

## HOUSE BILL NO. HB0109

Revisor's bill.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to a revision of inadvertent errors;  
 2 correcting statutory references and language that were  
 3 erroneously made to the statutes as a result of legislation  
 4 previously adopted by the legislature; providing for  
 5 application as specified; 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. 1-15-409(b), 1-20-109, 1-22-203(e),  
 11 1-40-203(b)(ii), (xiii) and (xvii), 1-42-113(a)(iv),  
 12 2-5-101(c), 2-6-109(a), 2-7-805(d) and (e), 2-15-104,  
 13 2-15-105(b), 3-5-213, 5-1-106(d) and (e), 5-3-104, 5-3-211,  
 14 5-9-135, 6-2-312(a)(intro), 6-3-401(a)(iii),  
 15 7-1-109(g)(ii), 7-2-105(o), 7-6-112(a)(ii),  
 16 7-11-403(a)(intro), 7-11-407, 7-15-102(a)(ii),  
 17 9-1-618(b)(ii), 9-2-1016(c)(i) and (v), 9-3-301(a)(ix),  
 18 9-4-210, 9-4-601(a)(vi), 9-4-604(k)(iii), 9-4-701(q)(intro)  
 19 and (ii)(B), 9-4-1201(a)(xi), 11-2-204(a), 11-7-301(a)(v),  
 20 11-19-304, 11-20-101(a)(vii), 11-24-108(a),  
 21 13-6-304(a)(iii), 14-3-308(b), 14-4-113(a), 14-6-233(a),  
 22 14-6-301(a)(iii), 14-8-103(a)(intro), 15-1-103(a)(xxix)(C)  
 23 and (xli), 15-1-108(a)(vi)(C), 15-1-701(a)(ii), 15-4-229,  
 24 15-4-244(b), 15-6-401, 15-6-433, 16-1-104(d),  
 25 16-2-101(a)(v), 16-3-101(b)(ix)(E) and (F), 16-4-103(b),  
 26 16-4-123(c), 16-6-501(b) and (d), 16-6-801(a)(ii),  
 27 16-6-803(b), 16-9-102(a)(x), 17-4-122(d), 17-4-124(b),  
 28 17-10-118, 17-10-122, 17-16-825(e)(ii), 17-16-1103(j),  
 29 17-16-1801(b), 17-17-114(c), 17-18-106(b)(intro),  
 30 17-18-116(f), 17-19-1630(a), 18-3-304, 18-3-402(a)(vi)(B)  
 31 and (xxiv), 18-3-516(b)(i), 18-3-520, 18-3-812,  
 32 18-4-201(b)(iii), 18-4-501(a)(v), 18-5-203, 18-6-313,  
 33 18-8-106, 19-7-102(a)(intro), (ii) and (iii), 19-11-102(c),

1 20-4-140(a) (xxii), 20-4-153(a) (ii), 21-2-402(b) (x) (B),  
 2 21-2-702, 21-2-703(a) (iii), 21-4-309(d) (i), 21-6-202(a) (i),  
 3 21-12-101(a), 21-13-310(a) (ii) (B), 21-13-313(d),  
 4 21-13-326(a) (ii), 21-15-108(d) (ii), 21-15-109(e),  
 5 21-16-720(b), 21-17-404(a) (xiv) (A) (X), 21-17-417(a) (ii),  
 6 21-17-427(a) (xii), 25-5-102(a) (iv) and (xiii),  
 7 25-10-101(a) (xiv), 25-10-116(b), 25-11-101(a) (iv),  
 8 26-2-209, 26-3-114(a) (iii), 26-4-102(b) (i), 26-4-103(h),  
 9 26-4-105(a), 26-7-101, 26-14-102(a) (viii),  
 10 26-14-103(a) (xii), 26-17-127(a) (intro), 26-19-304(a) (ii),  
 11 26-29-238(b), 26-34-102(a) (xxix), 26-34-120(e) (ii),  
 12 26-34-127(a), 27-3-102(a) (xxii), 27-3-103(a) (viii), (ix)  
 13 and (b), 27-3-105(a) (i), (ii), (b) (xi) and (xii),  
 14 27-3-317(g) (ii), 28-1-107(a) (i), 29-2-110(a), 29-3-109(a),  
 15 29-3-110, 29-6-206(a) (i) and (c), 29-7-103(a),  
 16 29-7-105(b) (intro), 30-2-210(a), 30-5-101(a) (i) (F) and (G),  
 17 30-5-103(b), 30-5-109(c) (iii), 30-5-110(b), (c) (ii), (iii)  
 18 and (t), 30-5-126, 31-2-104(f), 31-2-107(a), 31-2-212,  
 19 31-2-504(c), 31-7-105(f) (iv), 31-18-806, 32-1-110,  
 20 33-1-106, 33-3-103, 33-3-124, 33-7-108(b),  
 21 33-7-209(a) (iii), 33-9-105, 33-9-107, 33-16-111, 33-16-207,  
 22 33-16-305, 33-16-317, 33-16-318, 33-21-145(b),  
 23 33-24-153(a), 33-26-103(a) (iii), 33-29-139(c) (intro),  
 24 33-29-148, 33-33-104(a) (intro) and (vii), 33-43-109,  
 25 34-1-118, 34-1-126, 34-16-105, 34.1-2-511(c),  
 26 34.1-2.A-307(b), 34.1-3-103(b), 34.1-3-503(a),  
 27 34.1-4-503(b), 35-1-613(a) (xi), 35-4-103, 35-6-107(b),  
 28 35-7-1018(b) (i), 35-8-405, 35-9-608(a), 35-10-206,  
 29 35-11-110(d), 35-11-404(c) (ii), 35-11-503(c),  
 30 35-11-1104(a) (iii), 35-22-101(a) (x), 37-7-109(a) (iii) (D),  
 31 37-7-201, 37-7-309, 37-9-104, 37-9-501, 37-9-601,  
 32 37-13-127, 39-13-107(b) (i) (A), 40-13-105, 40-13-106,  
 33 40-14-407(b) (ii), 40-17-101(a) (i) (A), 41-2-112(a),  
 34 41-2-124(c), 41-3-108(a), 41-4-209, 41-7-906(a) (i),  
 35 41-9-261, 41-13-206(e) and 42-2-103(e) (iv) (A) are amended  
 36 to read:

37

38 **1-15-409. Service of writ; return; copy to defendant.**

39

40 (b) Not later than five (5) days after service is  
 41 made upon the garnishee the sheriff or other person who  
 42 served the writ shall mail a copy of the writ to the  
 43 defendant. The ~~papers-writ~~ shall be sent by first class  
 44 United States mail with the postage prepaid. The ~~envelopes~~  
 45 envelope shall be furnished and properly addressed by the  
 46 plaintiff.

47

1           **1-20-109. Exemptions from estates in bankruptcy.**

2  
3 In accordance with ~~section 522(b)(2) of the Bankruptcy~~  
4 ~~Reform Act of 1978,~~ 11 U.S.C. § 522(b)(1), the exemptions  
5 from property of the estate in bankruptcy provided in 11  
6 U.S.C. § 522(d) are not authorized in cases where Wyoming  
7 law is applicable on the date of the filing of the petition  
8 and the debtor's domicile has been located in Wyoming for  
9 the one hundred eighty (180) days immediately preceding the  
10 date of the filing of the petition or for a longer portion  
11 of the one hundred eighty (180) day period than in any  
12 other place.

13  
14           **1-22-203. Confidential intermediaries; confidential**  
15 **intermediary services.**

16  
17           (e) Any person acting as a confidential intermediary  
18 who knowingly fails to comply with the provisions of  
19 subsections (c) and (d) of this section shall be subject to  
20 citation and punishment for contempt as provided by Rule  
21 ~~41-42~~, Wyoming Rules of Criminal Procedure.

22  
23           **1-40-203. Victim and witness bill of rights.**

24  
25           (b) Crime victims, key witnesses and, upon request,  
26 other witnesses shall have the following rights:

27  
28           (ii) To be provided information about the right  
29 to receive judicially ordered restitution as provided in  
30 W.S. ~~7-9-107~~ 7-9-102;

31  
32           (xiii) To be notified about the defendant's  
33 conviction as provided in W.S. ~~7-21-102(a)(ii)~~ 7-21-102(a);

34  
35           (xvii) To be notified about the opportunity to  
36 make an impact statement at sentencing as provided in W.S.  
37 ~~7-21-102(a)(vii)~~ 7-21-102(a); and

38  
39           **1-42-113. Proposal to transfer administration of**  
40 **local government self-insurance account; transfer after**  
41 **approval; effect.**

42  
43           (a) The local government self-insurance policy board  
44 may submit to all participating local governments a  
45 proposal to transfer administration of the account and all  
46 functions under the provisions of this act to a joint  
47 powers board to operate the local government self-insurance

1 program in accordance with W.S. 1-42-201 through 1-42-207.  
 2 As of July 1, next following the approval of such a  
 3 proposal by two-thirds (2/3) of the participating local  
 4 governments:

5  
 6 (iv) The local government self-insurance program  
 7 shall be operated in accordance with the provisions of W.S.  
 8 1-42-201 through 1-42-207, and not in accordance with the  
 9 provisions of this act. The program shall be administered  
 10 by the risk manager under the direction of the board for up  
 11 to one (1) year after the transfer of the program. The  
 12 program shall reimburse the department of administration  
 13 and information for one hundred percent (100%) of the  
 14 direct costs and thirty percent (30%) of the budget of the  
 15 office costs, salaries and benefits of the self-insurance  
 16 program within the ~~procurement~~general services division of  
 17 the department during that period.

18  
 19 **2-5-101. Elective share of property.**

20  
 21 (c) If the surviving spouse of a married person  
 22 domiciled in this state dies or becomes incompetent within  
 23 three (3) months after the will is admitted to probate or  
 24 before being advised of the right of election as in W.S.  
 25 ~~2-5-201~~2-5-104 provided, a personal representative or  
 26 guardian of the estate of the deceased or incompetent  
 27 surviving spouse has the same right of election as the  
 28 surviving spouse would have had if living or competent.

29  
 30 **2-6-109. Nonademption of specific devises where sold**  
 31 **by conservator; exception; rights of specific devisee.**

32  
 33 (a) If specifically devised property is sold by a  
 34 conservator, or if a condemnation award or insurance  
 35 proceeds are paid to a conservator as a result of a  
 36 condemnation, fire or casualty, the specific devisee has  
 37 the right to a general pecuniary devise equal to the net  
 38 sale price, the condemnation award or the insurance  
 39 proceeds. This subsection does not apply if after the sale,  
 40 condemnation or casualty, it is adjudicated that the  
 41 disability of the testator has ceased and the testator  
 42 survives the adjudication by one (1) year. The right of the  
 43 specific devisee under this subsection is reduced by any  
 44 right he has under subsection ~~(a)~~(b) of this section.

45  
 46 **2-7-805. Allowance and payment of personal**  
 47 **representative's fees and attorney fees; limitations.**

1  
2 (d) No contingent fee shall be allowed against an  
3 estate or paid by an estate for legal services rendered to  
4 or for or on behalf of an estate, except in a proceeding  
5 for recovery for wrongful death under W.S. ~~2-14-201~~ and  
6 ~~2-14-202~~ 1-38-101 and 1-38-102, unless before commencement  
7 of the services a written contract is entered into by the  
8 personal representative and the attorney with respect  
9 thereto and the contract is submitted to the court upon  
10 written, verified application of the personal  
11 representative and is approved by the court. No contract  
12 shall be approved if it violates any statute or rule of  
13 court. No contract shall be approved unless it appears to  
14 the court, upon due consideration of the size of the estate  
15 and the nature and extent of the legal services to be  
16 rendered, that adequate compensation of the attorney cannot  
17 be assured by allowance of fees for extraordinary services  
18 pursuant to W.S. 2-7-803.

19  
20 (e) The provisions of W.S. 2-7-801 through ~~2-7-804(d)~~  
21 2-7-804 apply to personal representatives and attorneys  
22 serving in ancillary administration in Wyoming, except as  
23 the probate court in which the ancillary administration is  
24 pending may otherwise determine for good cause shown.

25  
26 **2-15-104. Disposition of unclaimed property.**

27  
28 When real or personal property remains in the hands of the  
29 agent unclaimed for one (1) year, the agent shall petition  
30 the court for an order directing the sale of the property.  
31 If it appears to the court that it is for the benefit of  
32 all interested parties the property shall be sold under the  
33 order of the court and the proceeds, after deducting the  
34 expenses of the sale allowed by the court, be held by the  
35 agent in a fiduciary capacity subject to the provisions of  
36 the Uniform Unclaimed Property Act, W.S. 34-24-101 through  
37 ~~34-24-139~~ 34-24-140.

38  
39 **2-15-105. Agent to render annual account; information**  
40 **to be shown; hearing; court may order sale of property.**

41  
42 (b) When filed, the court may examine witnesses and  
43 take proofs in regard to the account. If satisfied that it  
44 will be for the benefit of the persons interested therein,  
45 the court may order a sale to be made of the whole or such  
46 parts of the real or personal property as appears proper  
47 and the purchase money to be held by the agent in a

1 fiduciary capacity subject to the provisions of the Uniform  
 2 Unclaimed Property Act, W.S. 34-24-101 through ~~34-24-139~~  
 3 34-24-140.

4  
 5 **3-5-213. Presumption of principal's capacity.**

6  
 7 The principal of a durable power ~~of~~ attorney for health  
 8 care executed in accordance with this article is presumed  
 9 to be capable of executing a durable power ~~or~~ of attorney.  
 10 A person who contests the presumption must prove by clear  
 11 and convincing evidence the principal was incompetent at  
 12 the time the durable power of attorney for health care was  
 13 executed.

14  
 15 **5-1-106. Retirement of judges of the supreme court or**  
 16 **district courts; pension; assignment of retired judges.**

17  
 18 (d) This ~~act~~ section shall apply to judges who have  
 19 retired heretofore.

20  
 21 (e) Any judge who is otherwise eligible to receive a  
 22 pension may receive the benefits accorded by this ~~act~~  
 23 section if he retires on the day of attainment of the age  
 24 of seventy (70) years, or prior thereto, provided that if  
 25 he is a judge on the effective date of this act, he may  
 26 complete the present term for which he was elected or  
 27 appointed without the loss of any pension benefits accorded  
 28 by this ~~act~~ section.

29  
 30 **5-3-104. Opening day in case of legal holiday.**

31  
 32 Whenever the opening day of a term of any district court in  
 33 the state of Wyoming falls upon a day designated as a legal  
 34 holiday, as defined in W.S. ~~8-6-101~~ 8-4-101, it is hereby  
 35 provided that the day following such legal holiday shall be  
 36 the opening day of ~~said~~ the term of ~~said~~ the district  
 37 court.

38  
 39 **5-3-211. Books and records to be kept.**

40  
 41 The clerk of district ~~courts~~ court shall keep an appearance  
 42 docket, a trial docket, journal, record and execution  
 43 docket. The appearance docket, record and execution docket  
 44 may be kept and preserved in one (1) book.

45  
 46 **5-9-135. Filing fee.**

47

1 For all civil matters the circuit court shall collect from  
2 the plaintiff an original filing fee of twenty dollars  
3 (\$20.00), and a court automation fee of ten dollars  
4 (\$10.00), excluding small claims civil actions as provided  
5 in W.S. 1-21-201 through 1-21-205 which shall have a filing  
6 fee of ten dollars (\$10.00). The court automation fee shall  
7 be deposited into the judicial systems automation account  
8 as provided by W.S. ~~5-5-152~~ 5-9-144.

9  
10 **6-2-312. Evidence of victim's prior sexual conduct or**  
11 **reputation; procedure for introduction.**

12  
13 (a) In any prosecution under W.S. 6-2-302 through  
14 ~~6-2-305~~ 6-2-304 or for any lesser included offense, if  
15 evidence of the prior sexual conduct of the victim,  
16 reputation evidence or opinion evidence as to the character  
17 of the victim is to be offered the following procedure  
18 shall be used:

19  
20 **6-3-401. Definitions.**

21  
22 (a) As used in this article:

23  
24 (iii) "This article" means W.S. 6-3-401 through  
25 ~~6-3-409~~ 6-3-411.

26  
27 **7-1-109. Examination for sexually transmitted**  
28 **diseases required in certain cases; health officers to**  
29 **notify crime victims; results confidential.**

30  
31 (g) As used in this section:

32  
33 (ii) "Sex offense" means sexual assault under  
34 W.S. 6-2-302 through ~~6-2-305~~ 6-2-304, attempted sexual  
35 assault, conspiracy to commit sexual assault, incest under  
36 W.S. 6-4-402 or indecent liberties under W.S. 14-3-105.

37  
38 **7-2-105. Disposition and appraisal of property seized**  
39 **or held; notice and order to show cause; judgment.**

40  
41 (o) This section does not apply to property which is  
42 subject to the Uniform Unclaimed Property Act, W.S.  
43 34-24-101 through ~~34-24-139~~ 34-24-140.

44  
45 **7-6-112. Applicability of provisions.**

46  
47 (a) This act does not apply to:

1  
2 (ii) Representation of an individual in  
3 proceedings for hospitalization of mentally ill persons  
4 under W.S. 25-10-101 through ~~25-10-126~~ 25-10-127;

5  
6 **7-11-403. Applicability of rules and civil procedure**  
7 **provisions.**

8  
9 (a) To the extent practicable and when not otherwise  
10 specifically provided, the provisions of the Wyoming Rules  
11 of Civil Procedure, the Wyoming Rules of Evidence and the  
12 Wyoming Code of Civil Procedure shall govern in criminal  
13 cases, relative to:

14  
15 **7-11-407. Procedures for taking depositions.**

16  
17 Procedures for the taking of depositions in criminal cases  
18 shall be governed by the Wyoming Rules of Criminal  
19 Procedure. ~~and the Wyoming Rules of Criminal Procedure for~~  
20 ~~County Courts.~~

21  
22 **7-15-102. Additional definitions; short title.**

23  
24 (a) As used in W.S. 7-15-101 through 7-15-105:

25  
26 (ii) "This act" or "this agreement" means W.S.  
27 7-15-101 through ~~7-15-106~~ 7-15-105.

