

ENROLLED ACT NO. 55, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2012 BUDGET 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 an effective date.

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

Section 1. W.S. 1-2-102(a)(iv) and (xiv), 5-3-112(a)(iii), 6-4-403(e), 6-4-405(c), 7-13-421(b)(intro), 14-6-240(e) and (f), 14-6-419(b), (c) and (d), 15-5-201(a)(iii), 17-16-1003(a)(v), 18-10-213(a), 21-15-117(d), 21-15-119(a)(iii), 24-1-101(a), 27-14-102(a)(xxvii), 31-19-103(b)(v), 31-19-104(a), 33-28-305(f)(ii) and (iii), 33-40-106(b)(ii) and (iii), 35-1-105(a)(intro), (i), (iii) through (vii) and (b), 35-2-414(a), 35-3-108, 35-7-1014(d)(xxxv), 35-17-106(a)(vi) and (vii), 37-9-205, 39-11-109(c)(ii), 39-15-101(a)(xxxix)(R), 39-16-101(a)(xvii)(R), 40-14-211(a)(iii)(C), 41-10-151 and 42-4-103(a)(xxv) are amended to read:

1-2-102. Officers authorized to administer.

(a) The following officers are authorized to administer oaths:

(iv) Clerks of the Wyoming supreme court, Wyoming district courts and Wyoming ~~county~~circuit courts;

(xiv) Judges of the Wyoming ~~county~~circuit courts;

5-3-112. Assignment to circuit court judge.

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(a) A judge of the district court may assign to a circuit court judge any case or proceeding within the jurisdiction of the district court subject only to the following restrictions:

(iii) Consent of each plaintiff and each defendant in a civil action wherein the amount in controversy is greater than fifty thousand dollars (\$50,000.00) ~~;~~ ~~or greater;~~ and

6-4-403. Abandoning or endangering children; penalties; "child"; disclosure or publication of identifying information; "minor victim".

(e) ~~Subsection Paragraph~~ (b)(ii) of this section does not apply to crimes chargeable under W.S. 6-4-103(a)(i). ~~Subsection Paragraph~~ (b)(iv) of this section does not apply to crimes chargeable under W.S. 35-7-1036.

6-4-405. Endangering children; controlled substances; penalty.

(c) Any person who violates any of the provisions of ~~subsections~~ subsection (a) or (b) of this section is guilty of endangering a child punishable by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

7-13-421. Restitution as condition of parole.

(b) The board shall provide for restitution in the amount determined by the court pursuant to W.S. 7-9-103 unless the board finds the parolee is not reasonably capable of making the payments, in which case the board may modify the amount of restitution to be paid, taking into

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account the factors enumerated in W.S. 7-9-106. ~~The board may require payment of the following obligations as conditions of parole if it finds the parolee is reasonably capable of making the payments, taking into account the factors enumerated in W.S. 7-9-106(a)(iii):~~

14-6-240. Fingerprinting or photographing of child; disclosure of child's records.

(e) ~~To the extent disclosure is not otherwise authorized under subsection (g) of this section,~~ The court or the prosecuting attorney may release the name of the minor, the legal records or disposition in any delinquency proceeding filed in juvenile court to the minor's victim or victims and the members of the immediate family of any victim. The victim of a delinquent act constituting a felony shall be provided additional information regarding the delinquency proceeding in accordance with W.S. 14-6-501 through 14-6-509. Except as otherwise allowed under W.S. 14-6-203(g)(i) through (iv), legal records released by the court under this subsection shall not include predisposition studies and reports, social summaries, medical or psychological reports, educational records or transcripts of dispositional hearings.

