

SENATE FILE NO. SF0037

Boards and commissions party affiliation.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to boards and commissions; modifying the
2 political party affiliation requirements on specified
3 boards and commissions; removing party affiliation
4 requirements from specified boards and commissions; and
5 providing for an effective date.

6

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

8

9 **Section** **1.** W.S. 7-13-401(b), 9-2-807(a),
10 9-3-404(a) (intro), 9-7-104(a), 9-12-502(a), 9-12-1102(a),
11 9-15-104(a), 10-3-101(d), 11-2-102(d) (iii), 11-25-103,
12 16-9-202(b), 21-2-301(a), 21-15-113(c), 21-16-703(b) (iii),
13 21-17-201, 21-18-201(b) (iii), 23-1-201(b), 23-2-408(b),
14 24-2-101(a), 27-3-601(a), 33-22-102(c), 35-11-111(a),

1 35-11-113(a), 35-12-104(c), 36-4-101(a), 37-2-101(a),
2 39-11-102.1(a) and 41-2-117(a)(i)(B) are amended to read:

3

4 **7-13-401. Definitions; creation of board; officers;**
5 **compensation; hearing panels; meetings.**

6

7 (b) There is created the state board of parole which
8 consists of seven (7) members appointed by the governor
9 with the advice and consent of the senate, in accordance
10 with W.S. 28-12-101 through 28-12-103. Not more than ~~four~~
11 ~~(4)~~ seventy-five percent (75%) of the members shall be of
12 the same political party. Members of the board shall be
13 appointed for six (6) year terms. The governor may remove
14 any board member as provided in W.S. 9-1-202.

15

16 **9-2-807. Geological survey board; created;**
17 **membership; term; qualifications; removal; vacancies;**
18 **election of officers; meetings; quorum; compensation;**
19 **expenses; duties.**

20

21 (a) The geological survey board is created. The board
22 consists of eight (8) members, including the governor, the
23 president of the University of Wyoming or his designee, the

1 state oil and gas supervisor and five (5) members appointed
2 for four (4) year terms by the governor with the consent of
3 the senate. ~~., but not more than three (3) of whom shall be~~
4 ~~from the same political party.~~ The five (5) members shall
5 be qualified electors of the state who possess the
6 knowledge, experience and skill to qualify them for the
7 position. The governor may remove any appointed member as
8 provided in W.S. 9-1-202. Vacancies shall be filled by the
9 governor for the unexpired term. The state geologist is an
10 ex officio member of the board.

11

12 **9-3-404. Wyoming retirement board; responsibility for**
13 **administration of system; composition; appointment; term;**
14 **vacancies; meetings; election of chairman.**

15

16 (a) The responsibility for the administration and
17 operation of the retirement system is vested solely and
18 exclusively in the Wyoming retirement board. The board
19 shall be composed of eleven (11) members, not more than ~~six~~
20 ~~(6)~~ seventy-five percent (75%) of whom shall be from the
21 same political party. The members shall be:

22

1 **9-7-104. Community development authority; creation;**
2 **composition; compensation; termination; meetings; surety**
3 **bonds; personal liability; fiscal control.**

4
5 (a) This act creates the Wyoming community
6 development authority. The authority is a body corporate
7 operating as a state instrumentality operated solely for
8 the public benefit. Its membership consists of ten (10)
9 directors, seven (7) of whom are appointed by the governor
10 with the advice and consent of the senate. Not more than
11 ~~four (4)~~ seventy-five percent (75%) of the appointed
12 directors shall be from the same political party. Directors
13 shall serve for staggered terms of four (4) years each. No
14 appointed director shall serve more than two (2) successive
15 four (4) year terms. A director's term may be terminated by
16 the governor under the same procedure and in the same
17 manner as provided by W.S. 9-1-202(a) or a majority vote of
18 the senate. Directors shall continue in office until their
19 successors are appointed and qualified. If a vacancy
20 occurs, the governor shall appoint a successor to serve in
21 accordance with W.S. 28-12-101. The board of directors
22 shall select one (1) of its members to act as chairman of
23 the board of directors and one (1) member to act as

1 treasurer. The board of directors appoints the executive
2 director of the authority, who serves as the executive
3 secretary to the board and is the chief executive officer
4 of the authority. The executive director serves at the
5 pleasure of the board. The executive director shall be an
6 ex officio member of the board but may not vote. The
7 governor and the state treasurer are members of the board
8 and may vote.

