

HOUSE BILL NO. HB0036

Obsolete laws.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to the general revision of laws; amending
2 archaic and obsolete provisions; repealing fully executed
3 or otherwise archaic and obsolete provisions; and providing
4 for an effective date.

5

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

7

8 **Section 1.** W.S. 1-1-138(c), 1-23-107(a),
9 1-39-103(a)(viii), 1-39-104(a), 7-6-103(k), 14-12-104,
10 15-4-304, 18-2-111, 18-3-510(a), 18-3-513(b) and 35-2-1108
11 are amended to read:

12

13 **1-1-138. Donation of emergency responder equipment;**
14 **exemption from civil and criminal liability; definitions;**
15 **relation to other law.**

16

1 (c) Should any grant of immunity, exception or
2 imposition of liability within the Wyoming Governmental
3 Claims Act, W.S. 1-39-101 through ~~1-39-121~~ 1-39-120,
4 conflict with any provision of this section, the Wyoming
5 Governmental Claims Act shall prevail.

6
7 **1-23-107. Individual liability of members of**
8 **governmental agencies.**

9
10 (a) Notwithstanding W.S. 1-39-101 through ~~1-39-121~~
11 1-39-120, the members of any governmental board, agency,
12 council, commission or governing body are not individually
13 liable for any actions, inactions or omissions by the
14 governmental board, agency, council, commission or
15 governing body.

16
17 **1-39-103. Definitions.**

18
19 (a) As used in this act:

20
21 (viii) "This act" means W.S. 1-39-101 through
22 ~~1-39-121~~ 1-39-120.

1 **1-39-104. Granting immunity from tort liability;**
2 **liability on contracts; exceptions.**

3
4 (a) A governmental entity and its public employees
5 while acting within the scope of duties are granted
6 immunity from liability for any tort except as provided by
7 W.S. 1-39-105 through 1-39-112. ~~and limited by W.S.~~
8 ~~1-39-121.~~ Any immunity in actions based on a contract
9 entered into by a governmental entity is waived except to
10 the extent provided by the contract if the contract was
11 within the powers granted to the entity and was properly
12 executed and except as provided in W.S. 1-39-120(b). ~~and~~
13 ~~1-39-121.~~ The claims procedures of W.S. 1-39-113 apply to
14 contractual claims against governmental entities.

15
16 **7-6-103. Creation of office of state public defender;**
17 **appointment of state public defender and assistants;**
18 **duties; removal.**

19
20 (k) Notwithstanding any other provision of law to the
21 contrary, any attorney providing services for the office of
22 the state public defender in the defense of a criminal case
23 shall, for matters arising out of such services, be

1 considered a state employee for purposes of coverage and
2 representation under the Wyoming Governmental Claims Act,
3 W.S. 1-39-101 through ~~1-39-121~~ 1-39-120, and the state
4 self-insurance program, W.S. 1-41-101 through 1-41-111.

5
6 **14-12-104. Applicability of the Wyoming Governmental**
7 **Claims Act and state self-insurance program.**

8
9 Notwithstanding any other provision of law to the contrary,
10 any attorney providing services for the office pursuant to
11 the guardian ad litem program shall, for matters arising
12 out of such services, be considered a state employee for
13 purposes of coverage and representation under the Wyoming
14 Governmental Claims Act, W.S. 1-39-101 through ~~1-39-121~~
15 1-39-120, and the state self-insurance program, W.S.
16 1-41-101 through 1-41-111.

17
18 **15-4-304. Claims; appeals; exception; definition.**

19
20 Except as provided by W.S. 1-39-101 through ~~1-39-121~~
21 1-39-120, if any claim against the city is disallowed in
22 whole or in part, the claimant may appeal from the decision
23 of the governing body to the district court of the district

1 in which the city or town is situated pursuant to Rule 12
2 of the Wyoming Rules of Appellate Procedure. "Claim" as
3 used in this section means claims as are presented for
4 audit and not claims for salaries of officers and employees
5 or other fixed charges against the city or town, nor claims
6 covered by W.S. 1-39-101 through ~~1-39-121~~ 1-39-120.

7
8 **18-2-111. Judgment against county to be paid by tax**
9 **levy; when execution to issue.**

10
11 Except as provided in W.S. 1-39-101 through ~~1-39-121~~
12 1-39-120 when a judgment is rendered against the board of
13 county commissioners or any county officer the judgment
14 shall be paid by a tax levied for that purpose and when
15 collected shall be paid by the county treasurer to the
16 judgment creditor upon the delivery of a proper voucher.
17 Execution may issue on the judgment if payment is not made
18 within sixty (60) days after the time required for the
19 payment of county taxes to the county treasurer.

20
21 **18-3-510. Claims against county to be itemized and**
22 **verified; penalty.**

1 (a) No claim against the county shall be allowed by
2 the board of county commissioners unless it is properly
3 dated and itemized and the value of each item specifically
4 described, and when no specified fees are allowed by law,
5 the date that such services were rendered and the time
6 actually and necessarily devoted to the performance of any
7 service. Each claim shall be accompanied by an affidavit,
8 stating that the claim is just and correct and that no part
9 of the claim has been paid by the county or other person.
10 The board of county commissioners may disallow any account,
11 in whole or in part, when so rendered and verified, and may
12 require further evidence of the truth and propriety of the
13 claim. This section does not apply to claims under W.S.
14 1-39-101 through ~~1-39-121~~ 1-39-120.

15

16 **18-3-513. Appeal on disallowance of claim.**

17

18 (b) When the appeal is perfected, the clerk of the
19 board shall immediately give notice to the county attorney.
20 The clerk shall make a brief return of the proceedings
21 before the board with the decision properly certified and
22 file the same together with the bond and all papers in the
23 case in his possession with the clerk of the district

1 court. The appeal shall be entered, tried and determined
2 and costs awarded the same as appeals from circuit courts.
3 This section does not apply to claims under W.S. 1-39-101
4 through ~~1-39-121~~ 1-39-120.

5
6 **35-2-1108. Receiver's liability.**

7
8 (a) The liability of the department shall be limited
9 as set forth in the Wyoming Governmental Claims Act, W.S.
10 1-39-101 through ~~1-39-121~~ 1-39-120, for the operation of
11 medical facilities and the provision of health care.

12
13 (b) If a person is designated to act as a receiver
14 pursuant to W.S. 35-2-1103(f) and is not covered by the
15 Wyoming Governmental Claims Act, W.S. 1-39-101 through
16 ~~1-39-121~~ 1-39-120, the designated receiver shall only be
17 held liable in a personal capacity for the designated
18 receiver's own gross negligence, intentional acts or breach
19 of fiduciary duty.

20
21 **Section 2.** W.S. 1-39-103(a)(vii) and 1-39-121 are
22 repealed.

