL NUMBER]

NRC agreement state amendments.

Sponsored by: Joint Minerals, Business & Economic  
Development Interim Committee

A BILL

for

1 AN ACT relating to environmental quality; amending the  
2 state's authority to regulate source material from recovery  
3 or milling and the byproduct material as specified;  
4 providing for the department of environmental quality to  
5 implement and administer the program; requiring licensure;  
6 providing license requirements as specified; providing  
7 rulemaking authority; providing definitions; repealing  
8 superseded provisions; and providing for an effective date.

9

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

11

12

1           **Section 1.**    W.S. 35-11-2002 through 35-11-2004 are  
2 created to read:

3

4           **35-11-2002.       Authority of department to enforce**  
5 **article; rulemaking.**

6

7           (a) Except as provided in this act, no person shall  
8 acquire, own, possess, transfer, offer or receive for  
9 transport or use any source material from recovery or  
10 milling and the created byproduct material without having  
11 been granted a license therefore from the department or the  
12 nuclear regulatory commission. The department is authorized  
13 to regulate and penalize any unlicensed activities  
14 involving source material from recovery or milling and the  
15 created byproduct material.

16

17           (b)       The council, upon recommendation from the  
18 director, is authorized to promulgate reasonable rules and  
19 regulations necessary to effectuate the purposes of this  
20 article.

21

22           **35-11-2003.       Licensure; license requirements;**  
23 **enforcement actions.**

1

2           (a)   The director is authorized to issue licenses to  
3   implement the requirements of the Atomic Energy Act of  
4   1954, 42 U.S.C. § 2011 et seq., as amended.   Licenses  
5   issued under this section shall also authorize the  
6   possession and use of source materials from recovery or  
7   milling and byproduct material as provided in this article.  
8   The director is further authorized to enforce license  
9   provisions in accordance with this article. The department  
10   shall recognize existing and effective licenses issued by  
11   the nuclear regulatory commission.

12

13           (b)   The director is authorized to use license  
14   conditions to address matters specific to particular  
15   licensees. The department may impose additional license  
16   conditions when required to protect public health and  
17   safety.

18

19           (c)   The director shall grant an exemption from a  
20   license requirement, including an exemption from the  
21   requirement to obtain a license, if the exemption provides  
22   adequate protection of public health and safety and is  
23   compatible with nuclear regulatory commission requirements.

1

2           (d)       The department shall inspect a licensee's  
3 operation to ensure compliance with license conditions, as  
4 determined necessary by the administrator of the land  
5 quality division to protect public health and safety. The  
6 department shall also inspect proposed facilities and  
7 proposed expansion of existing facilities to ensure that  
8 unauthorized construction is not occurring. Licensees,  
9 permittees, and applicants for a license or permit shall  
10 obtain and grant the department access to inspect their  
11 mining operations, source material recovery or milling  
12 operations and byproduct material generated at such times  
13 and frequencies as determined necessary by the department  
14 to protect public health and safety.

15

16           (e)       When issuing a license for byproduct material  
17 under this article, the director shall require licensees to  
18 provide an approved financial assurance arrangement  
19 consistent with nuclear regulatory commission requirements  
20 provided in 10 CFR part 40, appendix A, criterion 9, as  
21 amended. The arrangement shall contain sufficient funds to  
22 cover the costs of decommissioning and, to the extent  
23 applicable, long-term surveillance and maintenance for

1 conventional source material milling and heap leach  
2 facilities.

3

4 (f) The director is authorized to suspend licenses  
5 and conduct enforcement actions in accordance with this  
6 article, article 9 of this chapter and rules and  
7 regulations promulgated under this act. The director is  
8 authorized to suspend licenses and conduct enforcement  
9 actions in accordance with department rules and regulations  
10 and this article. In cases of an imminent threat to public  
11 health and safety, the director is authorized to issue an  
12 emergency order immediately suspending a license and any  
13 associated activity as provided in W.S. 35-11-115. The  
14 director is authorized to suspend or revoke a license for  
15 repeated or continued noncompliance with program  
16 requirements pursuant to its rules and regulations and this  
17 article. The director is also authorized to seek injunctive  
18 relief and impose civil or administrative monetary  
19 penalties as provided by law.

20

21 35-11-2004. License conditions; termination of  
22 licenses.

23

1           (a)     The department shall prescribe conditions in  
2 licenses issued, renewed or amended for an activity that  
3 results in production of byproduct material to minimize or,  
4 if possible, eliminate the need for long-term maintenance  
5 and monitoring before the termination of the license.

6

7           (b)     Prior to terminating any license the  
8 administrator of the land quality division shall obtain a  
9 determination from the nuclear regulatory commission that  
10 the licensee has complied with the commission's  
11 decontamination, decommissioning, disposal and reclamation  
12 standards.