28  
29 **9-1-618. Agents to be safeguarded as peace officers;**  
30 **general assistance to state, county or local authorities;**  
31 **investigative duties.**

32  
33 (b) The division shall investigate:

34  
35 (ii) Suspected violations of the Wyoming  
36 Controlled Substances Act of 1971 and shall perform all the  
37 duties of a law enforcement officer under that act;

38  
39 **9-2-1016. General services division.**

40  
41 (c) The surplus property section within the division  
42 of general services is created, which shall be the state's  
43 surplus property agency pursuant to the terms of section  
44 203(j) of the Federal Property and Administrative Services  
45 Act of 1949, as amended. The surplus property section may:  
46



1 (i) Acquire from the United States of America  
 2 under and in conformance with the Federal Property and  
 3 Administrative Services Act of 1949, as amended,  
 4 hereinafter referred to as the "act", property, including  
 5 equipment, materials, books or other supplies under the  
 6 control of any department or agency of the United States of  
 7 America which are usable and necessary for purposes of  
 8 education, public health or civil defense, including  
 9 research for any purpose authorized by federal law; to  
 10 warehouse the property; and to distribute the property  
 11 within the state to tax-supported medical institutions,  
 12 hospitals, clinics, health centers, school systems,  
 13 schools, colleges and universities within the state, to  
 14 other nonprofit medical institutions, hospitals, clinics,  
 15 health centers, schools, colleges and universities which  
 16 have been held exempt from taxation under ~~section 501(e)(3)~~  
 17 ~~of the United States Internal Revenue Code of 1954-26~~  
 18 U.S.C. § 501(c)(3), to civil defense organizations of the  
 19 state, or political subdivisions and instrumentalities  
 20 which are established pursuant to state law, and to other  
 21 types of institutions or activities which are eligible  
 22 under federal law to acquire the property;

23  
 24 (v) Cooperate to the fullest extent consistent  
 25 with the act with the departments or agencies of the United  
 26 States of America, file a state plan of operation, operate  
 27 in accordance therewith, and take necessary action to meet  
 28 the minimum standards prescribed in accordance with the  
 29 act, make reports in the form and containing the  
 30 information which the United States of America or any of  
 31 its departments or agencies requires, and comply with the  
 32 laws of the United States of America and the rules and  
 33 regulations of any of the departments or agencies of the  
 34 United States of America governing the allocation,  
 35 transfer, use of, or accounting for, property donable or  
 36 donated to the state.

37  
 38 **9-3-301. Definitions.**

39  
 40 (a) As used in this act:

41  
 42 (ix) "This act" means W.S. 9-3-301 through  
 43 ~~9-3-307~~ 9-3-306.

44  
 45 **9-4-210. Consolidation of existing funds.**

46

1 The existing state funds as identified by number and title  
 2 on the accounting records of the state auditor and state  
 3 treasurer as stated in W.S. 1957 9-557.4 contained in  
 4 chapter 245, section 1, 1973 Session Laws and W.S. 1957  
 5 9-557.10(b) through (m) contained in chapter 16, section 1,  
 6 1974 Session Laws shall continue to be consolidated into  
 7 the funds established by W.S. 9-4-204 as fund accounts  
 8 where applicable.

9  
 10 **9-4-601. Distribution and use; funds, accounts,**  
 11 **cities and towns benefited; exception for bonus payments.**  
 12

13 (a) All monies received by the state of Wyoming from  
 14 the secretary of the treasury of the United States under  
 15 the provisions of the act of congress of February 25, 1920  
 16 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, or  
 17 from lessees or authorized mine operators and all monies  
 18 received by the state from its sale of production from  
 19 federal mineral leases subject to the act of congress of  
 20 February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181,  
 21 191) as amended, except as provided by subsection (b) of  
 22 this section, shall be deposited in the trust and agency  
 23 fund and the first two hundred million dollars  
 24 (\$200,000,000.00) of revenues received in any fiscal year  
 25 shall be distributed by the state treasurer as provided in  
 26 this subsection. One percent (1%) of these revenues shall  
 27 be credited to the general fund as an administrative fee,  
 28 and the remainder shall be distributed as follows:  
 29

30 (vi) ~~Except as provided in subsection (c) of~~  
 31 ~~this section,~~ Three and seventy-five hundredths percent  
 32 (3.75%) to the capital construction account to be expended  
 33 as provided by W.S. 9-4-604(k)(i) or to fund bonds the  
 34 proceeds of which will be used under W.S. 9-4-604(g) and  
 35 one and twenty-five hundredths percent (1.25%) to the  
 36 highway fund;  
 37

38 **9-4-604. Distribution and use; capital construction**  
 39 **projects and bonds; municipal, county and special district**  
 40 **purposes.**  
 41

42 (k) All revenues received under W.S. 9-4-601(a)(vi)  
 43 and (b)(i) prior to the issuance of bonds under subsection  
 44 (b) of this section and all revenues in excess of those  
 45 required to be otherwise expended or retained pursuant to  
 46 subsection (j) of this section or pursuant to the  
 47 resolution or resolutions authorizing the issuance of bonds

1 under subsection (b) of this section shall be used or  
2 distributed as follows:

3  
4 (iii) Funds may be used by the state loan and  
5 investment board to provide one-half (1/2) of the twenty  
6 percent (20%) state matching funds for each federal  
7 capitalization grant to the ~~drinking water~~ state drinking  
8 water revolving ~~fund program~~ loan account created by W.S.  
9 16-1-302.

10  
11 **9-4-701. Permissible investments; treasurer's rules**  
12 **and regulations.**

13  
14 (q) The limitation on legislatively designated  
15 investments under W.S. 9-4-712 applies to this investment.  
16 ~~To promote economic development and in addition to the~~  
17 ~~authority under paragraph (a)(iii) of this section,~~ The  
18 state treasurer is authorized to invest and keep invested  
19 not to exceed one hundred million dollars (\$100,000,000.00)  
20 of any state permanent funds available for investment  
21 through the purchase of industrial development bonds issued  
22 by joint powers boards, municipalities or counties under  
23 W.S. 15-1-701 through 15-1-710 subject to the terms and  
24 conditions specified under this subsection. By December 31  
25 of each calendar year, the state treasurer and the Wyoming  
26 business council shall each provide a report to the joint  
27 minerals, business and economic development committee on  
28 the effectiveness of the investment program authorized by  
29 this subsection. The reports shall include the costs  
30 incurred by the state to the permanent mineral trust fund,  
31 and the revenue received by the Wyoming business council  
32 through fees and businesses who utilized the program:

33  
34 (ii) No investment shall be made under this  
35 subsection unless:

36  
37 (B) The Wyoming business council shall  
38 establish guidelines dependent upon the type of business  
39 concerned in each project considered and shall set the  
40 maximum amount of the investment to be made by the state of  
41 Wyoming in each project. In setting the maximum amount of  
42 investment the business council shall consider the number  
43 of jobs created or preserved by the facility and the  
44 economic impact to the state which may result from the  
45 facility. The council shall review each project considered  
46 with the Wyoming energy commission created pursuant to W.S.  
47 ~~30-6-601~~ 30-7-101, provided the project being considered

1 involves an area over which the commission has been given  
2 authority;

3  
4 **9-4-1201. Definitions.**

5  
6 (a) As used in this act:

7  
8 (xi) "This act" means W.S. 9-4-1201 ~~and 9-4-1202~~  
9 through 9-4-1204.

10  
11 **11-2-204. Services of persons in employ of**  
12 **university; reimbursement; applicability of provisions.**

13  
14 (a) In performing duties imposed by law which require  
15 technical scientific training, the director may request the  
16 services of qualified members of the University of Wyoming  
17 faculty, resident or extension. Faculty members shall serve  
18 without additional compensation but the department shall  
19 reimburse the University of Wyoming for fifty percent (50%)  
20 of the salary paid by the university while the faculty  
21 member is actually performing services for the ~~commissioner~~  
22 director. The use of faculty members and the proportion and  
23 distribution of their time shall be determined by agreement  
24 between the director and the president of the university  
25 and the faculty member shall be employed by the department  
26 when performing duties for the director under this section.

27  
28 **11-7-301. Apiaries; powers and duties of the**  
29 **department.**

30  
31 (a) To prevent the spread of contagious and  
32 infectious disease among bees and apiaries, to protect  
33 apiaries against depredation by wildlife and to assist law  
34 enforcement agencies in an effort to alleviate losses due  
35 to theft, the department may:

36  
37 (v) Order the hives within an apiary which is  
38 not legally registered with the state to be confiscated.  
39 The owner of the apiary shall be notified at least seven  
40 (7) days prior to the date of confiscation. Notification  
41 shall be by certified mail addressed to the last known  
42 address of the owner or by personal service ~~to~~ upon the  
43 owner;

44  
45 **11-19-304. Prohibition on importation of cattle;**  
46 **penalties.**

47

1 Any person bringing cattle into any "tuberculosis modified  
2 accredited area" except in compliance with the rules and  
3 regulations made by the state veterinarian shall upon  
4 conviction be punished by imprisonment for not more than  
5 one (1) year, or by a fine of not more than one hundred  
6 dollars (\$100.00), or both.

7  
8 **11-20-101. Definitions.**

9  
10 (a) As used in this act:

11  
12 (vii) "This act" means W.S. 11-19-101 through  
13 11-19-506, 11-20-101 through 11-24-115 and 11-30-101  
14 through ~~11-30-112~~ 11-30-115;

15  
16 **11-24-108. Stock at large or picketed on public**  
17 **highways; penalties for violations; impoundment and**  
18 **disposition; fees; proceeds from sale thereof; removal of**  
19 **dead or injured animals.**

20  
21 (a) No owner or person having custody or charge of  
22 livestock shall permit the livestock to run at large in any  
23 fenced public highways in Wyoming as defined in W.S.  
24 31-1-101. Livestock shall not be picketed on a public  
25 highway right-of-way from one (1) hour before sundown to  
26 one (1) hour after sunrise. If livestock are picketed on a  
27 public highway and escape, the owner or person having  
28 custody or charge of the livestock is deemed to have  
29 permitted the livestock to run at large in violation of  
30 this section. No livestock shall be picketed on an  
31 interstate or national defense highway as defined in W.S.  
32 ~~31-5-1001(a)(xv)~~ 31-18-801(a)(xvi).

33  
34 **13-6-304. Conversion to state association; procedure.**

35  
36 (a) Any savings and loan association organized under  
37 the federal laws and doing business in this state may  
38 convert itself into a state savings and loan association  
39 under the laws of this state by the following procedure:

40  
41 (iii) The association shall then organize itself  
42 as a state savings and loan association under the laws of  
43 this state, including the filing of appropriate articles of  
44 incorporation, adoption of bylaws and election of officers  
45 and full compliance with the provisions of W.S. ~~13-6-209~~  
46 ~~through 13-6-221~~ 13-2-207 through 13-2-215. Upon completion  
47 of its organization, the association ceases to be a federal

1 savings and loan association and becomes a state savings  
 2 and loan association subject to the supervision of the  
 3 state banking commissioner, the federal deposit insurance  
 4 corporation and the office of thrift supervision.

5  
 6 **14-3-308. Further regulation by local ordinance.**

7  
 8 (b) No governmental entity shall enact any law or  
 9 ordinance which changes the standards provided by W.S.  
 10 14-3-302(a) and (c), 14-3-303(a), 14-3-304(a) and  
 11 14-3-305(a) ~~. and (c).~~

12  
 13 **14-4-113. Commitment of uncontrollable child; refusal**  
 14 **to receive.**

15  
 16 (a) If a child is committed to a child caring  
 17 facility by a court under the Juvenile Court Act or  
 18 otherwise and the child caring facility cannot exercise  
 19 proper control over the child, the child caring facility  
 20 may report the facts to the court with jurisdiction for a  
 21 reconsideration or rehearing on the order. If the facts  
 22 warrant, the child shall then be committed to the  
 23 ~~industrial institute~~ Wyoming boys' school, the Wyoming  
 24 girls school, or such other privately or publicly operated  
 25 facility as the court deems appropriate.

26  
 27 **14-6-233. Appeal; right generally; transcript**  
 28 **provided; cost thereof.**

29  
 30 (a) Any party including the state may appeal any  
 31 final order, judgment or decree of the juvenile court to  
 32 the supreme court within the time and in the manner  
 33 provided by the Wyoming Rules of ~~Civil~~ Appellate Procedure.

34  
 35 **14-6-301. Definitions.**

36  
 37 (a) As used in W.S. 14-6-301 through 14-6-308:

38  
 39 (iii) "Institution" means the Wyoming boys'  
 40 school, Wyoming girls' school and any other state  
 41 institution, including a youth correctional facility  
 42 operated by a private entity in which a Wyoming youth is  
 43 placed pursuant to W.S. 14-6-201 through ~~14-6-243~~ 14-6-252;

44  
 45 **14-8-103. Definitions.**

46  
 47 (a) As used in this ~~article~~ chapter:

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**15-1-103. General powers of governing bodies.**

(a) The governing bodies of all cities and towns may:

(xxix) Appoint a board of health and prescribe its powers and duties and:

(C) Contract for treatment and preventive services for the mentally ill, substance abuser and developmentally disabled as provided in W.S. 35-1-611 through ~~35-1-625~~ 35-1-628;

(xli) Adopt ordinances, resolutions and regulations, including regulations not in conflict with this act and necessary for the health, safety and welfare of the city or town, necessary to give effect to the powers conferred by this act and, except as provided by paragraph (xlvi) of this subsection, enforce all ordinances by imposing fines not exceeding seven hundred fifty dollars (\$750.00), or imprisonment not exceeding six (6) months, or both. The governing body of a city or town may by ordinance impose a term of probation for battery which may exceed the maximum term of imprisonment established for the offense provided the term of probation, together with any extension thereof, shall in no case exceed one (1) year;

**15-1-108. Powers and duties of mayor; appointment of mayor pro tem.**

(a) Unless otherwise provided by statute, the mayor shall:

(vi) Have one (1) vote on all matters coming before the governing body upon which a vote is taken, except a vote:

(C) Pursuant to a hearing for removal or discharge as provided in W.S. ~~15-2-102(b)(iv)(B)~~ 15-2-102(b)(iv)(C) or ~~15-3-204(b)(iv)(B)~~ 15-3-204(b)(iv)(C).

**15-1-701. Definitions; vesting of powers and privileges.**

(a) As used in this article:

1 (ii) "Project" means any land, building,  
 2 pollution control facility or other improvement and all  
 3 necessary and appurtenant real and personal properties,  
 4 whether or not in existence, suitable for manufacturing,  
 5 industrial, commercial or business enterprises or for  
 6 health care facilities. ~~having received an approved state~~  
 7 ~~certificate of need for said project in accordance with~~  
 8 ~~W.S. 35-2-201 through 35-2-214.~~ Project may also mean an  
 9 undivided interest as a tenant in common in an electrical  
 10 generating facility or in pollution control facilities in  
 11 connection therewith;

12  
 13 **15-4-229. Claims; appeals; exception; definition.**

14  
 15 Except as provided by W.S. 1-39-101 through ~~1-39-119~~  
 16 1-39-121, if any claim against the city is disallowed in  
 17 whole or in part, the claimant may appeal from the decision  
 18 of the governing body to the district court of the district  
 19 in which the city or town is situated pursuant to Rule 12  
 20 of the Wyoming Rules of Appellate Procedure. "Claim" as  
 21 used in this section means claims as are presented for  
 22 audit and not claims for salaries of officers and employees  
 23 or other fixed charges against the city or town, nor claims  
 24 covered by W.S. 1-39-101 through ~~1-39-119~~ 1-39-121.

25  
 26 **15-4-244. Construction or reconstruction of sidewalks**  
 27 **and curbs; landowner's duties; notice; assessment;**  
 28 **establishing grade and parking width.**

29  
 30 (b) If the manager considers it necessary that a  
 31 sidewalk or curb be constructed, reconstructed or repaired,  
 32 notice shall be served upon the owner of the land along  
 33 which it is to be constructed or repaired specifying the  
 34 manner in which it is to be constructed or repaired and the  
 35 estimated cost which may be assessed if the city or town  
 36 does the work. The notice shall be served personally upon  
 37 the owner, or if he is not to be found within the city or  
 38 town, it shall be sent to him by registered or certified  
 39 mail, requesting a return receipt, if his address is known.  
 40 Otherwise it shall be published once in the official  
 41 newspaper of the city or town. Unless the owner within two  
 42 (2) weeks after service, mailing or publication of the  
 43 notice, begins the construction or repair and completes it  
 44 without delay, the manager shall have the work done at the  
 45 expense of the permanent improvement revolving fund. Upon  
 46 completion of the work, the manager shall certify the cost  
 47 thereof to the clerk of the city or town. The governing



1 body shall then fix a date for hearing upon the costs. The  
 2 procedure for notice and hearing shall be as set forth in  
 3 W.S. 15-6-405. Upon confirmation of the assessment by the  
 4 governing body, the charge levied is a lien upon the  
 5 property as set forth in W.S. 15-6-406. The governing body  
 6 may levy and collect the assessment and provide for the  
 7 manner of sale, redemption and conveyance of lands sold for  
 8 nonpayment of the assessment in the manner provided in W.S.  
 9 15-6-401 through ~~15-6-447~~ 15-6-448. When collected the  
 10 assessment shall be paid into the revolving fund. The  
 11 manager, upon proper showing made to him, may extend the  
 12 time within which the construction or repair shall begin or  
 13 be completed.

14  
 15 **15-6-401. How grades established or altered; cost.**

16  
 17 If the notice provided for in W.S. 15-6-202, is in whole or  
 18 in part to establish or alter a grade, the governing body,  
 19 after the expiration of giving the notice as provided in  
 20 W.S. ~~15-6-204~~ 15-6-202, may establish it by ordinance or  
 21 resolution. The cost of establishing or altering the grade  
 22 of any streets, highway, avenue, road or alley may be paid  
 23 out of the general funds of the city or town or may be  
 24 specially assessed.

