

WORKING DRAFT

HOUSE BILL NO. _____

Department of workforce services.

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

A BILL

for

1 AN ACT relating to the department of workforce
2 services; reorganizing program authority as specified;
3 conforming the reorganization of the department of
4 workforce services to 2002 House Enrolled Act 0047, as
5 enacted by the legislature; and providing for an effective
6 date.

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

9
10 **Section 1.** W.S. 9-2-2608 is created to read:

11

12 **9-2-2608. Department designation as the single state**
13 **agency for public assistance.**

14

1 The governor may, after consultation with the director
2 of the department, designate the department as the single
3 state agency for the administration of the state plan for
4 public assistance to administer upon terms directed by the
5 governor.

6
7 **Section 2.** W.S. 9-2-2101(a), 9-2-2103, 9-2-2601(a)
8 through (b), 9-2-2602(b)(v) and (vi), 14-2-313(a)(iv),
9 27-3-306(a)(i)(intro), 27-3-307(a)(i), 27-3-321(c), (d) and
10 (f), 35-25-103(f), 35-25-105(a)(ii), 35-27-102(g),
11 37-2-302, 42-1-101(a)(intro) and (ii) are amended to read:

12
13 **9-2-2101. Department of family services; duties and**
14 **responsibilities; state grants; authority to contract for**
15 **shelters; definitions; youth programs.**

16
17 (a) The department of family services is created.
18 The department of family services is the state youth
19 services authority and the authority for ~~public assistance~~
20 ~~and~~ social services.

21
22 **9-2-2103. Allocation, transfer and abolition of**
23 **powers, duties and functions within department.**

24

1 The governor may, after consultation with the director of
2 the department and the departmental advisory council
3 designate the department as the single state agency for the
4 administration of the state ~~plans~~plan for ~~public~~
5 ~~assistance and~~ social assistance to administer upon ~~such~~
6 terms ~~as directed by~~ the governor. ~~directs.~~

7
8 **9-2-2601. Department of workforce services; duties**
9 **and responsibilities; agreements with other agencies**
10 **authorized; definition.**

11
12 (a) The department of workforce services is created.
13 The department is the authority for public assistance in
14 the state which previously existed under the department of
15 family services and for workforce services. The department
16 is the successor agency for public employment and training
17 services which previously existed under the department of
18 employment. The department shall perform all functions
19 previously performed by those programs.

20
21 (b) The department may submit a unified plan for the
22 state to the appropriate federal agencies for work
23 activities and programs as authorized under section 501 of
24 the Workforce Investment Act of 1998, and may include, with the

1 approval of the governor and the superintendent of public instruction,
2 activities authorized under the Carl D. Perkins Vocational and
3 Technical Education Act of 1998.

4
5 **9-2-2602. Director of department; appointment;**
6 **removal; duties.**

7
8 (b) The director shall:

9
10 (v) With the assistance of the attorney general
11 bring actions in the courts of the state in the name of the
12 department for the enforcement of public welfare laws;

13
14 (vi) Promulgate reasonable rules and regulations
15 in compliance with the Wyoming Administrative Procedure
16 Act, for the implementation of all state and federal
17 welfare laws; and

18
19 **14-2-313. Service of petition.**

20
21 (a) The petition shall be served on the following
22 persons:

23

1 (iv) The department of family services if the
2 child is or has been supported by public assistance funds.
3 The department of family services shall notify the
4 department of workforce services if the petition involves a
5 child who is or has been supported by public assistance
6 funds.

7
8 **27-3-306. Eligibility requirements; waiver or**
9 **amendment authorized; unemployed waiting period;**
10 **registration and referral for suitable work.**

11
12 (a) An unemployed individual is eligible for benefits
13 under this article for any week if he:

14
15 (i) Registers for work, actively seeks work and
16 continues to report to a department of workforce services
17 office in accordance with regulations of the commission,
18 unless he will be recalled to full-time work:

19
20 **27-3-307. Eligibility when enrolled in approved**
21 **training program; standards for training program approval.**

22
23 (a) Notwithstanding W.S. 27-3-306(a)(iii) or
24 27-3-311(a)(ii) and (iii) or any federal law relating to

1 availability for, active search for, failure to apply for
2 or refusal to accept suitable work, an otherwise eligible
3 individual is eligible for benefits for any week if he is:

4
5 (i) Enrolled in a training program approved by
6 the department of employment and the department of
7 workforce services pursuant to subsection (b) of this
8 section; or

9
10 **27-3-321. Disclosure of food stamp overissuance**
11 **required; notification; amount withheld; payment;**
12 **applicability of provisions.**

13
14 (c) Any amount deducted and withheld under this
15 section shall be paid by the department to the department
16 of ~~family~~workforce services.

17
18 (d) Any amount deducted and withheld under subsection
19 (b) of this section shall for all purposes be treated as if
20 it were paid to the individual as unemployment compensation
21 and paid by the individual to the department of ~~family~~
22 workforce services as repayment of the individual's
23 uncollected overissuance.

24

1 (f) This section applies only if arrangements have
2 been made for reimbursement by the department of ~~family~~
3 ~~workforce~~ services for the administrative costs incurred by
4 the department under this section which are attributable to
5 the repayment of uncollected overissuances to the
6 department of ~~family~~~~workforce~~ services.

