

ENROLLED ACT NO. 117, HOUSE OF REPRESENTATIVES
FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

AN ACT relating to a revision of inadvertent errors; correcting statutory references and language resulting from inadvertent errors and omissions in previously adopted legislation; specifying applicability; and providing for effective dates.

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

Section 1. W.S. 1-39-103(a)(iv)(E), 1-41-102(a)(v)(A), 1-41-106(e), 9-2-2005(a), 9-2-2006(a), 9-2-2007(a), 9-2-2008(a), 9-2-2010(a), 9-2-2011(a), 9-2-2012(a), 9-2-2013(a), 14-8-103(a)(intro), 15-7-101(a)(ix)(intro), 16-3-103(a)(ii)(intro), 18-3-107(f), 21-13-101(a)(intro), 21-13-309(o), 25-3-101(b), 31-18-209(b)(intro), 35-22-415, 36-8-403, 37-2-206, 37-2-219, 37-13-105(b)(i), 37-13-109(a)(intro) and (v), 37-13-111(c), 37-13-120(b) through (e), 37-13-121, 39-11-105(a)(xxix) and by creating a new subsection (b) are amended to read:

1-39-103. Definitions.

(a) As used in this act:

(iv) "Public employee":

(E) Includes any volunteer physician providing medical services under W.S. ~~9-2-103(a)(iii)~~ 9-2-103(a)(i)(C).

1-41-102. Definitions.

(a) As used in this act:

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(v) "Public employee" means any officer, employee or servant of the state, provided the term:

(A) Includes elected or appointed officials, peace officers, members of regional emergency response teams authorized under W.S. 35-9-155 and persons acting on behalf or in service of the state in any official capacity, whether with or without compensation, including volunteer physicians providing medical services under W.S. ~~9-2-103(a)(iii)~~ 9-2-103(a)(i)(C);

1-41-106. Compromise or settlement of claims; authority; primary insurance coverage.

(e) Except with respect to volunteer physicians providing medical services under W.S. ~~9-2-103(a)(iii)~~ 9-2-103(a)(i)(C), an expenditure may be made out of the state self-insurance account for settlement or payment of any claim which is covered by liability insurance only to the extent any other liability insurance is not sufficient to satisfy the claim. Except with respect to volunteer physicians providing medical services under W.S. ~~9-2-103(a)(iii)~~ 9-2-103(a)(i)(C), any other liability insurance shall be considered as the primary coverage. Nothing in this section shall be deemed an increase in the limits of liability under W.S. 1-39-110 or 1-39-118(a).

9-2-2005. Department of health created; director appointed; structure.

(a) As part of the reorganization of Wyoming state government, there is created the Wyoming department of health consisting of the agencies, programs and functions specified in this section. The provisions of the Wyoming Government Reorganization Act of 1989, W.S. 9-2-1701 through ~~9-2-1708~~ 9-2-1707, apply to this section.

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9-2-2006. Department of family services created; director appointed; structure.

(a) As part of the reorganization of Wyoming state government, there is created the Wyoming department of family services consisting of the agencies, programs and functions specified in this section. The provisions of the Wyoming Government Reorganization Act of 1989, W.S. 9-2-1701 through ~~9-2-1708~~ 9-2-1707, apply to this section.

9-2-2007. Department of revenue created; director appointed; structure.

(a) As part of the reorganization of Wyoming state government, there is created the Wyoming department of revenue consisting of the agencies, programs and functions specified in this section. The provisions of the Wyoming Government Reorganization Act of 1989, W.S. 9-2-1701 through ~~9-2-1708~~ 9-2-1707, apply to this section.

9-2-2008. Department of administration and information created; director appointed; structure.

(a) As part of the reorganization of Wyoming state government, there is created the Wyoming department of administration and information consisting of the agencies, programs and functions specified in this section. The provisions of the Wyoming Government Reorganization Act of 1989, W.S. 9-2-1701 through ~~9-2-1708~~ 9-2-1707, apply to this section.

9-2-2010. Game and fish department created; director appointed.