25  
 26 **15-6-433. Bonds; action for nonpayment.**

27  
 28 If the city or town fails, neglects or refuses to pay the  
 29 bonds or to promptly collect any assessment when due, the  
 30 owner of any bonds may proceed in his own name to collect  
 31 the assessments and foreclose the lien in any court of  
 32 competent jurisdiction. The bondholder shall recover five  
 33 percent (5%) in addition to the amount and interest  
 34 thereon, together with the cost of the suit. Any number of  
 35 holders of the bonds for any single improvement may join as  
 36 plaintiffs, and any number of owners of ~~the~~ property ~~on~~  
 37 ~~which they are a~~ encumbered by the lien may be joined as  
 38 defendants in the suit.

39  
 40 **16-1-104. Joint powers, functions and facilities;**  
 41 **city-county airport board; eligible senior citizen centers.**

42  
 43 (d) Any city-county airport board heretofore  
 44 organized and operating pursuant to W.S. ~~10-4-101 through~~  
 45 ~~10-4-105~~ 10-5-101 through 10-5-204 shall be deemed a joint  
 46 powers board, and shall not be required to reorganize as

1 provided for by W.S. 16-1-106(a) but is subject to all  
2 other provisions of this act.

3  
4 **16-2-101. Definitions.**

5  
6 (a) As used in this act:

7  
8 (v) "This act" means W.S. 16-2-101 through  
9 ~~16-2-104~~ 16-2-103.

10  
11 **16-3-101. Short title; definitions.**

12  
13 (b) As used in this act:

14  
15 (ix) "Rule" means each agency statement of  
16 general applicability that implements, interprets and  
17 prescribes law, policy or ordinances of cities and towns,  
18 or describes the organization, procedures, or practice  
19 requirements of any agency. The term includes the amendment  
20 or repeal of a prior rule, but does not include:

21  
22 (E) Rules concerning the use of public  
23 roads or facilities which are indicated to the public by  
24 means of signs and signals; or

25  
26 (F) Ordinances of cities and towns; or

27  
28 **16-4-103. Budget requirements.**

29  
30 (b) Intragovernmental and enterprise fund municipal  
31 budgets are required for adequate management control and  
32 for public information including financial statements of  
33 condition, work programs and any other costs as the  
34 municipal governing body may request. These fund accounts  
35 shall not be deemed to have spent amounts in excess of  
36 those budgeted when the funds available from all sources ~~is~~  
37 are sufficient to cover the additional operating  
38 expenditures which have been approved by the governing  
39 bodies.

40  
41 **16-4-123. Examinations of audit reports; violations;**  
42 **malfeasance by public officers and employees.**

43  
44 (c) If it appears an auditor has knowingly issued an  
45 audit report under the provisions of this act containing  
46 any false or misleading statement, the director of the  
47 state department of audit shall report the matter in

1 writing to the ~~state board of accountancy~~ Wyoming board of  
 2 certified public accountants and to the municipality.

3  
 4 **16-6-501. Building plans and specifications; required**  
 5 **facilities; elevators; curb ramps; inspections; exceptions.**

6  
 7 (b) Every curb or sidewalk to be constructed or  
 8 reconstructed in Wyoming, where both are provided and  
 9 intended for public use, whether constructed with public or  
 10 private funds, shall provide a ramp at points of  
 11 intersection between pedestrian and motorized lines of  
 12 travel and no less than two (2) curb ramps per lineal  
 13 block. Design for curb ramps shall take into consideration  
 14 the needs of all physically handicapped persons including  
 15 blind pedestrians. Existing design standards will be  
 16 available from the governor's committee for employment of  
 17 the handicapped. If future improvements in the curb ramp  
 18 design will benefit handicapped and elderly persons,  
 19 designs stipulated in this article may be altered after  
 20 full hearings on the proposed changes by the director  
 21 administrator of the division of vocational rehabilitation,  
 22 the ~~director~~ program manager of the governor's committee  
 23 ~~for employment of the handicapped~~ on employment of people  
 24 with disabilities and the state fire marshal.

25  
 26 (d) Exceptions may be granted by the state fire  
 27 marshal in consultation with the ~~director~~ administrator of  
 28 the division of vocational rehabilitation, the ~~director~~  
 29 program manager of the governor's committee ~~for employment~~  
 30 ~~of the handicapped~~ on employment of people with  
 31 disabilities, and the ~~state safety engineer~~ occupational  
 32 health and safety commission chairman.

33  
 34 **16-6-801. Definitions.**

35  
 36 (a) As used in this article:

37  
 38 (ii) "Architect" means any person licensed to  
 39 practice architecture pursuant to W.S. 33-4-101 through  
 40 ~~33-4-115~~ 33-4-117 and designated as the project architect  
 41 for a specific capital construction project;

42  
 43 **16-6-803. Department of commerce to acquire works of**  
 44 **art; advisory panel to consult in acquisition; procedure;**  
 45 **public education programs.**

46

1 (b) The acquisition of works of art from funds within  
2 the separate general fund account established under W.S.  
3 ~~16-6-202(b)~~ 16-6-802(b) shall not require advertisement for  
4 bids.

5  
6 **16-9-102. Definitions.**

7  
8 (a) As used in this act:

9  
10 (x) "This act" means W.S. 16-9-101 through  
11 ~~16-9-106~~ 16-9-108;

12  
13 **17-4-122. Civil liability of sellers violating**  
14 **provisions.**

15  
16 (d) Every cause of action under this ~~statute~~ act  
17 survives the death of any person who might have been a  
18 plaintiff or defendant.

19  
20 **17-4-124. Rules, forms and orders.**

21  
22 (b) No rule, form, or order may be made, amended, or  
23 rescinded unless the secretary of state finds that the  
24 action is necessary or appropriate in the public interest  
25 or for the protection of investors and consistent with the  
26 purposes fairly intended by the policy and provisions of  
27 this act. In prescribing rules and forms the secretary of  
28 state may cooperate with the securities administrators of  
29 the other states and the securities and exchange commission  
30 with a view to effectuating the policy of this ~~statute~~ act  
31 to achieve maximum uniformity in the form and content of  
32 registration statements, applications, and reports wherever  
33 practicable.

34  
35 **17-10-118. Liability of directors upon payment of**  
36 **dividends or appointment when corporation insolvent;**  
37 **exception.**

38  
39 If the directors of any corporation organized under this  
40 act shall declare and pay any dividend or apportionment of  
41 earnings or profits to members or nonmembers when the  
42 corporation is insolvent or when it would be rendered  
43 insolvent by such payment, such directors shall be jointly  
44 and severally liable for all debts of the corporation then  
45 existing and for all such debts thereafter incurred while  
46 they shall respectively continue in office. Any director  
47 may relieve himself from such liability at any time before

1 the time fixed for the payment of such dividend or  
2 apportionment by filing a certificate in writing of his  
3 objection with the secretary of the corporation, and with  
4 the ~~register of deeds~~ county clerk of the county in which  
5 the principal office is located.  
6

7 **17-10-122. Inducing breach of marketing contract or**  
8 **spreading false reports of finances or management; penalty.**  
9

10 Any person ~~or persons~~ who, or any corporation whose  
11 officers or employees knowingly induces or attempts to  
12 induce any member or stockholder of an association  
13 organized hereunder to breach his marketing contract with  
14 the association, or who maliciously and knowingly spreads  
15 false reports about the finances or management thereof,  
16 shall be guilty of a misdemeanor and subject to a fine of  
17 not less than one hundred dollars (\$100.00), and not more  
18 than one thousand dollars (\$1,000.00), for each such  
19 offense and shall be liable to the association aggrieved in  
20 a civil suit in the penal sum of five hundred dollars  
21 (\$500.00) for each such offense; provided, that this  
22 section shall not apply to a bona fide creditor of such  
23 association, or the agent or attorney of any such bona fide  
24 creditor, endeavoring to make collections of the  
25 indebtedness.  
26

27 **17-16-825. Committees.**  
28

29 (e) A committee may not, unless specifically  
30 authorized by the board of directors:  
31

32 (ii) Approve or propose to shareholders action  
33 that this act requires to be approved by shareholders;  
34

35 **17-16-1103. Action on plan.**  
36

37 (j) After a merger or share exchange is authorized,  
38 and at any time before articles of merger or share exchange  
39 are filed, the planned merger or share exchange may be  
40 abandoned, subject to any contractual rights, without  
41 further shareholder action, in accordance with the  
42 procedure set forth in the plan of merger or share ~~of~~  
43 exchange or, if none is set forth, in the manner determined  
44 by the board of directors.  
45

46 **17-16-1801. Application to existing domestic**  
47 **corporations.**

1  
2 (b) For corporations incorporated in Wyoming prior to  
3 the effective date of this act, the cumulative voting and  
4 shareholder preemptive rights provisions contained in  
5 ~~former~~ W.S. 17-1-123 and 17-1-130 are continued for a  
6 period of four (4) years from the effective date of this  
7 act unless the corporation amends its articles of  
8 incorporation to provide otherwise.

9  
10 **17-17-114. Compulsory purchase of shares after death**  
11 **of shareholder.**

12  
13 (c) An amendment to the articles of incorporation to  
14 provide for application of W.S. 17-17-115 through  
15 17-17-117, or to modify or delete the provisions of these  
16 sections, must be approved by the holders of at least two-  
17 thirds (2/3) of the votes of each class or series ~~or~~-of  
18 shares of the statutory close corporation, voting as  
19 separate voting groups, whether or not otherwise entitled  
20 to vote on amendments. If the corporation has no  
21 shareholders when the amendment is proposed, it must be  
22 approved by at least two-thirds (2/3) of the subscribers  
23 for shares, if any, or, if none, by all of the  
24 incorporators.

25  
26 **17-18-106. Statement; consent to service of process;**  
27 **filing fee; copy to target company.**

28  
29 (b) If a takeover offer is subject to any federal  
30 law, ~~including the Securities Exchange Act of 1934, 15~~  
31 ~~U.S.C. 78 as amended as of January 1, 1989,~~ the statement  
32 shall be one (1) copy of each document required to be filed  
33 with the securities and exchange commission and any other  
34 federal agency. If the takeover offer is not subject to  
35 any requirement of federal law, the statement shall be  
36 filed on forms prescribed by the secretary of state and  
37 shall contain the following information:

38  
39 **17-18-116. Proxies.**

40  
41 (f) If the articles of incorporation permit the board  
42 to impose restrictions on the use of proxies and a court  
43 orders a shareholder's meeting, the board may still impose  
44 the restrictions provided if it does so within ten (10)  
45 days of the meeting or within half the total number of days  
46 between the date of the court order and the date of the  
47 meeting, whichever is less. The time periods for notice of

1 issues and mailing deadlines set forth in subsection ~~(d)~~  
2 (e) of this section shall not apply to court ordered  
3 meetings.

4  
5 **17-19-1630. Filing of reports.**

6  
7 (a) Every Wyoming nonprofit corporation organized  
8 under the laws of this state and every foreign nonprofit  
9 corporation which obtains the right to transact and carry  
10 on its affairs within this state shall file an annual  
11 report setting forth the names and addresses of its  
12 officers and directors, the address of its principal  
13 office, and any compensation, profit or pecuniary advantage  
14 paid directly or indirectly to any officer or director.

15  
16 **18-3-304. Travel allowances.**

17  
18 When any county attorney is called upon to render services  
19 for the county outside of his county or consolidation of  
20 counties, or within his county or consolidation of counties  
21 at a distance of more than ten (10) miles from the county  
22 seat, or more than ten (10) miles from his own residence,  
23 he may in the discretion of the board or boards of county  
24 commissioners receive his actual and necessary traveling  
25 expenses as provided by W.S. ~~9-1-118~~ 9-3-103 in attending  
26 to such services, in addition to his salary as county  
27 attorney.

28  
29 **18-3-402. Duties generally.**

30  
31 (a) The county clerk shall:

32  
33 (vi) Have custody and keep all books, records,  
34 deeds, maps, papers and copies thereof deposited or kept in  
35 his office as required by law. All deeds, mortgages, and  
36 other instruments in writing authorized by law to be  
37 recorded or filed in his office and left in his office  
38 shall be:

39  
40 (B) Recorded on microfilm, microcards or  
41 other permanent record retention medium. All reproduction  
42 processes shall be instituted and used pursuant to W.S.  
43 ~~9-212.7:1~~ 9-2-413. Maps may either be recorded as herein  
44 provided or if the copying is unlikely to provide a  
45 satisfactory record, the county clerk may keep the  
46 originals or tracings thereof, undamaged and unfolded and  
47 make prints available for public use.

1  
2 (xxiv) File maps as defined in W.S. ~~33-29-111~~  
3 33-29-139. The county clerk shall charge a fee of twenty-  
4 five dollars (\$25.00) for filing the maps.  
5

6 **18-3-516. Publication of proceedings; publication of**  
7 **names, salaries and wages of certain officials and**  
8 **employees.**  
9

10 (b) Each board of county commissioners shall publish  
11 separate from the minutes of the proceedings:  
12

13 (i) During January and July of each year, the  
14 name, position and gross monthly salary of each chief  
15 administrative official, assistant administrative official  
16 and department head including those officials and  
17 department heads of boards and departments funded by the  
18 board of county commissioners and elected officials. The  
19 publication shall also include a list of all other full-  
20 time positions employed by the county without the name of  
21 the current employee, including the gross monthly salary  
22 for each position. A brief statement shall accompany the  
23 salary publication specifying that all salaries are listed  
24 as gross monthly salaries or actual monthly wages, not  
25 including any fringe benefits such as health insurance  
26 costs, life insurance benefits and pension plans. The  
27 statement shall also indicate that the salaries or wages do  
28 not include any overtime that the employee may earn which  
29 would be paid by the county; and  
30

31 **18-3-520. Restrictions upon employment of attorneys.**  
32

33 No attorney shall be employed by the board of county  
34 commissioners except as provided by W.S. ~~18-2-107~~ 18-2-110  
35 and the nature and necessity of such employment shall  
36 appear in the record of the board.  
37

38 **18-3-812. Settlement with state treasurer.**  
39

40 Each county treasurer shall pay the state treasurer all  
41 state taxes and other state monies received by him and  
42 shall give the state treasurer a written statement that he  
43 has paid over the same funds in kind as received by him and  
44 has not exchanged or bartered any of the monies, coin, bank  
45 bills, treasury notes or other currency received by him for  
46 the state for any auditor's warrants, state scrip or other  
47 certificates or evidences of indebtedness of the state, nor



1 permitted the same to be done, and that all state auditor's  
 2 warrants or other certificates or evidences of indebtedness  
 3 of the state delivered by him to the treasurer, were  
 4 received in payment of state taxes or other monies due the  
 5 state. Each statement shall be sworn to before any person  
 6 authorized to administer oaths and shall be filed and  
 7 preserved in his office. False swearing in the statement is  
 8 subject to the penalty provided by W.S. ~~6-154.1~~ 6-5-303.

9  
 10 **18-4-201. Election for establishment; mill levy;**  
 11 **custodian; restriction on use; investment.**

12  
 13 (b) If the proposal carries the board of county  
 14 commissioners may levy a tax to raise money directly for  
 15 the building fund, providing this levy and other county  
 16 levies do not exceed the constitutional limitation in  
 17 addition:

18  
 19 (iii) The county commissioners may invest these  
 20 funds to realize the greatest amount of interest as  
 21 provided by W.S. ~~9-612~~ 9-4-831.

22  
 23 **18-4-501. Issuance authorized; purpose; terms and**  
 24 **conditions; provisions for payment and redemption.**

25  
 26 (a) Each board of county commissioners may issue  
 27 negotiable coupon bonds of their county for the purpose of  
 28 paying, redeeming, funding or refunding the principal and  
 29 interest of any indebtedness of their county when it can be  
 30 done at a lower rate of interest to the benefit of the  
 31 county. The bonds:

32  
 33 (v) May be issued serially as provided by W.S.  
 34 ~~9-625~~ 16-5-302.

35  
 36 **18-5-203. Certificate required to locate buildings or**  
 37 **use land within zoning resolution; issuance and denial;**  
 38 **appeal upon denial.**

39  
 40 It is unlawful to locate, erect, construct, reconstruct,  
 41 enlarge, change, maintain or use any building or use any  
 42 land within any area included in a zoning resolution  
 43 without first obtaining a zoning certificate from the board  
 44 of county commissioners and no zoning certificate shall be  
 45 issued unless the plans for the proposed building,  
 46 structure or use fully comply with the zoning regulations  
 47 then in effect. The board of county commissioners shall act

1 promptly upon any application filed with it and shall grant  
 2 certificates when the proposed construction or use complies  
 3 with the requirements of the zoning resolution. If it  
 4 denies the application, the board shall specify the reasons  
 5 for such denial. The decision of the board of county  
 6 commissioners may be reviewed by the district court and by  
 7 the supreme court upon appeal in the same manner as  
 8 provided in W.S. ~~15-626~~ 15-1-609, for review of decisions  
 9 of boards of adjustment.

10  
 11 **18-6-313. Restrictions on jail expenses.**

12  
 13 Nothing in W.S. 18-6-201 or 18-6-202 or ~~18-6-301~~ 18-6-302  
 14 through 18-6-305 or 18-6-307 through 18-6-312 shall be  
 15 construed as authorizing any board of county commissioners  
 16 to give extra compensation to the county sheriff for  
 17 performing the duties specified therein, or of incurring  
 18 any expense on behalf of the county without the written  
 19 authority of the board of county commissioners except as  
 20 specifically provided.

21  
 22 **18-8-106. To be maintained as public hospitals;**  
 23 **charges for services; when free services to be given;**  
 24 **payment for resident indigent hospitalization.**

25  
 26 Every county memorial hospital established and maintained  
 27 as provided by law is a public county hospital. It may  
 28 charge persons able to pay the same a reasonable price for  
 29 use of the hospital and its facilities during the time  
 30 required for proper treatment, and shall furnish free to  
 31 residents of the county having no means to pay for the same  
 32 all necessary facilities and maintenance during the time  
 33 such persons are required to remain there for proper  
 34 treatment. As long as a county department of public  
 35 assistance and social services functions in the county as  
 36 provided by law, ~~and the full taxes required under W.S.~~  
 37 ~~42-3 are levied in the county,~~ the ~~resulting~~ funds in  
 38 control of the board for hospitalization purposes shall be  
 39 deemed "means" for payment of resident indigent  
 40 hospitalization.

