

SENATE FILE NO. SF0076

Private roads.

Sponsored by: Senator(s) Burns, Coe, Cooper, Larson,
Perkins and Peterson and Representative(s)
Davison, Martin and Semlek

A BILL

for

1 AN ACT relating to private roads; providing for
2 certification of applications by the board of commissioners
3 to the district court for hearing as specified; and
4 providing for an effective date.

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

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8 **Section 1.** W.S. 24-9-103 by creating a new subsection
9 (f) is amended to read:

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11 **24-9-103. Report of viewers and appraisers; second**
12 **hearing; order by commissioners; certification to district**
13 **court; appeal.**

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15 (f) After receipt of the report of the viewers and
16 appraisers pursuant to subsection (a) of this section, the

1 board, instead of holding a hearing, may for good cause
2 certify the application directly to the district court.
3 The board's certification shall be made within twenty (20)
4 days of receipt of the report of the viewers and
5 appraisers, and shall state the reasons for certification.
6 Notice of the board's certification shall be made in
7 writing to the clerk of the district court and to all
8 affected parties having an interest in the lands through
9 which the proposed road or any alternative road may pass.
10 The district court shall treat the certified application as
11 a newly filed civil action upon payment of a filing fee by
12 the applicant as provided in W.S. 5-3-206(a)(i). For
13 purposes of this subsection, good cause includes but is not
14 limited to:

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16 (i) The complexity of the issues involved;

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18 (ii) The likelihood of appeal from any decision
19 of the board;

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21 (iii) Significant factual or legal issues, the
22 resolution of which may affect applicants for other private
23 roads;

1 (iv) Novel questions of law.

2

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

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5 (END)