

ENROLLED ACT NO. 77, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2013 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 an effective date.

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

Section 1. W.S. 3-1-106, 9-2-1010(a)(iii), 11-16-102(a)(xii), 11-19-305, 21-2-202(a)(xxxii) and (xxxiii), 21-2-204(d)(v), 29-10-102(a), 39-15-303(b)(iv), 39-16-303(b)(iv), 40-14-210 and 40-23-102(a)(xiii) and (xiv) are amended to read:

3-1-106. Provisions applicable to all fiduciaries shall govern.

The provisions of W.S. 2-3-101 through ~~2-3-614~~ 2-3-504 and 2-3-801 through 2-3-834 govern the appointment, qualification, substitution, removal, oath and bond of a guardian, limited guardian and conservator. A guardian or limited guardian shall not be required to give bond unless the court, for good cause, finds that the best interest of the ward requires a bond. The court shall then fix the terms and conditions of the guardian's bond.

9-2-1010. Duties of budget division; biennial budgets and appropriations.

(a) The department through the budget division shall:

(iii) Consult with each entity which will require a legislative appropriation either directly or indirectly, excluding the Wyoming ~~highway~~ department of

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transportation and the game and fish department except as provided in W.S. 23-1-502(d), in submitting budget estimates or requests for funds, or for instituting, recording and reporting all financial and budget transactions of the state.

11-16-102. Definitions.

(a) As used in this act:

(xii) "This act" means W.S. 11-16-101 through ~~11-16-134~~ 11-16-135.

11-19-305. Powers of state veterinarian.

The state veterinarian may make and enforce rules and regulations necessary for the enforcement of W.S. ~~11-19-301~~ 11-19-303 through 11-19-306.

21-2-202. Duties of the state superintendent.

(a) In addition to any other duties assigned by law, the state superintendent shall:

(xxxii) By rule and regulation adopted not later than July 1, 2011 establish requirements for school district policies and training regarding the use of seclusion and restraint in schools as required under W.S. ~~21-3-110(a)(xxx)~~ 21-3-110(a)(xxxi). The state superintendent shall review the policy of each district for compliance with the requirements of W.S. 21-3-110(a)(xxx) and rules and regulations promulgated pursuant to this paragraph. If the state superintendent determines that the policy is not in compliance under this paragraph the superintendent shall direct the board of trustees to revise

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the policy and shall, upon request, assist the board in the adoption of the policy;

(xxxiii) To assist local school districts in developing protocols under W.S. ~~21-3-110(a)(xxx)~~ 21-3-110(a)(xxxii) and in sufficient time to enable school districts to adopt and implement protocols commencing school year 2011-2012, develop model protocols for addressing risks associated with concussions and other head injuries resulting from athletic injuries. No district shall be required to adopt any part of the model protocols;

21-2-204. Wyoming Accountability in Education Act; statewide education accountability system created.

(d) Beginning in school year 2012-2013, and each school year thereafter, the department of education shall compute and report an overall school performance rating measured by student performance on those performance indicators specified under subsection (c) of this section. Any school through its school district may seek informal review of any overall school performance rating or other performance determination in accordance with the following:

(v) Not later than thirty (30) days after a ~~determination~~ decision has been issued by the panel under paragraph ~~(i)~~ (iv) of this subsection, the school district may seek an informal review with the state board. The state board shall make a final determination as to the performance rating or other performance determination within sixty (60) days after receipt of the request for review;

29-10-102. Form for notice of intention to file lien.

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(a) Notice of intention to file a lien shall be sent to the record owner of the property against which the lien may be filed, ~~sent to the lien claimant~~ or his agent and shall be completed in substantially the following form:

Note to lien claimant: This form, if filled out correctly and sent within the time periods specified in W.S. 29-2-107 constitutes prima facie evidence that you have provided the contents of the notice required by W.S. 29-2-107(a). If you have any questions regarding how to fill out this form or whether it has been filled out properly, you should consult an attorney.