41  
 42 **19-7-102. Creation and composition of military**  
 43 **department.**

44  
 45 (a) The military department of the state of Wyoming  
 46 shall consist of the adjutant general and the following  
 47 ~~four (4)~~ three (3) divisions:

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(ii) Air national guard; and

(iii) State military affairs. ~~;~~ ~~and~~

**19-11-102. Purpose.**

(c) The provisions of this article are intended to be supplemental to any rights that persons called to military service have under any applicable federal statutes, including the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, 50 U.S.C. 501 et seq., the Uniformed Services Employment and Reemployment Rights Act, ~~43-38~~ U.S.C. 4301 et seq., and under any other applicable laws of this state.

**20-4-140. Definitions.**

(a) As used in this act:

(xxii) "This act" means W.S. 20-4-139 through ~~20-4-192~~ 20-4-194;

**20-4-153. Application of law of this state.**

(a) Except as otherwise provided by the Uniform Interstate Family Support Act, a responding tribunal of this state:

(ii) Shall determine the duty of support and the amount payable in accordance with the presumptive child support established under W.S. ~~20-6-304~~ 20-2-304.

**21-2-402. Licensure; post secondary education institutions; application; fees; suspension and revocation.**

(b) Post secondary education institutions specified under W.S. 21-2-401(a) shall apply to the state department of education for a license under this article. Application shall be in a manner and on a form prescribed by the department and shall include:

(x) Evidence that the institution is in compliance with admission requirements for applicants, including:

1 (B) For students whose primary written and  
 2 spoken language is not English, a minimum score of five  
 3 hundred (500) written ~~and~~or one hundred seventy-five (175)  
 4 computer-based on the test of English as a foreign language  
 5 (TOEFL), administered within two (2) years of admission or  
 6 prior to receipt of a degree or certificate from the  
 7 institution, whichever first occurs. This subparagraph  
 8 shall not apply to any student attending class in an on-  
 9 site classroom in a foreign country under a bona fide  
 10 franchise agreement between a licensee and an educational  
 11 institution in that country if the student has completed,  
 12 with a grade equivalent to C or better, a minimum of six  
 13 (6) semester credit hours or ninety (90) classroom contact  
 14 hours of post secondary education instruction, taught by  
 15 appropriately credentialed instructors, in the study of the  
 16 English language. The requirement for an exception under  
 17 this subparagraph shall be demonstrated by appropriately  
 18 translated and evaluated academic transcripts or the  
 19 requirement may be satisfied through instruction received  
 20 concurrently with the student's course of study.

21  
 22 **21-2-702. Intermediate educational unit.**

23  
 24 The division is deemed an intermediate educational unit as  
 25 defined in ~~20 USC § 1401(22)~~20 U.S.C. § 1401(23),  
 26 Education of the Handicapped Act, as amended as of January  
 27 1, 1989.

28  
 29 **21-2-703. Superintendent duties; division duties.**

30  
 31 (a) The state superintendent shall:

32  
 33 (iii) Insure that activities under this act  
 34 comply with the Education of the Handicapped Act, ~~20 USC §§~~  
 35 ~~1401-1485~~20 U.S.C. §§ 1400 through 1485, as amended as of  
 36 January 1, 1989.

37  
 38 **21-4-309. Mandatory immunizations for children**  
 39 **attending schools; exceptions.**

40  
 41 (d) For purposes of this section:

42  
 43 (i) "State health officer" means the person  
 44 appointed by the director of the department of health  
 45 pursuant to W.S. ~~9-2-101(f)~~9-2-103;

46  
 47 **21-6-202. Definitions.**

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(a) As used in this article:

(i) "School district" includes unified school districts and elementary school districts ~~authorized under W.S. 21-6-224~~ pursuant to W.S. 21-3-102;

**21-12-101. "State board" defined; boards of trustees authorized to establish and maintain adult education program.**

(a) As used in this ~~article~~ chapter "state board" means the state board of education acting as the state board of vocational education.

**21-13-310. Annual computation of district revenues.**

(a) To ensure revenues available to each district are uniformly sufficient to enable compliance with the uniform standards for educational programs prescribed under W.S. 21-9-101 and 21-9-102 and to secure state board accreditation of educational programs under W.S. 21-2-304(a)(ii), the revenues specified under this subsection shall be deemed state revenues and shall be considered in determining the amount to be distributed to each district under W.S. 21-13-311. A district shall make an annual computation of the following revenues:

(ii) The required local tax effort in the current school year for the assessment and levy of school taxes by the district according to the following schedule:

(B) Any nonunified district actually and physically operating a school within the boundaries of the district offering instruction in kindergarten through grade eight (8), the amount of revenue collections to be received during the school year under the number of mills levied pursuant to W.S. 21-13-102(a)(ii)(A), ~~and (C)~~, as certified on August 10 under W.S. 39-11-102.1(c)(v) for that school year.

**21-13-313. Distribution of funds from foundation account; property tax and cash reserve adjustment; regulations.**

(d) On or before August 15 of the succeeding fiscal year, each school district shall report the amount of

1 revenue it received during the preceding fiscal year  
 2 attributable to levies provided by W.S. 21-13-102(a)(i)(A)  
 3 and (ii)(A) ~~and (C)~~ and 21-13-201 regardless of the  
 4 assessment year, but not to include assessments from years  
 5 prior to July 1, 1991. If those revenues reported are less  
 6 than the revenues estimated under W.S. 21-13-310(a)(i) and  
 7 (ii) for that fiscal year, as applicable, and if the  
 8 district's total revenues computed under W.S. 21-13-310 for  
 9 that fiscal year continue to be less than the total  
 10 foundation program amount computed under W.S. 21-13-309,  
 11 the school district shall be paid the difference by October  
 12 15 from the foundation program account. No amount in  
 13 excess of the total foundation program amount computed for  
 14 any district for that fiscal year shall be paid from the  
 15 foundation program account for purposes of this subsection.  
 16 Any amount paid under this subsection shall not thereafter  
 17 be relevant to or used for future foundation program  
 18 calculations. If those revenues reported are greater than  
 19 the revenues estimated under W.S. 21-13-310(a)(i) and (ii)  
 20 for that fiscal year, as applicable, the excess shall be  
 21 included as revenues of the district under W.S. 21-13-310  
 22 in computing the foundation entitlement for the succeeding  
 23 fiscal year.

24  
 25 **21-13-326. Routine maintenance; adjustment to**  
 26 **foundation program formula.**

27  
 28 (a) The adjustment for routine maintenance under W.S.  
 29 21-13-309(n)(vi), following reduction of the operations and  
 30 maintenance component contained within each school level  
 31 within the prototypical school model, as prescribed by the  
 32 education resource block grant model, shall be computed for  
 33 each district on a dollar per average daily membership  
 34 basis under the block grant model, subject to the  
 35 following:

36  
 37 (ii) For purposes of computations for the  
 38 adjustment to the block grant model under this section,  
 39 actual square footage of education space shall be reported  
 40 and computed for each district by school level. The gross  
 41 square footage of education space for each school level  
 42 shall be subject to the computations prescribed under  
 43 paragraphs (a)(iv) through (vi) of this section. The  
 44 standard education space capacity for each school level  
 45 shall be the gross square footage prescribed by the  
 46 statewide building adequacy standards promulgated under  
 47 W.S. ~~21-15-107~~ 21-15-115;

1  
2       **21-15-108. Revenue bonds for grants and loans;**  
3 **refunding revenue bonds.**

4  
5       (d) Any bonds issued under this section shall:

6  
7           (ii) Be fully negotiable within the meaning of  
8 and for all purposes of the Uniform Commercial Code, W.S.  
9 34.1-1-101 through ~~34.1-10-102~~ 34.1-10-104;

10  
11       **21-15-109. Major building and facility repair and**  
12 **replacement payments; computation; square footage**  
13 **allowance; use of payment funds; accounting and reporting**  
14 **requirements.**

15  
16       (e) Amounts distributed under subsection (b) of this  
17 section shall be deposited by the recipient district into a  
18 separate account, the balance of which may accumulate from  
19 year-to-year. Expenditures from the separate account,  
20 including any interest earnings on the account, shall be  
21 restricted to expenses incurred for major building and  
22 facility repair and replacement as defined in subsection  
23 (a) of this section and as prescribed by rule and  
24 regulation of the commission, and shall be in accordance  
25 with the district's facility plan approved by the  
26 commission under W.S. 21-15-116. Any interest earned on the  
27 account is exempt from and shall not be reported as a local  
28 district revenue. ~~under W.S. 21-13-310(a)(xi).~~ Each  
29 district shall annually report to the commission on the  
30 expenditures made from the separate account during the  
31 applicable reporting period, separating account  
32 expenditures on a building-by-building basis. In addition,  
33 the annual report shall include the district's five (5)  
34 year plan for addressing district major building and  
35 facility repair and replacement needs, updated for the  
36 applicable reporting period. The report shall be in a  
37 manner and form required by rule and regulation of the  
38 commission. The commission shall annually review account  
39 expenditures and shall report expenditures to the select  
40 committee on school facilities established under W.S.  
41 28-11-301. The commission shall compile reported building-  
42 by-building expenditure information for each district and  
43 the district five (5) year plan and include this  
44 information in his annual report to the select committee  
45 pursuant to W.S. 21-15-121.

46  
47       **21-16-720. Annual report and budget.**

1  
2 (b) The authority shall submit its budget for review  
3 as provided by W.S. 9-2-1010 through ~~9-2-1015~~ 9-2-1014.1.

4  
5 **21-17-404. Definitions.**

6  
7 (a) As used in W.S. 21-17-402 through 21-17-450:

8  
9 (xiv) (A) "Pledged revenues" means the monies  
10 pledged wholly or in part for the payment of bonds or other  
11 securities issued hereunder, and, subject to any existing  
12 pledges or other contractual limitations, may include at  
13 the board's discretion, income or monies derived from one  
14 (1), all or any combination of the following revenue  
15 sources, including without limitation student fees and  
16 other fees, rates and charges appertaining thereto:

17  
18 (X) The board's proportion for the benefit  
19 of the university of not less than nine percent (9%) of the  
20 monies remitted by the United States to the state and  
21 accounted for as provided by law pursuant to W.S. ~~9-577,~~  
22 ~~9-578 and 9-579~~ 9-4-601(a)(iv).

23  
24 **21-17-417. Conditions which may be imposed by board;**  
25 **interest coupons.**

26  
27 (a) As the board may determine, bonds and other  
28 securities issued under this act except as otherwise  
29 provided shall:

30  
31 (ii) Be fully negotiable within the meaning of  
32 and for all purposes of the Uniform Commercial Code, W.S.  
33 34.1-8-101 through ~~34.1-8-406~~ 34.1-8-603;

34  
35 **21-17-427. Covenants in resolution limiting powers to**  
36 **secure payment.**

37  
38 (a) Any resolution providing for the issuance of any  
39 bonds or other securities under this act payable from  
40 pledged revenues and any indenture or other instrument or  
41 proceedings appertaining thereto may contain covenants or  
42 other provisions which may limit the exercise of powers  
43 conferred under this act, in order to secure the payment of  
44 the securities in agreement with the holders of the  
45 securities, including without limitation covenants or other  
46 provisions as to any of the following:



1 (xii) The reissuance of any outstanding bond or  
 2 other securities, and the terms and conditions thereof,  
 3 whether lost, apparently destroyed, wrongfully taken, or  
 4 for any other reason, as provided in the Uniform Commercial  
 5 Code, W.S. 34.1-8-101 through ~~34.1-8-406~~ 34.1-8-603, or  
 6 otherwise;

7  
 8 **25-5-102. Definitions.**

9  
 10 (a) As used in this act:

11  
 12 (iv) "Incompetent" means an individual for whom  
 13 the court has appointed a guardian pursuant to W.S. ~~3-4-101~~  
 14 ~~through 3-4-109~~ 3-2-101 through 3-2-112;

15  
 16 (xiii) "This act" means W.S. 25-5-101 through  
 17 ~~25-5-134~~ 25-5-135;

18  
 19 **25-10-101. Definitions.**

20  
 21 (a) As used in this act:

22  
 23 (xiv) "This act" means W.S. 25-10-101 through  
 24 ~~25-10-404~~ 25-10-305;

25  
 26 **25-10-116. Periodic examinations of patients;**  
 27 **determination of discharge or continued hospitalization;**  
 28 **notice; hearing.**

29  
 30 (b) When the head of a hospital determines after the  
 31 examination required by subsection (a) of this section or  
 32 by W.S. 25-10-113 that the conditions justifying  
 33 hospitalization of involuntary patients no longer exist, he  
 34 shall report his determination to the court, the county  
 35 attorney, the district attorney, family members and the  
 36 mental health center which were involved in the initial  
 37 proceedings. Unless, within three (3) days after the notice  
 38 is sent, the court upon motion orders a hearing on  
 39 continuing the patient's hospitalization, the head of the  
 40 hospital shall discharge the patient. The hearing shall be  
 41 held as soon as practicable and shall follow the procedures  
 42 in W.S. ~~25-10-117~~ 25-10-118. Notice of the hearing shall  
 43 conform with W.S. 25-10-116(c).

44  
 45 **25-11-101. Definitions.**

46  
 47 (a) As used in this chapter:

1  
 2 (iv) "Legally responsible person" means the  
 3 resident, a responsible relative or the conservator of the  
 4 resident's property as defined by W.S. ~~3-1-101(a)(ii)~~  
 5 3-1-101(a)(iii);

6  
 7 **26-2-209. Deduction allowed for retaliation.**

8  
 9 Notwithstanding any other law, if any domestic insurer is  
 10 required to pay additional taxes or fees to some other  
 11 jurisdiction because of this article under the color of a  
 12 retaliatory statute or other similar law, the insurer may  
 13 deduct the additional taxes or fees from the premium taxes  
 14 otherwise payable under W.S. 26-4-103. ~~and 26-4-104.~~

15  
 16 **26-3-114. Certificate of authority; continuation;**  
 17 **expiration; reinstatement.**

18  
 19 (a) A certificate of authority issued under this code  
 20 continues in force until suspended or revoked by the  
 21 commissioner or terminated at the insurer's request,  
 22 subject to continuance by the insurer each year by:

23  
 24 (iii) Payment by the insurer of premium taxes  
 25 for the immediately preceding calendar year as required by  
 26 W.S. 26-4-103. ~~and 26-4-104.~~

27  
 28 **26-4-102. Record of receipts; payment to treasurer;**  
 29 **credit to fund.**

30  
 31 (b) The commissioner shall promptly pay all monies he  
 32 receives from any charges to the state treasurer for credit  
 33 to the general fund, except that:

34  
 35 (i) Fees received pursuant to W.S.  
 36 26-4-101(a)(v)(A)(I) and (B)(I) ~~and (xiii)~~ shall be paid  
 37 and credited as provided in W.S. 26-10-107; and

38  
 39 **26-4-103. Premium taxes; generally; preemption by**  
 40 **state.**

41  
 42 (h) The provisions of subsections ~~(e),~~ (f) and (g) of  
 43 this section shall not be modified or repealed by any law  
 44 of general application enacted after December 31, 1967  
 45 unless expressly referred to or expressly repealed therein.

46

1           **26-4-105. Premium taxes; commissioner to collect tax;**  
2 **failure to pay.**

3  
4           (a) The taxes imposed under W.S. 26-4-103 ~~and~~  
5 ~~26-4-104~~ shall be collected by the commissioner.

6  
7           **26-7-101. Scope of chapter.**

8  
9 Except as to W.S. ~~26-7-117~~ 26-7-116, this chapter applies  
10 to domestic insurers only.

11  
12           **26-14-102. Scope and applicability of chapter;**  
13 **liberal interpretation.**

14  
15           (a) This chapter applies to all kinds of insurance  
16 written on risks in this state by any insurer authorized to  
17 do business, except nothing in this chapter applies to:

18  
19                   (viii) Worker's compensation insurance as  
20 provided under title 27, chapter ~~12-14~~ of the Wyoming  
21 statutes.

22  
23           **26-14-103. Definitions.**

24  
25           (a) As used in this chapter:

26  
27                   (xii) "Unfairly discriminatory" refers to rates  
28 that cannot be actuarially justified. It does not refer to  
29 rates that produce differences in premiums for  
30 policyholders with like loss exposures but different  
31 expenses, or like expenses but different loss exposures, so  
32 long as the rate reflects such differences with reasonable  
33 accuracy. A rate is not unfairly discriminatory if it  
34 averages broadly among persons insured under a group,  
35 franchise or blanket policy or a mass marketing plan. No  
36 rate in a competitive market shall be considered unfairly  
37 discriminatory unless it violates the provisions of W.S.  
38 26-14-105(b) in that they classify in whole or in part on  
39 the basis of race, color, creed or ~~natural~~ national origin.

40  
41           **26-17-127. Additional groups.**

42  
43           (a) Group life insurance offered to a resident under  
44 a group life insurance policy issued to a group other than  
45 one described in W.S. 26-17-103 through ~~26-17-107~~ 26-17-106  
46 and 26-17-109 is subject to the following requirements:  
47

1           **26-19-304. Restrictions relating to premium rates.**

2  
3           (a) Premium rates for health benefit plans subject to  
4 this act shall be subject to the following provisions:

5  
6           (ii) For a class of business, the premium rates  
7 charged during a rating period to small employers with  
8 similar case characteristics for the same or similar  
9 coverage, or the rates which could be charged to employers  
10 under the rating system for that class of business shall  
11 not vary from the index rate by more than thirty-five  
12 percent (35%) of the index rate;

13  
14           **26-29-238. Exemption of certain societies.**

15  
16           (b) Any society or association described in  
17 ~~paragraphs~~ paragraph (a)(iii) or (iv) of this section which  
18 provides for death or disability benefits for which benefit  
19 certificates are issued, and any society or association  
20 included in paragraph (a)(iv) of this section which has  
21 more than one thousand (1,000) members, shall not be  
22 exempted from the provisions of this chapter but shall  
23 comply with all requirements thereof.

