

HOUSE BILL NO. HB0150

Governmental immunity-vanpools.

Sponsored by: Representative(s) Throne, Illoway, Jorgensen
and Millin and Senator(s) Fecht

A BILL

for

1 AN ACT relating to governmental immunity; extending Wyoming
2 Governmental Claims Act to local governments in adjoining
3 states entering vanpooling contracts through
4 intergovernmental cooperation with local governments in
5 this state to deliver not for profit transportation
6 services; extending definition of public employee to
7 include volunteer vanpool drivers; and providing for an
8 effective date.

9

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

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12 **Section 1.** W.S. 1-39-103(a)(ii), (iv) and by creating
13 a new subparagraph (F) and 16-1-101 are amended to read:

14

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

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1 (a) As used in this act:

2

3 (ii) "Local government":

4

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

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12 (B) Includes a governmental entity of an
13 adjoining state that operates a vanpooling program pursuant
14 to an agreement under W.S. 16-1-101 with a local government
15 as described in subparagraph (A) of this paragraph, which
16 includes one (1) or more routes beginning in, ending in or
17 passing through Wyoming. A "vanpooling program" means a
18 program for the vehicular transportation of passengers
19 traveling together primarily to and from the passengers'
20 places of business or work or traveling together on a
21 regularly scheduled basis with a commonality of purposes if
22 the vehicles used in the transportation are not operated
23 for profit and are operated by a governmental entity and if
24 no charge is made therefore other than that reasonably

1 calculated to recover the direct and indirect costs of the
2 program.

3
4 (iv) "Public employee":
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6 (F) Includes any volunteer driver
7 participating in a vanpooling program as that term is
8 defined in subparagraph (a)(ii)(B) of this section.
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10 **16-1-101. Authority to cooperate.**
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12 In exercising, performing or carrying out any power,
13 privilege, authority, duty or function legally vested in
14 any one (1) or more of them by Wyoming law, the state of
15 Wyoming, and any one (1) or more of its counties, municipal
16 corporations, school districts, special districts, public
17 institutions, agencies, boards, commissions and political
18 subdivisions, and any officer or legal representative of
19 any one (1) or more of them, may cooperate with and assist
20 each other, and like entities or authorities of other
21 states, the United States and the Eastern Shoshone and
22 Northern Arapaho Tribes of the Wind River Reservation.
23 Cooperation may be informal or subject to resolution,
24 ordinance or other appropriate action, and may be embodied

1 in a written agreement specifying purposes, duration, means
2 of financing, methods of operations, termination,
3 acquisition and disposition of property, employment of
4 executive and subordinate agents, reciprocation of
5 governmental immunity protections with respect to
6 vanpooling agreements as defined in W.S. 1-39-103(a)(ii)(B)
7 and other appropriate provisions.

8

9 **Section 2.** This act is effective July 1, 2008.

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(END)