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(a) As part of the reorganization of Wyoming state government, there is created the Wyoming game and fish department consisting of the existing Wyoming game and fish commission and department, and all programs and functions specified in title 23 and otherwise under law. Except for W.S. 9-2-1703(a)(v), (viii) and (ix) and 9-2-1705 through 9-2-1707, the provisions of the Wyoming Government Reorganization Act of 1989, W.S. 9-2-1701 through ~~9-2-1708~~ 9-2-1707, apply to this section.

9-2-2011. Department of the state engineer created; director appointed.

(a) As part of the reorganization of Wyoming state government, there is created the Wyoming department of the state engineer consisting of the existing Wyoming office of the state engineer and board of control, and all programs and functions specified in title 41 and otherwise under law relating to the state engineer and board of control. Except for W.S. 9-2-1703(a)(v), (viii) and (ix) and 9-2-1705 through 9-2-1708, the provisions of the Wyoming Government Reorganization Act of 1989, W.S. 9-2-1701 through ~~9-2-1708~~ 9-2-1707, apply to this section.

9-2-2012. Department of corrections created; director appointed; structure.

(a) As part of the reorganization of Wyoming state government, there is created the Wyoming department of corrections consisting of the agencies, programs and functions specified in this section. The provisions of the Wyoming Government Reorganization Act of 1989, W.S. 9-2-1701 through ~~9-2-1708~~ 9-2-1707, apply to this section.

9-2-2013. Department of environmental quality created; director appointed; structure.

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(a) As part of the reorganization of Wyoming state government, there is created the department of environmental quality consisting of the existing state department of environmental quality, the state office of industrial siting administration and the industrial siting council. Except for the existing environmental quality council, which shall not be within the department of environmental quality but shall be a separate operating agency, and those programs or functions specified by law to be performed by another entity all programs and functions specified in chapters 11 and 12 of title 35 shall be with the department of environmental quality. Except for W.S. 9-2-1703(a)(v) and (ix), the limitation of number of principal departments contained in W.S. 9-2-1703(a)(iii), 9-2-1704(a) and (b), 9-2-1706(c)(i)(D) and 9-2-1707(a)(iii) and (iv), the provisions of the Wyoming Government Reorganization Act of 1989, W.S. 9-2-1701 through ~~9-2-1708~~ 9-2-1707, apply to this section.

14-8-103. Definitions.

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

15-7-101. Purposes.

(a) In addition to all other powers provided by law, any city or town may make public improvements as follows for which bonds may be issued to the contractor or be sold as provided in this chapter to:

(ix) Contract for, purchase and hold lands and water rights and erect thereon amusement halls and buildings to be used for public parks and grounds for the use, benefit and enjoyment of the public, ~~+~~ and :

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16-3-103. Adoption, amendment and repeal of rules; notice; hearing; emergency rules; proceedings to contest; review and approval by governor.

(a) Prior to an agency's adoption, amendment or repeal of all rules other than interpretative rules or statements of general policy, the agency shall:

(ii) Afford all interested persons reasonable opportunity to submit data, views or arguments, orally or in writing, provided this period shall consist of at least forty-five (45) days from the ~~latter~~-later of the dates specified under subparagraph (A) of this paragraph, and provided:

18-3-107. Annual salaries of certain officers; additional compensation prohibited; exception as to traveling and other expenses; compensation of county commissioner; appointment and salaries of deputies, clerks, stenographers and other assistants.

(f) The state will pay twenty thousand dollars (\$20,000.00) or fifty percent (50%) of the salary of the full-time county and prosecuting attorney, whichever is less, per year, to each qualifying county. In counties with a population greater than nine thousand (9,000) the state will pay fifteen thousand dollars (\$15,000.00) or fifty percent (50%) of the salary of a full-time assistant to the county and prosecuting attorney, whichever is less, per year, for each assistant per ten thousand (10,000) population over nine thousand (9,000). The state shall also pay three thousand dollars (\$3,000.00) for expenses of the office of county and prosecuting attorney for each full-time county and prosecuting attorney and each full-time assistant authorized by this act. Payments under this section shall be made annually on or before June 30.

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21-13-101. Definitions.

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

21-13-309. Determination of amount to be included in foundation program for each district.

