

ENROLLED ACT NO. 79, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to the revision of statutes; correcting statutory references and language resulting from inadvertent errors and omissions in previously adopted legislation; amending obsolete references; repealing provisions; renumbering sections; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 7-13-1205(a)(i) and (iii), 9-1-625(c), 9-2-1016(b)(xxi), 9-2-2610(a)(xvi), 9-3-602(a)(xvii), 9-4-203(a)(xiii), 9-12-105(d)(V)(G), 9-12-1404(a)(iv), 10-7-104, 14-4-112, 14-4-113(a), 16-4-202(d)(v), 21-4-107, 21-16-1302(b), 22-4-402(d), 22-25-106(b)(iv), 25-10-125, 26-24-102(b), 27-4-409, 28-1-116(c), 31-2-112(a), 35-7-1058(a)(intro) and (iv)(intro), 35-7-2104(b), 39-11-101(a)(xviii) and 40-12-109 are amended to read:

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

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

(i) Participation in the teen court program shall be limited to teens charged under the Juvenile ~~Court-Justice~~ Act with having committed a minor offense and who have been adjudicated delinquent;

(iii) The juvenile and the juvenile's parents or guardian waive any rights to confidentiality otherwise available under the Juvenile ~~Court-Justice~~ Act; and

ENROLLED ACT NO. 79, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

9-1-625. Division of criminal investigation; adult arrestees to be processed accordingly; data on persons in state custodial institutions; minors.

(c) No minor shall be photographed or fingerprinted except in accordance with the Juvenile ~~Court~~Justice Act.

9-2-1016. General services division.

(b) For the purpose of this subsection the term "agencies" does not include the University of Wyoming, community college districts, or school districts. It does not include the department of transportation except as to paragraphs (xi), (xii) and (xiii) of this subsection. The department through the general services division shall:

(xxi) Administratively implement the state building commission's rules relating to the leasing, routine maintenance, management, operation and equipping of state office buildings as provided in W.S. ~~9-1-501-9-5-101~~ through ~~9-1-508-9-5-108~~;

9-2-2610. Definitions.

(a) As used in this act:

(xvi) "Wyoming workforce development-priority economic sector partnership subaccount" or "subaccount" means the subaccount created in W.S. ~~9-12-1404(a)(i)~~ 9-12-1404(a)(iii);

9-3-602. Definitions.

(a) As used in this ~~article-act~~:

ENROLLED ACT NO. 79, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

(xvii) "This act" ~~or "this article"~~ means W.S. 9-3-601 through 9-3-620;

9-4-203. Definitions.

(a) As used in this act:

(xiii) "This act" means W.S. 9-4-201 through ~~9-4-220~~ 9-4-223.

9-12-105. Economic development services.

(d) The council shall administer a small business innovation research matching program in accordance with this subsection. The program shall match federal funds approved for Wyoming based companies as provided in this subsection. The program shall be administered by the council in consultation with the University of Wyoming research office. The following shall apply to the program under this subsection:

(v) The council shall adopt rules for the program in consultation with the coordinator of economic diversification. The rules shall include but not be limited to:

(G) Provisions to ensure adequate consideration for the amount of the funding provided. The council may include, but is not limited to, assessment of those items specified in W.S. ~~9-12-408(b)(i) through (iv)~~ 9-12-1405(b)(i) through (iv), specifying the allowable use of funds, requiring a recipient to seek additional nonstate investment funding and requiring the recipient to conduct its research in Wyoming to the extent practical.

ENROLLED ACT NO. 79, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

**9-12-1404. Economic diversification account created;
authorized expenditures.**

(a) There is created an economic diversification account. All monies in the account are continuously appropriated to the office of the governor to be used for the purposes of this article and as otherwise specified by law, including per diem, mileage and other administrative expenses of the ENDOW executive council. Notwithstanding W.S. 9-2-1008 and 9-4-207, funds in the account or subaccounts of the account shall not lapse at the end of the fiscal period. Interest earned on funds in the account shall be deposited to the account or appropriate subaccount. Within the account shall be subaccounts. For accounting and investment purposes only all subaccounts shall be treated as separate accounts. The subaccounts are as follows:

(iv) The Wyoming research and innovation subaccount. Funds within this subaccount may be expended as requested by the Wyoming business council and approved by the governor or his designee to provide funding for agreements entered into pursuant to W.S. ~~9-12-408~~ 9-12-1405;

10-7-104. Contracts to improve commercial air service.

