

60th Wyoming Legislature

Final Report April 2009



President's Memo



Wyoming Hospital Association Members:

The 60th Wyoming Legislature was a difficult one for healthcare issues, leaving the Governor and healthcare advocates wondering about lawmakers' priorities, and ending with the defeat of the session's biggest healthcare ideas. Lawmakers' appetites for investing in new programs were clearly influenced by the reduction of the state's projected surplus from about \$900 million to about \$260 million.

Nevertheless, the Wyoming Hospital Association championed a number of bills that should improve healthcare delivery in our state, while we simultaneously sowed the seeds for the development of important legislation we anticipate will be introduced during the 2010 Budget Session.

Among the key successes this year was a measure that will enable nursing students to complete the University of Wyoming's accelerated nursing degree program, and which includes incentives to keep those nurses in the state. The WHA also played a significant role in passing a bill that creates a trust fund to sustain Wyoming's fragile EMS system. Another WHA priority creates a formal structure for the continuing development of telemedicine capabilities in Wyoming, and the WHA successfully fought off a measure that would have reduced the standard of obstetric care in the state by allowing certified professional midwifery.

As is always the case, not all of the WHA's priorities survived the session. Between budgetary fears and fears about state programs competing with the private sector, Legislators killed two of the most progressive healthcare ideas introduced during the session. A healthcare reform pilot program and an expansion of the Kid Care program both died on the last day for consideration. A bill that would have increased the gas tax by one penny per gallon to fund uncompensated trauma care in Wyoming also failed.

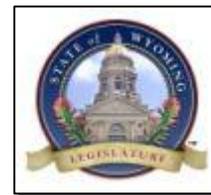
Advocacy is at the core of what we do, and much of that work occurs outside the confines of the legislative session. The WHA will be active during the interim in continuing to build solid relationships with legislators, and in advocating on behalf of hospitals during interim committee meetings. Most notably, the Joint Health, Labor, and Social Services Committee plans to study provider reimbursement and uncompensated care issues during the summer, and the WHA will play a prominent role in that work.

Your voice is critical to our effective lobbying efforts as well, and we thank you for your engagement in the process and your ongoing support of our legislative agenda.

Respectfully,

Dan Perdue, President

Legislative Summary



The General Session of the 60th Wyoming Legislature began on January 13 and ended 37 working days later on March 5. Lawmakers grappled during that time with a number of important legislative issues – all of which were offset by a spiraling national economy and an eroding state budget surplus. In the end, legislative leaders referred to the session as one that emphasized substance over style, and Gov. Dave Freudenthal described the \$165 million supplemental budget as appropriate and responsible.

For healthcare issues, fundamental uncertainty about the economy resulted in the defeat of many pieces of healthcare legislation. Indeed, some 55% of all bills introduced during the session failed, including necessary healthcare measures and popular property tax relief bills. Even given the Legislature's collective caution, the Wyoming Hospital Association succeeded in passing measures that address major issues facing the state's healthcare delivery system. And a WHA-led coalition ensured that legislators will consider major healthcare issues in preparation for the 2010 legislative session.

Key Successes

Funding for Accelerated Nursing Degrees

There is no single solution to the nursing shortage in Wyoming. But lawmakers passed a bill built on three important assumptions that should help relieve the strain of the shortage. Senate File 23, sponsored by Sen. Mike Massie, D-Laramie, creates a loan repayment program for students who enroll in the University of Wyoming's accelerated nursing degree program. The new law is built on the notion that at least one solution to recruiting nurses is to 'grow our own,' that students who already have a bachelor's degree are more mature students, and that non-traditional students are more likely to remain in Wyoming.



The program therefore provides \$25,000 in financial aid for students who already have a bachelor's degree and who agree to work in Wyoming for two years, and it gives preference to students from Wyoming.

Medical Practice Act Updates

It took a bit of legislative maneuvering, but legislators agreed to make a series of updates to the Medical Practice Act during the 2009 session.