(f) ~~To the extent disclosure is not otherwise authorized under subsection (g) of this section,~~ Upon a finding that a release of information will serve to protect the public health or safety or that due to the nature or severity of the offense in question the release of information will serve to deter the minor or others similarly situated from committing similar offenses, the court may release the name of the minor, the legal records or disposition in any delinquency proceeding filed in juvenile court to the media or other members of the public having a legitimate interest. Except as otherwise allowed

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under W.S. 14-6-203, legal records released by the court under this subsection shall not include predisposition studies and reports, social summaries, medical or psychological reports, educational records or transcripts of dispositional hearings.

14-6-419. Physical and mental examinations.

(b) If a child has been committed to a medical facility or institution for mental examination prior to adjudication of the petition and if it appears to the court from the mental examination that the child is competent to participate in further proceedings and is not mentally ill or intellectually disabled to a degree rendering the child subject to involuntary commitment to the Wyoming state hospital or the Wyoming ~~state training school~~ life resource center, the court shall order the child returned to the court without delay.

(c) If it appears to the court by mental examination conducted before adjudication of the petition that a child alleged to be in need of supervision is incompetent to participate in further proceedings by reason of mental illness or intellectual disability to a degree rendering the child subject to involuntary commitment to the Wyoming state hospital or the Wyoming ~~state training school~~ life resource center, the court shall hold further proceedings under this act in abeyance. The district attorney shall then commence proceedings in the district court for commitment of the child to the appropriate institution as provided by law.

(d) The juvenile court shall retain jurisdiction of the child on the petition pending final determination of the commitment proceedings in the district court. If proceedings in the district court commit the child to the

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Wyoming state hospital, the Wyoming ~~state training school~~ life resource center or any other facility or institution for treatment and care of people with mental illness or intellectual disability, the petition shall be dismissed and further proceedings under this act terminate. If proceedings in the district court determine the child does not have a mental illness or an intellectual disability to a degree rendering him subject to involuntary commitment, the court shall proceed to a final adjudication of the petition and disposition of the child under the provisions of this act.

15-5-201. Definitions.

(a) As used in this article:

(iii) "Compensation Act" means the Wyoming Worker's Compensation Act, W.S. 27-14-101 through ~~27-14-307~~ 27-14-806;

17-16-1003. Amendment by board of directors and shareholders.

(a) If a corporation has issued shares, an amendment to the articles of incorporation shall be adopted in the following manner:

(v) Unless the articles of incorporation, or the board of directors acting pursuant to ~~subsection (c)~~ paragraph (iii) of this ~~section~~ subsection require a greater vote or a greater number of shares to be present, approval of the amendment requires the approval of the shareholders at a meeting at which a quorum exists, and, if any class or series of shares is entitled to vote as a separate group on the amendment, except as provided in W.S. 17-16-1004(c), the approval of each such separate voting

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group at a meeting at which a quorum of the voting group exists.

18-10-213. Administration of finances; assessments and taxation.

(a) The board of trustees of special museum districts shall administer the finances of the district according to the provisions of the ~~Wyoming—Uniform~~ Budget Fiscal Procedures Act. Annually, each county assessor shall provide the board of county commissioners with the total assessed value of all taxable property within a special museum district in his county.

21-15-117. Annual evaluation of school buildings and facilities; remediation schedule; needs prioritization; combining facilities; implementation of remedy.

(d) In determining building and facility remedies under subsection (b) of this section, in developing criteria and procedures for site analysis under W.S. 21-15-114(a)(xii) and in approving district facility plans under W.S. 21-15-116 and otherwise administering this act, the commission shall adopt the remedy that is in the best financial and educational interests of the state, taking into consideration the recommendations of the department and the most efficient and cost effective approach in order to deliver quality educational services and address building and facility need. Expenditures from the school capital construction account shall be for necessary and related costs to implement efficient and cost effective building and facility remedies required to deliver quality educational services. In making determinations under this paragraph, the commission shall take into consideration the effects of the proposed activity on the local community. The commission shall implement this subsection in carrying

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out building and facility remedies and shall, giving proper consideration to the prevention of unnecessary delays in ~~preceding~~ proceeding with a remedy, establish a process to work with other political subdivisions of the state in implementing this subsection.

