

HOUSE BILL NO. HB0083

Governmental immunity-public transportation.

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

A BILL

for

1 AN ACT relating to governmental immunity; 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 and public transportation
7 programs; and providing for an effective date.

8

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

10

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

13

14 **1-39-103. Definitions.**

15

16 (a) As used in this act:

1

2 (ii) "Local government":

3

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

10

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

14

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

20

21 (II) The public transportation program
22 is operated by a governmental entity in the other state and
23 a local government in this state, as defined in
24 subparagraph (A) of this paragraph, pursuant to an

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

16-1-101. Authority to cooperate.

In exercising, performing or carrying out any power, privilege, authority, duty or function legally vested in any one (1) or more of them by Wyoming law, the state of Wyoming, and any one (1) or more of its counties, municipal corporations, school districts, special districts, public institutions, agencies, boards, commissions and political subdivisions, and any officer or legal representative of any one (1) or more of them, may cooperate with and assist each other, and like entities or authorities of other states, the United States and the Eastern Shoshone and Northern Arapaho Tribes of the Wind River Reservation.

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

10

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

12

13 (END)