7
8 **35-25-103. Child health insurance program**
9 **description, eligibility and duties.**

10
11 (f) Eligibility determinations for services provided
12 under paragraph (a)(i) of this section shall be made by the
13 department of ~~family~~~~workforce~~ services.

14
15 **35-25-105. Health benefits plan committee; benchmark**
16 **benefit package.**

17
18 (a) A health benefits plan committee shall be
19 established no later than April 15, 1999. The committee
20 shall be composed of ten (10) members, which include:

21
22 (ii) The director of the Wyoming department of
23 ~~family~~~~workforce~~ services or his designee;

24 *****Staff Comment*****

1 Please note that 03LSO-0225, Child health
2 insurance, repeals and recreates 35-25-101
3 through 108, which would affect the two preceding
4 sections. If the Committee wants these changes
5 made, it may be preferable to make the changes in
6 03LSO-0225 to avoid the issue of which versions
7 of 35-25-103 and 35-25-105 are being amended by
8 this bill.
9

10 35-27-102. Public health nursing infant home
11 visitation subprogram created; eligibility.

12
13 (g) The public health nurses responsible for each
14 county shall jointly for that county develop a list of
15 programs, resources and providers to whom referrals may be
16 made and the types of referrals that may be made to each
17 entity. The lists shall be reviewed at least annually with
18 the county health officer, the manager of the department of
19 family services field office serving the county, the
20 manager of the department of workforce services field
21 office serving the county, the preschool developmental
22 disability program serving the county and the county or
23 municipal human services agency or coordinator, if any.

24
25 37-2-302. Eligibility; certification.

26
27 (a) The telephone assistance program shall only be
28 used to provide for a single resident line at the principal

1 residence of subscribers certified by the department of
2 ~~family~~workforce services, its successor agency or the
3 equivalent tribal authority, to the commission pursuant to
4 W.S. 42-2-303(b) that the subscriber is eligible to receive
5 services under either article 1 or 2 of chapter 2 or under
6 chapter 4, title 42 of the Wyoming statutes.

7
8 (b) At least annually providers of residential
9 regulated local exchange services shall submit the names of
10 persons receiving program assistance to the department of
11 ~~family~~workforce services, its successor agency or the
12 equivalent tribal authority, for recertification that the
13 persons receiving assistance are still eligible.

14
15 **42-1-101. Definitions; generally.**

16
17 (a) As used in this title:

18
19 (ii) "Department" means the department of ~~family~~
20 workforce services;

21
22 **Section 3.** 2002 Wyoming Session Laws, Chapter 100,
23 section 1(a)(ii)(A) through (E), (iii)(B) and (C) and (v)
24 through (vii) is amended to read:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(ii) The following programs are transferred from the department of family services to the department of workforce services as type 2 transfers:

(A) Temporary assistance to needy families (TANF) block grant and TANF/work program;

(B) Prosecution recovery investigation, collection and enforcement;

(C) Quality control program;

(D) Food stamp employment and training, including the electronic benefit transfer (EBT)/health passport (HPP) initiative;

(E) Eligibility determination functions, including eligibility payment information computer systems (EPICS), food stamp eligibility, child care subsidy program eligibility, Medicaid eligibility and the child health insurance program eligibility.

1 (iii) The following programs are transferred
2 from the department of health to the department of
3 workforce services as type 2 transfers:

4
5 (A) Commission for national and community service;

6
7 (B) Community services block grant;

8
9 (C) Senior community service employment program.

10
11 (v) Future realignment consideration shall be
12 given to the transfer of vocational education under the
13 Carl D. Perkins Vocational and Technical Education Act of
14 1998, including tech-prep education, from the department of
15 education to the department of workforce services as a type
16 2 transfer, if reauthorized in year 2004;

17 *****Staff Comment*****

18 **Dave Nelson advises that some concern has been**
19 **expressed that the preceding proposal may run**
20 **afoul of the Wyoming Supreme Court decision on**
21 **educational funding.**
22

23 (vi) The governor shall require the department
24 of employment, department of family services, department of
25 health, department of education, department of corrections,
26 the Wyoming business council and the Wyoming community

1 college commission to enter into memoranda of understanding
2 developed by the department of workforce services to
3 coordinate the delivery and enhancement of services
4 promoting training and preparation of Wyoming citizens for
5 employment. The memoranda shall be developed with
6 participation of the state entities specified, community
7 college districts and other entities as determined
8 appropriate by the department of workforce services;

9
10 **Section 4.** W.S. 9-2-2006(c)(i) and
11 9-2-2104(a)(vi) and (vii) are repealed.

12 *****Staff Comment*****

13 Section 6(b) of Chapter 100 was also repealed by
14 the Governor, which authorized 7 full-time
15 positions and temporary funding to the department
16 of workforce services beginning April 1, 2002 to
17 assist in the transfers from other agencies to
18 DWS. Since the transfers contemplated under that
19 act were completed, effective June 30, 2002,
20 authority for temporary positions to effect the
21 transfers under this act may not be necessary and
22 the Governor already has authority under the B-11
23 process to shift positions necessary to
24 accomplish any transfers this bill would require.
25 Thus, I did not include in this bill the language
26 the Governor vetoed in section 6(b) of Chapter
27 100.
28

29 **Section 5.** The governor may begin transferring
30 programs specified in this act effective April 1, 2003. The

1 program transfers shall be substantially completed by June
2 30, 2003.

3

4 **Section 6.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9

(END)