

ENROLLED ACT NO. 106, HOUSE OF REPRESENTATIVES

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING
2009 GENERAL SESSION

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

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

Section 1. W.S. 1-11-303, 1-36-114(c), 5-9-212(a)(xiii), 14-3-409(b)(vi), 16-4-106, 17-15-102(a)(vi), 17-28-108(e), 21-4-505 by creating a new subsection (c), 21-16-1301(a)(xiii), 23-1-101(b), 27-14-201(e)(vii)(A), 31-5-959(c), 34-1-152(g), 35-29-101(a)(vi), 36-4-121(a)(i), (v), (vii), (ix), (xiii), (b), (c), (e), (j) and (n), 36-4-123(a)(intro), 39-11-109(c)(viii) and 40-23-113(a)(ii) are amended to read:

1-11-303. Amount of fees.

~~Effective July 1, 1984,~~ Jurors shall receive thirty dollars (\$30.00) for each full or part day of actual attendance. A juror in attendance for more than five (5) consecutive days, exclusive of Saturdays, Sundays and holidays, may, in the discretion of the court, be allowed an additional twenty dollars (\$20.00) per day for each day actually in attendance.

1-36-114. When court to vacate award.

(c) In vacating the award on grounds other than stated in ~~subsection~~ paragraph (a)(v) of this section the court may order a rehearing before new arbitrators chosen as provided in the agreement or by the court in accordance

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with W.S. 1-36-105. If the award is vacated on grounds set forth in paragraph (a)(iii) or (iv) of this section the court may order a rehearing before the arbitrators who made the award or their successors appointed in accordance with W.S. 1-36-105. The time within which the agreement requires the award to be made is applicable to the rehearing and commences from the date of the order.

5-9-212. Part-time magistrates; powers.

(a) At the direction of the circuit judges of a circuit or the supreme court, a part-time magistrate of the circuit court shall have the powers in respect to every suit or proceeding pending in the circuit court of the county for which he was appointed as follows:

(xiii) Hear and issue orders in peace bond, stalking and domestic violence cases under Wyoming Statutes title 7, chapter ~~3-20~~ and title 35, chapter 21;

14-3-409. Taking of child into custody; informal hearing where no court order; conditional release; evidence; rehearing.

(b) At the commencement of the hearing the judge shall advise the child and his parents, guardian or custodian of:

(vi) The state's obligation, pursuant to W.S. 14-3-431(d), to file a petition to terminate parental rights when a child has been placed in foster care under the responsibility of the state for fifteen (15) months of the most recent twenty-two (22) months unless the court finds that one (1) of the exceptions listed in W.S. ~~14-3-431(d)~~ 14-3-431(m) applies.

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16-4-106. Property tax levy.

The amount of estimated revenue from property tax required by the budget shall constitute the basis for determination of the property tax to be levied for the corresponding tax years subject to legal limitations. The amount of tax shrinkage allowed shall not exceed the actual percentage of uncollected taxes to the total taxes levied for the preceding fiscal year or preceding two (2) fiscal years pursuant to W.S. 16-4-104(h). This section also applies to districts and entities described in W.S. ~~16-4-104(f)~~ 16-4-104(g).

17-15-102. Definitions.

(a) As used in this act:

(vi) "This act" means W.S. 17-15-101 through ~~17-15-144~~ 17-15-147;

17-28-108. Production of records.

(e) Any business entity which provides false records required to be maintained pursuant to W.S. 17-28-107 to the entity's registered agent shall be punished ~~as provided in W.S. 17-16-129~~ by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding six (6) months, or both.

21-4-505. Payment of tuition for pupil attending school in another state; admission of out-of-state pupils.

(c) Any out-of-state placement under subsection (a) of this section shall include within the agreement with the out-of-state school district, that district's agreement to provide student transcripts as required under W.S.

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21-16-1308(a)(ii). The agreement shall also require the out-of-state school district to cooperate with the department of education to identify those courses provided by the out-of-state school district which satisfy the success curriculum requirements established under W.S. 21-16-1307.

21-16-1301. Definitions.

(a) As used in this article:

(xiii) "Graduate of an out-of-state high school" means a person attending and graduating from an out-of-state high school pursuant to W.S. 21-4-501 or 21-4-505(a);

23-1-101. Definitions of wildlife.