(o) To the extent specifically provided within the school foundation program budget as enacted by the legislature, and between periods of model recalibration required under subsection (t) of this section, the amount computed for each district under subsection (m) of this section excluding those amounts specified under subparagraphs (m)(v)(E) and (F) of this section, shall be adjusted to provide for the effects of inflation. The adjustment under this subsection shall not be applied until the expiration of the school year immediately following the first school year of application of the recalibrated model, and shall be ~~and~~ adjusted on a cumulative basis each school year thereafter and until the first school year of application of a subsequent model recalibration. The joint appropriations committee shall submit a recommendation to the legislature and the governor not later than November 1 of each applicable year on an external cost adjustment for purposes of this subsection.

25-3-101. Persons to be confined; notice; transportation to school.

(b) Any person may be sentenced or transferred to the boys' school pursuant to W.S. 7-13-101. ~~and 7-13-102.~~

31-18-209. Issuance of authority; matters to be considered; deposit of insurance.

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(b) The replacement fee for a letter of authority shall be ten dollars (\$10.00). Applications for authority shall be made in writing and verified and shall contain the following information:

35-22-415. Judicial relief.

On petition of a patient, the patient's agent, guardian or surrogate, a health care provider or institution involved with the patient's care, or an individual described in W.S. ~~35-22-105(b) or (c)~~ 35-22-406(b) or (c) the district court may enjoin or direct a health care decision or order other equitable relief. A proceeding under this section is governed by the Wyoming Rules of Civil Procedure.

36-8-403. Sale of lands and improvements; authority.

Notwithstanding any contrary provisions contained in W.S. 36-8-401, 36-8-402, ~~36-8-406 and 36-8-407~~, or in any other provision of law, the sale of the lands and improvements known as and included in the Saratoga Hot Springs Reserve to any person, association of persons, firm or corporation, without restriction as to use or occupancy, is hereby authorized.

37-2-206. Powers of commission; court to compel obedience to lawful orders.

The commission, commissioner or commission employee acting in the capacity of a hearing officer for the purpose mentioned in W.S. ~~37-1 through 37-64~~ 37-1-101 through 37-3-114, and ~~37-260 through 37-272~~ 37-12-201 through 37-12-213, may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony. If any person fails to comply with any lawful

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order of the commission, commissioner or commission employee acting in the capacity of a hearing officer, or any subpoena, or if any witness refuses to testify to any matter regarding which he may be interrogated lawfully, the district court of any county on application of the commission, a commissioner or commission employee acting in the capacity of a hearing officer, shall compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify therein.

37-2-219. Who may appeal commission decision or action; manner and extent of appeal.

Any party in interest or any person or party authorized under ~~section 37-17, Wyoming Statutes 1957~~ W.S. 37-2-118, to file an original complaint before the commission, may appeal from a final decision or other commission action or inaction, in the same manner, and to the same extent, as provided by the Wyoming Administrative Procedure Act.

37-13-105. Basis of assessments.

(b) The cost and expenses to be assessed shall include:

(i) The conversion costs as determined by ~~section 37-301 of the statutes~~ W.S. 37-13-129 or as estimated by the public utility, whichever is less;

37-13-109. Notice of public hearing on proposed improvement; contents.

(a) The governing body shall cause notice of a public hearing on the proposed improvement to be given in the

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manner provided in ~~section 37-282 of the statutes~~ W.S. 37-13-110. Such notice shall:

(v) State that it is proposed to assess the real property in the district to pay as provided in ~~section 37-301 of the statutes~~ W.S. 37-13-129 the cost of the improvement according to the proportionate square footage, front footage, or other equitable basis, as specified, based upon the benefits to be derived by each tract, lot or parcel of land within the district;

37-13-111. Public hearing; changes in proposed improvements or in area of improvement district.

(c) After the hearing has been concluded and after all protests and objections have been considered, the governing body may make changes in the proposed improvements or in the area to be included in the district as it may consider necessary or desirable, provided the changes are not substantial. Notice and an opportunity to protest shall be given if substantial changes are desired by the governing body. The governing body shall either abandon the district and project or adopt a resolution establishing the district and authorizing the project, either as described in the notice or with changes made as above authorized. The resolution shall be published in the manner provided in ~~section 37-282 of the statutes~~ W.S. 37-13-110 but need not be mailed.

37-13-120. Failure to pay installments; sale of property; return of sale; certificate of sale.