House Bill 298, sponsored by Rep. Tim Hallinan, R-Gillette, originally did not receive a hearing in the Senate before that body's deadline, and it effectively died for lack of a hearing. However, the Wyoming Hospital Association, the Board of Medicine and other health advocates urged the Senate leadership to reconsider because of the impact of at least one major provision of the Act. Under current law, the Board of Medicine does not have the authority to credential foreign-trained physicians. Given the urgent need to resolve that issue, Senate leaders agreed to 're-open' floor debate for this bill only, and the measure ultimately passed.

Formalized Telemedicine Consortium Created

For more than a year, a loosely organized committee of stakeholders has been meeting to set strategy for a statewide telehealth/telemedicine network that will reduce the distance between patients and providers in Wyoming. A more formal structure has become necessary, however, as the group now needs to consider vendors to implement various aspects of the system.



House Bill 281, sponsored by Rep. Jack Landon, R-Sheridan, provides that structure. The bill defines a more formal role for the state Department of Health in appointing members to the telemedicine consortium, and it provides broad outlines for conferring contracting and financial management authority. The Attorney General's office continues to determine the precise contours of the consortium's authority, and Dr. Brent Sherard, director of the Department of Health, is considering appointments to the consortium.

Trust Created to Support Fragile EMS System

On the heels of a Wyoming Healthcare Commission pilot program in Carbon County, Rep. Jeb Steward, R-Encampment, sponsored a bill to apply the lessons of that study to other fragile EMS systems around the state. House Bill 146 provides \$500,000 to create an EMS Sustainability Trust account, and \$50,000 to create an income account that will fund needs assessments and implementation grants for the state's neediest EMS services.

House Bill 146 is a first step toward a more comprehensive review of the entire trauma system, from injury to a patient's discharge from the hospital, including consideration of uncompensated trauma care.

Early prospects for HB146 were considered dim, particularly because the Legislature tends to oppose bills that create trust funds. The measure passed the House with very little opposition, however. It nearly missed the deadline for a hearing in the Senate, but effective lobbying by the Wyoming Hospital Association moved the bill to the top of the consideration list at the last minute, and it ultimately passed the Senate with little opposition as well.

Though this bill is aimed at providing a safety net for struggling rural EMS services, it was also effectively framed as a first step toward a more comprehensive review of the entire trauma system, from injury to a patient's discharge from the hospital. That review would include consideration of uncompensated trauma care. Rep. Steward has expressed to the WHA his support for such a review, and the Joint Labor, Health, and Social Services Committee is expected to explore this during the interim.

Midwifery Bill Defeated

Successful advocacy is, at times, measured by bills that are defeated, as well as by those that pass. In this case, the Wyoming Hospital Association succeeded in defeating Senate File 141, a measure that would have created a Board of Midwifery and ultimately allowed certified professional midwives to practice independently in Wyoming.

SF141, sponsored by Sen. Wayne Johnson, R-Cheyenne, was the Senator's second attempt during the session to pass a midwifery bill. His first attempt, Senate File 77, would have exempted midwifery from the Medical Practice Act. That bill was shelved and rewritten after a hearing in the Senate Labor, Health,

and Social Services Committee. The resulting SF141 attempted to create a board of midwifery, to set educational standards for certified professional midwives, and to deal with liability issues. Despite apparent improvements in the second bill, Wyoming hospital CEOs remained concerned about the independent practice of midwifery, as well as the demand hospitals would face in resolving issues that arise during home births.

With the support of Senate Labor Committee Chairman Sen. Charlie Scott, R-Casper, the bill easily passed the Senate. In collaboration with the Wyoming Medical Society, however, the Wyoming Hospital Association successfully argued the hospitals' concerns before the House committee, where the bill died without ever making it to the full House for debate.

Clean-ups, Extensions, and Other Improvements

The Wyoming Hospital Association succeeded in passing a number of other healthcare-related bills, though none as high profile as those previously listed. Despite their somewhat lower profiles, some of these measures may prove equally as important as their more well-known counterparts.