24  
25           **26-34-102. Definitions.**

26  
27           (a) As used in this chapter:

28  
29           (xxix) "This act" means W.S. 26-34-101 through  
30 ~~26-34-133~~ 26-34-134.

31  
32           **26-34-120. Examination.**

33  
34           (e) Instead of the examinations under this section  
35 the commissioner or administrator may accept the report of  
36 an examination made by the insurance commissioner or public  
37 health commissioner of another state. A report from another  
38 state's insurance commissioner shall only be accepted if:

39  
40           (ii) The examination is performed under the  
41 supervision of an accredited insurance department or with  
42 the participation of one (1) ~~of~~ or more examiners who are  
43 employed by an accredited insurance department and who,  
44 after the review of the examination work papers and report,  
45 state under oath that the examination was performed in a  
46 manner consistent with the standards and procedures  
47 required by their insurance department.

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**26-34-127. Penalties and enforcement.**

(a) The commissioner, instead of suspension or revocation of a certificate of authority under W.S. ~~26-34-118~~ 26-34-121, may levy an administrative penalty in an amount not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00) if reasonable notice in writing is given of the intent to levy the penalty and the health maintenance organization has a reasonable time within which to remedy the defect in its operations which gave rise to the penalty citation. The commissioner may augment this penalty by an amount equal to the sum that he calculates to be the damages suffered by enrollees or other members of the public.

**27-3-102. Definitions generally.**

(a) As used in this act:

(xxii) "This act" means W.S. 27-3-101 through ~~27-3-704~~ 27-3-705.

**27-3-103. "Employer" defined; qualifications; employment services in other states included.**

(a) As used in this act, "employer" means any employing unit:

(viii) Employing agricultural labor defined under W.S. 27-3-107; ~~or~~

(ix) Employing domestic service defined under W.S. 27-3-107(g); or

(b) Domestic service shall not be considered by the department in determining if an employing unit is an employer under ~~paragraphs~~ paragraph (a)(i), (vi), (vii) or (viii) of this section. Agricultural labor shall not be considered by the department in determining if an employing unit is an employer under ~~paragraphs~~ paragraph (a)(i), (vi), (vii) or (ix) of this section.

**27-3-105. "Employment" defined; employment for state, and other organizations; exceptions.**

1 (a) Employment under this act includes service  
2 performed for:

3  
4 (i) This state, any of its political  
5 subdivisions, including service as an appointed official of  
6 any political subdivision, or for this state and any other  
7 state or its political subdivisions and this service is  
8 excluded from employment under 26 U.S.C. §§ 3301 through  
9 3311 solely by 26 U.S.C. § 3306(c) (7); ~~and~~

10  
11 (ii) A religious, charitable, educational or  
12 other organization if excluded from employment under 26  
13 U.S.C. §§ 3301 through 3311 solely by 26 U.S.C. §  
14 3306(c)(8) and the organization employed four (4) or more  
15 individuals for part of one (1) day for twenty (20) weeks  
16 within the current or preceding calendar year; and

17  
18 (b) Subsection (a) of this section does not include  
19 service performed:

20  
21 (xi) By an individual receiving a wage as part  
22 of a work experience or workfare program assisted or  
23 financed by the federal government or any state or local  
24 government, except for those programs employing an  
25 individual in on-the-job training for which wages are  
26 wholly or partially paid by the employer; ~~or~~

27  
28 (xii) By an inmate of a state custodial or penal  
29 institution; or

30  
31 **27-3-317. Eligibility for extended benefits;**  
32 **exceptions; qualifications.**

33  
34 (g) An individual disqualified from benefit  
35 entitlement under W.S. 27-3-311 shall be denied extended  
36 benefits until requalified as follows:

37  
38 (ii) If disqualified from benefit entitlement  
39 under W.S. ~~27-3-311(e)~~ 27-3-311(f), the individual shall be  
40 employed in an employee-employer relationship for not less  
41 than four (4) weeks, whether or not consecutive, following  
42 the date of disqualification and have earned wages of not  
43 less than four (4) times his weekly benefit amount for this  
44 employment; and

45  
46 **28-1-107. Definitions.**

47

1 (a) As used in this act:

2  
3 (i) "Committee" means any duly constituted  
4 committee of the legislature, any standing committee of  
5 either house of the legislature, joint interim committee of  
6 the legislature, special investigating committee  
7 established by joint resolution of the legislature and the  
8 committees established by W.S. 28-11-101, ~~and~~ 28-11-201 and  
9 28-11-301;

10  
11 **29-2-110. Notice to owner; limitations; condition**  
12 **precedent to lien.**

13  
14 (a) Every prime contractor or subcontractor shall  
15 give to the owner or his agent, within thirty (30) days of  
16 providing any materials or services by the contractor or  
17 subcontractor governed by this chapter, a written notice  
18 which shall be receipted by the owner or his agent and  
19 include the following language in ten point bold type:

20  
21 NOTICE TO OWNER

22  
23 FAILURE OF THIS PRIME CONTRACTOR OR SUBCONTRACTOR TO PAY  
24 THOSE PERSONS SUPPLYING MATERIALS OR SERVICES TO COMPLETE  
25 THIS CONTRACT CAN RESULT IN THE FILING OF A MECHANIC'S LIEN  
26 ON THE PROPERTY WHICH IS THE SUBJECT OF THIS CONTRACT  
27 PURSUANT TO W.S. 29-2-101 THROUGH ~~29-2-110~~ 29-2-111. TO  
28 AVOID THIS RESULT, WHEN PAYING FOR LABOR AND MATERIALS YOU  
29 MAY ASK THIS PRIME CONTRACTOR OR SUBCONTRACTOR FOR "LIEN  
30 WAIVERS" FROM ALL PERSONS SUPPLYING MATERIALS OR SERVICES  
31 FOR THE WORK DESCRIBED IN THIS CONTRACT. FAILURE TO SECURE  
32 LIEN WAIVERS MAY RESULT IN YOUR PAYING FOR LABOR AND  
33 MATERIALS TWICE.

34  
35 **29-3-109. Limitation of actions and duration of**  
36 **liens; procedure when property subject to lien removed to**  
37 **another county.**

38  
39 (a) Every person holding a lien created by this  
40 chapter may proceed to obtain a judgment for the amount  
41 claimed by civil action commenced on the account within one  
42 hundred eighty (180) days after filing of the ~~notice-lien~~  
43 statement required by W.S. ~~29-3-108~~ 29-3-106. The lien  
44 shall continue until the case is finally determined.

45  
46 **29-3-110. Limitation upon owner's liability and**  
47 **rights.**

1  
2 Nothing in this ~~act~~chapter shall be construed to fix a  
3 greater liability against the owner of the land or  
4 leasehold (or pooled or unitized lands, leases or  
5 interests, as the case may be) than the price or sum  
6 stipulated by the owner to be paid for the materials or  
7 services furnished or labor performed. The owner shall not  
8 have the right to offset obligations of the contractor  
9 unless these obligations arise out of the original  
10 contract.

11  
12 **29-6-206. Duties of filing officer.**

13  
14 (a) If a notice of federal lien, a refileing of a  
15 notice of federal lien or a notice of revocation of any  
16 certificate described in subsection (b) of this section is  
17 presented to a filing officer who is:

18  
19 (i) The secretary of state, he shall cause the  
20 notice to be marked, held and indexed in accordance with  
21 the provisions of W.S. ~~34.1-9-403(d)~~34.1-9-519 of the  
22 Uniform Commercial Code as if the notice were a financing  
23 statement within the meaning of that code; or

24  
25 (c) If a refiled notice of federal lien referred to  
26 in subsection (a) of this section or any of the  
27 certificates or notices referred to in subsection (b) of  
28 this section is presented for filing to any other filing  
29 officer specified in W.S. ~~26-9-204~~29-6-204, he shall  
30 permanently attach the refiled notice or the certificate to  
31 the original notice of lien and enter the refiled notice or  
32 the certificate with the date of filing in any alphabetical  
33 lien index on the line where the original notice of lien is  
34 entered.

35  
36 **29-7-103. Lien statement; additional contents; county**  
37 **clerk to note lien on certificate of title.**

38  
39 (a) A lien statement under W.S. 29-7-101 through  
40 29-7-106 shall provide in addition to the requirements of  
41 W.S. ~~29-1-301(a)~~29-1-301(b) whether the lien claimant was  
42 in possession of the property at the time the lien  
43 statement was filed or the owner consented to the filing of  
44 the lien; and

45  
46 **29-7-105. Repossession; enforcement of lien by sale;**  
47 **notice thereof to known claimants; satisfaction by any**



1 **claimant; title of good faith purchaser; disposition of**  
 2 **proceeds; additional creditors' rights; liability for**  
 3 **noncompliance with section; "commercially reasonable".**

4  
 5 (b) A lien arising under W.S. 29-7-101 through  
 6 29-7-106 may be enforced by public or private sale of the  
 7 property ~~in~~en bloc or in parcels at a time or place and on  
 8 terms which are commercially reasonable after mailing by  
 9 certified mail, return receipt requested, to their last  
 10 known address a notice to all persons known to claim an  
 11 interest in the property. The notification shall include:

12  
 13 **30-2-210. Notice of violation; correction of**  
 14 **condition constituting violation required; penalty upon**  
 15 **failure to comply; continuing violations; authority to**  
 16 **close operations; right of appeal.**

17  
 18 (a) If the inspector or his deputy finds a violation  
 19 of this act or rules or regulations adopted under it  
 20 relating to ~~mines~~mine operating methods and conditions, he  
 21 shall notify in writing the person in charge of the mining  
 22 operation of the condition or method constituting the  
 23 violation and the provision being violated. The condition  
 24 or method shall be corrected in five (5) days or other time  
 25 prescribed by the inspector or his deputy as is reasonable  
 26 in view of the nature of the condition or method. Allowing  
 27 a correction period does not prevent the condition or  
 28 method constituting a violation of this act or a rule or  
 29 regulation adopted under it. Any person failing to correct  
 30 a condition or method in the period allowed is guilty of a  
 31 misdemeanor. Each day during which the condition or method  
 32 continues uncorrected after notice of correction has been  
 33 given constitutes a separate violation.

34  
 35 **30-5-101. Definitions.**

36  
 37 (a) As used in this act unless the context otherwise  
 38 requires:

39  
 40 (i) The term "waste" means and includes:

41  
 42 (F) Underground or aboveground waste in the  
 43 production or storage of oil, gas, or condensate, however  
 44 caused, and whether or not defined in other subdivisions  
 45 hereof; ~~and~~

46

1 (G) The flaring of gas from gas wells  
2 except that necessary for the drilling, completing or  
3 testing of the well; and

4  
5 **30-5-103. Oil and gas conservation commission;**  
6 **composition; expenses; hearings; director of oil and gas**  
7 **conservation; legal advisors.**

8  
9 (b) Each member of the commission not otherwise in  
10 full time employment of the state, shall receive the same  
11 allowances as other state officials and employees as set  
12 forth in ~~section 9-13, Wyoming Statutes 1957~~ W.S. 9-3-102,  
13 as amended while attending and traveling to and from  
14 meetings of the commission, said fees and expenses to be  
15 paid from the funds of the Wyoming conservation commission.

16  
17 **30-5-109. Rules and regulations governing drilling**  
18 **units.**

19  
20 (c) (iii) If any of the owners specified in paragraph  
21 (ii) above of this subsection (c), who have not in writing  
22 consented to the exception applied for, file written  
23 objections to the requested exception with the state oil  
24 and gas supervisor during said fifteen (15) day period  
25 following the applicant's mailing of the notice of filing,  
26 or if for any other reason said supervisor fails to grant  
27 such requested exception, then no well shall be drilled on  
28 the drilling unit involved except at the location  
29 authorized by the order establishing such unit, unless and  
30 until the commission shall grant such exception after  
31 notice and hearing upon the application as required by this  
32 act. Provided that in addition to any other notice  
33 required by ~~section 30-223(d), Wyoming Statutes 1957~~ W.S.  
34 30-5-111(d) as amended, or any other provision of law or  
35 the commission's rules, the commission shall cause notice  
36 of any hearing before it on an application for such  
37 exception to be mailed by registered or certified mail with  
38 return receipt to each of the owners specified in paragraph  
39 (ii) above of this subsection (c) at least ten (10) days  
40 before the date of such hearing.

41  
42 **30-5-110. Agreements for waterflooding or other**  
43 **recovery operations, repressuring or pressure-maintenance**  
44 **operations, cycling or recycling operations; operation as a**  
45 **unit of 1 or more pools or parts thereof and pooling of**  
46 **interests in oil and gas therein.**

47

1 (b) Except when context otherwise requires, the terms  
2 used or defined in ~~section 30-216, Wyoming Statutes 1957,~~  
3 ~~Compiled 1967~~ W.S. 30-5-101, shall have the same meaning  
4 when used in this ~~act~~ section.

5  
6 (c) Any interested person may file an application  
7 with the commission requesting an order providing for the  
8 operation as a unit of one (1) or more pools or parts  
9 thereof and for the pooling of the interests in the oil and  
10 gas in the proposed unit area for the purpose of conducting  
11 such unit operation. Such application shall contain:

12  
13 (ii) The names, as disclosed by the conveyance  
14 records of the county or counties in which the proposed  
15 unit area is situated, and the status records of the  
16 district office of the bureau of land management, of (A)  
17 all persons owning or having an interest in the oil and gas  
18 in such unit area or the production therefrom including  
19 mortgages and the owners of other liens or encumbrances,  
20 (B) all owners ~~(as defined in subparagraph (c) of section~~  
21 ~~30-216, Wyoming Statutes 1957, Compiled 1967)~~ of every  
22 tract of land not included within but which immediately  
23 adjoins the proposed unit area or a corner thereof, and (C)  
24 the addresses of all such persons and owners, if known. If  
25 the name or address of any such person or owner is unknown,  
26 the application shall so indicate;

27  
28 (iii) A statement of the type of operations  
29 contemplated in order to effectuate the purposes of this  
30 ~~act~~ section;

31  
32 (t) If any section, subsection, sentence or clause of  
33 this ~~act~~ section is adjudged to be unconstitutional or  
34 invalid, such adjudication shall not affect any other  
35 portions of this ~~act~~ section which can be given effect  
36 without the unconstitutional or invalid provision, and to  
37 this end the provisions of this ~~act~~ section are severable.

38  
39 **30-5-126. Purchase or taking ratably oil and gas for**  
40 **transportation without discrimination in favor of any owner**  
41 **or producer; oil and gas conservation commission to**  
42 **administer.**

43  
44 In addition to the powers and authority, either expressed  
45 or implied, granted to the Wyoming oil and gas conservation  
46 commission, by virtue of the statutes of the state of  
47 Wyoming, the commission is hereby authorized and empowered

1 to administer and enforce the provisions of this act, in  
2 the same manner and in accordance with the same procedures  
3 provided by ~~sections 30-216 to 30-231, Wyoming Statutes~~  
4 ~~1957~~ W.S. 30-5-101 through 30-5-119, as amended for the  
5 enforcement and violations of rules, regulations and orders  
6 of the commission.

7  
8 **31-2-104. Transfer of ownership.**

9  
10 (f) Any person knowingly providing false or  
11 incomplete information on the damage disclosure statement  
12 ~~required by subsection (e) of this section~~ is guilty of a  
13 misdemeanor and upon conviction shall be fined not more  
14 than seven hundred fifty dollars (\$750.00), imprisoned for  
15 not more than six (6) months, or both.

16  
17 **31-2-107. Return of certificate of title and**  
18 **registration for damaged vehicle; replacement title and**  
19 **registration.**

20  
21 (a) When a motor vehicle is declared a total loss by  
22 the insurance company or, in the event an insurance company  
23 is not involved in the settlement of the claim, sustains  
24 damage in an amount exceeding seventy-five percent (75%) of  
25 its actual retail cash value, as set forth in any current  
26 edition of a nationally recognized automotive appraisal  
27 guide or other source approved by the Wyoming insurance  
28 department, the owner or insurance company, if it obtains  
29 ownership of the vehicle through transfer of title as a  
30 result of a settlement of an insurance claim, shall forward  
31 the properly endorsed certificate of title to the office of  
32 the county clerk that issued the certificate of title  
33 together with an application for a certificate of title  
34 branded salvage and payment of the fee required under W.S.  
35 ~~31-2-102(a)(vii)~~ 31-3-102(a)(vii) to obtain a properly  
36 branded certificate of title. When any vehicle accident  
37 report is required under chapter 5, article 11 of this  
38 title, the investigating officer shall provide written  
39 notice to the owner or operator of the vehicle of the  
40 requirements under this section.

41  
42 **31-2-212. Loss, mutilation or destruction of**  
43 **registration, plates or validation stickers.**

44  
45 Upon loss, mutilation or destruction of a certificate of  
46 registration, license plate, or validation sticker the  
47 owner of a vehicle may obtain a duplicate certificate of

1 registration, new license plates or validation stickers  
2 from any county treasurer or the department if the vehicle  
3 was registered or plates or stickers were issued by the  
4 department upon application showing the loss, mutilation or  
5 destruction, return of mutilated plates or stickers and  
6 payment of the duplicate registration, plate or sticker  
7 fee. For those vehicles registered under the provisions of  
8 W.S. 31-2-206(b), 31-2-207 through 31-2-209, 31-2-213(h) or  
9 31-2-215 through 31-2-217, replacement duplicate license  
10 plates may be obtained upon application with the county  
11 treasurer from which the original plates were purchased or  
12 the department if applicable, accompanied by fees as  
13 provided by W.S. 31-3-102(a)(vi)(A). Duplicate license  
14 plates obtained under this section to replace lost or  
15 stolen plates shall not be displayed on the vehicle until  
16 the validation stickers on the lost or stolen plates have  
17 expired. Upon loss, mutilation or destruction of a dealer  
18 plate or validation sticker the dealer may obtain a  
19 replacement dealer plate or validation sticker from the  
20 county treasurer from which he purchased the original plate  
21 in the same manner as the owner of a vehicle and upon  
22 payment of the appropriate fee under W.S. 31-3-102(a)(vi).  
23 Obtaining a replacement plate is not the purchase of an  
24 additional plate under W.S. ~~31-2-301(f)~~ 31-16-125(b)(i).  
25 Upon application for new license plates or stickers the  
26 county treasurer shall notify the department and the county  
27 sheriff as soon as possible of the loss, mutilation or  
28 destruction. The department shall notify the appropriate  
29 law enforcement agencies of any loss, mutilation or  
30 destruction of license plates or stickers.