21-15-119. Commission budget and funding recommendations.

(a) Notwithstanding W.S. 9-2-1012, the commission shall annually, not later than September 1, develop and submit a recommended budget for projects and school capital construction financing to the governor, through the budget division of the department of administration and information and to the select committee on school facilities. The department shall prepare and provide information as requested by the commission. The commission shall include with its recommended budget to the select committee the comprehensive assessment specified in W.S. 21-15-115(b), the prioritized list of projects specified in W.S. 21-15-117 including the amounts allocated to each project and the annual building status report specified under W.S. 21-15-121. The recommended budget submitted by the commission shall include:

(iii) In odd-numbered years, the commission's recommendation on ~~November~~ September 1 shall be for expenditures during the two (2) succeeding fiscal years. The recommendation for the second year shall be based on estimates of expenditures and payments. In even-numbered years, the commission's recommendation on ~~November~~ September 1 shall be for expenditures during the succeeding fiscal year. As it determines to be necessary in any year, the commission's recommendation on ~~November~~ September 1 may contain a recommendation for revised expenditures during the current fiscal year.

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**24-1-101. Public highways defined and established;
creation by adverse possession.**

(a) On and after January 1, 1924, all roads within this state shall be highways, which have been or may be declared by law to be state or county highways. It shall be the duty of the several boards of county commissioners, within their respective counties, prior to said date, to determine what, if any, such roads now or heretofore traveled but not heretofore officially established and recorded, are necessary or important for the public use as permanent roads, and to cause such roads to be recorded, or if need be laid out, established and recorded, and all roads recorded as aforesaid, shall be highways. No other roads, except roads located on federal public lands prior to October, 1976 which provide access for a private residence or agricultural operation shall be highways upon acceptance by the board of county commissioners of the county where the road is located, shall be highways unless and until lawfully established as such by official authority. Except, nothing contained herein shall be construed as preventing the creation or establishment of a public highway right-of-way with reference to state and county highways under the common-law doctrines of adverse possession or prescription either prior to or subsequent to the enactment hereof. If any such board shall resolve the creation or establishment of a public highway right-of-way based upon the common-law doctrines of adverse possession or prescription, it shall, following the filing of a plat and accurate survey required in accordance with the terms and provisions of W.S. 24-3-109, proceed with the publication of the proposed road for three (3) successive weeks in three (3) successive issues of some official newspaper published in the county, if any such there be, and if no newspaper be published therein, such notice shall

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be posted in at least three (3) public places along the line of the proposed road, which notice shall be exclusive of all other notices and may be in the following form:

To all whom it may concern: The board of county commissioners of county has resolved the creation and establishment of a public highway right-of-way under the common-law doctrine of prescription in that the road was constructed or substantially maintained by the (either the state or county) for general public use for a period of (ten years or longer) said road commencing at in county, Wyoming, running thence (here describe in general terms the points and courses thereof), and terminating at

All objections thereto must be filed in writing with the county clerk of said county before noon on the day of A.D.,, or such road will be established without reference to such objections.

.....
County Clerk

Dated A.D.

27-14-102. Definitions.

(a) As used in this act:

(xxvii) "This act" means W.S. 27-14-101 through ~~27-14-805~~ 27-14-806;

31-19-103. Established place of business.

(b) The established place of business shall be a permanent commercial building:

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(v) At which shall be kept and maintained, physically or electronically, the books, records and files as required by W.S. ~~31-19-106(e)~~ 31-19-105(e) as necessary to conduct the business.

31-19-104. Registration of rental vehicles.

(a) All rental vehicles shall be registered pursuant to chapter 2, article 2 of this title, subject to the exemption provisions set forth in W.S. ~~31-2-201(d)(xi) and (xii)~~ 31-2-224(a)(x) and (xi).

33-28-305. Intermediary.