For example, the WHA supported a measure that streamlines the process hospitals must go through to collect payment for emergency detentions and hospitalizations. When Senate File 19 was introduced, it limited hospitals to three 'contacts' with a patient in an attempt to collect. Sponsored by the Select Committee on Mental Health and Substance Abuse Services, the measure was meant to reduce any potential aggravation for patients who were assumed to be somewhat unstable. A friendly amendment to the bill, however, changed the language to require hospitals only to demonstrate that the patient has no insurance or other means to cover the costs of treatment. That adjustment should simplify the process for hospitals in seeking payment from their respective counties for emergency detentions.

A friendly amendment to Senate File 19 should simplify the process for hospitals in seeking payment from their respective counties for emergency detentions.

Similarly, a bill that passed in 2008 allowing employees of governmental hospitals to participate in the state retirement program required some clean-up during the 2009 session. The original legislation required hospitals to notify the state by January 1, 2009, of their intention to participate in the program. However, because of uncertainty regarding the employer contribution portion of the plan, many hospitals that were considering the program were not in a position to make that notification by the first of the year.

House Bill 252, sponsored by Rep. Jack Landon, R-Sheridan, and Sen. Curt Meier, R-LaGrange, removed that deadline for notification, allowing hospitals to notify the state at any time if they would like to participate.

Finally, lobbying efforts must keep an eye on the future, and that is what the WHA did in supporting Senate File 42, a bill that extended the life of the Select Committee on Local Government Financing. The Select Committee is critical in the WHA's efforts to secure capital for hospital projects, because it helps define the process cities and counties must follow to seek and receive state funding. The WHA presented to the Select Committee twice in 2008, making the case that the current county consensus process has largely left hospitals out. The WHA will continue to argue that point before the Select Committee as it prepares its recommendations for the Governor and the Joint Appropriations Committee. Those recommendations are due by November 1, 2009.

Unsuccessful Bills

Uncompensated Trauma Care Measure Defeated in Committee

During the 2008 session, legislators asked the WHA to seek a permanent funding source for uncompensated trauma care, rather than continually seeking shorter-term funding infusions. In collaboration with Wyoming Medical Center and Cheyenne Regional Medical Center, the WHA developed several options for permanent funding sources. Each of those met with insurmountable obstacles, primarily in the form of Constitutional restrictions about generating and utilizing funding.

But Rep. Roy Cohee, R-Casper, advanced House Bill 244, which would have increased the gasoline tax by one cent per gallon. Up to \$3 million raised by the tax would have funded uncompensated trauma care, with the remainder diverted to the Department of Transportation. Concerted and concentrated lobbying efforts by the WHA, WMC, and CRMC helped the bill sail through the House.

There was some initial concern that the bill would not even be assigned to a Senate committee because it included a tax increase. Continued advocacy did ultimately get the bill assigned, but it went before the Senate Revenue Committee, where it was defeated on a 3-2 vote and therefore never made it to the Senate floor for full debate.

Through the course of debate in the House and in the Senate committee, the WHA, WMC, and CRMC argued successfully that this issue will continue to resurface unless the Legislature undertakes a serious review of the problem and helps devise a permanent funding solution. The Joint Labor, Health, and Social Services Committee agreed to take up a comprehensive review of reimbursement and uncompensated care issues during the interim, and the WHA will play a central role in that work.

House Bill 244 would have raised up to \$3 million per year to fund uncompensated trauma care through a one cent per gallon increase in the gasoline tax.

Big Healthcare Initiatives Fail at Last Minute

Two of the session's biggest healthcare ideas died on the last day for consideration in the House of Representatives. Senate File 39, sponsored by Sen. Mike Massie, D-Laramie, would have expanded eligibility for the state's Kid Care program. Sen. Massie said the bill would have provided coverage for more than 3,700 children in Wyoming. The bill encountered resistance from some Senators who believed that allowing enrollment for families up to 300 percent of the federal poverty level would have allowed families in that make enough money to purchase insurance on their own. In the House, where the bill died, Representatives were also concerned about the possibility that the bill would impact the private insurance market in Wyoming.