9

10 **9-12-502. Membership; term; appointments; vacancies;**
11 **removal; officers; acceptance of gifts and donations;**
12 **expenses.**

13

14 (a) The council shall be composed of fourteen (14)
15 members, each of whom shall serve for a term of six (6)
16 years. The governor shall make the appointments and fill
17 any vacancies for unexpired terms. The governor may remove
18 any member as provided in W.S. 9-1-202. The council shall
19 be composed of one (1) woman from each of the judicial
20 districts in the state, four (4) persons chosen at large
21 and the chief executive officer of the Wyoming business
22 council or his designee who shall be an ex officio member.
23 Not more than ~~nine (9)~~ seventy-five percent (75%) of the

1 members shall be from the same political party. Of the
2 initial members appointed from each of the judicial
3 districts, three (3) members shall be appointed for terms
4 of two (2) years, three (3) members shall be appointed for
5 terms of four (4) years and three (3) members shall be
6 appointed for terms of six (6) years.

7

8 **9-12-1102. Wyoming main street advisory board.**

9

10 (a) There is created a Wyoming main street advisory
11 board. The board shall consist of seven (7) members
12 appointed by the governor, not more than ~~four (4)~~
13 seventy-five percent (75%) of whom shall be from the same
14 political party. Board members shall elect from their
15 membership a chairman, vice-chairman and secretary.

16

17 **9-15-104. Wildlife and natural resource trust account**
18 **board established; terms; meetings; duties.**

19

20 (a) There is created the Wyoming wildlife and natural
21 resource trust account board. The board shall consist of
22 nine (9) members appointed by the governor and confirmed by
23 the senate, who are residents of Wyoming. The members shall

1 be appointed from each of the appointment districts set
2 forth in W.S. 5-3-101. The board membership shall reflect a
3 broad spectrum of experiences including wildlife,
4 agriculture, energy, sportsmen and tourism. ~~Not more than~~
5 ~~five (5) members shall be of the same political party.~~

6

7 **10-3-101. Creation; composition; appointment; term;**
8 **removal; qualifications; vacancies; compensation; office;**
9 **acceptance of grants.**

10

11 (d) ~~Not more than four (4) members of the commission~~
12 ~~shall be of the same political party.~~ Each of the
13 commissioners shall qualify by taking the constitutional
14 oath of office and each shall act without pay except that
15 he may receive his actual traveling expenses according to
16 law.

17

18 **11-2-102. Composition; qualifications; appointment**
19 **and removal of members; quorum.**

20

21 (d) The seven (7) members appointed from the
22 appointment districts:

23

1 (iii) Not more than ~~four (4)~~ seventy-five
2 percent (75%) shall be members of the same political party.
3

4 **11-25-103. Pari-mutuel commission; appointment, terms**
5 **of office and political affiliation of members; vacancies;**
6 **appointment districts.**
7

8 The governor with the consent of the senate shall appoint
9 the seven (7) members of the commission in accordance with
10 W.S. 28-12-101 through 28-12-103. One (1) member shall be
11 appointed from each appointment district under W.S.
12 9-1-218. ~~No more than four (4) members shall be registered~~
13 ~~in the same political party.~~ Members shall be appointed for
14 terms of four (4) years and until their successor is
15 appointed and qualified. Any vacancy shall be filled by
16 appointment by the governor as provided in W.S. 28-12-101.
17 A member of the commission may succeed himself for one (1)
18 full four (4) year term. The governor may remove any member
19 as provided in W.S. 9-1-202.
20

21 **16-9-202. Committee on telecommunications services**
22 **for the communications impaired; composition; allocation.**
23

1 (b) The committee shall consist of seven (7) members.
2 The membership shall be appointed by the governor and shall
3 consist of one (1) member from each appointment district as
4 provided by W.S. 9-1-218. ~~Not more than four (4) members~~
5 ~~shall be of the same political party.~~

6

7 **21-2-301. Appointment; qualifications, terms and**
8 **removal of members; meetings; chairman.**

9

10 (a) There is created a state board of education
11 composed of thirteen (13) members, eleven (11) of whom
12 shall be appointed members with at least one (1) member
13 appointed from each appointment district pursuant to W.S.
14 9-1-218. Appointments from each appointment district shall
15 be rotated among the several counties comprising the
16 district. The remaining voting member of the board shall be
17 the state superintendent of public instruction. The
18 executive director of the Wyoming community college
19 commission shall be an ex-officio member and shall not have
20 the right to vote. One (1) appointed member shall be
21 appointed at large and shall be a certified classroom
22 teacher at the time of appointment. One (1) appointed
23 member shall also be appointed at large and shall be a

1 certified school administrator at the time of appointment.
2 Two (2) appointed members shall be appointed at large and
3 shall be representative of private business or industry in
4 Wyoming. On and after March 1, 2013 and upon expiration of
5 their respective terms, the appointments of the two (2)
6 members previously designated to be representative of
7 business or industry shall be at large, one (1) a
8 representative of Wyoming private business or industry and
9 one (1) a member of a school district board of trustees at
10 the time of appointment. The first appointment to the term
11 of such member which expires on or after March 1, 2013,
12 shall be a school district board member at the time of
13 appointment. The remaining seven (7) appointed members of
14 the board shall be appointed from among the lay citizens of
15 the state who are electors of the state, known for their
16 public spirit, business or professional ability and
17 interest in education. Not more than ~~six (6)~~ seventy-five
18 percent (75%) of the appointed members of the board shall
19 be from one (1) political party. Members shall be appointed
20 for six (6) year terms, except those who may be appointed
21 to fill unexpired terms. Members shall be appointed by the
22 governor with the approval of the senate. Vacancies shall
23 be filled by the governor without senate approval until the

1 next session of the legislature. No member is eligible to
2 reappointment, except any member appointed to fill an
3 unexpired term of less than six (6) years may be
4 reappointed for one (1) additional six (6) year term.
5 Appointed members of the board may be removed by the
6 governor as provided in W.S. 9-1-202.

7

8 **21-15-113. School facilities commission; membership;**
9 **conflict of interest; terms; chairman; meetings;**
10 **compensation.**

11

12 (c) Gubernatorial appointments shall be subject to
13 senate approval and shall serve a term of four (4) years
14 beginning March 1. Not more than ~~four (4)~~ seventy-five
15 percent (75%) of the appointed members shall be of the same
16 political party. The governor shall fill a vacancy on
17 respective appointments to the commission in accordance
18 with W.S. 28-12-101, and may remove appointed commissioners
19 as provided by W.S. 9-1-202.

20

21 **21-16-703. Wyoming higher education assistance**
22 **authority; creation; termination; board of directors;**

1 **composition; compensation; meetings; surety bonds; personal**
2 **liability; fiscal control.**

3

4 (b) The board of directors of the authority is
5 created and shall consist of nine (9) directors as follows:

6

7 (iii) Seven (7) directors appointed by the
8 governor with the advice and consent of the senate, not
9 more ~~than four (4)~~ seventy-five percent (75%) of whom shall
10 be of the same political party.

11

12 **21-17-201. Composition; appointment and**
13 **qualifications of members generally; members ex officio;**
14 **quorum.**

15

16 The government of the university is vested in a board of
17 twelve (12) trustees appointed by the governor, no two (2)
18 of whom may be residents of the same county of the state.

19 At least one (1) trustee shall be appointed from each
20 appointment district pursuant to W.S. 9-1-218. Not more
21 than ~~seven (7)~~ seventy-five percent (75%) of the members of
22 the board shall be registered in the same political party.

23 The governor, the president of the university, the state

1 superintendent of public instruction and the president of
2 the associated students of the university are members ex
3 officio, having the right to speak, but not to vote. A
4 majority of the board is a quorum.

5

6 **21-18-201. Community college commission; created;**
7 **composition; removal.**

8

9 (b) The commission consists of seven (7) appointed
10 members:

11

12 (iii) No more than ~~four (4)~~ seventy-five percent
13 (75%) of the members shall be from the same political
14 party.

15

16 **23-1-201. Composition; appointment; terms; oath.**

17

18 (b) The commission shall be composed of eight (8)
19 members including the governor as an ex officio member. Not
20 more than ~~four (4) of the seven (7)~~ seventy-five percent
21 (75%) of the appointed commissioners shall be of the same
22 political party, and all appointed commissioners shall have

1 a general knowledge of wildlife and wildlife propagation,
2 management, and control.

3

4 **23-2-408. Wyoming state board of outfitters and**
5 **professional guides; membership; meetings; compensation.**

6

7 (b) Appointed members shall be appointed by the
8 governor with the advice and consent of the senate in
9 accordance with W.S. 28-12-101 through 28-12-103 and may be
10 removed by the governor as provided by W.S. 9-1-202. ~~Not~~
11 ~~more than four (4) members of the board shall be of the~~
12 ~~same political party.~~ Except as otherwise provided for
13 initial appointees, the term of an appointed member shall
14 be three (3) years.

15

16 **24-2-101. Department and commission created;**
17 **qualifications; appointment; term; removal; compensation;**
18 **location of offices; power to bring civil actions; official**
19 **seal.**

20

21 (a) There is created a department of transportation
22 to consist of a transportation commission and a director of
23 the department of transportation. The commission shall

1 consist of seven (7) commissioners, ~~not all~~ of whom no more
2 than seventy-five percent (75%) shall be registered in the
3 same political party. They shall biennially elect their
4 chairman on or after the first day of March. The
5 commissioners shall be appointed by the governor, by and
6 with the advice and consent of the senate, and each shall
7 serve for a term of six (6) years. The terms of all
8 commissioners appointed after the effective date of this
9 section shall terminate on the last day of February of the
10 sixth year of the term regardless of the date of the
11 beginning of the term. The governor may remove any
12 commissioner as provided in W.S. 9-1-202.

13

14 **27-3-601. Unemployment insurance commission created;**
15 **composition; terms; vacancies; salary; chairman; quorum;**
16 **removal; office; seal.**

17

18 (a) The unemployment insurance commission of Wyoming
19 is created within the department of workforce services and
20 shall consist of three (3) members serving a term of six
21 (6) years each. Appointments, vacancies and expiration of
22 terms shall be in accordance with W.S. 28-12-101 through
23 28-12-103. A member shall not hold any state office or

1 serve as an officer or on a committee of any political
2 organization during the term of membership. No more than
3 ~~two (2)~~ seventy-five percent (75%) of the members shall be
4 of the same political party.

5

6 **33-22-102. Board of nursing home administrators**
7 **created; composition; appointment; removal; qualifications**
8 **and terms of members.**

9

10 (c) The terms of all appointed members shall be four
11 (4) years. Any vacancy shall be filled by the governor for
12 the unexpired term. ~~No more than three (3) members of this~~
13 ~~board shall be from the same political party.~~

14

15 **35-11-111. Independent environmental quality council**
16 **created; removal; terms; officers; meetings; expenses.**

17

18 (a) There is created as a separate operating agency
19 of state government an independent council consisting of
20 seven (7) members to be known as the environmental quality
21 council. Not more than ~~four (4)~~ seventy-five percent (75%)
22 of the members shall be of the same political party.
23 Council members shall be appointed by the governor with the

1 advice and consent of the senate. The governor may remove
2 any council member as provided in W.S. 9-1-202. No employee
3 of the state, other than employees of institutions of
4 higher education, shall be a member of the council. At all
5 times, there shall be at least one (1) member from the
6 minerals industry and one (1) member from agriculture. Any
7 member receiving more than ten percent (10%) of his income
8 from any permit applicant shall not act on a permit
9 application from that applicant.

10

11 **35-11-113. Advisory boards created; membership;**
12 **removal; terms; meetings; expenses.**

13

14 (a) There is created within the department three (3)
15 advisory boards, one (1) for each of the air quality, land
16 quality and water quality divisions. Each advisory board
17 shall consist of five (5) members appointed by the
18 governor. Each board shall have one (1) member who
19 represents industry, one (1) member who represents
20 agriculture, one (1) member who represents political
21 subdivisions and two (2) members who represent the public
22 interest. ~~Not more than three (3) members of each board~~
23 ~~shall be from the same political party.~~ The governor may

1 remove any member of any of the advisory boards as provided
2 in W.S. 9-1-202.

3

4 **35-12-104. Industrial siting council created;**
5 **composition; terms; removal; compensation.**

6

7 (c) Members shall be appointed by the governor with
8 the advice and consent of the senate. The governor may
9 remove any member as provided in W.S. 9-1-202. If a vacancy
10 occurs the governor shall appoint a new member as provided
11 in W.S. 28-12-101. Not more than ~~four (4)~~ seventy-five
12 percent (75%) of the members shall be of the same political
13 party.

14

15 **36-4-101. Commission established; composition;**
16 **appointment and terms of members; removal; representation**
17 **from appointment districts; vacancies; meetings; president.**

18

19 (a) There is established the Wyoming parks and
20 cultural resources commission within the department of
21 state parks and cultural resources which shall consist of
22 nine (9) members, citizens of Wyoming, ~~not more than five~~
23 ~~(5) of whom shall be registered in the same political~~

1 ~~party.~~ Commission members shall be appointed by the
2 governor, by and with the advice and consent of the state
3 senate, and may be removed by the governor as provided in
4 W.S. 9-1-202. Appointments made between sessions of the
5 legislature shall be made in accordance with W.S.
6 28-12-101. In addition, the governor is an ex officio
7 member of the commission.

8

9 **37-2-101. Creation; composition; appointment;**
10 **compensation; terms and oaths of members; removal; chairman**
11 **and deputy chairman; vacancies.**

12

13 (a) There is created a commission separate from the
14 state board of equalization to which it has been joined
15 which is known as the "public service commission of
16 Wyoming". The commission shall consist of three (3) members
17 appointed by the governor, by and with the advice and
18 consent of the senate. Not more than ~~two (2)~~ seventy-five
19 percent (75%) of the members of the commission shall at any
20 time be members of the same political party. Each member of
21 the commission shall receive an annual salary as provided
22 by law, to be paid in equal monthly installments in the
23 same manner that other state salaries are paid.

1

2 **39-11-102.1. Administration; state board of**
3 **equalization.**

4

5 (a) The governor shall appoint, with senate
6 confirmation, three (3) persons who shall constitute the
7 state board of equalization who are the department's board
8 of appeals. Not more than ~~two (2)~~ seventy-five percent
9 (75%) of the board members may be members of the same
10 political party. Each appointment of the board members
11 shall be for a six (6) year term.

12

13 **41-2-117. Wyoming water development commission;**
14 **membership; removal; terms.**

15

16 (a) The Wyoming water development commission is
17 created to consist of ten (10) members. The membership
18 shall include:

19

20 (i) Nine (9) persons, two (2) shall be residents
21 appointed from each water division of the state as defined
22 in W.S. 41-3-501, at least one (1) will be a person having
23 an adjudicated water right. One (1) resident of Wyoming

1 shall be appointed at large and one (1) shall be an
2 enrolled member of the Arapahoe or Shoshone Indian tribes
3 who is resident on the Wind River Indian Reservation:
4

5 (B) Not more than ~~five (5)~~ seventy-five
6 percent (75%) of the members shall be of the same political
7 party;
8

9 **Section 2.** Nothing in this act shall be deemed to
10 affect the current term of any member of any authority,
11 board, commission, committee or council. The governor shall
12 make appointments in accordance with this act for any
13 vacancy occurring on or after the effective date of this
14 act.
15

16 **Section 3.** This act is effective July 1, 2016.
17

18 (END)