

HOUSE BILL NO. HB0083

Governmental immunity-public transportation.

Sponsored by: Representative(s) Throne, Gingery, Illoyay
and Millin and Senator(s) Dockstader,
Esquibel, F. and Von Flatern

A BILL

for

1 AN ACT relating to governmental claims; extending the
2 Wyoming governmental claims act to governmental entities in
3 other states and who operate public transportation programs
4 in Wyoming under specified conditions; expanding
5 intergovernmental cooperation laws to include agreements
6 concerning governmental immunity or limitations of
7 liability and public transportation programs; and providing
8 for an effective date.

9

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

11

12 **Section 1.** W.S. 1-39-103(a)(ii) and 16-1-101 are
13 amended to read:

14

15 **1-39-103. Definitions.**

16

1 (a) As used in this act:

2

3 (ii) "Local government":

4

5 (A) Means cities and towns, counties,
6 school districts, joint powers boards, airport boards,
7 public corporations, community college districts, special
8 districts and their governing bodies, all political
9 subdivisions of the state, and their agencies,
10 instrumentalities and institutions;

11

12 (B) Includes a governmental entity of
13 another state operating a public transportation program
14 when:

15

16 (I) The other state has, by written
17 agreement entered in accordance with W.S. 16-1-101,
18 extended or agreed to extend its governmental immunity or
19 other limitations of liability to Wyoming for purposes of
20 public transportation programs; and

21

22 (II) The public transportation program
23 is operated by a governmental entity in the other state and
24 a local government in this state, as defined in

1 subparagraph (A) of this paragraph, pursuant to an
2 agreement under W.S. 16-1-101, which program includes one
3 (1) or more routes beginning in, ending in or passing
4 through Wyoming. For purposes of this subparagraph,
5 "public transportation program" means a not for profit
6 program designed to transport passengers to and from work,
7 or to another location on a regularly scheduled basis where
8 passengers have a commonality of purpose, using vehicles
9 operated by a governmental entity where no charge is made
10 to passengers other than that reasonably calculated to
11 recover direct and indirect costs.

12

13 **16-1-101. Authority to cooperate.**

14

15 In exercising, performing or carrying out any power,
16 privilege, authority, duty or function legally vested in
17 any one (1) or more of them by Wyoming law, the state of
18 Wyoming, and any one (1) or more of its counties, municipal
19 corporations, school districts, special districts, public
20 institutions, agencies, boards, commissions and political
21 subdivisions, and any officer or legal representative of
22 any one (1) or more of them, may cooperate with and assist
23 each other, and like entities or authorities of other
24 states, the United States and the Eastern Shoshone and

1 Northern Arapaho Tribes of the Wind River Reservation.
2 Cooperation may be informal or subject to resolution,
3 ordinance or other appropriate action, and may be embodied
4 in a written agreement specifying purposes, duration, means
5 of financing, methods of operations, termination,
6 acquisition, maintenance and disposition of property,
7 employment of executive and subordinate agents, reciprocation of governmental immunity protections or other
8 limitations of liability with respect to public
9 transportation programs as defined in W.S.
10 1-39-103(a)(ii)(B) and other appropriate provisions.

12

13 **Section 2.** This act is effective July 1, 2009.

14

15

(END)