The commission may, after competitive bidding, enter into contracts to procure commercial air service, to obtain professional, financial or technical assistance directly related to the commercial air service improvement plan or for any other purposes necessary to implement the commercial air service improvement plan. The attorney general shall review and approve any contract under this ~~subsection~~ section before it is executed. Beginning September 30, 2019, and by September 30 annually thereafter, the commission shall provide a report

ENROLLED ACT NO. 79, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

on any contracts entered into under this ~~subsection~~section to the governor, the joint minerals, business and economic development interim committee, the joint appropriations committee and the air transportation liaison committee. The report shall describe any actions taken and funds expended in consideration of, and pursuant to, any contract entered into under this ~~subsection~~section, and shall analyze the performance of any recipient of funds under any contract.

14-4-112. Contracts by department of family services.

The department of family services is authorized to contract with any lawful authority of any child caring facility for the care and custody of Wyoming children which have been placed therein by court order under the Juvenile ~~Court~~Justice Act or otherwise. The department shall select those child caring facilities requiring the least expense to the state for the care and custody of children.

14-4-113. Commitment of uncontrollable child; refusal to receive.

(a) If a child is committed to a child caring facility by a court under the Juvenile ~~Court~~Justice Act or otherwise and the child caring facility cannot exercise proper control over the child, the child caring facility may report the facts to the court with jurisdiction for a reconsideration or rehearing on the order. If the facts warrant, the child shall then be committed to the Wyoming boys' school, the Wyoming girls' school, or such other privately or publicly operated facility as the court deems appropriate.

16-4-202. Right of inspection; rules and regulations; unavailability.

ENROLLED ACT NO. 79, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

(d) If a public record exists primarily or solely in an electronic format, the custodian of the record shall so inform the requester. Electronic record inspection and copying shall be subject to the following:

(v) Nothing in this section shall prohibit the ~~director of the office of homeland security~~ governor from enacting any rules pursuant to his authority under W.S. ~~19-13-104(d)(v)~~ 19-13-104(c)(i).

21-4-107. Notice to district attorney of habitual truancy; duty of district attorney.

When the board of trustees of any school district shall determine that a child is an habitual truant as defined by this article the board or its attendance officer shall notify the district attorney who shall then initiate proceedings in the interest of the child under the Juvenile ~~Court~~ Justice Act.

21-16-1302. Hathaway scholarship expenditure account created; reserve account created; use and appropriation of funds.

(b) There is created the Hathaway student scholarship reserve account. The reserve account shall consist of those monies deposited to the account pursuant to subsection (a) of this section and such other funds appropriated by the legislature to the reserve account. Interest and other earnings on funds within the reserve account shall be credited to the reserve account. To the extent funds within the Hathaway scholarship expenditure account are insufficient in any fiscal year to fully fund scholarships awarded under this article, monies within the reserve account shall be deposited by the state treasurer to the expenditure account for

ENROLLED ACT NO. 79, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

distribution to eligible institutions to fund those scholarships. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2007, the state treasurer shall transfer monies from this reserve account to the Hathaway student scholarship endowment fund to the extent monies within the reserve account are in excess of the greater of twelve million dollars (\$12,000,000.00) or an amount equal to four and one-half percent (4.5%) of the previous five (5) year average market value of the Hathaway student scholarship endowment fund, calculated from the first day of the fiscal year. The state treasurer shall report not later than November 1, of each year to the joint education interim committee and the select committee on capital financing and investments the amount of funds within the reserve account at the end of the previous fiscal year and as of July 1, of the current fiscal year.

22-4-402. Petition; form; validity.

(d) To be valid, a petition shall contain the names and signatures of registered electors equal in number to not less than two percent (2%) of the total number of votes cast for the office of United States house of representative representatives in the last general election.

22-25-106. Filing of campaign reports.

(b) Reports of itemized statements of contributions and statements of contributions and expenditures, and statements of termination shall be made with the appropriate filing officers specified under W.S. 22-25-107 and in accordance with the following:

(iv) In addition to the reports required under paragraphs (i) through (iii) of this subsection, a political

ENROLLED ACT NO. 79, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

action committee formed for the support of or opposition to any initiative or referendum petition drive or any organization supporting or opposing a petition drive shall file an itemized statement of contributions and expenditures within ten (10) days after the petition is submitted to the secretary of state pursuant to W.S. ~~22-24-115~~ 22-24-315 or 22-24-412.

25-10-125. Clothing and transportation upon discharge.

(a) The department, pursuant to W.S. 25-10-112 shall ~~insure~~ ensure that a patient discharged from the state's custody possesses suitable clothing and adequate means to ~~insure~~ ensure his arrival at the home from which he was admitted or another place within the state, which is in the best interests of the state and of the patient.

(b) The county responsible for payment of costs pursuant to W.S. 25-10-112(a) shall ~~insure~~ ensure that a patient discharged from emergency detention within seventy-two (72) hours, or upon expiration of emergency detention after seventy-two (72) hours without a court order for hospitalization under W.S. 25-10-110, possesses suitable clothing and adequate means to ~~insure~~ ensure his arrival at the home from which he was admitted or another place, which is in the best interests of the county and of the patient.

26-24-102. Applicability of general corporation statutes; exceptions.

(b) Domestic stock insurers and domestic mutual insurers are exempt from the provisions of W.S. 17-16-1630 and ~~17-16-1820(e)~~ 17-16-1720(e).

27-4-409. Hearing procedure.

ENROLLED ACT NO. 79, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

The procedure before the director for hearing of objections shall be as provided in the Wyoming Administrative Procedure Act.

28-1-116. Continuous planning; performance budgeting.

(c) On or before September 1 of each odd numbered year, each state agency, as defined under W.S. ~~28-1-115(f)~~ 28-1-115(g), following an opportunity for public review, shall submit to and have approved by the governor a plan as described by W.S. 28-1-115(a)(ii).

31-2-112. Glider kit vehicle certificate of title.

(a) Any county clerk may issue a glider kit vehicle certificate of title for a glider kit vehicle, as defined in W.S. ~~31-1-101(a)(xv)(R)~~ 31-2-106(a)(vii), containing the following notation "glider kit" conspicuously branded on the face of the certificate.

35-7-1058. Definitions.

(a) As used in this ~~article-section and W.S. 35-7-1059~~:

(iv) "Equipment" or "laboratory equipment" means all products, components or materials of any kind when used, intended for use or designed for use in the manufacture, preparation, production, compounding, conversion or processing of a controlled substance in violation of this ~~article-section or W.S. 35-7-1059~~. "Equipment" or "laboratory equipment" includes:

ENROLLED ACT NO. 79, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

35-7-2104. Industrial hemp seed certification; power of department to examine seeds; purchase of samples; authority to make rules; fees and disposition thereof.

(b) The department shall certify varieties of seeds and shall promulgate rules and regulations necessary to ensure the production of certified seed of high quality that complies with the requirements of this act. The department may charge reasonable fees for certification and shall use the funds received to defray the cost of conducting the certification program.

39-11-101. Definitions.

(a) As used in this act unless otherwise specifically provided:

(xviii) "This act" means W.S. 39-11-101 through ~~39-19-111~~ 39-22-111.

40-12-109. Limitation of actions.

No action may be brought under this act, except under W.S. ~~40-12-108~~ 40-12-106, unless the consumer bringing the action gives within the following time limits notice in writing to the alleged violator of the act, (a) within one (1) year after the initial discovery of the unlawful deceptive trade practice, (b) within two (2) years following such consumer transaction, whichever occurs first, and unless the unlawful deceptive trade practice becomes an uncured unlawful deceptive trade practice as defined in this act. The notice required under this section shall state fully the nature of the alleged unlawful deceptive trade practice and the actual damage suffered therefrom. No action may be brought under this act, except under W.S. ~~40-12-108~~ 40-12-106, unless said

ENROLLED ACT NO. 79, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

action is initiated within one (1) year after the furnishing of notice as required under this section.

Section 2. W.S. 6-2-301(a)(x), 6-3-401(a)(iii), 9-3-501(a)(viii), 16-1-201(a)(x), 18-5-302(a)(i), 19-11-101, 20-2-303(a)(iv), 21-1-102, 21-3-129(e), 21-16-506, 21-16-810(a)(xvi), 21-17-121, 24-10-114, 33-24-202(a)(v), 35-7-1058(a)(viii), 35-11-531(d), 35-11-1415(a)(x), 37-12-401(a)(viii), 39-15-101(a)(xii), 39-15-201(a), 39-15-301(a)(viii), 39-16-101(a)(viii), 39-16-201(a), 39-16-301(a)(viii), 39-17-101(a)(xxi), 39-17-201(a)(xxv), 39-17-301(a)(xlix) and 39-18-101(a)(iii) are repealed.

Section 3. W.S. 9-2-803(c)(vi)(B) and 24-1-118(b)(iii), as created by 2019 Wyoming Statutes, Chapter 64, Section 1 are amended to read:

9-2-803. State geologist; appointment; term; removal; pecuniary interest in mineral property in state prohibited; duties; powers.

(c) The state geologist shall:

(vi) Regarding roadside bedrock geological formations shall:

(B) Report ~~complaints—grievances~~ under W.S. 24-1-118(b)(iii) to the joint minerals, business and economic development interim committee; ~~as provided in W.S. 24-1-118(b)(iii);~~

24-1-118. Construction and maintenance to be performed at expense of state; geologic formations.

ENROLLED ACT NO. 79, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

(b) When a new permanent highway cut is made that exposes a bedrock geological formation:

(iii) The department of transportation shall work with the state geologist to address and resolve any grievances raised under this subsection; ~~-(b) of this section;~~

Section 4.

(a) If 2019 House Bill 0134 is enacted into law, W.S. 11-20-115(d) as amended by that act is amended to read:

11-20-115. Rerecording; when required; notice; abandonment.

(d) As part of ~~any~~a rerecording notice or abandonment notice sent under subsection (a) of this section, the board shall offer the option to a party to rerecord all brands that the party owns upon payment of a prorated fee, whether or not the brand has reached its rerecording date and provided that the rerecording period shall not exceed the ten (10) year term established by subsection (c) of this section.

(b) If 2019 Senate File 0125 is enacted into law, W.S. 13-2-101(a)(ix) as amended by that act is amended to read:

13-2-101. Generally.

(a) Each bank may:

ENROLLED ACT NO. 79, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

(ix) Operate a trust department and exercise all powers enumerated by W.S. ~~13-5-101(b)~~ 13-5-510(b) and 34-29-104;

(c) If 2019 House Bill 0113 is enacted into law, W.S. 37-3-116(a)(intro) as created by that act is amended to read:

37-3-116. Electric utility service agreements.

(a) An electric utility may enter into a service agreement as specified in subsection ~~(e)~~ (d) of this section, provided that the terms and conditions of the agreement:

Section 5. W.S. 9-12-408 is renumbered as W.S. 9-12-1405 and W.S. 9-12-409 is renumbered as W.S. 9-12-114.

Section 6.

(a) Except as otherwise provided in subsection (b) of this section, any other act adopted by the Wyoming legislature during the same session in which this act is adopted shall be given precedence and shall prevail over the amendments in this act to the extent that such acts are in conflict with this act.

(b) Sections 3 and 4 of this act shall be given precedence and shall prevail over any other act adopted by the Wyoming legislature during the 2019 general session.

Section 7.

(a) Except as otherwise provided in this section, this act is effective July 1, 2019.

ORIGINAL SENATE
FILE NO. SF0031

ENGROSSED

ENROLLED ACT NO. 79, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

(b) Section 3 of this act is effective November 1, 2019.

(c) Section 4(c) of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(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