31  
32 **31-2-504. Transfer of ownership.**  
33

34 (c) In the event of a transfer by operation of law of  
35 any interest in a mobile home as upon an order in  
36 bankruptcy or insolvency, execution sale, repossession upon  
37 default in the performance of the terms of a lease or sales  
38 contract or otherwise than by voluntary act of the person  
39 whose title or interest is transferred, the administrator,  
40 receiver, trustee, sheriff, creditor or other  
41 representative or successor in interest of the person whose  
42 interest is transferred shall forward to the county clerk  
43 an application for a certificate of title together with a  
44 verified or certified statement of the transfer of  
45 interest. The statement shall set forth the reason for the  
46 involuntary transfer, the interest transferred, the name of  
47 the transferee, the process or procedure effecting the

1 transfer and other information requested by the county  
2 clerk. Evidence and instruments otherwise required by law  
3 to effect a transfer of legal or equitable title to or an  
4 interest in a mobile home in such cases shall be furnished  
5 with the statement. If a transfer of title to a creditor is  
6 accomplished in accordance with the provisions of this  
7 subsection, a creditor retains the right to seek any  
8 deficiency balance which may exist after sale, provided the  
9 creditor has complied with applicable law, and the transfer  
10 by itself shall not be considered a strict foreclosure or  
11 an election to retain the collateral in satisfaction of an  
12 obligation as provided by W.S. 34.1-9-620 and does not  
13 affect the debtor's right to redeem the collateral under  
14 W.S. 34.1-9-623. If from the records of the county clerk  
15 there appears to be any lien on the mobile home which was  
16 recorded prior to the lien of the creditor applying for  
17 title and which has not been released, the certificate of  
18 title shall contain a statement of the lien. The creditor  
19 repossessing and applying for title to the mobile home  
20 shall notify all persons holding liens on the mobile home  
21 by certified mail return receipt requested at least fifteen  
22 (15) days prior to filing the application for title. Any  
23 proceeds from the sale, lease or other disposition of the  
24 mobile home shall be distributed in accordance with the  
25 provisions of W.S. ~~34.1-9-608~~ 34.1-9-610 and 34.1-9-615.

26  
27 **31-7-105. Administrative hearings.**

28  
29 (f) Upon receipt of a timely request, the department  
30 shall conduct a review of its records and issue an order  
31 granting or denying limited driving privileges. The  
32 discretion to continue or modify any order of suspension or  
33 denial to allow driving privileges is limited as follows:

34  
35 (iv) A person whose driving privileges have been  
36 suspended for nonpayment of child support may be granted  
37 limited driving privileges for a period not to exceed one  
38 hundred twenty (120) days upon receipt of the notice  
39 required under W.S. ~~20-6-111(g)(iii)~~ 20-6-111(n)(iii). A  
40 person granted limited driving privileges under this  
41 paragraph shall not be granted an extension of such  
42 privileges for twelve (12) months after the limited driving  
43 privileges expire unless the person has subsequently made  
44 full payment on his child support obligation in arrears, or  
45 is in full compliance with a payment plan approved by the  
46 department of family services;

47

1           **31-18-806. Adoption of greater size or weight limits**  
2 **comparable to federal limits.**

3  
4 If the federal highway administration or the United States  
5 congress prescribes or adopts vehicle size or weight limits  
6 greater than those now prescribed by the Federal-Aid  
7 Highway Act of 1956 (title I of public law 627, 84th  
8 congress) which exceed in full or in any part the  
9 provisions of this ~~act~~article, the department may, upon  
10 determining that Wyoming highways have been constructed to  
11 standards which will accommodate the additional size or  
12 weight, and that the adoption of the size and weight  
13 schedule will not jeopardize any federal appropriations to  
14 the state, adopt size and weight provisions or schedules  
15 comparable to those approved or recommended by the United  
16 States congress or the federal highway administration.

17  
18           **32-1-110. Failure of county clerk to perform duties**  
19 **imposed by chapter.**

20  
21 If any ~~register of deeds~~county clerk shall fail or neglect  
22 to fulfill and perform the duties imposed on him by this  
23 chapter, such person shall be liable in the penal sum of  
24 two hundred dollars (\$200.00), to be recovered and applied  
25 as provided in the preceding section.

26  
27           **33-1-106. Certain licenses payable to incorporated**  
28 **towns.**

29  
30 All licenses issued by any county in this state for the  
31 sale of liquors, or for owning or keeping a billiard table,  
32 or any table used for pool or bagatelle, and all licenses  
33 issued by ~~said~~the counties for any other game or games,  
34 not prohibited by the laws of this state, when the licensee  
35 shall be a resident of and carrying on the business for  
36 which he is licensed within the corporate limits of any  
37 incorporated town, city or village, the license shall be  
38 collected by the city marshal or collecting officer of such  
39 the incorporated town, city or village, for the purposes  
40 mentioned in this ~~act~~section. It shall be the duty of such  
41 the collecting officer, between the first and fifteenth  
42 days of each month, to pay into the treasury of such  
43 incorporated town, city or village, all ~~moneys~~monies  
44 collected for ~~such~~the licenses, which ~~moneys~~monies shall  
45 be applied to the general revenue purposes of ~~such~~the  
46 incorporated town, city or village.

47

1           **33-3-103. Wyoming board of certified public**  
 2 **accountants; creation; members; vacancies; removal;**  
 3 **reappointment.**  
 4

5 There is created a Wyoming board of certified public  
 6 accountants. The board shall consist of five (5) members  
 7 appointed by the governor. Members of the board shall be  
 8 citizens of the United States and residents of Wyoming.  
 9 Three (3) members of the board shall be persons who hold  
 10 certified public ~~account~~accountant certificates issued  
 11 under the laws of Wyoming and who are in active practice  
 12 and are in good standing as certified public accountants.  
 13 One (1) member of the board shall be a person who holds a  
 14 certified public accountant certificate issued under the  
 15 laws of Wyoming and who is not in active practice. One (1)  
 16 member of the board shall be a member of the general  
 17 public. The members of the board first to be appointed  
 18 shall hold office, one (1) for one (1) year, two (2) for  
 19 two (2) years and two (2) for three (3) years from July 1,  
 20 1975, the term of each to be designated by the governor.  
 21 Their successors shall be appointed for terms of three (3)  
 22 years. Vacancies occurring during a term shall be filled by  
 23 appointment for the unexpired term. Upon the expiration of  
 24 his term of office a member shall continue to serve until  
 25 his successor is appointed and qualified. The governor  
 26 shall remove any member from the board whose permit has  
 27 been revoked or suspended, and may remove any member of the  
 28 board as provided in W.S. 9-1-202. No person, who has  
 29 served two (2) successive complete terms of one (1), two  
 30 (2) or three (3) years is eligible for reappointment until  
 31 after the lapse of one (1) year. An appointment to fill an  
 32 unexpired term is not considered a complete term.  
 33

34           **33-3-124. Reinstatement of certificate or permit for**  
 35 **good cause shown.**  
 36

37 Upon written application and after hearing and for good  
 38 cause shown, the board may issue a new certificate to a  
 39 certified public accountant whose certificate has been  
 40 revoked or may reissue or modify the suspension of any  
 41 permit which has been revoked or suspended. If a license is  
 42 suspended or restricted under W.S. ~~33-2-121(b)~~33-3-121(b),  
 43 the license may be reissued without the hearing required  
 44 under this section if the department of family services  
 45 provides notice that the applicant has complied with the  
 46 terms of the court order that resulted in the suspension or  
 47 restriction of the license issued under this chapter.



1  
2       **33-7-108. Shop license; fee; renewal; application;**  
3 **inspection fees; nontransferable.**

4  
5       (b) Registered barbers and cosmetologists licensed  
6 under W.S. ~~33-12-101 through 33-12-118~~ 33-12-119 through  
7 33-12-140 may engage in the practice for which they are  
8 licensed in the same shop if the shop is licensed under  
9 subsection (a) of this section and under W.S. ~~33-12-101~~  
10 ~~through 33-12-118~~ 33-12-119 through 33-12-140.

11  
12       **33-7-209. Qualifications for registration as barber;**  
13 **examination.**

14  
15       (a) No person shall receive a certificate of  
16 registration to practice barbering, other than a renewal or  
17 restoration, unless he:

18  
19               (iii) Is a cosmetologist licensed under W.S.  
20 ~~33-12-101 through 33-12-118~~ 33-12-119 through 33-12-140,  
21 has completed seven hundred fifty (750) hours of training  
22 at an approved barber school or college and passed an  
23 examination conducted by the board to determine his fitness  
24 for practice.

25  
26       **33-9-105. Examinations.**

27  
28 Examinations of applicants for a license to practice  
29 podiatry shall be in the English language and shall include  
30 both clinical and written tests as the board shall  
31 determine. The examinations shall embrace the subjects of  
32 histology, surgery, hygiene, dermatology, anatomy,  
33 physiology, chemistry, bacteriology, pathology, diagnosis  
34 and treatment, pharmacology, therapeutics, clinical  
35 podiatry and such other subjects as the board may  
36 prescribe, a knowledge of which is commonly and generally  
37 required by the practitioners of podiatry. This section  
38 shall not be construed to require of the applicant a  
39 medical or surgical education. The minimum requirements for  
40 a license to practice under W.S. 33-9-101 through ~~33-9-113~~  
41 33-9-114 is a general passing grade average of seventy-five  
42 percent (75%) in all of the subjects involved and not less  
43 than sixty percent (60%) in any one (1) subject. At the  
44 time of making application to practice, an examination and  
45 license fee in amounts established by the board pursuant to  
46 W.S. 33-1-201 shall be paid to the board. An applicant  
47 failing in the examination and being refused a license is

1 entitled, within six (6) months of the refusal, to a  
2 reexamination, but only two (2) such reexaminations shall  
3 be granted to any one (1) applicant. The board may make  
4 such rules and regulations governing the conduct of the  
5 examinations as shall be necessary, and willful violation  
6 of such rules and regulations shall subject the applicant  
7 to the cancellation of the examination and loss of the fee.

8  
9 **33-9-107. Licensing matters.**

10  
11 A license issued under W.S. 33-9-101 through ~~33-9-113~~  
12 33-9-114 shall be designated a "registered podiatrist's  
13 license" and may not contain any abbreviations thereof nor  
14 any other designation or title except that a statement of  
15 limitation shall be contained in the license referring to  
16 the licensee as a "registered podiatrist - practice limited  
17 to the foot", so as not to mislead the public with respect  
18 to their right to treat other portions of the body. A  
19 renewal license fee in an amount established by the board  
20 pursuant to W.S. 33-1-201 shall be due to the board  
21 annually on July 1 each year, and if not paid within three  
22 (3) months the license shall be revoked and may be reissued  
23 only upon an additional application and payment of a fee in  
24 an amount established by the board pursuant to W.S.  
25 33-1-201. Licenses shall be conspicuously displayed by  
26 podiatrists at their offices or other places of practice.

27  
28 **33-16-111. Exceptions.**

29  
30 To the extent the provisions of this ~~act~~article conflict  
31 with the authority granted by W.S. 35-1-241, the provisions  
32 in this ~~act~~article may be superseded by the provisions of  
33 W.S. 35-1-241.

34  
35 **33-16-207. Exceptions.**

36  
37 To the extent the provisions of this ~~act~~article conflict  
38 with the authority granted by W.S. 35-1-241, the provisions  
39 in this ~~act~~article may be superseded by the provisions of  
40 W.S. 35-1-241.

41  
42 **33-16-305. Continuance; renewal of existing licenses.**

43  
44 Every funeral director already holding a license which has  
45 been duly issued under the laws of this state and who is,  
46 on the effective date of this act, engaged in or conducting  
47 the business of a funeral director at a fixed place or

1 establishment in this state, as designated in ~~such~~the  
2 license already held by him or it, shall be entitled to  
3 continue in business for the remainder of the year of 1939,  
4 and shall be entitled to have his or its license renewed  
5 annually upon payment of ~~such~~-renewal fees ~~are~~as required  
6 under W.S. 33-16-306.

7  
8 **33-16-317. Prohibited acts; penalty for violations;  
9 continuing offenses.**

10  
11 Any person, firm or corporation who shall engage, directly  
12 or indirectly, in the business of funeral directing or  
13 undertaking or hold himself or itself out as a funeral  
14 director or undertaker or attempt to take care of the  
15 disposition of dead human bodies without having complied  
16 with the provisions of this ~~act~~chapter and without being  
17 licensed so to do, as herein provided, or who shall  
18 continue in the business of a funeral director or  
19 undertaker, after his or its license has been revoked,  
20 shall be guilty of a misdemeanor, and upon conviction  
21 thereof, shall be fined not less than fifty dollars  
22 (\$50.00) and not more than five hundred dollars (\$500.00);  
23 and each day that he or it is so engaged in such business  
24 shall be deemed a separate offense and every funeral  
25 director or undertaker or any person acting for him, who  
26 pays or causes to be paid, directly or indirectly, any  
27 money or other thing of value as a commission or gratuity  
28 for the securing of business as such funeral director or  
29 undertaker and every person who accepts or offers to accept  
30 any money or other thing of value as a commission or  
31 gratuity from a funeral director or undertaker in order to  
32 secure business for him shall be deemed guilty of a  
33 misdemeanor, and, upon conviction thereof, shall be fined  
34 not more than five hundred dollars (\$500.00), or shall be  
35 imprisoned in the county jail for not less than thirty (30)  
36 days or punished by both such fine and imprisonment.

37  
38 **33-16-318. Exceptions.**

39  
40 To the extent the provisions of this ~~act~~article conflict  
41 with the authority granted by W.S. 35-1-241, the provisions  
42 in this ~~act~~article may be superseded by the provisions of  
43 W.S. 35-1-241.

44  
45 **33-21-145. Violations; penalties.**  
46

1 (b) Violation of any of the provisions of this act  
2 constitutes a misdemeanor and upon conviction, the person  
3 is subject to a fine of not more than one thousand dollars  
4 (\$1,000.00), imprisonment for not more than one (1) year,  
5 or both.

6  
7 **33-24-153. Manufacturer or wholesaler registration;  
8 requirements for registration; fees; renewal; denial,  
9 revocation or suspension.**

10  
11 (a) Every manufacturer, distributor, wholesaler or  
12 pharmacy who sells or distributes dangerous drugs in this  
13 state shall obtain a drug distributor's license for each  
14 location from the board. This section shall not apply to  
15 commercial operators registered under W.S. 33-24-113,  
16 nonresident pharmacies registered under W.S. 33-24-152 or  
17 to individuals practicing medicine as defined by W.S.  
18 ~~33-26-102(a)(x)(B) and (E)~~ 33-26-102(a)(xi)(B) and (E).

19  
20 **33-26-103. Applicability of chapter.**

21  
22 (a) This chapter does not apply to:

23  
24 (iii) Commissioned medical officers of the  
25 United States armed services and medical officers of the  
26 United States public health service ~~of~~ or the veterans  
27 administration of the United States in the discharge of  
28 their official duties or within federally controlled  
29 facilities or enclaves, provided that the persons who are  
30 licensees of the board shall be subject to the provisions  
31 of this act and further provided that all such persons  
32 shall be the holder of a full and unrestricted license to  
33 practice medicine in one (1) or more jurisdictions of the  
34 United States;

35  
36 **33-29-139. Maps, plats, plans or designs for filing  
37 to be made and certified by professional engineer or  
38 surveyor; exception; size of maps.**

39  
40 (c) The application may be signed by the applicant or  
41 an agent acting for him, and may be accompanied by aerial  
42 photographs or United States geological survey quadrangle  
43 maps of a scale conforming to the requirements of this act  
44 with designation thereon of the township, range, section,  
45 and section corner or quarter corner, and the location of  
46 the installation designated in the quarter section on the

1 photographs or United States geological survey quadrangle  
2 maps and a description of:

3  
4 **33-29-148. Previously existing corners.**

5  
6 Corner records may be filed concerning corners established,  
7 reestablished or restored before the effective date of W.S.  
8 33-29-140 through ~~33-29-150~~ 33-29-149.

9  
10 **33-33-104. Persons and practices not affected.**

11  
12 (a) Nothing in this ~~act~~ chapter prevents or  
13 restricts:

14  
15 (vii) The performance of speech pathology or  
16 audiology services in this state by any person not a  
17 resident of this state who is not licensed under this act,  
18 if such services are performed for no more than five (5)  
19 days in any calendar year and in cooperation with a speech  
20 pathologist or audiologist licensed under this act, and if  
21 ~~such the~~ person meets who is not a resident in this state  
22 possesses the qualifications and requirements ~~for~~  
23 ~~applications for licensure described in W.S. 33-33-201(a)~~  
24 ~~through (c) to apply for a license under this chapter.~~  
25 However, a person not a resident of this state who is not  
26 licensed under this act, but who is licensed under the law  
27 of another state which has established license requirements  
28 may offer speech pathology or audiology services in this  
29 state for no more than thirty (30) days in any calendar  
30 year, if such services are performed in cooperation with a  
31 speech pathologist or audiologist licensed under this act.

32  
33 **33-43-109. Licensure; fees.**

34  
35 An applicant applying for a license to practice respiratory  
36 care shall pay an administrative fee to the board. Fees  
37 under this section shall be set by the board in accordance  
38 with W.S. 33-1-201. If an applicant fails to complete the  
39 requirements for licensing within three (3) ~~ears~~ years from  
40 the date of filing, the application is deemed to be  
41 abandoned.

42  
43 **34-1-118. Where conveyance to be recorded.**

44  
45 A certificate of the acknowledgment of any deed, mortgage  
46 or conveyance, or proof of the execution thereof, before a  
47 court of record or a justice of the peace, signed by the

1 clerk of such court, (or by the justice) before whom the  
2 same was taken, as provided in this act, and in the cases  
3 where the same is necessary, the certificate required by  
4 W.S. 34-1-115, shall entitle such deed, mortgage or  
5 conveyance, certificate or certificates aforesaid, to be  
6 recorded in the office of the ~~register of deeds~~ county  
7 clerk in the county where the land lies.

8  
9 **34-1-126. Liability of county clerk for recording**  
10 **improperly executed conveyances.**

11  
12 Any ~~register of deeds~~ county clerk who shall receive for  
13 record, and record any deed, mortgage, or other instrument  
14 affecting the title to real estate, which is not executed,  
15 acknowledged, attested or proved in accordance with the  
16 provisions of this act, shall be liable to a penalty of one  
17 hundred dollars (\$100.00), payable to the party aggrieved,  
18 in an action of damages for the same.

19  
20 **34-16-105. Prohibited acts; penalty for violation of**  
21 **W.S. 34-16-104.**

22  
23 Every carrier, or officer, agent or servant of a carrier,  
24 who knowingly violates the provisions of W.S. 34-16-104,  
25 and every person who negotiates or transfers for value a  
26 bill of lading known by him to have been issued in  
27 violation of ~~said~~ section 4 shall be guilty of a  
28 ~~misdemeanor~~ felony and upon conviction, shall be punished  
29 by fine not exceeding five thousand dollars (\$5,000.00) or  
30 imprisonment not exceeding five (5) years, or both. And  
31 every carrier, who himself, or by his officer, agent or  
32 servant authorized to issue bills of lading, issues a false  
33 or duplicate bill of lading in violation of the provisions  
34 of section 4, shall be estopped, as against all and every  
35 person or persons injured thereby who shall acquire any  
36 such false or duplicate bill of lading in good faith and  
37 for value, to deny the receipt of the property as described  
38 therein, or to assert that a former bill of lading has been  
39 issued and remains outstanding and uncanceled for the same  
40 property, as the case may be; and ~~such~~ the issuing carrier  
41 shall be liable to any and every such person for all  
42 damages, immediate or consequential, which he or they may  
43 have sustained because of reliance upon ~~such~~ the bill,  
44 whether the person or persons guilty of issuing or  
45 negotiating ~~such~~ the bill shall have been convicted under  
46 this section or not.

47

1           **34.1-2-511. Tender of payment by buyer; payment by**  
 2 **check.**

3  
 4           (c) Subject to the provisions of this act on the  
 5 effect of an instrument on an obligation, ~~(section~~  
 6 ~~34.1-3-802)~~ payment by check is conditional and is defeated  
 7 as between the parties by dishonor of the check on due  
 8 presentment.

9  
 10           **34.1-2.A-307. Priority of liens arising by attachment**  
 11 **or levy on, security interests in, and other claims to**  
 12 **goods.**

13  
 14           (b) Except as otherwise provided in subsection ~~(d)~~  
 15 ~~(e)~~ and in sections 34.1-2.A-306 and 34.1-2.A-308, a  
 16 creditor of a lessor takes subject to the lease contract  
 17 unless:

18  
 19           **34.1-3-103. Definitions.**

20  
 21           (b) Other definitions applying to this article and  
 22 the sections in which they appear are:

23

24	"Acceptance"	Section 34.1-3-409
25	"Accommodated party"	Section 34.1-3-419
26	"Accommodation party"	Section 34.1-3-419
27	"Alteration"	Section 34.1-3-407
28	"Anomalous indorsement"	Section 34.1-3-205
29	"Blank indorsement"	Section 34.1-3-205
30	"Cashier's check"	Section 34.1-3-104
31	"Certificate of deposit"	Section 34.1-3-104
32	"Certified check"	Section 34.1-3-409
33	"Check"	Section 34.1-3-104
34	"Consideration"	Section <del>34.1-2-303</del>
35	<u>34.1-3-303</u>	
36	"Deposited instrument"	Section 34.1-3-901
37	"Draft"	Section 34.1-3-104
38	"Having control"	Section 34.1-3-901
39	"Holder in due course"	Section 34.1-3-302
40	"Incomplete instrument"	Section 34.1-3-115
41	"Indorsement"	Section 34.1-3-204
42	"Indorser"	Section 34.1-3-204
43	"Instrument"	Section 34.1-3-104
44	"Issue"	Section 34.1-3-105
45	"Issuer"	Section 34.1-3-105
46	"Negotiable instrument"	Section 34.1-3-104
47	"Negotiation"	Section 34.1-3-201

1	"Note"	Section 34.1-3-104
2	"Payable at a definite time"	Section 34.1-3-108
3	"Payable on demand"	Section 34.1-3-108
4	"Payable to bearer"	Section 34.1-3-109
5	"Payable to order"	Section 34.1-3-109
6	"Payment"	Section 34.1-3-602
7	"Person entitled to enforce"	Section 34.1-3-301
8	"Presentment"	Section 34.1-3-501
9	"Reacquisition"	Section 34.1-3-207
10	"Special indorsement"	Section 34.1-3-205
11	"Teller's check"	Section 34.1-3-104
12	"Transfer of instrument"	Section 34.1-3-203
13	"Traveler's check"	Section 34.1-3-104
14	"Value"	Section 34.1-3-303

15  
16 **34.1-3-503. Notice of dishonor.**

17  
18 (a) The obligation of an indorser stated in section  
19 34.1-3-415(a) and the obligation of a drawer stated in  
20 section ~~34.1-3-414(c)~~ 34.1-3-414(d) may not be enforced  
21 unless (1) the indorser or drawer is given notice of  
22 dishonor of the instrument complying with this section or  
23 (2) notice of dishonor is excused under section  
24 34.1-3-504(b).

25  
26 **34.1-4-503. Responsibility of presenting bank for**  
27 **documents and goods; report of reasons for dishonor;**  
28 **referee in case of need.**

29  
30 (b) However, the presenting bank is under no  
31 obligation with respect to goods represented by the  
32 documents except to follow any reasonable instructions  
33 seasonably received; it has a right to reimbursement for  
34 any expense incurred in ~~the~~ following any reasonable  
35 instructions and to prepayment of or indemnity for those  
36 expenses.

37  
38 **35-1-613. Definitions.**

39  
40 (a) As used in this act:

41  
42 (xi) "Sexual assault" means any act made  
43 criminal under W.S. 6-2-302 through ~~6-2-305~~ 6-2-304 and  
44 6-4-402;

45  
46 **35-4-103. Investigation of diseases; quarantine;**  
47 **regulation of travel; employment of police officers to**



1 **enforce quarantine; report of county health officer;**  
2 **supplies and expenses.**

3  
4 It shall be the duty of the department of health,  
5 immediately after the receipt of the information that there  
6 is any smallpox, cholera, scarlet fever, diphtheria or  
7 other infectious or contagious disease, which is a menace  
8 to the public health, in any portion of this state, to  
9 order the county health officer by telegram or telephone,  
10 if he is not at hand to proceed immediately to ~~said~~the  
11 case and there to investigate said case or cases, and to  
12 report to the state health officer, by telephone or  
13 telegram, the results of ~~said~~the investigation, and it  
14 shall be the duty of the state health officer, if in his  
15 judgment the occasion requires, to direct the county health  
16 officer to declare ~~said~~the infected place to be in  
17 quarantine and to place any and all restrictions upon the  
18 ingress and egress thereat as in his judgment, or in the  
19 judgment of the state health officer shall be necessary to  
20 prevent the spread of the disease from the infected  
21 locality; and it shall be the duty of the ~~said~~ county  
22 health officer when he shall have declared any city or town  
23 or other place to be in quarantine, so to control the  
24 population of ~~said~~the city, town or other place, and make  
25 such disposition of the same, as shall in his judgment best  
26 protect the people and at the same time prevent the spread  
27 of the disease among the same. And when deemed necessary  
28 for the protection of the public health the state health  
29 officer shall establish and maintain a state quarantine,  
30 and shall enforce such practical regulations regarding  
31 railroads, stage lines, or other lines of travel into and  
32 out of the state of Wyoming as they so deem proper and  
33 necessary for the protection of the public health, and the  
34 expenses incurred in maintaining ~~said~~the state quarantine  
35 shall be paid out of the funds of the state treasury  
36 appropriated for this purpose and in the manner in which  
37 other expenses of the department are audited and paid. The  
38 county health officer, or the department, are hereby  
39 authorized to employ a sufficient number of police officers  
40 who shall be under the control of the county health  
41 officer, to enforce and carry out any and all quarantine  
42 regulations the department may prescribe, which ~~said~~  
43 regulations shall be made public in the most practicable  
44 manner, in the several counties, cities, towns or other  
45 places where the quarantine may be established. And where  
46 quarantine is established by the county health officer, he  
47 shall make immediate report of his actions and doings in

1 the premises to the state health officer and from time to  
 2 time so long as quarantine shall continue. It shall also be  
 3 the duty of the county health officer to furnish all  
 4 supplies, in the nature of clothing, provisions,  
 5 construction of pesthouses or other things necessary for  
 6 the maintaining of such quarantine, and upon certificate of  
 7 the county health officer, approved by the director of the  
 8 state department of health it shall be the duty of the  
 9 county commissioners of any county where such quarantine  
 10 has been established, to issue warrant or warrants to the  
 11 proper parties for the payment of all expenses, together  
 12 with the expense of employing sufficient police force to  
 13 maintain and enforce ~~said the~~ quarantine. For purposes of  
 14 this act, "state health officer" means as defined in W.S.  
 15 ~~9-2-101(f)~~ 9-2-103(e).  
 16

17 **35-6-107. Forms for reporting abortions.**

18  
 19 (b) The form shall be completed by the attending  
 20 physician and sent to the state health officer as defined  
 21 in W.S. ~~9-2-101(f)~~ 9-2-103(e) within twenty (20) days after  
 22 the abortion is performed.  
 23

24 **35-7-1018. Substances included in Schedule III.**

25  
 26 (b) Stimulants. - Unless specifically excepted or  
 27 unless listed in another schedule, any material, compound,  
 28 mixture or preparation which contains any quantity of the  
 29 following substances having a stimulant effect on the  
 30 central nervous system including its salts, isomers  
 31 (whether optical, position or geometric) and salts of such  
 32 isomers whenever the existence of such salts, isomers and  
 33 salts of isomers is possible within the specific chemical  
 34 designation:  
 35

36 (i) Those compounds, mixtures or preparations in  
 37 dosage unit form containing any stimulant substances listed  
 38 in Schedule II which compounds, mixtures or preparations  
 39 were listed on August 25, 1971, as excepted in the Federal  
 40 Register as excepted compounds under section ~~308.32-21~~  
 41 C.F.R. part 1308.32, and any other drug of the quantitative  
 42 composition shown in that list for those drugs or which is  
 43 the same except that it contains a lesser quantity of  
 44 controlled substances;  
 45

46 **35-8-405. Removal of body from vault constituting**  
 47 **menace to public health; reinterment; cost; construction**

1 **contrary to W.S. 35-8-401 through 35-8-407 deemed nuisance;**  
2 **enjoining.**

3  
4 When any mausoleum, vault, crypt or structure containing  
5 one (1) or more deceased human bodies, shall, in the  
6 opinion of the state ~~board~~department of health, become a  
7 menace to public health, and the owner or owners ~~thereof~~  
8 shall fail to remedy or remove the same to the satisfaction  
9 of ~~said board~~the department, the judge of any district  
10 court of the state of Wyoming may, upon application by the  
11 county attorney of the county in which it is located, order  
12 the person, firm, partnership, association, company or  
13 corporation owning ~~such~~the structure to remove the  
14 deceased body or bodies for interment in some suitable  
15 cemetery at the expense of the person, firm, partnership,  
16 association, company or corporation owning ~~such~~the  
17 mausoleum, vault or crypt. If no ~~such~~ person, firm,  
18 partnership, association, company or corporation can be  
19 found in the county where ~~such~~the mausoleum, vault or  
20 crypt is located, ~~such~~the removal and interment shall be  
21 at the expense of the cemetery, city, town or county within  
22 which ~~such~~the mausoleum, vault or crypt is located, or of  
23 the cemetery association in charge of any such cemetery,  
24 provided, however, that if there is a perpetual care and  
25 maintenance fund in existence for the care of the  
26 mausoleum, vault, crypt or structure, the expense incident  
27 thereto may be defrayed from the principal of the fund by  
28 order of the district judge. Any columbarium or mausoleum  
29 maintained or constructed contrary to the provisions of  
30 this act shall be deemed a public nuisance, and may be  
31 enjoined in an action brought by any taxpayer of this state  
32 in the district court.

33  
34 **35-9-608. Benefits enumerated; death of participant**  
35 **or spouse; amount and payment of contributions; withdrawal**  
36 **from plan.**

37  
38 (a) ~~Retirement.~~—When any participating member shall  
39 attain the retirement age corresponding to his entry age as  
40 set forth in the table contained in subsection (d) hereof,  
41 the board shall authorize the payment monthly to ~~such~~the  
42 member during his remaining lifetime of an amount equal to  
43 the member's pension benefit corresponding to his entry age  
44 as set forth in ~~such~~the table.

45  
46 **35-10-206. Enforcement; disposal of seized fireworks.**  
47

1 Wyoming peace officers shall seize all stocks of fireworks  
2 held in violation of W.S. 35-10-201 through ~~35-10-207~~  
3 35-10-208 and shall apply to the appropriate court for the  
4 disposition of the fireworks. Following a hearing  
5 determining the fireworks were held in violation of W.S.  
6 35-10-201 through ~~35-10-207~~ 35-10-208, the fireworks shall  
7 be destroyed or otherwise disposed of upon order of any  
8 justice of the peace, circuit court or district court.

9  
10 **35-11-110. Powers of administrators of the divisions.**

11  
12 (d) The administrator of the abandoned mine land  
13 division shall enforce and administer the provisions of  
14 W.S. 35-11-1201 through ~~35-11-1208~~ 35-11-1209 and  
15 35-11-1301 through 35-11-1304. He shall have the powers set  
16 forth in paragraph (a)(x) of this section.

17  
18 **35-11-404. Drill holes to be capped, sealed or**  
19 **plugged.**

20  
21 (c) "Plugging, sealing and capping upon abandonment"  
22 means any hole drilled shall be abandoned in the following  
23 manner:

24  
25 (ii) "Sealing". Drill holes which have  
26 encountered any ground water shall be sealed by leaving a  
27 column of drilling mud in the ~~hole~~ hole or by such other  
28 sealing procedure which is adequate to prevent fluid  
29 communication between aquifers;

30  
31 **35-11-503. Authority to promulgate rules and**  
32 **regulations for solid waste management facilities and for**  
33 **the management of hazardous wastes.**

34  
35 (c) Unless and until the council adopts rules  
36 pursuant to ~~paragraph~~ subsection (a) of this section, for  
37 commercial radioactive waste management facilities or a  
38 particular classification of commercial radioactive waste  
39 management facilities, the director shall rely upon the  
40 performance criteria and standards of title 10, part 40,  
41 appendix A, and title 40, part 192, subpart D of the Code  
42 of Federal Regulations, as of January 1, 1991, as guidance  
43 for determining whether an application complies with the  
44 act. Nothing in this subsection shall be construed to limit  
45 the director's authority to impose permit requirements or  
46 conditions ~~on~~ or the council's authority to promulgate

1 rules, consistent with this act, which are more stringent  
2 than the federal regulations referenced.

3  
4 **35-11-1104. Limitation of scope of provisions.**

5  
6 (a) Nothing in this act:

7  
8 (iii) Limits or interferes with the  
9 jurisdiction, duties or authority of the state engineer,  
10 the state board of control, the director of the Wyoming  
11 game and fish ~~commissioner~~department, the state mine  
12 inspector, the oil and gas supervisor or the oil and gas  
13 conservation commission, or the occupational health and  
14 safety commission.

15  
16 **35-22-101. Definitions.**

17  
18 (a) As used in this act:

19  
20 (x) "This act" means W.S. 35-22-102 through  
21 ~~35-22-108~~ 35-22-109.

22  
23 **37-7-109. Order of court upon decision for**  
24 **petitioners; appointment of commissioners; findings and**  
25 **orders final unless appealed.**

26  
27 (a) If the issues at this hearing are decided in  
28 favor of the petitioners, the court shall make an order:

29  
30 (iii) Establishing said district as a  
31 corporation by the name proposed with powers:

32  
33 (D) To build or otherwise ~~require~~acquire  
34 power lines and the transformers and other electrical  
35 equipment necessary to connect with power lines of the  
36 United States, the state of Wyoming, or any subdivision  
37 thereof to transmit power to any and all persons deciding  
38 to use same;

39  
40 **37-7-201. Petition for organization; assessments**  
41 **against real estate.**

42  
43 If the petition for the organization of a power district  
44 under ~~section 87-101, Wyoming Revised Statutes, 1931~~ W.S.  
45 37-7-101, states that the bonds to be issued by such  
46 district for the purpose of raising money shall be a lien  
47 only upon the power plant, distribution system, and other

1 property used in the manufacture or distribution of  
 2 electrical energy, and upon the revenues from electrical  
 3 energy so developed or distributed, the petition or  
 4 petitions of fifty (50) freeholders of the area to be  
 5 served shall be sufficient to give the court jurisdiction  
 6 to hear such petition, and to organize a power district;  
 7 provided, no district organized under a petition providing  
 8 such revenue bonds only, shall have authority to make any  
 9 assessments against the real estate of the district, unless  
 10 it shall amend its petition and follow the procedure  
 11 provided in ~~section 87-101, Wyoming Revised Statutes, 1931~~  
 12 W.S. 37-7-101.