(b) To the extent necessary to achieve federal government delisting of the gray wolf, the governor may direct the game and fish commission to adopt a boundary between the area in which the wolf is treated as a trophy game animal and the area where it is treated as a predator at any place between the area described in subdivision ~~(a)(x)(B)(I)~~ (a)(xii)(B)(I) of this section and the following described area: northwest Wyoming beginning at the junction of Wyoming Highway 120 and the Wyoming-Montana state line; southerly along Wyoming Highway 120 to the Greybull River; southwesterly up said river to the Wood River; southwesterly up said river to the Shoshone National Forest boundary; southerly along said boundary to the Wind River Indian Reservation boundary; westerly, then southerly along said boundary to the Continental Divide; southeasterly along said divide to the Middle Fork of Boulder Creek; westerly down said creek to Boulder Creek; westerly down said creek to the Bridger-Teton National Forest boundary; northwesterly along said boundary to its

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intersection with U.S. Highway 189-191; northwesterly along said highway to the intersection with U.S. Highway 26-89-191; northerly along said highway to Wyoming Highway 22 in the town of Jackson; westerly along said highway to the Wyoming-Idaho state line; north along said state line to the Wyoming-Montana state line; north, then east along said state line to Wyoming Highway 120. Any boundary change adopted pursuant to this subsection shall be certified and effective as provided in W.S. 23-1-109(f).

27-14-201. Rates and classifications; rate surcharge.

(e) The division in fixing rates shall provide for the costs of benefits and the expenses of administering the worker's compensation account allowed by law, subject to the following:

(vii) For purposes of this section:

(A) "Fully reserved" means that the workers' compensation account established by W.S. ~~27-14-101~~ 27-14-701 has, in the opinion of a qualified actuary, funds sufficient on a discounted basis to provide for all unpaid loss and loss adjustment expenses as well as an actuarially appropriate provision for adverse contingencies;

31-5-959. Vehicles transporting hazardous materials.

(c) Any person convicted of willfully violating subsection (b) of this section is guilty of a felony punishable by a fine of not more than ten thousand dollars (\$10,000.00), imprisonment for not more than five (5) years, or both. Any person convicted of recklessly, as defined by W.S. 6-1-104(a)(ix), violating subsection (b) of this section is guilty of a felony punishable by a fine of not more than five thousand dollars (\$5,000.00),

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imprisonment for not more than three (3) years, or both. Any person convicted of criminal negligence, as defined by W.S. ~~6-4-104(a)(iii)~~ 6-1-104(a)(iii), in violating subsection (b) of this section is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), imprisonment for not more than one (1) year, or both.

34-1-152. Ownership of pore space underlying surfaces.

(g) Transfers of pore space rights made after July 1, 2008 are null and void at the option of the owner of the surface estate if the transfer instrument does not contain a specific description of the location of the pore space being transferred. The description may include but is not limited to a subsurface geologic or seismic survey or a metes and bounds description of the surface lying over the transferred pore space. In the event a description of the surface is used, the transfer shall be deemed to include pore space at all depths underlying the described surface area unless specifically excluded. The validity of pore space rights under this ~~paragraph~~ subsection shall not affect the respective liabilities of any party and such liabilities shall operate in the same manner as if the pore space transfer were valid.

35-29-101. Definitions.

(a) As used in this article:

(vi) "Participating member" means any volunteer EMT for whom payments are received by the volunteer emergency medical technician pension fund as prescribed in W.S. ~~35-29-107(e)~~ 35-29-106(e);

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36-4-121. Permits to use state parks, recreation areas and historic sites.

(a) The department of state parks and cultural resources shall offer for sale permits that allow use of the state parks, recreation areas, archeological sites and historic sites. Daily use permits shall be required at Glendo, Guernsey, Curt Gowdy, Edness Kimball Wilkins, Buffalo Bill, Boysen, Seminoe and Keyhole state parks and Fort Bridger, South Pass City, Trail End, Fort Fetterman and Fort Phil Kearney state historic sites, and Hawk Springs state recreation area. The department may establish voluntary pay stations at Bear River and Hot Springs state parks to allow users of those parks to make voluntary contributions for the use of the state parks. Persons who enter or use Bear River or Hot Springs state park without paying daily use fees shall not be subject to the penalties provided for in subsection (j) of this section. Overnight camping permits shall be required at Boysen, Buffalo Bill, Curt Gowdy, Glendo, Guernsey, Keyhole, Seminoe and Sinks Canyon state parks, Connor Battlefield state historic site, Medicine Lodge state archeological site and Hawk Springs state recreation area by the department during the entire calendar year. Except for the lifetime permit issued without cost pursuant to subsection (n) of this section, the cost of the permits authorized under this section shall be:

(i) Thirty-three dollars (\$33.00) per calendar year for a resident annual ~~bucketing-horse~~ daily use permit and fifty-three dollars (\$53.00) for a nonresident annual ~~bucketing-horse~~ daily use permit to designated state parks, historic sites, archeological sites and recreation areas, valid for the holder and occupants of the holder's vehicle, provided resident permits purchased pursuant to this paragraph between January 1 through February 15 of each

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year shall cost twenty-seven dollars (\$27.00) and nonresident permits purchased during the same period shall cost forty-six dollars (\$46.00);

(v) Three dollars (\$3.00) per person for the daily use fee for buses used in guided tours at designated state parks, historic sites and recreation areas, valid for the date of purchase only. The ~~bucketing-horse~~ annual permit authorized under paragraphs (a)(i) and (ii) of this section is not valid for and shall not be issued to buses used for purposes specified under this paragraph. The fee imposed under this paragraph shall not apply to persons under the age of eighteen (18) years;

(vii) Seven dollars (\$7.00) for each additional vehicle annual ~~bucketing-horse~~ daily use permit issued under subsection (b) of this section;

(ix) Seven dollars (\$7.00) for each duplicate annual ~~bucketing-horse~~ daily use permit issued under subsection (c) of this section;

(xiii) Upon written request of a group sponsoring a special event or upon the department's sponsorship of a special event, the director of the department may, with the approval of the parks and cultural resources commission, waive any fees required under this subsection. A fee which may exceed the daily use permit fee specified in this section may be charged for entry to special events. Holders of annual ~~bucketing-horse~~ daily use or overnight permits may be charged the special event fee. A special event fee may be charged at any park, area or site under the jurisdiction of the department, regardless of whether a daily use fee has been established by law;

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(b) Any holder of an annual ~~bucking horse entrance~~ daily use permit or an annual resident ~~or nonresident~~ overnight camping permit may obtain additional vehicle annual ~~bucking horse entrance~~ daily use permits or additional vehicle annual overnight camping permits from the department or any selling agent of the department upon payment of the fee prescribed under paragraph (a)(vii) or (viii) of this section, as applicable, and upon submission of proof satisfactory to the department that an original annual permit was purchased and that the additional vehicle is registered in the same name as the vehicle for which the original annual permit is obtained, or that the additional vehicle is operated by the person who purchased the original annual permit or a member of his family under duly granted authority from his employer. The director shall determine the validity of the authority of an applicant to operate an employer-owned vehicle prior to issuance of an additional vehicle permit for that vehicle under this section. Any vehicle in tow by another vehicle owned by the same person shall be considered a single vehicle for purposes of this section and only a single annual bucking horse daily use permit shall be required for entrance at state parks and a single annual overnight camping permit shall be required for overnight camping at state parks.

(c) If an annual ~~bucking horse~~ daily use permit or an annual resident ~~or nonresident~~ overnight camping permit is lost, mutilated or destroyed, the holder of the permit may obtain a duplicate annual permit from the department or any selling agent of the department upon filing an affidavit showing the loss, mutilation or destruction of the original permit and upon payment of the fee imposed under paragraph (a)(ix) or (x) of this section, as applicable.

(e) The department through the division of state parks and historic sites shall in accordance with W.S.

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36-4-123, appoint selling agents to sell ~~bucketing-horse~~ annual daily use and annual camping permits authorized under this section. Each appointed selling agent shall retain ten percent (10%) of the cost of each permit sold under this section as his sales commission. Designated department employees may sell ~~annual bucketing-horse daily use permits and other~~ permits required by this section but no employee of the department shall receive any commission on permits sold.