13

14           (c) Prior to terminating a byproduct material license  
15 the department will ensure the ownership of a disposal site  
16 and the byproduct material resulting from licensed activity  
17 are transferred to:

18

19                   (i)   The state of Wyoming; or

20

21                   (ii)   The federal government if the state  
22 declines to acquire the site, the by-product material, or  
23 both the site and the by-product material.



1

2 (d) Upon the transfer of a disposal site or the  
3 byproduct material resulting from licensed activity to the  
4 federal government, funds collected for decommissioning and  
5 long term surveillance will also be transferred to the  
6 federal government.

7

8 **Section 2.** W.S. 35-11-103 by creating a subsection  
9 (j) and W.S. 35-11-2001 are amended to read:

10

11 **35-11-103. Definitions.**

12

13 (j) Specific definitions applying to nuclear  
14 regulatory functions of the state as provided in article 20  
15 of this chapter:

16

17 (i) "Byproduct material" means the tailings or  
18 wastes produced by the extraction or concentration of  
19 uranium and thorium from any ore processed primarily for  
20 its source material content as defined in section 11(e)(2)  
21 of the Atomic Energy Act of 1954, 42 U.S.C. § 2014(e)(2),  
22 as amended;

23

1           (ii) "Source Material" means uranium or thorium,  
2           or any combination thereof, in any physical or chemical  
3           form or ores which contain by weight one-twentieth of one  
4           percent (0.05%) or more of uranium, thorium, or any  
5           combination thereof. Source material does not include  
6           special nuclear material;

7  
8           (iii) "Recovery or milling" means as defined in  
9           10 CFR part 40.4, as amended, to include any activity that  
10           generates byproduct material as defined in section 11(e)(2)  
11           of the Atomic Energy Act of 1954, 42 U.S.C. § 2014(e)(2),  
12           as amended.

13  
14           **35-11-2001. Authorization to negotiate transfer of**  
15           **certain nuclear regulatory functions to the state.**

16  
17           (a) The governor, on behalf of the state, is  
18           authorized to contact the ~~federal~~-nuclear regulatory  
19           commission to express the intent of the state of Wyoming to  
20           enter into an agreement with the nuclear regulatory  
21           commission providing for the assumption by the state of  
22           ~~responsibilities relating to the regulation of source~~  
23           ~~materials from uranium mining and milling and the wastes~~

1 ~~associated with the recovery, mining and milling of such~~  
2 ~~source materials.~~ regulatory authority over source material  
3 from recovery or milling and byproduct material included  
4 under section 274 of the Atomic Energy Act of 1954, 42  
5 U.S.C. § 2021, as amended. The nuclear regulatory  
6 commission shall maintain regulation over the activities  
7 reserved under section 274 of the Atomic Energy Act of  
8 1954, 42 U.S.C. § 2021, as amended.

9

10 (b) ~~The department of environmental quality shall~~  
11 ~~serve as the lead agency for the regulation of source~~  
12 ~~materials from uranium mining and milling and the wastes~~  
13 ~~associated with the recovery, mining and milling of such~~  
14 ~~source materials~~ material from recovery or milling and the  
15 byproduct materials generated pursuant to the requirements  
16 of this article in the state of Wyoming under any proposed  
17 agreement negotiated under this section. The department is  
18 authorized to enforce the requirements of the Atomic Energy  
19 Act of 1954, 42 U.S.C. § 2011 et seq., as amended, under  
20 the agreement reached between the state and the nuclear  
21 regulatory commission as provided in section 274 of the  
22 Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended.

23

1           (c)       The governor, through the department, is  
2 authorized to negotiate all aspects of a potential  
3 agreement under this section between the state of Wyoming  
4 and the ~~federal~~ nuclear regulatory commission. The  
5 governor is authorized to enter into a final agreement with  
6 the ~~federal~~ nuclear regulatory commission for the  
7 regulation of ~~source materials from uranium mining and~~  
8 ~~milling and the wastes associated with the recovery, mining~~  
9 ~~and milling of such source materials~~ source material from  
10 recovery or milling and the byproduct material generated  
11 in the state of Wyoming pursuant to the requirements of  
12 this ~~section~~ article. ~~A final agreement under this section~~  
13 ~~shall include all necessary components of a program to~~  
14 ~~regulate source materials from uranium mining and milling~~  
15 ~~and the wastes associated with the recovery of such source~~  
16 ~~materials.~~

17

18           **Section 3.** W.S. 35-11-2001(d) is repealed.

19

20           **Section 4.** This act is effective immediately upon  
21 completion of all acts necessary for a bill to become law  
22 as provided by Article 4, Section 8 of the Wyoming  
23 Constitution.

2016

*STATE OF WYOMING*

16LSO-0080  
Working Draft  
0.8

1

2

(END)