(f) An intermediary may do the following without breaching any obligation or responsibility:

(ii) List competing properties for sale or lease; and

(iii) Show properties in which the buyer is interested to other prospective buyers. ~~;~~ ~~and~~

33-40-106. Requirements for licensure; continuing education.

(b) The board may establish continuing education requirements for an active license provided that:

(ii) Continuing education taken any time in the three (3) years preceding the annual license renewal may be counted toward fulfilling the requirement but it shall not be counted more than once; and

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(iii) The board may allow other means of continuing education in place of formal instruction. ~~and~~

35-1-105. Prohibited acts; penalty for violations.

(a) ~~Any~~No person, corporation or other organization ~~and each~~ nor representative thereof, ~~who~~ shall:

(i) ~~Shall~~Wilfully violate, disobey or disregard the provisions of the public health laws of Wyoming or the terms of any lawful notice, order, rule or regulation issued pursuant thereto; ~~or~~

(iii) Being a person charged by law or rule of the department of health with the duty of reporting the existence of disease or other facts and statistics relating to the public health, ~~shall~~ fail to make or file such reports as required by law or requirement of the department; ~~or who,~~

(iv) ~~Conducting~~Conduct a business or activity ~~ever~~ for which the department ~~shall possess the power of certification and regulations, and who shall be required to have~~ requires a certificate or permit ~~therefor, shall conduct such business or activity~~ without such a certificate or permit; ~~or~~

(v) ~~Shall~~Wilfully and falsely make or alter any certificate or certified copy thereof issued pursuant to public health laws of Wyoming; ~~or~~

(vi) ~~Shall~~Knowingly transport or accept for transportation, interment or other disposition a dead human body without an accompanying permit issued in accordance with the public health laws of Wyoming or the rules of the department; ~~or who,~~

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(vii) Being the owner or occupant of private property upon which there shall exist a nuisance, source of filth or cause of sickness, ~~shall~~ wilfully fail to remove the same at his own expense within forty-eight (48) hours after being ordered to do so by health authorities.

(b) Upon conviction of any of the offenses prohibited in subsection (a) of this section, the violator shall be fined not to exceed one hundred dollars (\$100.00) or imprisonment not to exceed six (6) months, or ~~shall be both, so fined and imprisoned,~~ and ~~in addition to such fine and imprisonment~~ shall be liable for all expense incurred by health authorities in removing ~~any such~~ the nuisance, source of filth, or cause of sickness. No conviction under the penalty provisions of this act or of any other public health laws shall relieve any person from an action in damages for injury resulting from violation of public health laws.

35-2-414. Administration of finances; assessment and levy of tax.

(a) The board of trustees of special hospital districts shall administer the finances of such districts according to the provisions of the ~~Wyoming~~ Uniform Municipal Budget-Fiscal Procedures Act. The assessor shall at the time of making the annual assessment of his district also assess the property of each special hospital district in his county and return to the county assessor at the time of returning the assessment schedules, separate schedules listing the property of each such district assessed by him. Said separate schedules shall be compiled by the county assessor, footed and returned to the board of county commissioners as provided for other assessment schedules.

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35-3-108. Administration of finances.

The board of trustees of sanitary and improvement districts shall administer the finances of such districts according to provisions of the ~~Wyoming~~Uniform Municipal ~~Budget~~Fiscal Procedures Act.

35-7-1014. Substances included in Schedule I.

(d) Hallucinogenic substances. - Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(xxxv) ~~Salvinorum A~~Salvinorin A;

35-17-106. Election to be covered by federal immunity.

(a) The state of Wyoming elects to be immediately covered by the immunity granted by the Health Care Quality Improvement Act of 1986, P.L. 99-660, Title IV adopted by Congress in 1986, to the extent authorized, as of the effective date of this section for all health care professional review bodies as defined in the act, for the applicable division of the department of health in its duties under W.S. 33-36-101 through 33-36-115 related to emergency medical services and for:

(vi) The board of registration in podiatry, W.S. 33-9-101 through 33-9-113;~~and~~

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(vii) The board of chiropractic examiners, W.S. 33-10-101 through 33-10-117; ~~and~~ and

37-9-205. Plats of survey to be filed.