(b) The governing body shall cause notice of sales for delinquent assessments and make the sales thereof in the same manner as is provided for sales of property by a

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treasurer of a city or town for delinquent assessments as provided in ~~section 15.1 354 of the statutes~~ W.S. 15-6-410.

(c) The governing body shall make a return of sale in the same manner as is provided in ~~section 15.1 355 of the statutes~~ W.S. 15-6-411.

(d) The governing body shall make out such a certificate and deliver the same as provided in ~~section 15.1 356 of the statutes~~ W.S. 15-6-412 and said certificate and the lien thereof shall have the same validity and effect as provided therein.

(e) The governing body shall be custodian of such certificates, may sell and transfer any such certificate and generally may act with the same powers and authority as provided in ~~section 15.1 356(b) of the statutes~~ W.S. 15-6-412(b).

37-13-121. Redemption of property sold for assessment; deed.

Any property sold for an assessment as ~~hereinabove~~ provided in W.S. 37-13-120 shall be subject to redemption from the governing body and a redemption deed shall be executed after two (2) years from the date of the sale in the same manner as is provided for redemption in ~~section 15.1 362 of the statutes~~ W.S. 15-6-418.

39-11-105. Exemptions.

(a) The following property is exempt from property taxation:

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(xxix) Intangible personal property as provided by ~~W.S. 39-13-105(j)~~ subsection (b) of this section, and except as specified in W.S. 39-13-103(b)(xi);

(b) The following shall be exempt from property taxation:

(i) Goodwill if established and separately identified on a company's books and records, or affirmed by generally accepted accounting, or appraisal, principles;

(ii) Any of the following intangible items:

(A) Workforce in place including its composition and terms and condition, contractual or otherwise, of its employment;

(B) Business books and records, operating systems or any other information base including lists or other information with respect to current or prospective customers;

(C) Any patent, copyright, formula, process, design, pattern, know-how, format, proprietary computer software or other similar items;

(D) Any customer-based intangible. As used in this subparagraph, "customer-based intangible" means composition of market, market share and any other value resulting from future provision of goods or services pursuant to relationships, contractual or otherwise, in the ordinary course of business with customers. In the case of a financial institution, "customer-based intangible" includes deposit base and similar items;

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(E) Any supplier-based intangible. As used in this subparagraph, "supplier-based intangible" means any value resulting from future acquisitions of goods or services pursuant to relationships, contractual or otherwise, in the ordinary course of business with suppliers of goods or services to be used or sold by the taxpayer.

(iii) Any license, permit or other right granted by a person, or by a governmental unit or an agency or instrumentality thereof;

(iv) Any covenant not to compete, or other arrangement to the extent such arrangement has substantially the same effect as a covenant not to compete, entered into in connection with an acquisition directly or indirectly of an interest in a trade or business or substantial portion thereof;

(v) Any franchise, trademark or trade name;

(vi) Any of the following intangible items:

(A) Money and cash on hand including currency, gold, silver and other coin, bank drafts, certified checks and cashier's checks;

(B) Money on deposit;

(C) Accounts receivable and other credits;

(D) Bonds, promissory notes, debentures and other evidences of debt;

(E) Shares of stock or other written evidence of ownership;

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(F) Judgments for the payment of money;

(G) Annuities and annuity contracts.

Section 2. W.S. 11-21-104 is amended to read:

11-21-104. Prohibited acts; penalties for violations.

Any person who ~~makes a false statement as specified in W.S. 11-21-101 or 11-21-102, or who~~ knowingly exhibits or causes to be exhibited to any peace officer any false or forged permit, ~~or statement,~~ or who, upon request of any peace officer of Wyoming, refuses or neglects to exhibit a permit, ~~or make a statement,~~ shall be punished as provided in W.S. 11-1-103.

Section 3. W.S. 31-18-209(b)(xi) and 39-13-105(j) are repealed.

Section 4. Any other act adopted by the Wyoming legislature during the same session in which this act is adopted shall be given precedence and shall prevail over the amendments in this act to the extent that such acts are in conflict with this act.

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Section 5.

(a) Section 2 of this act is effective July 1, 2007.

(b) Except as provided in subsection (a) of this section, this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk