

SENATE FILE NO. SF0090

Revisor's bill.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to a revision of inadvertent errors;
2 correcting statutory references and language resulting from
3 inadvertent errors and omissions in previously adopted
4 legislation; specifying applicability; and providing for an
5 effective date.

6
7 *Be It Enacted by the Legislature of the State of Wyoming:*

8
9 **Section 1.** W.S. 1-12-401, 1-23-107(a),
10 1-39-103(a)(v), 5-3-101(a)(viii)(D), 6-1-104(a)(vi)(J) and
11 (O), 6-4-502(b)(v), 6-7-101(a)(viii)(B), 7-2-101(a)(iv)(H)
12 and (M), 7-3-701(a)(iii), 7-6-103(c)(v) and (k),
13 7-13-1205(a)(intro), 7-19-301(a)(xv), 9-1-415(f)(i)(D),
14 9-2-1016(f), 9-2-1026.1(a)(xiii) and (b)(vi), 9-2-1026.9,
15 9-2-1204(a)(xv) and (xvi), 9-3-402(a)(vi)(O) and (U),
16 9-3-404(a)(iii), 9-3-405(a)(vi), 9-3-406(a), 9-3-409(a),
17 9-3-434(a)(xxiv), 9-12-307, 11-6-210(j), 11-10-111,
18 11-12-102 by creating a new subsection (b), 12-4-407(c),
19 13-6-101, 14-1-101(b)(iii) 14-3-202(a)(ix), 14-3-203(a)(ii)
20 and (iii), 14-3-214(b)(vi), 14-3-418(b)(i) and (ii),
21 14-6-203(g)(iv) and (v), 14-6-205(a)(ii) and (iv),
22 14-6-427(c)(v), 15-1-601(d)(ii) and (iii),
23 15-5-201(a)(vii), 15-6-404(c), 15-6-418(b)(i)(C), by
24 amending and renumbering paragraph (ii) as subsection (c)
25 and by renumbering (c) as (d), 16-1-108(c)(v),
26 16-3-103(a)(i)(E), 16-4-203(d)(xi) and (xii), 16-9-203(e),
27 17-10-244(a)(intro) and (iii)(B), 17-16-1502(c),
28 17-18-102(b)(iv)(D), 18-2-107, 18-3-107(f), 18-8-103,
29 18-12-102(a)(xi), 20-2-101(g), 20-2-402(a)(v)(B) and (C),
30 20-6-215(a)(i) and (ii), 21-2-102, 21-2-202(a)(xvii)(A) and
31 (B), 21-2-304(a)(iv)(intro), 21-3-307(a)(xx) and (xxi),
32 21-13-309(n)(ix) and (xi), 21-18-314(f), 22-13-104(a),
33 22-18-111(a)(iv), 22-29-102(a)(iii), 23-1-105(a),

1 23-1-106(a), 23-1-302(a)(xxvi) and (xxviii), 23-1-602,
 2 24-1-112(a), 25-10-122(a)(ii) and (iii), 25-11-103(d),
 3 26-3-112(a)(iii), 26-6-205(c)(ii)(C) and (D),
 4 26-12-102(a)(i)(G), 26-13-110(a)(ii)(D), 26-19-107(j)(i),
 5 26-36-103(a)(vi), 27-2-105(a)(iv) and (v), 27-3-107(a)(v),
 6 27-14-701(e), 29-3-103(a)(i), 29-7-301(e), 30-3-210(b),
 7 31-6-101(a)(v), 31-7-305(g)(iv), 33-1-115(d)(iv) and (v),
 8 33-3-109(a)(v)(B), 33-4-117(a)(ii), 33-9-110(a)(v) and
 9 (vi), 33-16-301(a)(ii), 33-21-127(b)(iv), by renumbering
 10 paragraphs (iv) and (vi) as subparagraphs (A) and (B),
 11 33-21-145(a)(vi), 33-21-146(a)(ix), 33-22-108(a)(v) and
 12 (vi), 33-23-110(f), 33-28-106(e)(viii)(A), 34-1-141(c) and
 13 (d), 34-4-103(a)(ii), 34-24-117(b)(ii), 35-2-609(b)(iii)
 14 and (iv), 35-7-1011(f), 35-7-1046(b)(iv)(B), 35-9-605,
 15 35-10-201(d)(iii), 35-11-103(d)(v)(C) and (e)(xix),
 16 35-11-209(e), 35-11-1105(d)(iii), 35-12-110(b)(xiv) and
 17 (xv), 35-17-101(a)(i)(B) and (C), 37-2-125(a)(ix),
 18 37-7-109(a)(iv), 37-12-126(a)(intro),
 19 39-15-203(a)(i)(E)(V), 39-15-211(a)(iv)(B)(intro),
 20 39-16-211(a)(iii)(B), 40-13-206(a)(i) and (iii),
 21 41-2-114(b)(v), (vii) and (e)(i), 41-2-118(a)(x) and (xiii)
 22 and 41-4-514(a)(iv) and (v) are amended to read:

23
 24 **1-12-401. Written finding of presumed death**
 25 **admissible as evidence.**
 26

27 A written finding of presumed death made by an officer or
 28 employee of the United States authorized to make such
 29 finding, pursuant to the Federal Missing Persons Act, ~~456~~
 30 ~~Stat. 143, 1092, and 58 Stat. 679; 50 U.S.C. App. Supp.~~
 31 ~~1001-17)~~ 37 U.S.C. § 551 et seq., as now or hereafter
 32 amended, or a certified copy of the finding, shall be
 33 received in any court, office or other place in this state
 34 as evidence of the death of the person found to be dead and
 35 the date, circumstances and place of his disappearance.
 36

37 **1-23-107. Individual liability of members of**
 38 **governmental agencies.**
 39

40 (a) Notwithstanding W.S. 1-39-101 through ~~1-39-120~~
 41 1-39-121, the members of any governmental board, agency,
 42 council, commission or governing body are not individually
 43 liable for any actions, inactions or omissions by the
 44 governmental board, agency, council, commission or
 45 governing body.
 46

47 **1-39-103. Definitions.**

1
2 (a) As used in this act:

3
4 (v) "Scope of duties" means performing any
5 duties which a governmental entity requests, requires or
6 authorizes a public employee to perform regardless of the
7 time and place of performance; ~~and~~

8
9 **5-3-101. Judicial districts enumerated; terms of**
10 **court.**

11
12 (a) The state of Wyoming is divided into judicial
13 districts as follows with terms as designated:

14
15 (viii) The counties of Converse, Platte, Goshen
16 and Niobrara are the eighth judicial district. Regular
17 terms of the district court in each county shall be held:

18
19 (D) In Niobrara county, one (1) term
20 beginning on the second Monday in February and one (1) term
21 beginning on the first Tuesday in September.

22
23 **6-1-104. Definitions.**

24
25 (a) As used in W.S. 6-1-101 through 6-10-203 unless
26 otherwise defined:

27
28 (vi) "Peace officer" includes the following
29 officers assigned to duty in the state of Wyoming:

30
31 (J) Any duly authorized detention officer
32 who has qualified pursuant to W.S. 9-1-701 through 9-1-707,
33 when engaged in the performance of his duties while
34 supervising a detainee who has been convicted as a felon;
35 ~~and~~

36
37 (O) The director and full-time staff
38 instructors of the Wyoming law enforcement academy when
39 duly appointed and acting pursuant to W.S. 9-1-633(b); and

40
41 **6-4-502. Mutilation of dead human bodies; penalties;**
42 **exceptions.**

43
44 (b) This section does not apply to:

45
46 (v) Conduct authorized by the Uniform Anatomical
47 Gift Act, W.S. 35-5-101 through ~~35-5-109~~ 35-5-119.

1
2 **6-7-101. Definitions.**
3

4 (a) As used in this article:

5
6 (viii) "Professional gambling" means:

7
8 (B) Participating in gambling and having,
9 other than by virtue of skill or luck, a lesser chance of
10 losing or a greater chance of winning than one (1) or more
11 of the other participants. ~~and~~

12
13 **7-2-101. Definitions.**
14

15 (a) As used in W.S. 7-2-101 through 7-2-107:

16
17 (iv) "Peace officer" means:

18
19 (H) Any duly authorized detention officer
20 in the performance of his duties and who has qualified
21 pursuant to W.S. 9-1-701 through 9-1-707; ~~and~~

22
23 (M) Certified law enforcement officers of
24 an adjoining state while responding to a request for
25 assistance from a peace officer in this state pursuant to
26 the "Law Enforcement Interstate Mutual Aid Act" or other
27 lawful request; and

28
29 **7-3-701. Definitions.**
30

31 (a) As used in this act:

32
33 (iii) "Communication common carrier" shall have
34 the same meaning which is given the term "common carrier"
35 by ~~47 U.S.C. § 153(h)~~ 47 U.S.C. § 153(10);

36
37 **7-6-103. Creation of office of state public defender;**
38 **appointment of state public defender and assistants;**
39 **duties; removal.**
40

41 (c) The state public defender shall:

42
43 (v) Administer the public defender program of
44 the state; ~~and~~

45
46 (k) Notwithstanding any other provision of law to the
47 contrary, any attorney providing services for the office of

1 the state public defender in the defense of a criminal case
2 shall, for matters arising out of such services, be
3 considered a state employee for purposes of coverage and
4 representation under the Wyoming Governmental Claims Act,
5 W.S. 1-39-101 through ~~1-39-120~~1-39-121, and the state
6 self-insurance program, W.S. 1-41-101 through 1-41-111.

7
8 **7-13-1205. Juvenile courts authorized to establish**
9 **teen court program.**

10
11 (a) Notwithstanding any other provision of the
12 Juvenile ~~Court~~Justice Act, W.S. 14-6-201 through ~~14-6-244~~
13 14-6-252, a juvenile court may establish and offer a teen
14 court program substantially complying with the provisions
15 of this act as an alternative to any disposition authorized
16 by W.S. 14-6-229(d), provided:

17
18 **7-19-301. Definitions.**

19
20 (a) Unless otherwise provided, for the purposes of
21 this act:

22
23 (xv) "This act" means W.S. 7-19-301 through
24 ~~7-19-308~~7-19-307;

25
26 **9-1-415. Collection of debts due the state; discharge**
27 **of uncollectible debts.**

28
29 (f) No patient billing from the state hospital shall
30 be collectible unless:

31
32 (i) A legally responsible person has been
33 advised in writing before the treatment or stay at the
34 hospital, at the time of admission or a reasonable time
35 thereafter, of:

36
37 (D) The right to appeal pursuant to W.S.
38 25-11-103~~.~~ and

39
40 **9-2-1016. General services division.**

41
42 (f) The section may engage in activities relative to
43 federal excess property in connection with the use of the
44 property by other state agencies, institutions or
45 organizations engaging in or receiving assistance under
46 federal programs. The section may enter into contracts and
47 other agreements for and on behalf of the state, including

1 the cooperative agreements within the purview of section
2 203(n) of the federal act ~~(40 U.S.C. § 484(n))~~ (40 U.S.C. §
3 484(j)) with federal agencies, as well as agreements with
4 other groups or associations which will in any way procure
5 the administration of the section's functions but this act
6 relating to the procurement of property shall not apply to
7 the section in the acquisition of federal surplus property.

8
9 **9-2-1026.1 Duties performed through information**
10 **technology division.**

11
12 (a) In addition to other duties prescribed by law, the
13 department through the information technology division
14 shall:

15
16 (xiii) Provide necessary administrative and
17 clerical assistance to the ~~law enforcement~~ public safety
18 communications commission established under W.S. 9-2-1101.

19
20 (b) Notwithstanding subsection (a) of this section:

21
22 (vi) The state ~~law enforcement~~ public safety
23 communications commission established under W.S. 9-2-1101
24 shall coordinate its statewide telecommunications transport
25 service requirements through the information technology
26 division;

27
28 **9-2-1026.9. Compliance with local laws prerequisite**
29 **to entering into library agreement.**

30
31 No city, town, county, school district or public district
32 of any sort of this state shall be party to a library
33 agreement which provides for the construction or
34 maintenance of a library pursuant to article III, ~~(e-7)~~
35 paragraph (c)(vii) of the Interstate Library Compact, nor
36 pledge its credit in support of such a library, or
37 contribute to the capital financing thereof, except after
38 compliance with any laws applicable to such cities, towns,
39 counties, school districts or public districts of any sort
40 relating to or governing capital outlays and the pledging
41 of credit.

42
43 **9-2-1204. Powers and duties; rules and regulations;**
44 **addressing problems of senior citizens; funds and grant**
45 **awards; development of senior citizen programs; report to**
46 **governor.**
47

1 (a) The department of health shall:

2
3 (xv) Report to the governor as required by W.S.
4 9-2-1014; ~~and~~

5
6 (xvi) Administer the community based in-home
7 services program as provided by W.S. 9-2-1208; and

8
9 **9-3-402. Definitions.**

10
11 (a) As used in this article:

12
13 (vi) "Employer" or "participating employer"
14 means:

15
16 (O) Any senior citizen center within the
17 state; ~~and~~

18
19 (U) Any special district; and

20
21 **9-3-404. Wyoming retirement board; responsibility for**
22 **administration of system; composition; appointment; term;**
23 **vacancies; meetings; election of chairman.**

24
25 (a) The responsibility for the administration and
26 operation of the retirement system is vested solely and
27 exclusively in the Wyoming retirement board. The board
28 shall be composed of eleven (11) members, not more than six
29 (6) of whom shall be from the same political party. The
30 members shall be:

31
32 (iii) Two (2) members, exclusive of the public
33 school system, the community colleges and the University of
34 Wyoming, one (1) of which is a participant in the Wyoming
35 deferred compensation program established under W.S.
36 9-3-501 through ~~9-3-507~~ 9-3-508;

37
38 **9-3-405. Retirement board duties and powers.**

39
40 (a) In addition to any other duties prescribed by
41 law, the board shall:

42
43 (vi) Through the director employed under W.S.
44 9-3-406(a), administer the Wyoming deferred compensation
45 program established under W.S. 9-3-501 through ~~9-3-507~~
46 9-3-508.

1 **9-3-406. Retirement board; employment and**
2 **compensation of director, consulting actuary and**
3 **assistants; director designated secretary; compensation of**
4 **members; quorum; seal.**
5

6 (a) The board shall employ a director and a
7 consulting actuary and other professional and clerical
8 assistants necessary for the administration of the
9 retirement system and the Wyoming deferred compensation
10 program established under W.S. 9-3-501 through ~~9-3-507~~
11 9-3-508. The compensation of employees shall be fixed by
12 the board, subject to confirmation and approval by the
13 personnel division and together with all other necessary
14 expenses of the board shall be paid by vouchers drawn on
15 the state treasurer of Wyoming. The director shall also
16 serve, without additional compensation, as secretary of the
17 board.
18

19 **9-3-409. Retirement board; rules and regulations;**
20 **powers and privileges required to perform functions;**
21 **requiring employers to furnish information and keep**
22 **records.**
23

24 (a) The retirement board shall adopt rules and
25 regulations for the administration of the retirement system
26 and the control and disbursement of its assets, the
27 administration of the Wyoming deferred compensation program
28 established under W.S. 9-3-501 through ~~9-3-507~~ 9-3-508 and
29 shall have the powers and privileges required in the
30 performance of its functions under this article and W.S.
31 9-3-501 through ~~9-3-507~~ 9-3-508.
32

33 **9-3-434. Definitions.**
34

35 (a) As used in this act:
36

37 (xxiv) "This act" means W.S. ~~9-3-434~~ 9-3-433
38 through 9-3-452.
39

40 **9-12-307. Penalty.**
41

42 Any person who knowingly makes a false statement to the
43 council in connection with an application under this
44 article ~~or who violates W.S. 9-12-302(e)~~ is guilty of a
45 felony punishable by imprisonment for not more than two (2)
46 years, a fine of not more than two thousand dollars
47 (\$2,000.00), or both.

1
2 **11-6-210. Creation of predatory animal district fund;**
3 **predatory animal control fees; donations; appropriation by**
4 **county commissioners.**

5
6 (j) Any person failing to pay the predator animal
7 control fee imposed by ~~subsections~~ subsection (a) or (f) of
8 this section shall be punished as provided by W.S.
9 11-1-103.

10
11 **11-10-111. Reports.**

12
13 The director of the department of agriculture shall make
14 reports as required by W.S. ~~9-2-103~~ 9-2-1014 in regard to
15 the state fair.

16
17 **11-12-102. Exceptions to applicability.**

18
19 (b) Any resident grower who sells or offers for sale
20 any agricultural, vegetable, flower or tree seeds grown
21 only by him and sold or offered for sale at the
22 headquarters of his operations directly to grower planters
23 of the seed and not for resale is exempt from the licensing
24 provisions under W.S. 11-12-103.

25
26 **12-4-407. Restaurant liquor license; authorized.**

27
28 (c) After the 1980 census has been completed and the
29 maximum number of appropriate licenses has been certified
30 by the commission, the number of restaurant liquor licenses
31 issued shall not exceed fifty percent (50%) of the number
32 of retail liquor licenses allowable under W.S. ~~12-4-201(c)~~
33 ~~or (d), whichever is applicable~~ 12-4-201(d), or two (2),
34 whichever is greater.

35
36 **13-6-101. Authority to charter.**

37
38 The state banking board as provided by W.S. ~~13-2-206~~
39 13-1-606 and 13-2-207 through 13-2-214 is authorized to
40 charter state savings and loan associations.

41
42 **14-1-101. Age of majority; rights on emancipation.**

43
44 (b) A minor may consent to health care treatment to
45 the same extent as if he were an adult when:
46

1 (iii) The parents or guardian of the minor
2 cannot with reasonable diligence be located and the minor's
3 need for health care treatment is sufficiently urgent to
4 require immediate attention; ~~or~~

5
6 **14-3-202. Definitions.**

7
8 (a) As used in W.S. 14-3-201 through 14-3-216:

9
10 (ix) "Subject of the report" means any child
11 reported under W.S. 14-3-201 through ~~14-3-215~~ 14-3-216 or
12 the child's parent, guardian or other person responsible
13 for the child's welfare;

14
15 **14-3-203. Duties of state agency; on-call services.**

16
17 (a) The state agency shall:

18
19 (ii) Be responsible for strengthening and
20 improving state and community efforts toward the
21 prevention, identification and treatment of child abuse and
22 neglect in the state; and

23
24 (iii) Refer any person or family seeking
25 assistance in meeting child care responsibilities, whether
26 or not the problem presented by the person or family is
27 child abuse or neglect, to appropriate community resources,
28 agencies, services or facilities. ~~and~~

29
30 **14-3-214. Confidentiality of records; penalties;**
31 **access to information; attendance of school officials at**
32 **interviews; access to central registry records pertaining**
33 **to child protection cases.**

34
35 (b) Applications for access to records concerning
36 child abuse or neglect contained in the state agency or
37 local child protective agency shall be made in the manner
38 and form prescribed by the state agency. Upon appropriate
39 application, the state agency shall give access to any of
40 the following persons or agencies for purposes directly
41 related with the administration of W.S. 14-3-201 through
42 14-3-216:

43
44 (vi) A court or grand jury upon a showing that
45 access to the records is necessary for the determination of
46 an issue, in which case access shall be limited to in

1 camera inspection unless the court finds public disclosure
2 is necessary; ~~and~~

3
4 **14-3-418. Search warrant; when authorized; affidavit**
5 **required; contents of affidavit and warrant; service and**
6 **return.**

7
8 (b) The affidavit shall be in writing, signed and
9 affirmed by the affiant. The affidavit shall set forth:

10
11 (i) The name and age of the child sought,
12 provided that if the name or age of the child is unknown
13 the affidavit shall set forth a description of the child
14 sufficient to identify him with reasonable certainty and a
15 statement that the affiant believes the child is of age to
16 come within the provisions of this act; ~~and~~

17
18 (ii) The affiant's belief that the child sought
19 is being neglected, unlawfully detained or physically
20 abused and his health or welfare requires that he be taken
21 immediately into custody, and a statement of the facts upon
22 which the belief is based; and

23
24 **14-6-203. Jurisdiction; confidentiality of records.**

25
26 (g) Except as provided by subsection (j) of this
27 section, all information, reports or records made, received
28 or kept by any municipal, county or state officer or
29 employee evidencing any legal or administrative process or
30 disposition resulting from a minor's misconduct are
31 confidential and subject to the provisions of this act. The
32 existence of the information, reports or records or
33 contents thereof shall not be disclosed by any person
34 unless:

35
36 (iv) The disclosure results from the information
37 being shared with or between designated employees of any
38 court, any law enforcement agency, any prosecutor's office,
39 any employee of the victim services division within the
40 office of the attorney general, any probation office or any
41 employee of the department of family services or the
42 minor's past or present school district who has been
43 designated to share the information by the department of
44 family services or by the school district; ~~or~~

1 (v) The disclosure is made to a victim of a
2 delinquent act constituting a felony, in accordance with
3 W.S. 14-6-501 through 14-6-509; or

4
5 **14-6-205. Taking of child into custody; when**
6 **permitted.**

7
8 (a) A child may be taken into custody by a law
9 enforcement officer without a warrant or court order when:

10
11 (ii) There are reasonable grounds to believe the
12 child has violated the terms of an order of the juvenile
13 court; or

14
15 (iv) The child's conduct or behavior seriously
16 endangers himself or the person or property of others and
17 immediate custody appears necessary. ~~and~~

18
19 **14-6-427. Predisposition studies and reports.**

20
21 (c) The multidisciplinary team shall include the
22 following:

23
24 (v) The district attorney or his designee; ~~and~~

25
26 **15-1-601. Regulations; scope and purpose; uniformity**
27 **within authorized districts; to follow plan; objectives.**

28
29 (d) All regulations shall be made:

30
31 (ii) With reasonable consideration, among other
32 things, of the character of the district and its peculiar
33 suitability for particular uses; ~~and~~

34
35 (iii) With a view to conserving the value of
36 buildings and encouraging the most appropriate use of land
37 throughout the city or town; and

38
39 **15-5-201. Definitions.**

40
41 (a) As used in this article:

42
43 (vii) "Fiscal year" means ~~a twelve (12) month~~
44 ~~period as defined by W.S. 9-7-303~~ the fiscal year beginning
45 July 1 and ending June 30;
46

1 **15-6-404. Assessments; property included in district;**
2 **methods of computation; combining improvements; ordinances**
3 **and resolutions.**
4

5 (c) More than one (1) improvement may be combined in
6 a single local improvement district when the governing body
7 determines that the combination is both efficient and
8 economical. If the combination of improvements are
9 separate and distinct by reason of substantial difference
10 in their character or location, or otherwise, the estimated
11 costs of each improvement shall be segregated for the levy
12 of assessments and an equitable share of the incidental
13 costs allocated to each improvement. In the absence of
14 arbitrary or unreasonable abuse of discretion, its
15 determination of the portion of the project constituting a
16 separate improvement for purposes of segregation is
17 conclusive. ~~and~~

18
19 **15-6-418. Assessments; redemption of sold property;**
20 **procedure; notice; deed; results therefrom.**
21

22 (b) The deed shall be:

23
24 (i) Executed in the name of the city or town by
25 which the improvement was made and shall recite in
26 substance:

27
28 (C) That no redemption has been made of the
29 property within the time allowed by law. ~~and~~

30
31 ~~(ii)~~ (c) The deed shall be signed and acknowledged by
32 the city or town treasurer and is prima facie evidence
33 that:

34
35 ~~(A)~~ (i) The property was assessed according to
36 law;

37
38 ~~(B)~~ (ii) The property was not redeemed;

39
40 ~~(C)~~ (iii) Due notice of demand for deed had been
41 given; and

42
43 ~~(D)~~ (iv) The person executing the deed was the
44 proper officer.

45
46 ~~(e)~~ (d) The deed is conclusive evidence of the
47 regularity of all other proceedings from the assessment, up

1 to and including the execution of the deed, and shall
2 convey the entire fee simple title to the property
3 described, except as otherwise provided for cities and
4 towns, stripped of all liens and claims except assessments
5 for local improvements or installments thereof not
6 delinquent.

7
8 **16-1-108. Obligations and responsibilities of**
9 **participating agencies.**

10
11 (c) After April 1, 1998, any legal entity created
12 pursuant to this act or any of its participating agencies,
13 which owns, constructs, operates or maintains a municipal
14 or rural domestic water supply system funded in whole or in
15 part by state grants or loans, shall not assess public
16 entities or individual water users in the cooperating
17 agencies' service area water rate charges which exceed the
18 actual costs of providing and delivering water to the point
19 of connection to the public entities' or individual water
20 users' water system. The governing body of the entity may
21 establish one (1) or more service areas in each of which an
22 average water rate may be used for all customers. A one
23 time connection fee or system investment fee reasonably
24 calculated to permit recovery of a proportionate share of
25 the system infrastructure cost necessary to treat and
26 convey the water may also be charged. A one-time fee may
27 also be charged to recover reasonable expenses incurred by
28 the public entity in determining the actual costs of
29 treating and delivering water to the point of connection.
30 Charges for special services such as customer's line
31 maintenance shall be in addition to the water rate. As used
32 in this subsection, "actual costs of providing and
33 delivering water" shall include a proportionate share of
34 the following costs related to the water system:

35
36 (v) The cost for providing and maintaining a
37 depreciation fund, a fund for emergencies and a fund for
38 acquisition and development of new water rights and water
39 sources; ~~and~~

40
41 **16-3-103. Adoption, amendment and repeal of rules;**
42 **notice; hearing; emergency rules; proceedings to contest;**
43 **review and approval by governor.**

44
45 (a) Prior to an agency's adoption, amendment or
46 repeal of all rules other than interpretative rules or
47 statements of general policy, the agency shall:

1
2 (i) Give at least forty-five (45) days notice of
3 its intended action. Notice shall be mailed to all persons
4 making timely requests of the agency for advanced notice of
5 its rulemaking proceedings and to the attorney general, the
6 secretary of state's office as registrar of rules, and the
7 legislative service office if a state agency. The agency
8 shall submit a copy of the proposed rules, in a format
9 conforming to any requirements prescribed pursuant to
10 subsection (f) of this section, with the notice given to
11 the legislative service office. The notice shall include:

12
13 (E) The place where an interested person
14 may obtain a copy of the proposed rules in a format
15 conforming to any requirements prescribed pursuant to
16 subsection (f) of this section; ~~and~~

17
18 **16-4-203. Right of inspection; grounds for denial;**
19 **access of news media; order permitting or restricting**
20 **disclosure; exceptions.**

21
22 (d) The custodian shall deny the right of inspection
23 of the following records, unless otherwise provided by law:

24
25 (xi) Records or information compiled solely for
26 purposes of investigating violations of, and enforcing,
27 internal personnel rules or personnel policies the
28 disclosure of which would constitute a clearly unwarranted
29 invasion of personal privacy; ~~and~~

30
31 (xii) Information regarding the design, elements
32 and components, and location of state information
33 technology security systems and physical security systems;
34 and

35
36 **16-9-203. Term of office; vacancies; officers;**
37 **bylaws; compensation; conflict of interest.**

38
39 (e) Members of the committee shall receive no
40 compensation, but ~~those members defined in W.S.~~
41 ~~16-9-202(b)(i) and (ii)~~ shall be reimbursed under W.S.
42 9-3-102 and 9-3-103 for travel and per diem expenses
43 incurred in the performance of their duties.

44
45 **17-10-244. Court-ordered remedies or dissolution.**
46

1 (a) A court may grant equitable relief that it deems
2 just and reasonable in the circumstances or may dissolve a
3 cooperative and liquidate its assets and business in any of
4 the following circumstances:
5

6 (iii) In an action by a creditor when:
7

8 (B) The cooperative has admitted in writing
9 that the claim of the creditor against the cooperative is
10 due and owing and it is established that the cooperative is
11 unable to pay its debts in the ordinary course of
12 business. ~~it~~ or
13

14 **17-16-1502. Consequences of transacting business**
15 **without authority.**
16

17 (c) A court may stay a proceeding commenced by a
18 foreign corporation, its successor or assignee until it
19 determines whether the foreign corporation or ~~it~~ its
20 successor requires a certificate of authority. If it so
21 determines, the court may further stay the proceeding until
22 the foreign corporation or its successor obtains the
23 certificate.
24

25 **17-18-102. Definitions.**
26

27 (b) As used in this act:
28

29 (iv) "Business combination," when used in
30 reference to any corporation and any interested stockholder
31 of that corporation, means:
32

33 (D) Any transaction involving the
34 corporation or any subsidiary which has the effect,
35 directly or indirectly, of increasing the proportionate
36 share of the corporation's or a subsidiary's stock of any
37 class or series, or securities convertible into the stock
38 of any class or series, owned by the interested
39 stockholder, except as a result of immaterial changes due
40 to fractional share adjustments or as a result of any
41 purchase or redemption of any shares of stock not caused,
42 directly or indirectly, by the interested stockholder; ~~or~~
43

44 **18-2-107. Cooperation with other agencies for funding**
45 **and operation of senior citizen centers.**
46

1 The county, city or local housing authority may cooperate
2 with other agencies as provided in W.S. ~~9-18.7-16-1-101~~,
3 for the operation and funding of senior citizen centers.

4
5 **18-3-107. Annual salaries of certain officers;**
6 **additional compensation prohibited; exception as to**
7 **traveling and other expenses; compensation of county**
8 **commissioner; appointment and salaries of deputies, clerks,**
9 **stenographers and other assistants.**

10
11 (f) The state will pay twenty thousand dollars
12 (\$20,000.00) or fifty percent (50%) of the salary of the
13 full-time county and prosecuting attorney, whichever is
14 less, per year, to each qualifying county. In counties with
15 a population greater than nine thousand (9,000) the state
16 will pay fifteen thousand ~~dollars~~ (\$15,000.00) or fifty
17 percent (50%) of the salary of a full-time assistant to the
18 county and prosecuting attorney, whichever is less, per
19 year, for each assistant per ten thousand (10,000)
20 population over nine thousand (9,000). The state shall also
21 pay three thousand dollars (\$3,000.00) for expenses of the
22 office of county and prosecuting attorney for each full-
23 time county and prosecuting attorney and each full-time
24 assistant authorized by this act. Payments under this
25 section shall be made annually on or before June 30.

26
27 **18-8-103. Authority to establish fund for**
28 **improvements; revenues derived from taxation and from**
29 **memorial hospital fund.**

30
31 The board of county commissioners of any county having a
32 county memorial hospital may establish a fund of a certain
33 amount to be raised within a certain number of years for
34 the purpose of constructing improvements, equipping
35 improvements already erected or for purchasing land for the
36 county memorial hospital. The fund shall be created and
37 added to from taxation as provided by W.S. 18-8-102 and
38 from any funds in the county memorial hospital fund
39 remaining unexpended at the end of any fiscal year
40 exclusive of funds maintained as reserve for depreciation
41 and the cash reserve fund authorized by W.S. ~~9-534~~
42 ~~16-4-105~~. The fund shall be expended as provided in W.S.
43 18-8-102(b).

44
45 **18-12-102. Definitions.**

46
47 (a) As used in this act:

1
2 (xi) "This act" means W.S. ~~18-339 through 18-377~~
3 18-12-101 through 18-12-140;

4
5 **20-2-101. Void and voidable marriages defined;**
6 **annulments.**

7
8 (g) All decrees of annulment may include provisions
9 for the custody and support of children pursuant to this
10 article, W.S. 20-2-201 through 20-2-204 and 20-2-301
11 through 20-2-315 and for the division of property pursuant
12 to W.S. ~~20-2-131~~ 20-2-114.

13
14 **20-2-402. Employer's obligations.**

15
16 (a) Where a parent is required by a court or
17 administrative order to provide health coverage for a
18 child, at the time of the order, which is offered by and
19 available through an employer doing business in this state
20 to the parent, the employer is required to comply with the
21 following:

22
23 (v) Not to disenroll, or eliminate coverage of,
24 the child unless the employee is no longer insured by that
25 employer's plan or the employer is provided satisfactory
26 written evidence that:

27
28 (B) The child is or will be enrolled in
29 comparable health coverage which will take effect not later
30 than the effective date of disenrollment; ~~or~~

31
32 (C) The employer has eliminated family
33 health coverage for all of its employees; or

34
35 **20-6-215. Minimum and maximum amount of withholding;**
36 **allocation.**

37
38 (a) Subject to the limitation under W.S.
39 20-6-210(b)(iii) the aggregate amount of income withheld
40 under an income withholding order served upon one (1) or
41 more payors of an obligor shall:

42
43 (i) Satisfy the current support obligation under
44 the support order; ~~and~~

45
46 (ii) Include an additional amount to be applied
47 toward the liquidation of any arrearage; and

1
2 **21-2-102. Effect on functions and powers of board of**
3 **trustees of University of Wyoming.**

4
5 ~~Except as provided in W.S. 21-4-304,~~ Nothing in this code
6 shall be construed to limit or contravene the functions and
7 powers of the board of trustees of the University of
8 Wyoming as established by law in conformity with the
9 constitution and laws of the state of Wyoming and the laws
10 of the United States.

11
12 **21-2-202. Duties of the state superintendent.**

13
14 (a) In addition to any other duties assigned by law,
15 the state superintendent shall:

16
17 (xvii) Include in the agency's budget request:

18
19 (A) Recommendations to the governor for
20 appropriations from the school foundation program account
21 and for appropriations to the account necessary to fund
22 payments to school districts as required by law; and

23
24 (B) Recommendations to the governor for
25 appropriations from the foundation program for special
26 programs. ~~and~~

27
28 **21-2-304. Duties of the state board of education.**

29
30 (a) The state board of education shall:

31
32 (iv) Establish, in consultation with local
33 school districts, requirements for students to earn a high
34 school diploma as measured by each district's body of
35 evidence assessment system prescribed by rule and
36 regulation of the state board and required under W.S.
37 ~~21-3-110(a)(xxii)~~ 21-3-110(a)(xxiv). A high school diploma
38 shall provide for one (1) of the following endorsements
39 which shall be stated on the transcript of each student:

40
41 **21-3-307. Charter application; contents.**

42
43 (a) The charter school application shall be a
44 proposed agreement and shall include:

45
46 (xx) A description of how the charter school
47 plans to meet the transportation needs of its pupils and

1 whether the charter school plans to provide transportation
2 for pupils; ~~and~~

3
4 (xxi) In accordance with this article, a
5 description of the rights of any employee of the school
6 district upon commencing employment in a charter school;
7 and

8
9 **21-13-309. Determination of amount to be included in**
10 **foundation program for each district.**

11
12 (n) For each district, the district total amount per
13 ADM computed under subsection (m) of this section shall be
14 adjusted as follows to result in a revised amount per ADM
15 for each district. Unless otherwise specified in this
16 subsection, the adjustments under this subsection shall be
17 determined as specified in the education resource block
18 grant model:

19
20 (ix) The amount shall be adjusted for isolation
21 and maintenance payments as specified under W.S. 21-4-401;
22 and

23
24 (xi) The amount shall be adjusted for at-risk
25 students in each district as provided in W.S. 21-13-332;
26 and

27
28 **21-18-314. Bond issues; general obligation bonds;**
29 **bond elections; bond tax levy.**

30
31 (f) Bonds issued by community college districts
32 pursuant to this section shall bear interest payable
33 annually or semiannually, and evidenced by one (1) or two
34 (2) sets of coupons, if any, except that the first coupon
35 may evidence interest for a period not in excess of one (1)
36 year, and the bonds may be in one (1) or more series, may
37 bear a date or dates, may mature in an amount or amounts,
38 serially or otherwise, at a time or times not exceeding
39 twenty-five (25) years from their respective dates, may be
40 in a denomination or denominations, may be payable in a
41 medium of payment, in a place or places, within or without
42 the state, including, but not limited to the office of the
43 county treasurer of the county in which the college is
44 located, may carry such registration privileges, may be
45 subject to terms or prior redemption in advance of maturity
46 in order, or by lot, or otherwise, at a time or times with
47 or without premium, may bear privileges for reissuance in

1 the same or other denominations, may be so reissued without
2 modification of maturities and interest rates and may be in
3 a form, either coupon or registered, as may be provided by
4 resolution of the community college district board. Except
5 as the board may otherwise provide, bonds and interest
6 coupons attached thereto, if any, are fully negotiable,
7 within the meaning of and for all purposes of the Uniform
8 Commercial Code, W.S. 34.1-8-101 through ~~34.1-8-408~~
9 34.1-8-603. A holder of each bond, by accepting the bond,
10 shall be conclusively deemed to have agreed that the bond
11 is and shall be fully negotiable within the meaning and for
12 all purposes of the Uniform Commercial Code, W.S.
13 34.1-8-101 through ~~34.1-8-408~~ 34.1-8-603.

14
15 **22-13-104. Procedure before elector permitted to**
16 **vote.**

17
18 (a) Before a qualified elector is permitted to vote
19 an election judge shall record the applicable information
20 as listed in W.S. ~~22-1-202(a)(xxiii)~~ 22-1-102(a)(xxiii) by
21 his name on the poll list.

22
23 **22-18-111. Vacancies in other offices; temporary**
24 **appointments.**

25
26 (a) Any vacancy in any other elective office in the
27 state except representative in congress or the board of
28 trustees of a school or community college district, shall
29 be filled by the governing body, or as otherwise provided
30 in this section, by appointment of a temporary successor to
31 serve until a successor for the remainder of the unexpired
32 term is elected at the next general election and takes
33 office on the first Monday of the following January. If a
34 vacancy in a four (4) year term of office occurs after the
35 first day for filing an application for nomination pursuant
36 to W.S. 22-5-209, the temporary successor appointed shall
37 serve until the first Monday in January following the
38 second general election thereafter. The following apply:

39
40 (iv) A vacancy in the office of any hospital
41 district trustee or in any other special district office
42 shall be filled by temporary appointment by the governing
43 body of the hospital or special district, both subject to
44 chapter 29 of this ~~act~~ title;

45
46 **22-29-102. Definitions.**
47

1 (a) As used in this act:

2
3 (iii) "This act" means W.S. 22-29-101 through
4 ~~22-29-408~~ 22-29-601.

5
6 **23-1-105. Migratory bird refuge in Seedskaadee area.**

7
8 (a) The state consents to the acquisition by the
9 United States by purchase, gift, devise, or lease of land
10 or land covered by water in the amount of twenty thousand
11 (20,000) acres in the Seedskaadee area in Sweetwater county
12 where approved by the commission and the state land board.
13 The acquisition shall be as the United States may deem
14 necessary for the establishment and maintenance of
15 migratory bird refuges in accordance with and for the
16 purposes of the act of congress approved February 18, 1929
17 entitled "Migratory Bird Conservation Act," ~~(Public Law~~
18 ~~770, 70th congress)~~ 16 U.S.C. §§ 715 through 715s, and
19 amendments thereto, and the act of congress ~~approved March~~
20 ~~16, 1934,~~ entitled "Migratory Bird Hunting Stamp Act,"
21 ~~(Public Law 124, 73rd congress)~~ 16 U.S.C. §§ 718 through
22 718k and amendments thereto.

23
24 **23-1-106. Migratory bird refuge in Bear river area.**

25
26 (a) Subject to acceptance by the United States fish
27 and wildlife service of the provisions contained in this
28 section, the state consents to the acquisition by the
29 United States by purchase, gift, devise or lease of land or
30 land covered by water in the amount of twenty-seven
31 thousand (27,000) acres along the Bear river or in the Bear
32 river area in Lincoln county. The acquisition shall be as
33 the United States may deem necessary for the establishment
34 and maintenance of migratory bird refuges in accordance
35 with and for the purposes of the act of congress approved
36 February 18, 1929 entitled "Migratory Bird Conservation
37 Act", 16 U.S.C. ~~§ 715-715r~~ §§ 715 through 715s, P.L.
38 70-770, the act of congress approved March 16, 1934
39 entitled "Migratory Bird Hunting Stamp Act", 16 U.S.C. ~~§~~
40 ~~718-718h~~ §§ 718 through 718k, and the act of congress
41 approved September 3, 1964 entitled "Land and Water
42 Conservation Fund Act of 1965", 16 U.S.C. §§
43 4601-4-4601-11, P.L. 88-578, as these acts are amended as
44 of January 1, 1989. Wyoming reserves full and complete
45 jurisdiction and authority over all such areas not
46 incompatible with the administration, maintenance,
47 protection and control of the areas by the United States

1 under the acts of congress specified in this subsection
2 except as provided in subsection (d) of this section.

3
4 **23-1-302. Powers and duties.**

5
6 (a) The commission is directed and empowered:

7
8 (xxvi) To regulate or prohibit the importation
9 of exotic species, small game animals, furbearing animals,
10 protected animals, game birds, migratory birds, protected
11 birds, and fish into Wyoming, and to regulate and permit
12 the importation of big or trophy game animals into Wyoming
13 only for exhibition purposes or for zoos; ~~and~~

14
15 (xxviii) To reject or to accept and expend for
16 purposes authorized under this section any and all gifts of
17 cash, stocks, bonds or any other form of monies. Gifts
18 shall be deposited and expended as provided in W.S.
19 23-1-501; ~~and~~

20
21 **23-1-602. Assent to and cooperation with federal fish**
22 **restoration projects; funds from license fees not to be**
23 **diverted.**

24
25 The state assents to the provisions of the act of congress
26 entitled "An act to provide that the United States shall
27 aid the states in fish restoration and management projects,
28 and for other purposes," ~~approved August 9, 1950 (Public~~
29 ~~Law 681, 81st congress)~~ 16 U.S.C. §§ 777 through 777m. The
30 commission is authorized to perform such lawful acts as may
31 be necessary in its opinion to the conduct and
32 establishment of cooperative fish restoration projects as
33 defined in and in compliance with the preceding act of
34 congress. Fishermen license fees may only be used for the
35 administration of the department and commission, and for
36 the protection, propagation, preservation, and
37 investigation of fish and game.

38
39 **24-1-112. Construction and repair of fences to be**
40 **performed by department of transportation.**

41
42 (a) In the event that fences paralleling state
43 highways, or built on the highway right-of-way need repair
44 or reconstruction to meet legal fence requirements, as set
45 forth in W.S. ~~11-33-102~~ 11-28-102, the actual work of
46 repair and reconstruction of the fence, including all

1 corresponding labor costs, shall be performed by the
2 department of transportation.

3
4 **25-10-122. Records to be kept confidential;**
5 **exceptions.**

6
7 (a) Records and reports made under this act which
8 directly or indirectly identify a patient, a former patient
9 or an individual for whom an application for
10 hospitalization has been filed, shall be confidential and
11 shall not be disclosed by any person unless:

12
13 (ii) Disclosure is necessary to carry out this
14 act; or

15
16 (iii) A court determines disclosure is necessary
17 for the conduct of proceedings before it and failure to
18 disclose would be contrary to the public interest. ~~;~~ ~~or~~

19
20 **25-11-103. Determining financial ability and**
21 **established charges; special funds considered as part of**
22 **resident's assets.**

23
24 (d) Nothing ~~is~~ in this chapter limits any obligation
25 created by law or contract for third parties to pay for
26 services provided to a resident admitted to a state
27 institution.

28
29 **26-3-112. Certificate of authority; application;**
30 **contents of application.**

31
32 (a) An insurer shall apply to the commissioner for an
33 original certificate of authority, stating under oath of
34 the president, or vice-president or other chief officer and
35 the secretary of the insurer, or of the attorney-in-fact if
36 the insurer is a reciprocal insurer, the insurer's name,
37 location of its home office, or principal office in the
38 United States if an alien insurer, the kinds of insurance
39 to be transacted, date of organization or incorporation,
40 form of organization, state or country of domicile and any
41 additional information the commissioner reasonably
42 requires. The application shall be accompanied by the
43 applicable fees as provided in W.S. 26-4-101 together with
44 the following documents, as applicable:
45

1 (iii) If a reciprocal insurer, a current,
2 complete copy of the power of attorney of its attorney-in-
3 fact, certified by the attorney-in-fact; ~~and~~

4
5 **26-6-205. Computation of minimum standard; reserve**
6 **valuation method, life insurance and endowment benefits;**
7 **annuity and pure endowment benefits; minimum reserves;**
8 **reserve calculation; indeterminate plans.**

9
10 (c) Except as provided in W.S. 26-6-203, 26-6-207 and
11 subsection (e) of this section reserves according to the
12 commissioners' reserve valuation method:

13
14 (ii) For any life insurance policy issued on or
15 after January 1, 1998 for which the contract premium in the
16 first policy year exceeds that of the second year and for
17 which no comparable additional benefit is provided in the
18 first year for the excess and which provides an endowment
19 benefit or a cash surrender value or a combination thereof
20 in an amount greater than the excess premium, the reserve
21 according to the commissioners' reserve valuation method as
22 of any policy anniversary occurring on or before the
23 assumed ending date defined herein as the first policy
24 anniversary on which the sum of any endowment benefit and
25 any cash surrender value then available is greater than the
26 excess premium, except as otherwise provided in W.S.
27 26-6-203, shall be the greater of the reserve as of the
28 policy anniversary calculated as described in paragraph (i)
29 of this subsection and the reserve as of the policy
30 anniversary calculated as described in that paragraph, but
31 with:

32
33 (C) The policy being assumed to mature on
34 such date as an endowment; ~~and~~

35
36 (D) The cash surrender value provided on
37 such date being considered as an endowment benefit; and

38
39 **26-12-102. Representing or aiding unauthorized**
40 **insurers prohibited; exceptions.**

41
42 (a) No person in this state shall:

43
44 (i) Act as agent for, or otherwise represent or
45 aid on behalf of another, any insurer not then authorized
46 to transact insurance in this state, in the:

1 (G) Collection or forwarding of premiums~~+~~

2 ~~or~~

3
4 **26-13-110. Rebates and favors as to life, disability**
5 **and annuity contracts prohibited.**

6
7 (a) Except as otherwise provided by law, no person
8 shall:

9
10 (ii) Pay, allow or give or offer to pay, allow
11 or give in any manner as inducement to the insurance or
12 annuity:

13
14 (D) Any valuable consideration or
15 inducement not specified in the contract.~~+~~~~or~~

16
17 **26-19-107. Group disability and blanket insurance**
18 **standard provisions; exceptions.**

19
20 (j) All group and blanket disability insurance
21 policies providing coverage on an expense incurred basis,
22 group service or indemnity type contracts issued by a
23 nonprofit corporation, group service contracts issued by a
24 health maintenance organization, all self-insured group
25 arrangements to the extent not preempted by federal law and
26 all managed health care delivery entities of any type or
27 description, that are delivered, issued for delivery,
28 continued or renewed on or after July 1, 2001, and
29 providing coverage to any resident of this state shall
30 provide benefits or coverage for:

31
32 (i) A pelvic examination and pap smear for any
33 nonsymptomatic women covered under the policy or contract;
34 ~~and~~

35
36 **26-36-103. Definitions.**

37
38 (a) As used in this act:

39
40 (vi) "Liability" as used in the act means legal
41 liability for damages including costs of defense, legal
42 costs and fees, and other claims or expenses because of
43 injuries to other persons, damage to their property, or
44 other damage or loss to such other persons resulting from
45 or arising out of any business whether profit or nonprofit,
46 trade, product, services including professional services,
47 premises or operations, or any activity of any state or

1 local government, or any agency or political subdivision
2 thereof except, the term does not include personal risk
3 liability or an employer's liability with respect to its
4 employees other than legal liability under the Federal
5 Employers' Liability Act (45 U.S.C. § 51 et seq.);

6
7 **27-2-105. Report to governor; statistics and**
8 **information required.**
9

10 (a) The department of employment shall collect,
11 classify, have printed and submit to the governor in its
12 annual report the following statistics:
13

14 (iv) The working conditions of all industrial
15 establishments (including manufacturing establishments,
16 hotels, stores, workshops, theaters, halls and other places
17 where labor is employed); ~~and~~

18
19 (v) Other information relating to industrial,
20 economic, social, educational, moral and sanitary
21 conditions of the workers; and
22

23 **27-3-107. "Agricultural labor" defined; "farm"**
24 **defined; "crew leader" defined; when domestic services**
25 **included; exception.**
26

27 (a) As used in this section, "agricultural labor"
28 means remunerated service performed:
29

30 (v) In the production or harvesting of an
31 agricultural commodity as defined under ~~12 U.S.C. § 1141(g)~~
32 12 U.S.C. § 1141j(g);
33

34 **27-14-701. Worker's compensation account established;**
35 **investments; administrative expenses; rehabilitation**
36 **expenses; worker's compensation claims payment account**
37 **established for worker's compensation revenue bond**
38 **proceeds.**
39

40 (e) The division shall from the worker's compensation
41 account, periodically advance or reimburse the division of
42 vocational rehabilitation of the department of employment
43 workforce services, for administrative and program costs
44 associated with the rehabilitation of injured workers
45 pursuant to W.S. 27-14-408. Administrative or program
46 costs reasonably available or legally allowable under the

1 federal Rehabilitation Act of 1973, as amended, shall not
2 be advanced or reimbursed pursuant to this subsection.

3
4 **29-3-103. Extent of liens; generally.**

5
6 (a) Every person who works upon or furnishes
7 material, whether incorporated into the real property or
8 not, under contract with the owner of any interest in real
9 estate or with an agent, trustee or receiver of an owner
10 has a lien to secure payment for:

11
12 (i) Constructing, altering, digging, drilling,
13 driving, boring, operating, completing or repairing any
14 wells, mines or quarries; ~~or~~

15
16 **29-7-301. Persons entitled to lien; notice and**
17 **priority thereof; removal of trailer by lienor; exception;**
18 **enforcement and foreclosure of lien; "house trailer".**

19
20 (e) As used in this section "house trailer" shall be
21 defined as in W.S. ~~35-1-102(a)(xvi)~~ 31-5-102(a)(xv).

22
23 **30-3-210. Cages; standards and use established by**
24 **rule.**

25
26 (b) The floor of the cage shall be adequate to carry
27 the load and so constructed that it will be impossible for
28 a person's foot or body to enter any opening in the bottom
29 of the cage.

30
31 **31-6-101. Definitions.**

32
33 (a) As used in this act:

34
35 (v) "This act" means W.S. 31-6-101 through
36 ~~31-6-107~~ 31-6-108.

37
38 **31-7-305. Disqualification and cancellation; right to**
39 **a hearing.**

40
41 (g) A driver who is convicted of violating an
42 out-of-service order may be disqualified for a period of:

43
44 (iv) Not less than one hundred eighty (180) days
45 nor more than two (2) years if the driver is convicted of a
46 first violation of an out-of-service order while
47 transporting hazardous materials required to be placarded

1 under the Hazardous Materials Transportation Act, ~~(49~~
2 ~~U.S.C. §§ 1801-1813)~~ 49 U.S.C. § 5101 et seq., or while
3 operating motor vehicles designed to transport more than
4 fifteen (15) passengers, including the driver. A driver is
5 disqualified for a period of not less than three (3) years
6 nor more than five (5) years if, during any ten (10) year
7 period, the driver is convicted of any subsequent
8 violations of out-of-service orders, in separate incidents,
9 while transporting hazardous materials required to be
10 placarded under the Hazardous Materials Transportation Act,
11 or while operating motor vehicles designed to transport
12 more than fifteen (15) passengers, including the driver.

13
14 **33-1-115. Professional assistance programs for health**
15 **care providers and others as specified; confidentiality of**
16 **records.**

17
18 (d) Whether or not the licensee gives his written
19 consent, the content of the record may be disclosed as
20 follows:

21
22 (iv) If authorized by an appropriate order of a
23 court of competent jurisdiction granted after application
24 showing good cause therefore; ~~or~~

25
26 (v) If compelled in an administrative action
27 before a board or commission to enforce its laws, rules,
28 regulations or permit or license requirements, unless the
29 disclosure would violate federal law; or

30
31 **33-3-109. Certified public accountant;**
32 **qualifications.**

33
34 (a) An active certificate of "certified public
35 accountant" shall be granted by the board to any person:

36
37 (v) Who meets the requirements of subparagraphs
38 (A) and (B) or subparagraphs (C) and (D) of this paragraph:

39
40 (B) Completed at least four (4) years of
41 full-time experience in the practice of public accounting.
42 The experience shall include providing any type of service
43 or advice involving the use of accounting skills, any
44 auditing, review or compilation service, any management
45 advisory or financial advisory service, or any tax or
46 consulting service. Experience shall be verified by an
47 active certified public accountant or the equivalent as

1 determined by the board, or by providing representative
2 samples of work as determined by the board. The experience
3 shall be acceptable if it is gained through employment in
4 government, industry, academia or public accounting; ~~or~~

5
6 **33-4-117. Exemptions.**

7
8 (a) Nothing in this act prohibits any person from
9 preparing plans and specifications, designing, planning or
10 administering the construction contracts for the
11 construction, alteration, remodeling or repair of any of
12 the following:

13
14 (ii) Garages, commercial or industrial
15 buildings, office buildings, preengineered metal buildings
16 and buildings for the marketing, storage or processing of
17 farm products and warehouses, which do not exceed two (2)
18 stories in height, exclusive of a one (1) story basement,
19 and which under applicable building code or codes, are not
20 designed for occupancy by more than ten (10) persons;

21
22 **33-9-110. Revocation of license.**

23
24 (a) After notice and opportunity for hearing under
25 the terms of the Wyoming Administrative Procedure Act, the
26 board may revoke or refuse to renew a license granted under
27 this act to any person otherwise qualified who is guilty of
28 any of the following violations:

29
30 (v) Unprofessional conduct; ~~or~~

31
32 (vi) Selling or giving away alcohol or
33 controlled substances for illegal purposes, but the board
34 may reissue a license after six (6) months if in its
35 judgment the act, acts or conditions of disqualification
36 have been remedied; or

37
38 **33-16-301. Definitions; board to adopt rules.**

39
40 (a) The terms "funeral director" and "undertaker" as
41 used in this act, mean a person, partnership, corporation,
42 association or other organization engaged in or conducting
43 the business of or holding himself or itself out as engaged
44 in:

1 (ii) Providing for or maintaining a funeral
2 establishment or a place for the preparation, disposition
3 and care of dead human bodies; ~~or~~

4
5 **33-21-127. Qualifications for licensure; application**
6 **requirements.**

7
8 (b) An applicant for licensure by endorsement to
9 practice as a registered nurse or licensed practical nurse
10 shall:

11
12 (iv) Remit fees as specified by the board; and
13 either:

14
15 ~~(v)~~ (A) Submit proof of initial licensure by
16 an examination acceptable to the board, provided that when
17 the applicant secured his or her initial license, the
18 requirements for licensure included the requirements then
19 necessary for licensure in this state and have submitted
20 proof that the license has not been suspended, revoked or
21 otherwise restricted for any reason; or

22
23 ~~(vi)~~ (B) Be required to pass an examination
24 or meet other requirements as specified by the board, if
25 the applicant has not passed an examination acceptable to
26 the board.

27
28 **33-21-145. Violations; penalties.**

29
30 (a) No person shall:

31
32 (vi) Conduct a nursing education program for the
33 preparation of registered nurses or licensed practical
34 nurses unless the program has been approved by the board;
35 ~~or~~

36
37 **33-21-146. Disciplining licensees; grounds.**

38
39 (a) The board of nursing may refuse to issue or
40 renew, or may suspend or revoke the license, certificate or
41 temporary permit of any person, or to otherwise discipline
42 a licensee, upon proof that the person:

43
44 (ix) Has been found by the board to have
45 violated any of the provisions of this act or of board
46 rules and regulations; ~~or~~

47

1 **33-22-108. Powers and duties of board.**

2
3 (a) The board shall:

4
5 (v) Establish and carry out procedures designed
6 to insure that individuals licensed as nursing home
7 administrators will, during any period that they serve as
8 such, comply with the requirements of such standards; ~~and~~

9
10 (vi) Receive, investigate, and take appropriate
11 action with respect to, any charge or complaint filed with
12 the board to the effect that any individual licensed as a
13 nursing home administrator has failed to comply with the
14 requirements of such standards; and

15
16 **33-23-110. Refusal, suspension or revocation of**
17 **license.**

18
19 (f) ~~Notwithstanding subsection (d) of this section,~~
20 Upon receipt from the department of family services of a
21 certified copy of an order from a court to withhold,
22 suspend or otherwise restrict a license issued by the
23 board, the board shall notify the party named in the court
24 order of the withholding, suspension or restriction of the
25 license in accordance with the terms of the court order. No
26 appeal under the Wyoming Administrative Procedure Act shall
27 be allowed for a license withheld, suspended or restricted
28 under this subsection.

29
30 **33-28-106. Application for license; qualifications;**
31 **sworn statement; commission approval of course of study;**
32 **statement of broker; denial of license; license and pocket**
33 **card.**

34
35 (e) Every applicant for a broker's license shall
36 furnish a sworn statement setting forth:

37
38 (viii) Evidence that the applicant has completed
39 not less than sixty (60) class hours in a course of study
40 approved by the commission, given by instructors approved
41 by the commission and has satisfactorily passed an
42 examination covering material taught in each course. The
43 commission shall:

44
45 (A) Approve courses that cover real estate
46 principles, real estate law, real estate finance and
47 related topics;

1
2 **34-1-141. Easements.**
3

4 (c) For purposes of this ~~act~~section an easement or
5 agreement which does not specifically describe the location
6 of the easement or which grants a right to locate an
7 easement at a later date shall be valid for a period of one
8 (1) year from the date of execution of the easement or
9 agreement. If the specific description is not recorded
10 within one (1) year then the easement or agreement shall be
11 of no further force and effect.

12
13 (d) For purposes of this ~~act~~section the specific
14 description required in an easement shall be sufficient to
15 locate the easement and is not limited to a survey.

16
17 **34-4-103. Prerequisites to foreclosure.**
18

19 (a) To entitle any party to give a notice as
20 hereinafter prescribed and to make such foreclosure, it is
21 requisite:

22
23 (ii) That no suit or proceeding has been
24 instituted at law to recover the debt then remaining
25 secured by such mortgage, or any part thereof, or if any
26 suit or proceeding has been instituted, that the same has
27 been discontinued, or that an execution upon the judgment
28 rendered therein has been returned unsatisfied in whole or
29 in part;~~and~~

30
31 **34-24-117. Mineral proceeds.**
32

33 (b) At the time an owner's underlying right to
34 receive mineral proceeds is deemed abandoned, any mineral
35 proceeds then owing to the owner and any proceeds accruing
36 after that time are deemed abandoned. The sum deemed
37 abandoned is subject to the custody of this state as
38 unclaimed property if:

39
40 (ii) The records of the holder do not reflect
41 the last known address and it is established that the last
42 known address of the apparent owner is in this state;~~or~~

43
44 **35-2-609. Disclosure without patient's authorization.**
45

1 (b) A hospital may disclose health care information
2 about a patient without the patient's authorization if the
3 disclosure is:

4
5 (iii) To federal, state or local law enforcement
6 authorities to the extent required by law; ~~or~~

7
8 (iv) Pursuant to W.S. 35-2-610; or
9

10 **35-7-1011. Control of substances.**
11

12 (f) The commissioner shall exclude any nonnarcotic
13 substance from a schedule if such substance may under the
14 Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 301 et
15 seq., and W.S. ~~33-24-121~~ 33-24-131 of the Wyoming Pharmacy
16 Act, be lawfully sold over the counter without a
17 prescription.
18

19 **35-7-1046. Administrative inspection warrants.**
20

21 (b) The board may make administrative inspections of
22 controlled premises in accordance with the following
23 provisions:
24

25 (iv) This section does not prevent the
26 inspection without a warrant of books and records pursuant
27 to an administrative subpoena issued in accordance with the
28 Wyoming Administrative Procedure Act and the rules
29 promulgated thereunder, nor does it prevent entries and
30 administrative inspections, including seizures of property,
31 without a warrant:
32

33 (B) In situations presenting imminent
34 danger to health or safety where a warrant is not
35 constitutionally required; ~~or~~
36

37 **35-9-605. Authority to receive donations; investment**
38 **of monies; employment of actuary; actuarial reports.**
39

40 In addition to contributions from the state, the board may
41 receive and credit to the account any gifts, donations and
42 contributions made by individuals, organizations and
43 cities, towns, counties and fire districts for the benefit
44 of the ~~fund~~ account. The board may invest monies not
45 immediately necessary for disbursement in investments
46 authorized under W.S. 9-3-408(b). The board shall employ a
47 consulting actuary to annually review the account to

1 determine its solvency and to make recommendations as to
2 revisions and modifications of the plan. The board also may
3 employ legal and other consultants as needed. Actuarial
4 reports are public records and available for inspection by
5 all participating members of the account.

6
7 **35-10-201. Definitions.**

8
9 (d) "Commercial motor vehicle" means any
10 self-propelled or towed vehicle used on public highways in
11 interstate commerce to transport passengers or property and
12 the vehicle meets one (1) of the following:

13
14 (iii) The vehicle is used in the transportation
15 of hazardous materials in a quantity requiring placarding
16 under regulations issued by the secretary of transportation
17 under the federal Hazardous Materials Transportation Act,
18 ~~49 U.S.C. §§ 1801-1813~~ 49 U.S.C. § 5101 et seq.

19
20 **35-11-103. Definitions.**

21
22 (d) Specific definitions applying to solid waste
23 management:

24
25 (v) "Commercial radioactive waste management
26 facility" means any facility used or intended to be used to
27 receive for disposal, storage, reprocessing or treatment,
28 any amount of radioactive wastes which are generated by any
29 person other than the facility owner or operator, or which
30 are generated at a location other than the location of the
31 facility, but does not include:

32
33 (C) Permitted solid waste disposal
34 facilities which are authorized by the director to receive
35 small quantities of radioactive wastes containing only
36 naturally occurring radioactive materials, or which receive
37 radioactive materials that have been exempted from
38 regulation under section 10 of the Low-Level Radioactive
39 Waste Policy Amendments Act of 1985, ~~(42 U.S.C. § 2021i)~~ 42
40 U.S.C. § 2021j, or both if found by the department not to
41 threaten human health and the environment; and

42
43 (e) Specific definitions for land quality:

44
45 (xix) "Prime farmland" shall have the same
46 meaning as that previously prescribed by the United States
47 secretary of agriculture on the basis of such factors as

1 moisture availability, temperature regime, chemical
2 balance, permeability, surface layer composition,
3 susceptibility to flooding and erosion characteristics, and
4 which historically have been used for intensive
5 agricultural purposes, and as published in the federal
6 register;~~and~~

7
8 **35-11-209. Small business stationary source technical**
9 **and environmental compliance assistance program.**

10
11 (e) Upon petition by a source, the department may,
12 after notice and opportunity for public comment, include as
13 a small business stationary source for purposes of this
14 section any stationary source which does not meet the
15 criteria of ~~paragraphs~~paragraph (d)(iii), (iv) or (v) of
16 this section but which does not emit more than one hundred
17 (100) tons per year of all regulated pollutants.

18
19 **35-11-1105. Environmental audit privilege;**
20 **exceptions; burden of proof; waiver; disclosure after in**
21 **camera review; application.**

22
23 (d) The privilege described in this section shall not
24 extend to:

25
26 (iii) Information obtained from a source
27 independent of the environmental audit;~~or~~

28
29 **35-12-110. Service of notice of application;**
30 **information and recommendations; application deficiencies;**
31 **procedure; jurisdiction; hearing.**

32
33 (b) The division shall obtain information and
34 recommendations from the following state agencies relative
35 to the impact of the proposed facility as it applies to
36 each agency's area of expertise:

37
38 (xiv) The University of Wyoming;~~and~~

39
40 (xv) Department of revenue; and

41
42 **35-17-101. Definition.**

43
44 (a) As used in this act:

45
46 (i) "Professional standard review organizations"
47 means:

1
2 (B) A committee of a medical staff in a
3 hospital having the responsibility of evaluation and
4 improvement of the quality of care rendered in the
5 hospital;~~or~~

6
7 (C) A committee functioning to review,
8 pursuant to federal or state laws, the operation of
9 hospital or extensive care facilities; or

10
11 **37-2-125. Collection and disposition of fees.**

12
13 (a) The public service commission is hereby
14 authorized and empowered in the conduct of business coming
15 before it to collect in advance the following fees:

16
17 (ix) For petitions filed under ~~section 37-66,~~
18 ~~Wyoming Statutes, 1957-37-6-102~~, fifteen dollars (\$15.00)
19 each.

20
21 **37-7-109. Order of court upon decision for**
22 **petitioners; appointment of commissioners; findings and**
23 **orders final unless appealed.**

24
25 (a) If the issues at this hearing are decided in
26 favor of the petitioners, the court shall make an order:

27
28 (iv) ~~Shall appoint~~ Appointing three (3)
29 commissioners from such districts who shall be freeholders
30 or entrymen upon public lands in said district.

31
32 **37-12-126. Failure to yield telephone for reporting**
33 **emergencies; definitions.**

34
35 (a) In ~~this section~~ W.S. 37-12-126 through 37-12-130
36 unless the context otherwise requires:

37
38 **39-15-203. Imposition.**

39
40 (a) Taxable event. The following shall apply:

41
42 (i) The following provisions apply to imposition
43 of the general purpose excise tax under W.S.
44 39-15-204(a)(i):

45
46 (E) If the proposition is approved by the
47 qualified electors or under subparagraph (F) of this

1 paragraph, the board of county commissioners shall by
2 ordinance impose an excise tax upon retail sales of
3 tangible personal property, admissions and services. The
4 board of county commissioners or the city or town council
5 shall adopt an ordinance for the tax authorized by W.S.
6 39-15-204(a)(i). The ordinance shall include the following:

7
8 (V) A provision that the amount
9 subject to the sales tax shall not include the amount of
10 any sales tax imposed by the state of Wyoming.

11
12 **39-15-211. Distribution.**

13
14 (a) All revenue collected by the department from the
15 taxes imposed under W.S. 39-15-204(a)(i), (ii), (v) and
16 (vi) shall be transferred to the state treasurer who shall:

17
18 (iv) For revenues collected under W.S.
19 39-15-204(a)(vi):

20
21 (B) Deposit the remainder into ~~the trust~~
22 ~~and agency fund~~ an account for monthly distribution to
23 counties imposing the tax and its cities and towns. The
24 distribution to the county and its cities and towns shall
25 be equal to the amount collected in each county less the
26 costs of collection as provided by subparagraph (A) of this
27 paragraph. The distribution shall be as follows:

28
29 **39-16-211. Distribution.**

30
31 (a) All revenue collected by the department from the
32 taxes imposed under W.S. 39-16-204(a)(i), (iv) and (v)
33 shall be transferred to the state treasurer who shall:

34
35 (iii) For revenues collected under W.S.
36 39-16-204(a)(v):

37
38 (B) Deposit the remainder into ~~the trust~~
39 ~~and agency fund~~ an account for monthly distribution to
40 counties imposing the tax and its cities and towns. The
41 distribution to the county and its cities and towns shall
42 be equal to the amount collected in each county less the
43 costs of collection as provided by subparagraph (A) of this
44 paragraph. The distribution shall be as follows:

45
46 **40-13-206. Exceptions.**

1 (a) W.S. 40-13-201 through 40-13-206 do not apply to:

2

3 (i) Any broadcaster who, in connection with or
4 as part of a radio, television or cable broadcast
5 transmission or for the purpose of archival preservation,
6 transfers any such sounds recorded on a sound recording; ~~or~~

7

8 (iii) The transfer of sounds or possession of
9 duplicate copies within an educational institution, solely
10 for educational purposes; or

11

12 **41-2-114. Development of water projects;**
13 **rehabilitation of water projects.**

14

15 (b) State agencies shall cooperate fully with the
16 commission in the preparation of the studies. In the
17 execution of these activities, the commission shall:

18

19 (v) Undertake studies, investigations, surveys
20 and research relevant to the completion of the study and
21 enter into contracts and arrangements for its completion
22 with any government agency, department or any person, firm,
23 university, institution or state or national organization;
24 ~~and~~

25

26 (vii) Perform any other related activities or
27 functions relevant and appropriate to the completion of the
28 feasibility study; and

29

30 (e) Any person seeking financial assistance from the
31 water development account to rehabilitate an existing water
32 project shall submit that request to the commission. The
33 commission shall:

34

35 (i) Review and develop plans and recommendations
36 for the project as provided in this section. ~~+~~ ~~or~~

37

38 **41-2-118. Powers, duties, salaries and expenses of**
39 **commission.**

40

41 (a) The commission shall:

42

43 (x) Have the duty and the authority to conduct
44 studies, develop plans, and recommend legislation which may
45 be enacted for the purpose of securing full utilization of
46 the waters of the state of Wyoming, giving priority to

1 projects for utilization of waters not now being
2 beneficially used in Wyoming; ~~and~~

3
4 (xiii) Represent or advocate the state's
5 interests in negotiations and construction of water
6 projects assigned by the legislature or the governor; and

7
8 **41-4-514. Petition for amendment of permits; petition**
9 **for amended certificate of appropriation; hearings on**
10 **petition; notice; costs.**

11
12 (a) The state engineer may correct clerical errors
13 and, upon written petition of the permit holder, amend any
14 permit to appropriate water at any time prior to
15 adjudication by the state board of control when in the
16 judgment of the state engineer the amendment appears
17 necessary, and providing:

18
19 (iv) The changes shall be limited to those
20 within the area and concept of the original application for
21 permit or development plan; ~~and~~

22
23 (v) No change of use shall be granted; and

24
25 **Section 2.** W.S. 11-12-102(a)(iii) is repealed.

26
27 **Section 3.** This act is effective immediately upon
28 completion of all acts necessary for a bill to become law
29 as provided by Article 4, Section 8 of the Wyoming
30 Constitution.

31
32 (END)