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

To: _____
Record owner or agent of owner (note: If there is more than one (1) owner, use a form for each owner)

Date: _____, 20__

Re: Notice of Intention to File Lien

You are hereby notified pursuant to W.S. 29-2-107 that _____ (hereinafter the "lien claimant") intends to file a lien against your property.

The amount of the lien claim is \$_____. This amount is due from _____ (person/entity whose actions have caused a lien to be filed) pursuant to a contract with the lien claimant under which the lien claimant performed work or supplied materials for the work.

If we are unable to resolve this matter within twenty (20) days from the date of this notice, the lien claimant

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intends to file the lien statement asserting a lien against your property.

cc: _____

39-15-303. Imposition.

(b) Taxpayer. The following shall apply:

(iv) Any nonresident prime contractor and any resident prime contractor who hires a nonresident subcontractor shall register any project with the department of revenue not ~~less~~more than fifteen (15) days following the start of a project pursuant to a contract. The nonresident prime contractor shall provide a properly executed bond as required by paragraph (iii) of this subsection, or a cash deposit of not less than four percent (4%) of the total payments due under the contract. The cash deposit shall be refunded to the contractor upon the department's receipt of a properly executed surety bond or upon satisfactory completion of the project. Failure to register with the department within the time period required by this paragraph shall result in a penalty assessment of one percent (1%) of the total payments due under the contract.

39-16-303. Imposition.

(b) Taxpayer. The following shall apply:

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following the start of a project pursuant to a contract. The nonresident prime contractor shall provide a properly executed bond as required by paragraph (iii) of this subsection, or a cash deposit of not less than four percent (4%) of the total payments due under the contract. The cash deposit shall be refunded to the contractor upon the department's receipt of a properly executed surety bond or upon satisfactory completion of the project. Failure to register with the department within the time period required by this paragraph shall result in a penalty assessment of one percent (1%) of the total payments due under the contract.

40-14-210. Definition of "cash price".

"Cash price" means the price at which the creditor offers, in the ordinary course of business, to sell for cash the property or services which are the subject of a consumer credit transaction. It may include the cash price of accessories or services related to the sale such as delivery, installation, alterations, modifications, and improvements, and may include taxes to the extent imposed on the cash sale, but shall not include any other charges of the types described in section ~~226.4~~1026.4 of regulation Z of the federal Consumer Credit Protection Act.

40-23-102. Definitions.

(a) As used in this act:

(xiii) "Regulation X" means regulation X as promulgated by the ~~United States department of housing and urban development~~consumer financial protection bureau and codified in ~~24 CFR part 3500~~12 CFR part 1024 et seq., as amended;

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(xiv) "Regulation Z" means regulation Z as promulgated by the ~~board of governors of the federal reserve system~~ consumer financial protection bureau and codified in 12 CFR part ~~226-1026~~ et seq., as amended;

Section 2. W.S. 9-17-101(b) as created by 2013 Senate Enrolled Act 52 as enacted into law is amended to read:

9-17-101. Purchase of state vehicles which operate on natural gas.

(b) This section shall not apply if the responsible department or agency determines that compliance with the requirements of subsection (a) of this section is unfeasible or economically impractical or appropriate compressed natural gas vehicles or compressed natural gas is unavailable. If the department of administration and information makes a determination pursuant to ~~this subsection paragraph (a)(ii) of this section~~, it shall provide notice of its determination to those agencies identified in subsection (a) of this section. ~~and~~ A department or agency who determines it cannot comply with subsection (a) of this section shall promptly provide a written report to the joint minerals, business and economic development interim committee containing the reasons for the determination.

Section 3. 2013 Wyoming Session Laws, Chapter 69, Section 1(a)(intro) and (ii)(intro) is amended to read:

Section 1.

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(a) Subject to the provisions of subsection (b) of this section, the legislature authorizes the acceptance of the following lands to be managed by the department of state parks and ~~historic sites~~ cultural resources upon final negotiation with the appropriate parties:

(ii) Those lands in Township 26N Range 66W owned by the state of Wyoming and managed under the authority of the board of land commissioners described as follows:

Section 4. W.S. 9-5-109(a) through (h) is repealed.

Section 5. This act is effective July 1, 2013.

(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