Similarly, Senate File 24, sponsored by Sen. Charlie Scott, R-Casper, would have funded a healthcare access demonstration project. The goal of the pilot program would have been to improve access to healthcare, control costs, and promote personal responsibility in healthcare consumption. Echoing the progress of a similar bill that was introduced during the 2008 session, SF24 easily passed the Senate but ran into resistance in the House Labor, Health, and Social Services Committee. The 2009 version survived the House Committee, but during debate on the House floor, Representatives raised questions

about the cost of the program, whether its incentives would work, and how progress would be measured. The bill died on a 28-29 vote.

Tort Reform Measure Dies in House Judiciary Committee

A measure that would have limited non-economic damages for causing personal injury or death failed to survive a hearing in the House Judiciary Committee. House Joint Resolution 6 died on a 5-4 committee vote. Despite its short legislative life during the 2009 session, the tort reform bill, sponsored by Rep. Tim Hallinan, R-Gillette, garnered 11 co-sponsors in the House of Representatives and four co-sponsors in the Senate, indicating that there is some support for addressing the liability climate in Wyoming.

Watered Down Smoking Ban Dies Without Senate Hearing

A bill that intended to prohibit smoking in public places suffered death by a thousand cuts after three rounds of debate in the House of Representatives. House Bill 31, sponsored by the Joint Labor, Health, and Social Services Committee, originally called for a comprehensive ban on smoking in all public places. Amendments added during debate on the House floor, however, ultimately created exemptions for bars and private clubs and allowed cities and counties to opt out of the ban. By the close of the House's final debate, the bill was so different from its original version that supporters of the ban were in the awkward position of opposing their bill.



The bill passed the House. But Senate President Sen. John Hines, R-Gillette, indicated that as the session wound down, legislators needed to spend their remaining time on more important measures and could not afford to get mired in lengthy debates about bills for which there was little remaining support. Sen. Hines did not assign the bill for a hearing in a Senate committee, and the measure therefore died for a lack of a hearing.

Healthcare Commission Sunsets

A bill that would have extended the life of the Wyoming Healthcare Commission failed, leaving the Commission to shut down by June 30. Commissioners learned after the close of the legislative session that the Governor planned to shut the Commission down on April 30, some 60 days earlier than planned. The Commission has scheduled its final meeting for early April.

The sunset of the Commission meant that at least one of its ongoing projects needed a new home, and Senate File 138, sponsored by Sen. Charlie Scott, R-Casper, was intended to move control and maintenance of the Healthcare Professions Database to the Department of Health. SF138 failed, however, and the ongoing ownership and maintenance of the database remains unclear.

Nurse for a Day Program

The Legislative Session occurs at the height of cold and flu season, and legislators, staffers, and visitors are therefore quite thankful for the WHA's Nurse for a Day Program. Since 1980, volunteer nurses have provided high-quality nursing care in the Capitol building. The WHA is proud that our nurses are introduced on the floor of the Senate each day, and we appreciate the contribution of their time and skills during the session.

We would like to thank the nurses and their employers for their participation in the program:

- Campbell County Memorial Hospital
 - Sue Howard, RN
 - Anna Raga, RN
- Cheyenne Regional Medical Center
 - Mary Calkins, RN
 - Norma Randall, RN
 - Jan Kruse, RN
- South Lincoln Medical Center
 - Parry Davison, RN
- Wyoming Medical Center
 - Leona Streit, RN
 - Kay Petsch, RN
- Wyoming State Hospital
 - Tonya Lazaro, RN
 - Dorothy Sizenbach, RN
 - Beverly Jensen, RN
 - Peggy Bezanson, RN
- State Board of Nursing
 - Mary Kay Goetter, RN
 - Brenda Burnett, RN
- Penny Iekel, RN, Sheridan
- Connie Johns, RN, Cheyenne
- Cathy Vasko, RN, Guernsey
- Betsy Hartman, RN, Cheyenne
- Donna Hays, RN, Riverton

Grassroots Efforts

A hospital CEO's voice is critical to the success of any of WHA's lobbying efforts, and we would like to thank Wyoming's hospital CEOs for your active engagement in the legislative process. Your participation in our weekly legislative briefings, and your willingness to engage in our VoterVoice calls to action are essential parts of our advocacy strategy. We appreciate your efforts and look forward to your continued support during the interim.