The secretary of state is hereby authorized to transfer to the office of the director all plats of survey which may have been filed in the office of the secretary of state under the provisions of W.S. ~~37-9-201,~~ 37-9-203 and 37-9-204, and from and after the passage of this section all plats of survey required to be filed under the provisions of the sections aforesaid shall be filed with the director instead of with the secretary of state.

39-11-109. Taxpayer remedies.

(c) Refunds. The following shall apply:

(ii) Wyoming residents meeting asset eligibility requirements under paragraph (vii) of this subsection who are sixty-five (65) years of age and older or who are eighteen (18) years of age and older and are totally disabled during the one (1) year period immediately preceding the date of application for a refund under this subsection and are not residents of any state funded institution, are qualified for an exemption and refund of state taxes as provided in this subsection. The application shall indicate whether the applicant has applied for or received any refund under this section, a property tax exemption under W.S. 39-13-105, a property tax refund under W.S. ~~39-13-109(c)(iii)~~ 39-13-109(c)(iv) or a property tax credit under W.S. 39-13-109(d) for the same calendar year. A qualified single person whose actual income is less than seventeen thousand five hundred dollars (\$17,500.00) shall receive eight hundred dollars (\$800.00) reduced by the

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percentage that his actual income exceeds ten thousand dollars (\$10,000.00) per year and qualified married persons, at least one (1) of whom is at least sixty-five (65) years of age or totally disabled, whose actual income is less than twenty-eight thousand five hundred dollars (\$28,500.00) shall receive nine hundred dollars (\$900.00) reduced by the percentage that their actual income exceeds sixteen thousand dollars (\$16,000.00) per year. Until remarriage a person sixty (60) years or older once qualified through marriage remains eligible individually for single person benefits, subject to income limitations, after the death of his spouse;

39-15-101. Definitions.

(a) As used in this article:

(xxxix) Telecommunications definitions:

(R) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile wireless service as well as other nontelecommunications services including the download of digital products delivered electronically, content and ancillary services, which require advance payment that is sold in predetermined units ~~of~~or dollars of which the number declines with use in a known amount;

39-16-101. Definitions.

(a) As used in this article:

(xvii) Telecommunications definitions:

(R) "Prepaid wireless calling service" means a telecommunications service that provides the right

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to utilize mobile wireless service as well as other nontelecommunications services including the download of digital products delivered electronically, content and ancillary services, which require advance payment that is sold in predetermined units ~~of~~or dollars of which the number declines with use in a known amount;

40-14-211. Definition of "amount financed".

(a) "Amount financed" means the total of the following items to the extent that payment is deferred:

(iii) If not included in the cash price:

(C) Additional charges permitted by ~~this article (section 2-202)~~ W.S. 40-14-213.

41-10-151. Finances administered according to the Uniform Municipal Fiscal Procedures Act.

The board of directors of the water and sewer districts shall administer the finances of such districts according to the provisions of the ~~Wyoming~~Uniform ~~Budget Fiscal Procedures~~ Act.

42-4-103. Authorized services and supplies.

(a) Services and supplies authorized for medical assistance under this chapter include:

(xxv) Hospice care as defined in W.S. 35-2-901(a)(xii) and authorized under ~~42—U.S.C.—§ 1396a(a)(10)(ii)(VII)~~ 42 U.S.C. § 1396a(a)(10)(A)(ii)(VII);

Section 2. W.S. 18-6-310(a), 31-2-218(e), 31-2-219(f) and 40-14-142(a)(xviii) and (xix) are repealed.

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Section 3. 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 4. 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 Senate.

Chief Clerk