13  
 14 **37-7-309. South Dakota and Wyoming not to impair**  
 15 **power of commission to own properties, collect rents so**  
 16 **long as any bonds or securities outstanding.**

17  
 18 The state of South Dakota and the state of Wyoming hereby  
 19 covenant and agree with each other and with the holders of  
 20 any bonds or other securities or obligations of the  
 21 commission, for which there may or shall be pledged the  
 22 tolls, rents, rates, or other revenues or any part thereof,  
 23 of any property or facility owned, operated or controlled  
 24 by the commission that so long as any of ~~said-the~~ bonds or  
 25 other securities or obligations remain outstanding and  
 26 unpaid the state of South Dakota and the state of Wyoming  
 27 will not diminish or impair the power of the commission to  
 28 own, operate or control ~~said-the~~ properties and facilities  
 29 or to establish, levy and collect rents, rates and other  
 30 charges in connection with such properties or ~~franchises~~  
 31 facilities.

32  
 33 **37-9-104. Consolidation; effects; rights of**  
 34 **creditors.**

35  
 36 Upon the election of the first board of trustees of the  
 37 corporation created by the agreement, ~~in the preceding~~  
 38 ~~section mentioned pursuant to W.S. 37-9-102,~~ and by the  
 39 provisions of ~~this subdivision~~ W.S. 37-9-101 through  
 40 37-9-105, all and singular the rights and franchises of  
 41 each and all of ~~said-the~~ two (2) or more corporations,  
 42 parties to such agreement, and all and singular the rights  
 43 and interest in and to every species of property, real,  
 44 personal and mixed, and things in action shall be deemed to  
 45 be transferred to and vested in ~~such-the~~ new corporation,  
 46 without any other deed or transfer, and ~~such-the~~ new  
 47 corporation shall hold and enjoy the same, together with

1 right-of-way and all other rights of property in the same  
2 manner and to the same extent as if the ~~said~~ two (2) or  
3 more corporations, parties to ~~such~~ the agreement, should  
4 have continued to retain the title and transact the  
5 business of ~~such~~ the corporations. And the title and the  
6 real estate acquired by either of ~~said~~ the two (2) or more  
7 corporations shall not be deemed to revert or be impaired  
8 by means of anything in ~~this subdivision contained~~ W.S.  
9 37-9-101 through 37-9-105; provided, that all rights of  
10 creditors and all liens upon the property of either of ~~said~~  
11 the corporations shall be and hereby are preserved  
12 unimpaired; and the respective corporations shall continue  
13 to exist as far as may be necessary to enforce the same;  
14 provided, further, that all debts, liabilities and duties  
15 of either company shall henceforth attach to ~~such~~ the new  
16 corporation, and be enforced to the same extent and in the  
17 same manner as if ~~such~~ the debts, liabilities and duties  
18 had been originally incurred by it.

19  
20 **37-9-501. Death or injury due to negligence.**

21  
22 Every person or corporation operating a railroad in the  
23 state shall be liable in damages to any person suffering  
24 injury while he is employed by ~~such~~ the person or  
25 corporation so operating any ~~such~~ railroad, or, in case of  
26 the death of ~~such~~ an employee, instantaneously, or  
27 otherwise, to his or her personal representative, for the  
28 benefit of the surviving widow or husband and children of  
29 ~~such~~ the employee; and, if none, then of ~~such~~ the  
30 employee's parents; and, if none, then of the next of kin  
31 dependent upon ~~such~~ the employee, for ~~such~~ the injury or  
32 death resulting in whole or in part from the negligence of  
33 any of the officers, agents, or ~~employers~~ employees of ~~such~~  
34 the person or corporation so operating ~~such~~ the railroad in  
35 or about the handling, movement, or operation of any train,  
36 engine, or car, on or over ~~such~~ the railroad, or by reason  
37 of any defect or insufficiency, due to its negligence, in  
38 its cars, engines, appliances, machinery, track, roadbed,  
39 works, or other equipment.

40  
41 **37-9-601. Contractor's bond.**

42  
43 Whenever any railroad company shall contract with any  
44 person, persons or corporation for the construction of its  
45 railroad or any part thereof, ~~such~~ the company shall take  
46 from the person, persons, or corporation with whom ~~such~~ a  
47 contract is made, a good and sufficient bond, in some

1 guarantee or surety company authorized to do business in  
2 this state, conditioned that ~~such~~the contractor or  
3 contractors shall pay or cause to be paid all laborers,  
4 mechanics, materialmen, ranchmen, farmers, merchants, and  
5 other persons who supply ~~such~~the contractor or  
6 contractors, or any of his or their subcontractors, with  
7 labor, work, material, ranch or farm products, provisions,  
8 goods or supplies of any kind, all just debts incurred  
9 therefor in carrying on ~~such~~the work, which bond shall be  
10 filed by ~~such~~the company in the office of the county clerk  
11 and ex officio register of deeds in the county where the  
12 principal work of ~~such~~the contractor shall be carried on;  
13 and if any ~~such~~railroad company shall fail to take ~~such~~a  
14 bond, ~~such~~the railroad company shall be liable to the  
15 persons herein mentioned to the full extent of all ~~such~~  
16 debts so contracted by ~~such~~the contractor, or contractors,  
17 or any of his or their subcontractors. Any ~~such~~contractor  
18 or contractors may take a similar bond from each of his or  
19 their subcontractors to secure the payment of all debts of  
20 the kind above mentioned, incurred by him, and file the  
21 same as above provided. All ~~such~~persons mentioned in this  
22 section to whom any debt of the kind above mentioned shall  
23 be due from any ~~such~~contractor or subcontractor shall  
24 severally have a right of action upon any ~~such~~bond  
25 covering ~~such~~the debt taken as herein provided for the  
26 recovery of the full amount of ~~such~~the debt, and a  
27 certified copy of the bond shall be received as evidence in  
28 any ~~such~~action; provided, however, that in order that the  
29 right of action upon ~~such~~the bonds may exist, ~~such~~the  
30 person or parties herein granted ~~such~~the right shall  
31 comply with either of the following conditions, to-wit:  
32 First, an action in a court of competent jurisdiction, in  
33 the county where ~~such~~the bond is filed shall be commenced  
34 within ninety (90) days after the last item of indebtedness  
35 shall have accrued; or second, an itemized statement of the  
36 indebtedness duly verified shall within ninety (90) days  
37 after the last item of ~~such~~the indebtedness shall have  
38 accrued be filed in the office of the county clerk of the  
39 proper county; and an action shall be brought in any court  
40 of competent jurisdiction of ~~such~~the county within three  
41 (3) months after the filing of ~~such~~the statement. In case  
42 an action is commenced upon the bond of a contractor, ~~such~~  
43 the contractor may give notice thereof to the subcontractor  
44 liable for the claim, and in ~~such~~a case the result of ~~such~~  
45 the action shall be binding upon the subcontractor, and his  
46 sureties, and in any case when a contractor ~~was~~has paid a  
47 claim for which a subcontractor is liable, ~~such~~the



1 contractor shall bring action against the subcontractor and  
2 his sureties within sixty (60) days after the payment of  
3 ~~such~~the claim.

4  
5 **37-13-127. Issuance of bonds.**

6  
7 After the expiration of thirty (30) days from the date of  
8 the adoption of the resolution levying the assessments, the  
9 governing body may issue negotiable interest-bearing bonds  
10 in a principal amount not exceeding the unpaid balance of  
11 the assessments levied. The bonds shall bear interest  
12 payable semiannually or annually and shall mature serially  
13 over a period not exceeding twenty (20) years, but in no  
14 event shall the bonds extend over a longer period of time  
15 than the period of time over which the installments of  
16 special assessments are due and payable and ninety (90)  
17 days thereafter. The bonds shall be of a form and  
18 denomination and shall be payable in principal and interest  
19 at times and ~~place~~places and shall be sold, authorized and  
20 issued in a manner, as the governing body may determine.  
21 The bonds shall be dated no earlier than the date on which  
22 the special assessment shall begin to bear interest and  
23 shall be secured by and payable from the irrevocable pledge  
24 of the funds derived from the levy and collection of the  
25 special assessments in anticipation of the collection of  
26 which they are issued. Any premium received on the sale of  
27 the bonds shall be placed in the fund for the payment of  
28 principal and interest on the bonds. The bonds shall be  
29 callable for redemption from the proceeds of the sale of  
30 property sold for the nonpayment of special assessments but  
31 not otherwise unless the bonds on the face thereof provide  
32 for redemption prior to maturity. The governing body may  
33 provide that the bonds shall be redeemable on interest  
34 payment date or dates prior to maturity pursuant to notice  
35 and at premiums as it deems advisable. The bonds shall be  
36 signed by a member of the governing body designated by the  
37 governing body and shall be countersigned by the city  
38 recorder or the clerk of the board of the town trustees or  
39 the clerk of the board of the county commissioners,  
40 whichever is applicable, and one (1) of the signatures may  
41 be a facsimile signature. Interest may be evidenced by  
42 interest coupons attached to the bonds and signed by a  
43 facsimile signature of one (1) of the individuals who  
44 signed the bond.

45  
46 **39-13-107. Compliance; collection procedures.**

47

1 (b) The following provisions shall apply to the  
2 payment of taxes, distraint of property and deferral:

3  
4 (i) The following shall apply to the payment of  
5 taxes due:

6  
7 (A) On or before the first ~~Monday~~Tuesday  
8 of August, the board of county commissioners shall by order  
9 entered of record levy the requisite taxes for the year. On  
10 or before the third Monday in August the county assessor  
11 shall compute the taxes from the corrected valuations as  
12 corrected by the state board and entered by the county  
13 assessor in the column of corrected valuations. The county  
14 assessor shall deliver the tax list and his warrant for the  
15 collection of the taxes to the county treasurer setting  
16 forth the assessment roll, with the taxes extended,  
17 containing in tabular form and alphabetical order the names  
18 of persons in whose names property has been listed in the  
19 county, with the classes of property and the value, total  
20 amount of taxes and column of numbers and values and total  
21 taxes footed commanding the treasurer to collect the taxes.  
22 At the end of the tax list and warrant, the county assessor  
23 shall prorate the total taxes levied to the several funds;

24  
25 **40-13-105. Licenses and fees; choices.**

26  
27 The licenses and fees made available pursuant to this  
28 ~~section~~article shall provide users with genuine economic  
29 choices between the various licenses and fees provided for  
30 application within the state of Wyoming.

31  
32 **40-13-106. Time for filing contracts and licenses;**  
33 **filing fee.**

34  
35 The contracts and licenses required by this ~~section~~article  
36 shall be filed with the secretary of state. A filing fee of  
37 five dollars (\$5.00) shall be paid to the secretary of  
38 state at the time of each filing.

39  
40 **40-14-407. Maximum charge by creditor for insurance.**

41  
42 (b) A creditor who provides consumer credit insurance  
43 in relation to a revolving charge account (W.S. 40-14-208)  
44 or revolving loan account (W.S. 40-14-308) may calculate  
45 the charge to the debtor in each billing cycle by applying  
46 the current premium rate to:

47

1 (ii) The unpaid balance of the debt or a median  
2 amount within a specified range of unpaid balances of debt  
3 on approximately the same day of the cycle. The day of the  
4 cycle need not be the day used in calculating the credit  
5 service charge (W.S. 40-14-218) or loan finance charge  
6 (W.S. 40-14-310 and 40-14-348), but the specified range  
7 shall be the range used for that purpose; or  
8

9 **40-17-101. Definitions; express warranties; duty to**  
10 **make warranty repairs.**

11  
12 (a) As used in this section:

13  
14 (i) "Consumer" means any person:

15  
16 (A) Who purchases a motor vehicle, other  
17 than for ~~purposes~~ the purpose of resale, to which an  
18 express warranty applies; or  
19

20 **41-2-112. Wyoming water development program.**

21  
22 (a) The Wyoming water development program is  
23 established to foster, promote and encourage the optimal  
24 development of the state's human, industrial, mineral,  
25 agricultural, water and recreational resources. The  
26 program shall provide, through the commission, procedures  
27 and policies for the planning, selection, financing,  
28 construction, acquisition and operation of projects and  
29 facilities for the conservation, storage, distribution and  
30 use of water, necessary in the public interest to develop  
31 and preserve Wyoming's water and related land resources.  
32 The program shall encourage development of water facilities  
33 for irrigation, for reduction of flood damage, for  
34 abatement of pollution, for preservation and development of  
35 fish and wildlife resources and for protection and  
36 improvement of public lands and shall help make available  
37 the waters of this state for all beneficial uses, including  
38 but not limited to municipal, domestic, agricultural,  
39 industrial, instream flows, hydroelectric power and  
40 recreational purposes, conservation of land resources and  
41 protection of the health, safety and general welfare of the  
42 people of the state of Wyoming.  
43

44 **41-2-124. Accounts created within earmarked revenue**  
45 **fund; unexpended balance.**  
46

1 (c) The state treasurer shall transfer such sums of  
2 money from water development accounts I and II created by  
3 subsection (a) of this section to the state drinking water  
4 ~~state~~-revolving ~~fund~~-loan account created by W.S. 16-1-302  
5 to provide not to exceed one-half (1/2) of the twenty  
6 percent (20%) state matching funds for each federal  
7 capitalization grant to the drinking water state revolving  
8 fund program account. The transferred funds shall be  
9 proportioned between water development accounts I and II as  
10 directed by the water development commission.

11  
12 **41-3-108. Lands taken out of agricultural production**  
13 **or lands taken by eminent domain; retention of priority.**

14  
15 (a) Where lands are taken out of agricultural  
16 production as the necessary result of acquisitions for  
17 railroad roadbed construction, highway construction, mining  
18 or petroleum extraction operations or industrial site  
19 acquisitions or lands taken by proceedings in eminent  
20 domain or which have become impracticable to irrigate by  
21 reason of any of the foregoing conditions, the owner of an  
22 affected water right may transfer the water right to other  
23 lands held by the owner. The petition for the change in  
24 use, or change in place of use shall be properly filed  
25 within five (5) years of the date the land went out of  
26 production because of any of the conditions specified  
27 herein. Failure to file the petition within five (5) years  
28 results in forfeiture of the right except as otherwise  
29 provided.

30  
31 **41-4-209. Tabulations and supplements of adjudicated**  
32 **water rights; adequate copies to be printed; president to**  
33 **direct.**

34  
35 Adequate copies, as determined by the president of the  
36 state board of control, of the tabulation of adjudicated  
37 water rights and supplements shall be printed under the  
38 direction of the president of the state board of control  
39 upon a printing contract let by the ~~state board of supplies~~  
40 department of administration and information, general  
41 services division, procurement.

42  
43 **41-7-906. Statement on bonds and coupons of**  
44 **limitations affecting interest payments; portion of**  
45 **interest affected; separate coupons.**

46

1 (a) If the limitations affect the payment of only a  
2 portion of the interest which will accrue on any bond, the  
3 board of commissioners may provide either that:

4  
5 (i) The entire installment of interest payable  
6 on any interest payment date shall be represented by a  
7 single coupon which shall contain a brief statement as to  
8 the portion of interest subject to the limitations; or

9  
10 **41-9-261. Commissioners not to have financial**  
11 **interest in construction contracts.**

12  
13 ~~(a) And they~~ While in office no commissioner shall  
14 ~~not during their term of office,~~ be interested directly or  
15 indirectly:

16  
17 (i) In any contract for the construction of any  
18 drain, ditch, levee or other work in ~~such a~~ drainage  
19 district; ~~or~~

20  
21 (ii) In the sale of materials ~~therefor,~~ used for  
22 any work in a drainage district; or

23  
24 (iii) In the wages of or supplies for men or  
25 teams employed on any ~~such~~ work in ~~said a~~ drainage  
26 district.

27  
28 **41-13-206. Operation of watercraft by intoxicated or**  
29 **drugged person prohibited.**

30  
31 (e) Nothing in subsection (d) of this section shall  
32 be construed as limiting the introduction of any other  
33 competent evidence bearing upon the question of whether or  
34 not the defendant was under the influence of alcohol,  
35 including tests obtained more than three (3) hours after  
36 the alleged violation. The fact that any person charged  
37 with a violation of subsection (c) of this section is or  
38 has been entitled to use the controlled substance under the  
39 laws of this state shall not constitute a defense against  
40 any charge under this section. It is an affirmative defense  
41 to a violation of paragraph (c)(iii) of this section that  
42 the defendant consumed a sufficient quantity of alcohol  
43 after the time of actual operation or physical control of a  
44 watercraft and before the administration of the evidentiary  
45 test to cause the defendant's alcohol concentration to  
46 exceed ten one-hundredths of one percent (0.10%) but  
47 evidence of the consumption may not be admitted unless

1 notice is given to the prosecution pursuant to Rule ~~16.1~~  
2 12.1 of the Wyoming Rules of Criminal Procedure.

3  
4 **42-2-103. Provision of assistance and services;**  
5 **duties of department; burial assistance; state supplemental**  
6 **security income program.**

7  
8 (e) In administering this section and in addition to  
9 other requirements imposed under this chapter and the  
10 Wyoming Medical Assistance and Services Act and federal  
11 rule and regulation, the department shall by rule and  
12 regulation:

13  
14 (iv) Establish only one (1) earned income  
15 disregard for determining assistance payable under W.S.  
16 42-2-104 at two hundred dollars (\$200.00) per month for any  
17 one (1) recipient. For married couples the earned income  
18 disregard shall be four hundred dollars (\$400.00) per  
19 month. The department may in addition establish an  
20 additional individual earned income disregard tailored to  
21 the individual person as part of that person's self-  
22 sufficiency plan developed pursuant to paragraph (v) of  
23 this subsection, provided:

24  
25 (A) Such an individual earned income  
26 disregard shall be available only during time periods when  
27 the person is working at paid employment enough average  
28 number of hours per week to qualify as working for the  
29 purposes of section 407 of P.L. ~~104-109~~ 104-193;

30  
31 **Section 2.** W.S. 26-34-128(a)(ii) is repealed.

32  
33 **Section 3.** Any other act adopted by the Wyoming  
34 legislature during the same session in which this act is  
35 adopted shall be given precedence and shall prevail over  
36 the amendments in this act to the extent that such acts are  
37 in conflict with this act.

38  
39 **Section 4.** This act is effective immediately upon  
40 completion of all acts necessary for a bill to become law  
41 as provided by Article 4, Section 8 of the Wyoming  
42 Constitution.

43  
44 (END)