Legislative Interim Topics

Near the end of each Legislative session, each committee meets to determine its priorities for study during the interim period. Each committee typically schedules two to three meetings to be held through the year, and these meetings typically produce bills that will be introduced in the following session. The Joint Labor, Health, and Social Services Committee addresses most issues of interest to the healthcare community, though other committees are occasionally assigned to study health-related topics. Following are the prioritized topics recommended by the committees and approved by the Legislative Management Council.



Joint Labor, Health and Social Services Committee

Priority 1 – Response to Federal Initiatives

The American Recovery and Reinvestment Act of 2009 and other pending federal legislative initiatives are expected to have greater-than-usual impact on areas under the committee's jurisdiction. Therefore, the committee plans to analyze and respond as necessary to federal program and funding changes, with special attention to the 'strings' that are typically attached to such changes.

Priority 2 – Workplace Safety

Wyoming has the highest per-capita rate of workplace fatalities in the country. The Committee's interim study of workers' compensation in 2008 resulted in House Bill 54, which provided for increased benefit levels and programmatic reforms. As a next step, the Committee plans to work with an initiative arising from the Governor's office to address workplace safety. The Committee will receive and consider any recommended legislative changes from that initiative.

Priority 3 – Healthcare Provider Uncompensated Care

The Wyoming Hospital Association's lobbying efforts persuaded the Committee that uncompensated care in Wyoming is a significant problem that is not only a major expense, but that also negatively impacts recruitment and retention, access, and affordability. During the interim, the Committee will review reimbursement of healthcare facilities and other providers, as well as other programs including Medicaid, Kid Care, state employee health insurance, and workers' compensation.

Priority 4 – Review of Reports

The Committee will receive about 20 statutorily required reports from various Executive Branch agencies. The Committee plans to analyze those reports and respond as necessary with any appropriate legislation.

Joint Appropriations Committee

Priority 6 – Community Health Centers

The Committee will request that the Department of Health evaluate financing for community health centers and present its view of the potential those centers hold for Wyoming. Committee members expressed an interest in determining whether additional investment in community health centers can help improve healthcare access, ease the burden on hospital emergency rooms, and control escalating costs.

Joint Minerals, Business, and Economic Development Committee

Priority 5 – Economic Development

The Committee will consider the feasibility of a study to evaluate the inputs and outputs of selected major industries in Wyoming, including healthcare. The study would help evaluate the major industries in Wyoming and assist in evaluating public policies. A similar study has previously been conducted that focused on the energy and tourism industries, and the Committee would now like to extend that study and include healthcare, among others.

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Dan Perdue, President, Wyoming Hospital Association, P.O. Box 249, Cheyenne, WY 82003

WYOMING HOSPITAL ASSOCIATION

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2008-2009

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Jim Schuessler, Chief Executive Officer, St. John's Medical Center, P.O. Box 428, Jackson, WY 83001

Dan Perdue, President, Wyoming Hospital Association, P.O. Box 249, Cheyenne, WY 82003

WYOMING SENATE
60TH WYOMING LEGISLATURE

<u>NAME</u>	<u>COUNTIES</u>	<u>DISTRICT</u>
James Anderson (R)	Converse/Platte	2
Eli Bebout (R)	Fremont	26
Bruce Burns (R)	Sheridan	21
Cale Case (R)	Fremont	25
Hank Coe (R)	Park	18
Stan Cooper (R)	Sweetwater/Uinta/Lincoln/Sublette	14
Ken Decaria (D)	Uinta	15
Dan Dockstader (R)	Sublette	16
Floyd Esquibel (D)	Laramie	8
Gerald Geis (R)	Hot Springs/Washakie/S. Big Horn	20
John Hastert (D)	Sweetwater	13
John Hines (R)	Campbell	23
Rick Hunnicutt (R)	Laramie	5
Kit Jennings (R)	Natrona	28
Wayne Johnson (R)	Laramie	6
Bill Landen (R)	Natrona	27
Grant Larson (R)	Teton/Fremont	17
Marty Martin (D)	Sweetwater	12
Mike Massie (D)	Albany	9
Curt Meier (R)	Goshen/Platte	3
Phil Nicholas (R)	Albany	10
Drew Perkins (R)	Natrona	29
Ray Peterson (R)	Park-Big Horn	19
Tony Ross (R)	Laramie	4
John Schiffer (R)	Johnson/Sheridan	22
Charles Scott (R)	Natrona	30
Kathryn Sessions (D)	Laramie	7
Chuck Townsend (R)	Crook/Weston/E Converse/ Niobrara/NE Goshen	1
Bill Vasey (D)	Albany/Carbon	11
Michael Von Flatern (R)	Campbell	24

**WYOMING HOUSE OF REPRESENTATIVES
60TH WYOMING LEGISLATURE**

<u>NAME</u>	<u>COUNTIES</u>	<u>DISTRICT</u>
Rodney Anderson (R)	Laramie	10
George Bagby (D)	Carbon	15
Joseph Barbuto (D)	Sweetwater	48
Rosie Berger (R)	Sheridan	51
Stanley Blake (D)	Sweetwater	39
Dave Bonner (R)	Park	25
Bob Brechtel (R)	Natrona	38
Kermit Brown (R)	Albany	14
Edward Buchanan (R)	Goshen	4
James Byrd (D)	Laramie	44
Richard Cannady (R)	Converse	6
Seth Carson (D)	Albany	45
Pat Childers (R)	Park	50
Roy Cohee (R)	Natrona	35
Cathy Connolly (D)	Albany	13
Bernadine Craft (D)	Sweetwater	17
Kathy Davison (R)	Sublette/Lincoln/Sweetwater	20
Ross Diercks (D)	Niobrara/Weston/Converse/Goshen	2
Amy Edmonds (R)	Laramie	12
Ken Esquibel (D)	Laramie	41
Mike Gilmore (D)	Natrona	59
Keith Gingery (R)	Fremont/Teton	23
W. Patrick Goggles (D)	Fremont	33
Mary Hales (D)	Natrona	36
Timothy Hallinan (R)	Campbell	32
Debbie Hammons (D)	Washakie	27
Steve Harshman (R)	Natrona	37
Elaine Harvey (R)	Big Horn/Park	26
Pete Illoway (R)	Laramie	42
Allen Jaggi (R)	Sweetwater/Uinta	18
Pete Jorgensen (D)	Teton	16
Jack Landon (R)	Sheridan	30
Thomas Lockhart (R)	Natrona	57
Tom Lubnau (R)	Campbell	31
Mike Madden (R)	Johnson/Sheridan	63
Robert McKim (R)	Lincoln	21
Del McOmie (R)	Fremont	54
Erin Mercer (R)	Campbell	53
Saundra Meyer (D)	Uinta	49
David Miller (R)	Fremont	55
Lori Millin (D)	Laramie	8
Glenn Moniz (R)	Albany	46
John Patton (R)	Sheridan	29
Frank Peasley (R)	Platte/Converse	3
Bryan Pederson (R)	Laramie	7
Owen Peterson (R)	Uinta	19
Frank Philp (R)	Fremont	34

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Lorraine Quarberg (R)	Hot Springs	28
Jim Roscoe (D)	Sublette	22
Mark Semlek (R)	Crook/Weston	1
Lisa Shepperson (R)	Natrona	58
Colin Simpson (R)	Park	24
William Steward (R)	Carbon	47
Tim Stubson (R)	Natrona	56
Matt Teeters (R)	Goshen/Platte	5
Bill Thompson (D)	Sweetwater	60
Marty Throne (D)	Laramie	11
Sue Wallis (R)	Campbell	52
Dan Zwonitzer (R)	Laramie	43
David Zwonitzer (R)	Laramie	9