

ENROLLED ACT NO. 23, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2022 BUDGET SESSION

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

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

Section 1. W.S. 9-2-1012(g), 9-2-3207(b)(ii), 26-43-106(a), 35-1-240(a)(xxiii), 35-1-1201(a)(ii), 35-1-1204, 35-1-1205, 35-7-110(a)(xxxii), 35-7-115(a), 35-7-119(d), 35-7-121(f) and 35-7-123(a)(iii) and (b)(ii) are amended to read:

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

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

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

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

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

(ii) Job content and classification. This process shall formally assign positions to classifications and determine pay grades in one (1) or more pay systems based on an evaluation of the content of jobs using quantitative point factors. At a minimum, these factors shall include knowledge, experience, skill problem solving, accountability and working conditions. These factors and their weights shall be established by the human resources division and reflect the relative importance of job content to the state and to the appropriate local, regional, national market or a combination of these markets as determined by the division. Establishing the value of compensation shall be primarily based on establishing the

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appropriate market value of the job. For positions for which a market value cannot readily be identified, the value of compensation shall be based on a fair and defensible method. Total compensation, including base salary, benefits, lump sum payments, allowances and other variable elements of compensation shall be targeted at a competitive level when compared to the appropriate labor markets to allow the state to attract and retain the quality and quantity of employees needed to fulfill service commitments to its citizens. The human resources division shall periodically audit and update the system to ensure that it reflects current labor market conditions and ~~at the request of the state employee compensation commission~~ shall review applicable department rules and regulations, or through assessing employee complaints analyze hiring difficulties and turnover statistics;

26-43-106. Minimum benefits; limitations.

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

35-1-240. Powers and duties.

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

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

ARTICLE 12
PALLIATIVE CARE

35-1-1201. Definitions.

(a) As used in this article:

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

35-1-1204. Mandatory report to legislature.

The department shall provide the legislature and the legislature's joint labor, health and social services interim committee with a report by July 1, 2022. ~~on the success or failure of the council.~~ The report should contain ~~recommendations to abolish, continue or modify the council and any other~~ recommendations as are appropriate concerning further palliative care initiatives. The department ~~and council~~ shall provide information necessary

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for the preparation of this report, provided the information requested is reasonable, economical and not otherwise protected by law. Concerned parties may either collaborate for the preparation of the report or provide their own reports. All reports received pursuant to this section shall be treated as public documents by the joint labor, health and social services interim committee and the legislative service office.

35-1-1205. Sunset.

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

35-7-110. Definitions.

(a) As used in this act:

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

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

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

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federal or state regulations which set standards of quality and fill of container for foods.

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

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

35-7-121. Inspections; examinations.

(f) Any person conducting an inspection of an establishment for the department or any local health department shall demonstrate their qualifications by being a Wyoming or nationally registered environmental health specialist or sanitarian, a registered food safety specialist or hold an in-training status and be working toward registration, be standardized by the federal food and drug administration or meet qualifications set forth by the director ~~. in conjunction with the food safety council.~~ Only a registered environmental health specialist or a registered food safety specialist shall be authorized to recommend the summary suspension of an establishment license by a regulatory authority pursuant to W.S. 35-7-125.

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

(a) The director of the department of agriculture shall establish and maintain a food safety program located within the department. The director shall carry out the

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provisions of the food safety program and shall be assisted by the director of the department of health. A local department of health, if established according to law, may establish and maintain its own local food safety program so long as the program meets the requirements of this act. The director of the department of agriculture or his designee shall:

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

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

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

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

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

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

ORIGINAL SENATE
FILE NO. SF0049

ENGROSSED

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk