

SENATE FILE 033

SENATE FILE 033

Title:

SF0033 Workforce Investment Act -
Conforming Provisions

AN ACT relating to the department of employment; granting rulemaking authority to the department to implement requirements of the federal Workforce Investment Act; repealing conflicting provisions; and providing for an effective date.

Introduced by: Charles H. Scott

SENATE ACTION ON SENATE FILE

- 1/12 Introduced
Aye ___ No ___ Ex ___ Ab ___
- Read First Time and Ref. to Committee No. 10
- Failed Introduction
Aye ___ No ___ Ex ___ Ab ___
- 1/13 Returned from Committee No. 10
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. _____
- 1/14 Re-referred to Committee No. _____
- 1/14 Returned from Committee No. _____
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. _____
- 1/15 Considered in Comm. of Whole
 Amended
 Recommended Do Pass
 Failed Comm. of Whole
 Indefinitely Postponed
 Other: _____
- 1/18 Read Second Time
 Amended
 Do Pass
 Do Not Pass
 Accelerated to 3rd Rdg.
- 1/19 Read Third Time
 Amended
 Passed Failed
Aye 25 No 5 Ex 0 Ab 0
 Held for Reconsideration
 Motion to Reconsider
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
 Third Reading Vote
(On Reconsideration)
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
- 1/19 Sent to House (No Amendments)
- 1/19 Sent to LSO for Engrossing
- 1/19 ENGROSSED
- 1/19 Sent to House

HOUSE ACTION ON SENATE FILE

- 1/29 Received. Read First Time.
- 2/8 Referred to Committee No. 10
Returned from Committee No. 10
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. _____
- 1/14 Re-referred to Committee No. _____
- 1/14 Returned from Committee No. _____
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. _____
- 2/10 Considered in Comm. of Whole
 Amended
 Recommended Do Pass
 Failed Comm. of Whole
 Indefinitely Postponed
 Other: _____
- 2/11 Read Second Time
 Amended
 Do Pass
 Do Not Pass
 Accelerated to 3rd Rdg.
- 2/12 Read Third Time
 Amended
 Passed Failed
Aye 57 No 01 Ex 02 Ab 0
 Held for Reconsideration
 Motion to Reconsider
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
 Third Reading Vote
(On Reconsideration)
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
- 1/14 Sent to Senate
- 2/12 Sent for Enrolling
SEA No. 17
- 2/16 Signed by President
- 2/16 Signed by Speaker
- 2/18 Approved by Governor
Chapter No. 46

FIFTY-FIFTH WYOMING STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
GENERAL SESSION
1999

SEQUENCE : 4279

FEBRUARY 12 1999

BILL : SF0033
AMENDMENT:

8:12 AM

MOVED BY :
TITLE1 :
TITLE2 :
ACTION : THIRD READING CONSENT

SECONDED BY:

ANDERSON, J....	A	NAGEL.....	A
ANDERSON, R....	A	NELSON.....	A
BADGETT.....	A	NICHOLAS.....	A
BAKER.....	A	OSBORN.....	A
BERRY.....	A	PARADY.....	A
BOSWELL.....	A	PASENEAUX.....	A
BURNS.....	A	PHILP.....	A
CASADY.....	E	RARDIN.....	A
CHILDERS.....	E	REESE.....	A
COHEE.....	A	ROBINSON.....	A
DEEGAN.....	A	ROSE, J.....	A
DIERCKS.....	A	ROSE, T.....	A
ESQUIBEL.....	A	ROSS.....	A
EYRE.....	A	ROUNDS.....	A
FLEMING.....	A	RYCKMAN.....	A
HAGEMAN.....	A	SAMUELSON.....	A
HESSENTHALER...	A	SHIVLER.....	A
HINES.....	A	SIMONS.....	A
HUCKFELDT.....	A	SIMPSON.....	A
ILLOWAY.....	A	SMITH.....	N
JOHNSON, L....	A	STAFFORD.....	A
JOHNSON, W....	A	TANNER.....	A
LANDON.....	A	TEMPEST.....	A
LAW.....	A	TIPTON.....	A
LUTHI.....	A	TOMASSI.....	A
MCGRAW.....	A	WASSERBURGER...	A
MCMURTREY.....	A	WILLFORD.....	A
MCOMIE.....	A	WOSTENBERG.....	A
MEULI.....	A	ZANETTI.....	A
MORGAN.....	A	BEBOUT, MR SPKR	A

VOTE REQ: MAJORITY OF MEMBERSHIP REQUIRED

AYES : 57
NOES : 1
EXCUSED : 2
ABSENT : 0
CONFLICT: 0

A=AYE N=NO E=EXCUSED
X=ABSENT C=CONFLICT

55TH WYOMING STATE LEGISLATURE
GENERAL SESSION 1999

SENATE

SEQUENCE : 13

JANUARY 19 1999

BILL : SF0033
AMENDMENT:

10:15 AM

MOVED BY :
TITLE1 :
TITLE2 :
ACTION : THIRD READING--CONSENT

SECONDED BY:

BARTON.....	A
BOGGS.....	A
CASE.....	N
CATHCART.....	N
COE.....	A
DECARIA.....	A
DEVIN.....	A
ERB.....	N
GEIS.....	A
GOODENOUGH.....	A
HANES.....	A
HARRIS.....	N
HAWKS.....	A
HINCHEY.....	A
JOB.....	A
KINNISON.....	N
KUNZ.....	A
LARSON.....	A
MASSIE.....	A
MEIER.....	A
MILLER.....	A
MOCKLER.....	A
PECK.....	A
ROBERTS.....	A
SCHIFFER.....	A
SCOTT.....	A
SESSIONS.....	A
VASEY.....	A
YOUNGBAUER.....	A
PRES.TWIFORD...	A

VOTE REQ: MAJORITY OF MEMBERSHIP REQUIRED

AYES : 25
NOES : 5
EXCUSED : 0
ABSENT : 0
CONFLICT: 0

A=AYE N=NO E=EXCUSED
X=ABSENT C=CONFLICT

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, January 12, 1999

Mr. President:

Your
Committee No. 10 on LABOR, HEALTH & SOCIAL SERVICES to whom was referred
SF0033 respectfully reports same back to the Senate with the
 recommendation that it
DO PASS with the following amendment(s): (SEE SCHEDULE A)

	AYES	NOES	ABSENT	EXCUSED	CONFLICT
MASSIE	X				
BOGGS	X				
MEIER	X				
ROBERTS	X				
SCOTT	X				

AYES = 5
 NOES = 0
 ABSENT = 0
 EXCUSED = 0
 CONFLICT = 0
 TOTAL = 5

Charles H. Scott

.....
 Chairman

BILL JACKET

Schedule A

SF0033SS001

1
2 Page 1-line 3 After ";" insert "conforming language to
3 comply with requirements of the federal
4 Workforce Investment Act;".
5
6
7 Page 1-line 9 After "W.S." insert "9-2-109(a)(ii)(A),(B)
8 and by creating a new subparagraph (C),
9 (iii)(intro), (A) and (C), 9-2-114(b)(ii) and
10 (iii),".
11
12 Page 1-After line 11 Insert:
13
14 "9-2-109. Vocational rehabilitation; definitions.
15
16 (a) As used in W.S. 9-2-109 through 9-2-115:
17
18 (ii) "Eligible" means a certification that:
19
20 (A) The individual has a physical or mental
21 ~~disability-impairment~~ which constitutes or results in a
22 substantial ~~handicap~~ impediment to employment of the individual;
23 ~~and~~
24 (B) Vocational rehabilitation services may
25 reasonably be expected to benefit the individual in terms of
26 ~~employability~~.an employment outcome; and
27
28
29 (C) The individual requires vocational
30 rehabilitation services to prepare for, secure, retain or regain
31 employment.
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34 (iii) "Individual with a ~~severe~~ significant
35 disability" means an individual:
36
37 (A) Who has a severe physical or mental
38 disability which seriously limits ~~his~~ one (1) or more functional
39 ~~capacities~~ and employability in terms of an employment outcome;
40
41 (C) Who has one (1) or more physical or mental
42 disabilities resulting from amputation, arthritis, autism,
43 blindness, burn injury, cancer, cerebral palsy, cystic fibrosis,
44 deafness, head injury, heart disease, hemiplegia, hemophilia,
45 respiratory or pulmonary dysfunction, mental retardation, mental
46 illness, multiple sclerosis, muscular dystrophy, musculoskeletal
47 disorders, neurological disorders (including stroke and
48 epilepsy), paraplegia, quadriplegia and other spinal cord

1 conditions, ~~and sickle cell anemia, specific learning disability,~~
2 ~~end stage renal failure disease~~ or another disability or
3 combination of disabilities determined on the basis of an
4 ~~evaluation of rehabilitation potential assessment for determining~~
5 ~~eligibility and vocational rehabilitation needs to cause~~
6 comparable substantial functional limitation.

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8
9 9-2-114. Division of vocational rehabilitation; services;
10 persons eligible; extent provided at public cost; regulation as
11 to selection of persons to be benefited; right to benefit not
12 transferable.

13
14 (b) Goods or services shall be provided at public cost only
15 to the extent that the individual with disabilities requires
16 financial assistance with respect thereto. However, the following
17 services may be provided at public cost:

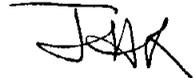
18
19 (ii) Guidance and counseling; and

20
21 (iii) Placement job related services, including job
22 search and placement, job retention services and follow-up
23 services."

24
25 Page 3-line 7 Reinsert stricken language.

26
27 Page 3-line 8 Reinsert the first stricken "participants".

28
29 Page 4-line 2 Delete "(d)(ii) and". SCOTT, CHAIRMAN



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Page 1-line 3 After ";" insert "conforming language to comply with requirements of the federal Workforce Investment Act;"

Page 1-line 9 After "W.S." insert "9-2-109(a)(ii)(A),(B) and by creating a new subparagraph (C), (iii)(intro), (A) and (C), 9-2-114(b)(iii),".

Page 1-After line 11 Insert:

"9-2-109. Vocational rehabilitation; definitions.

(a) As used in W.S. 9-2-109 through 9-2-115:

(ii) "Eligible" means a certification that:

(A) The individual has a physical or mental ~~disability impairment~~ which constitutes or results in a substantial ~~handicap~~ impediment to employment of the individual; ~~and~~

(B) Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of ~~employability~~ an employment outcome; and

(C) The individual requires vocational rehabilitation services to prepare for, secure, retain or regain employment.

(iii) "Individual with a ~~severe~~ significant disability" means an individual:

(A) Who has a severe physical or mental disability which seriously limits ~~his~~ one (1) or more functional capacities and employability in terms of an employment outcome;

(C) Who has one (1) or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, ~~and~~ sickle cell anemia, specific learning disability,

1 end stage renal failedisease or another disability or
2 combination of disabilities determined on the basis of an
3 evaluation of rehabilitation potential assessment for determining
4 eligibility and vocational rehabilitation needs to cause
5 comparable substantial functional limitation.
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8 9-2-114. Division of vocational rehabilitation; services;
9 persons eligible; extent provided at public cost; regulation as
10 to selection of persons to be benefited; right to benefit not
11 transferable.
12

13 (b) Goods or services shall be provided at public cost only
14 to the extent that the individual with disabilities requires
15 financial assistance with respect thereto. However, the following
16 services may be provided at public cost:
17

18 (iii) Placement job related services, including job
19 search and placement, job retention services and follow-up
20 services.".
21

- 22 ✓ Page 3-line 7 ✓ Reinsert stricken language.
23
24 ✓ Page 3-line 8 ✓ Reinsert the first stricken "participants";
25 insert ",".
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27 ✓ Page 4-line 2 ✓ Delete "(d)(ii) and". SCOTT, CHAIRMAN

JJR

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Page 1-After line 11 Insert:

9-2-114. Division of vocational rehabilitation; services; persons eligible; extent provided at public cost; regulation as to selection of persons to be benefited; right to benefit not transferable.

(b) Goods or services shall be provided at public cost only to the extent that the individual with disabilities requires financial assistance with respect thereto. However, the following services may be provided at public cost:

(ii) Guidance and counseling; and SCOTT, CHAIRMAN

JAK

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2 Page 2-line 21
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After "." insert "Notwithstanding the
procedures of the Wyoming Administrative
Procedure Act, the department shall submit
any proposed rules and regulations under this
section to the governor, the management
council of the legislature and the business
council created under W.S. 9-12-103 for their
review and recommendations prior to final
adoption of the rules and regulations."
KUNZ

JAK

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

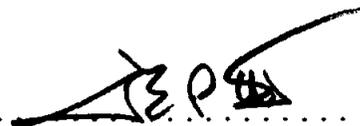
Cheyenne, February 8, 1999
9:49am

Mr. Speaker:

Your
Committee No. 10 on LABOR, HEALTH & SOCIAL SERVICES to whom was referred
SF0033ENG respectfully reports same back to the House with the
recommendation that it
DO PASS.

	AYES	NOES	ABSENT	EXCUSED	CONFLICT
McMURTREY	X				
LANDON	X				
HUCKFELDT	X				
FLEMING	X				
MEULI	X				
OSBORN	X				
ZANETTI	X				
ROSS	X				
PARADY	X				

AYES = 9
NOES = 0
ABSENT = 0
EXCUSED = 0
CONFLICT = 0
TOTAL = 9



.....
Representative Fred Parady, Chairman

SENATE FILE NO. SF0033

INTRODUCED

Workforce Investment Act-conforming provisions.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to the department of employment; granting
2 rulemaking authority to the department to implement
3 requirements of the federal Workforce Investment Act;
4 repealing conflicting provisions; and providing for an
5 effective date.

6

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

8

9 **Section 1.** W.S. 27-2-111 and 27-14-205(b) are amended
10 to read:

11

12 **27-2-111. Director of department to cooperate with**
13 **federal government.**

14

15 (a) In order that there may be established and
16 maintained in the state of Wyoming a system of public
17 employment offices, in conformity with an act of congress

1 approved June 6, 1933, providing for the establishment of a
2 national employment system and for cooperation with the
3 states of the promotion of such system and for other
4 purposes, the state of Wyoming accepts the provisions of
5 ~~said the~~ act of congress and designates the director of the
6 department of employment as its agent in whom is vested all
7 powers necessary to cooperate with the United States
8 ~~employment service~~ department of labor in the establishment
9 and maintenance in Wyoming of a system of employment offices
10 under the control of ~~the director of the~~ United States
11 ~~employment service~~ secretary of labor and to do all things
12 which are necessary under ~~said the~~ federal act to obtain the
13 benefits which are available to this state under the
14 provisions of ~~said the~~ federal act. ~~The commission is~~
15 ~~subject to the Wyoming Government Reorganization Act of~~
16 ~~1989.~~

17

18 (b) The department shall adopt rules and regulations
19 pursuant to the Wyoming Administrative Procedure Act to
20 implement requirements of the federal Workforce Investment
21 Act.

22

23 **27-14-205. State contributions; presumed pay of**
24 **specified employees.**

25

1 (b) For the purpose of determining employer
2 contributions under this act, all school-to-work
3 participants for which coverage has been elected under W.S.
4 27-14-108(m), all volunteers covered under this act, mine
5 rescue team members, recipients of ~~general relief~~ any
6 welfare program performing work for a governmental entity,
7 ~~federal programs which require coverage for their~~
8 ~~participants to the extent the participants are not covered~~
9 ~~by a qualifying employer-employee relationship,~~ prisoners
10 and probationers under W.S. 27-14-108(d)(ix) and persons
11 performing community service pursuant to a criminal
12 sentencing order under W.S. 27-14-108(d)(xv), are deemed to
13 be paid for each month of active service, an amount
14 established by rule and regulation of the division based
15 upon the cost of the specific employment category to the
16 worker's compensation account. This amount shall be
17 established solely as a basis for determining employer
18 contributions and is not binding upon any employer as an
19 actual required salary for any volunteer or other individual
20 enumerated under this subsection. The division shall report
21 any anticipated deficiencies in contributions due to this
22 subsection to the legislature on or before January 15 of
23 each year.

24

1 **Section 2.** W.S. 27-14-102(a)(viii)(A) and
2 27-14-108(d)(ii) and (f)(iii) are repealed.

3

4 **Section 3.** This act is effective July 1, 1999.

5

6

(END)

FISCAL NOTE

	FY 2000	FY 2001	FY 2002
NON-ADMINISTRATIVE IMPACT			
<u>Anticipated Revenue</u>			
Decrease:			
WORKERS COMPENSATION FUND	13,500	13,000	13,000
 <u>Anticipated Expenditure</u>			
Decrease:			
WORKERS COMPENSATION FUND	13,500	13,000	13,000

Source of revenue decrease and expenditure decrease:

Workers' Compensation Premiums.

Assumptions:

The reduction in premium income will be offset by the reduction in claims costs.

Funds utilized for actual services to training participants should increase due to a reduction in funds utilized for administration. In total, revenues and expenditures for training programs should remain unchanged.

Prepared by: Frank S. Galeotos

Phone: 777-7672

SF 33

SENATE FILE NO. SF0033

Workforce Investment Act-conforming provisions.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to the department of employment; granting
2 rulemaking authority to the department to implement
3 requirements of the federal Workforce Investment Act;
4 conforming language to comply with requirements of the
5 federal Workforce Investment Act; repealing conflicting
6 provisions; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 9-2-109(a)(ii)(A), (B) and by creating
11 a new subparagraph (C), (iii)(intro), (A) and (C),
12 9-2-114(b)(iii), 27-2-111 and 27-14-205(b) are amended to
13 read:

14

15 **9-2-109. Vocational rehabilitation; definitions.**

16

17 (a) As used in W.S. 9-2-109 through 9-2-115:

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(ii) "Eligible" means a certification that:

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(A) The individual has a physical or mental ~~disability~~impairment which constitutes or results in a substantial ~~handicap~~impediment to employment of the individual;~~and~~

(B) Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of ~~employability~~an employment outcome; and

(C) The individual requires vocational rehabilitation services to prepare for, secure, retain or regain employment.

(iii) "Individual with a ~~severe~~significant disability" means an individual:

(A) Who has a severe physical or mental disability which seriously limits his ~~his~~one (1) or more functional capacities and ~~employability~~in terms of an employment outcome;

1 (C) Who has one (1) or more physical or
2 mental disabilities resulting from amputation, arthritis,
3 autism, blindness, burn injury, cancer, cerebral palsy,
4 cystic fibrosis, deafness, head injury, heart disease,
5 hemiplegia, hemophilia, respiratory or pulmonary
6 dysfunction, mental retardation, mental illness, multiple
7 sclerosis, muscular dystrophy, musculoskeletal disorders,
8 neurological disorders (including stroke and epilepsy),
9 paraplegia, quadriplegia and other spinal cord conditions,
10 ~~and sickle cell anemia, specific learning disability, end~~
11 ~~stage renal failure—disease~~ or another disability or
12 combination of disabilities determined on the basis of an
13 ~~evaluation of rehabilitation potential—assessment for~~
14 ~~determining eligibility and vocational rehabilitation needs~~
15 to cause comparable substantial functional limitation.

16

17 9-2-114. Division of vocational rehabilitation;
18 services; persons eligible; extent provided at public cost;
19 regulation as to selection of persons to be benefited; right
20 to benefit not transferable.

21

22 (b) Goods or services shall be provided at public cost
23 only to the extent that the individual with disabilities
24 requires financial assistance with respect thereto. However,
25 the following services may be provided at public cost:

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(iii) ~~Placement~~ Job related services, including job search and placement, job retention services and follow-up services.

27-2-111. Director of department to cooperate with federal government.

(a) In order that there may be established and maintained in the state of Wyoming a system of public employment offices, in conformity with an act of congress approved June 6, 1933, providing for the establishment of a national employment system and for cooperation with the states of the promotion of such system and for other purposes, the state of Wyoming accepts the provisions of ~~said the~~ act of congress and designates the director of the department of employment as its agent in whom is vested all powers necessary to cooperate with the United States ~~employment service department of labor~~ department of labor in the establishment and maintenance in Wyoming of a system of employment offices under the control of ~~the director of the~~ United States ~~employment service~~ secretary of labor and to do all things which are necessary under ~~said the~~ federal act to obtain the benefits which are available to this state under the provisions of ~~said the~~ federal act. ~~The commission is~~

1 ~~subject to the Wyoming Government Reorganization Act of~~
2 ~~1989.~~

3

4 (b) The department shall adopt rules and regulations
5 pursuant to the Wyoming Administrative Procedure Act to
6 implement requirements of the federal Workforce Investment
7 Act.

8

9 **27-14-205. State contributions; presumed pay of**
10 **specified employees.**

11

12 (b) For the purpose of determining employer
13 contributions under this act, all school-to-work
14 participants for which coverage has been elected under W.S.
15 27-14-108(m), all volunteers covered under this act, mine
16 rescue team members, recipients of ~~general relief~~ any
17 welfare program performing work for a governmental entity,
18 federal programs which require coverage for their
19 participants, ~~to the extent the participants are not covered~~
20 ~~by a qualifying employer-employee relationship,~~ prisoners
21 and probationers under W.S. 27-14-108(d)(ix) and persons
22 performing community service pursuant to a criminal
23 sentencing order under W.S. 27-14-108(d)(xv), are deemed to
24 be paid for each month of active service, an amount
25 established by rule and regulation of the division based

1 upon the cost of the specific employment category to the
2 worker's compensation account. This amount shall be
3 established solely as a basis for determining employer
4 contributions and is not binding upon any employer as an
5 actual required salary for any volunteer or other individual
6 enumerated under this subsection. The division shall report
7 any anticipated deficiencies in contributions due to this
8 subsection to the legislature on or before January 15 of
9 each year.

10

11 **Section 2.** W.S. 27-14-102(a)(viii)(A) and
12 27-14-108(f)(iii) are repealed.

13

14 **Section 3.** This act is effective July 1, 1999.

15

16

(END)