(j) Any person using state parks, recreation areas and historic sites and failing to obtain a ~~bucketing-horse~~ permit ~~or the other permits~~ required by this section and any person otherwise violating this section is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

(n) Any resident disabled veteran who receives fifty percent (50%) or more service connected disability compensation from the United States department of veteran's affairs may apply to the department for a lifetime ~~bucketing-horse~~ permit authorizing the use of state parks, recreation areas, archeological sites and historic sites without payment of any daily use, overnight or other fee authorized to be charged pursuant to this section. Only one (1) permit shall be issued to any qualified applicant under this subsection and shall be valid for the applicant and for all occupants of the applicant's vehicle. In addition to information and other application procedural requirements prescribed by rule and regulation of the department, application for the lifetime permit shall include proof of residency and certification of the service connected disability. The lifetime permit is valid as long as the holder is a Wyoming resident. A permit under this

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subsection shall be issued to an eligible applicant without the imposition of a fee.

36-4-123. Selling agents for registrations, licenses and permits.

(a) The department of state parks and cultural resources through the division of parks and historic sites shall appoint selling agents to sell snowmobile registrations pursuant to W.S. 31-2-402, ~~bucketing~~ ~~horse~~ permits under W.S. 36-4-121 and other licenses, registrations and permits for which the department may by law be required to issue and collect fees. Selling agents appointed under this section shall be bonded by the department, subject to the following:

39-11-109. Taxpayer remedies.

(c) Refunds. The following shall apply:

(viii) Any refund provided by this subsection shall be reduced by the dollar amount received by the applicant for the preceding calendar year from any exemption under W.S. 39-13-105, any homeowner's tax credit under W.S. 39-13-109(d)(i) or any tax refund under W.S. ~~39-13-109(c)(iii)~~ 39-13-109(c)(iv).

40-23-113. Disclosure of mortgage lender fees.

(a) Within three (3) working days of taking a mortgage loan application and prior to receiving any consideration, other than third party fees, from the borrower, the mortgage lender shall:

(ii) If a prepayment penalty may be a condition of the residential mortgage loan offered to a borrower,

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that fact shall be separately disclosed in writing to the borrower and the borrower shall agree in writing to accept ~~prepayment penalty provision imposes a charge if the~~ that condition. The disclosure shall state that a prepayment penalty provision imposes a charge if the borrower refinances or pays off the mortgage loan before the date for repayment stated in the loan agreement. The written disclosure shall be in a form prescribed by the commissioner and shall initially be delivered along with the good faith estimate of settlement costs within three (3) business days after accepting an application from the borrower. The disclosure shall subsequently be provided by the lender and signed by the borrower at the same time the borrower is given the final federal Truth-in-Lending Act disclosure.

Section 2. Except as provided in sections 3 and 4 of this act, 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.

Section 3. Notwithstanding Section 2 of this act, W.S. 21-13-335(b)(iii) as created by 2009 House Enrolled Act 79, being original House Bill 0236, is amended to read:

21-13-335. Supplemental financial assistance program for instructional facilitators and instructional coaches.

(b) Each school district may apply to the department of education for financial assistance under this section on or before April 15 of the school year immediately preceding the school year for which financial assistance is requested. Application shall be on a form and in a manner prescribed by the department and application review and selection shall be in accordance with the process established by department

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rule and regulation, with priority given to programs incorporating requirements specified under paragraphs (iv) and (v) of this subsection. At minimum, the application shall include documentation of the following program components:

(iii) Except for facilitators and teachers with at least five (5) years of classroom teaching experience employed on or before June 30, 2009, financial assistance available under this section will be used to employ facilitators with at least five (5) years of classroom teaching experience and who hold either a masters degree or national certification by the national board for professional teaching standards;

Section 4.

(a) Notwithstanding section 2 of this act, if 2009 House Enrolled Act 75, being original House Bill 0297, is enacted into law, the amendment of W.S. 6-2-501(b) made by that act shall not be effective and W.S. 6-2-501(b) is amended to read:

6-2-501. Simple assault; battery; penalties.

(b) A person is guilty of battery if he ~~unlawfully touches another in a rude, insolent or angry manner or~~ intentionally, knowingly or recklessly causes bodily injury to another person by use of physical force.

(b) This section shall not be effective if 2009 House Enrolled Act 75, being original House Bill 0297, is not enacted into law.

Section 5.

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(a) Section 4 of this act is effective July 1, 2009,
subject to the provisions of that section.

(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