

SENATE FILE NO. SF0072

Revisor's bill.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to the revision of statutes; correcting  
 2 statutory references and language resulting from  
 3 inadvertent errors and omissions in previously adopted  
 4 legislation; amending obsolete references; repealing  
 5 provisions; and providing for an effective date.

6

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

8

9       **Section**       1. W.S.       1-11-129,       1-40-119(a)(i),  
 10 5-13-109(a)(ii),   5-13-115(b) by renumbering (xii) as  
 11 (xiii),   9-1-507(a)(ix)(intro),   9-3-421(d),   9-12-601(o),  
 12 9-12-1503(a)(ix),       12-1-101(a)(xix),       12-2-201(f),  
 13 14-3-402(a)(xxv),   16-6-116,   17-4-102(a)(iv)(E) and  
 14 (xxviii)(E),   21-20-201(d),   26-43-103(b)(iv),   31-2-215(c),  
 15 31-7-110(e),       31-8-102(a)(viii),       33-22-104,  
 16 33-40-102(a)(vi)(H) and       (N),       35-11-406(m)(x),

1 35-20-102(a)(iv)(F), 35-30-101(a)(v)(C), 39-16-104(a),  
2 39-17-111(f), 39-17-311(a)(v), 41-6-402 and  
3 41-13-206(c)(ii) are amended to read:

4

5 **1-11-129. Procedure for maintaining jury lists.**

6

7 The supreme court shall compile a base jury list for each  
8 county. The supreme court shall compile a base jury list  
9 for the state as necessary under W.S. 7-5-303. The base  
10 jury lists shall be compiled from voter lists and may also  
11 include names from Wyoming driver's license or Wyoming  
12 department of transportation state identification lists.  
13 The base jury lists prepared by the supreme court and  
14 panels or lists of prospective jurors selected by the clerk  
15 of court may be compiled and maintained using any manual,  
16 mechanical, electronic or other means calculated to ~~insure~~  
17 ensure the integrity of the system and a random selection  
18 process.

19

20 **1-40-119. Surcharge to be assessed in certain**  
21 **criminal cases; paid to account.**

22

1           (a) In addition to any fine or other penalty  
2 prescribed by law, a defendant who pleads guilty or nolo  
3 contendere to, or is convicted of, the following criminal  
4 offenses shall be assessed a surcharge of not less than one  
5 hundred dollars (\$100.00) nor more than three hundred  
6 dollars (\$300.00) for the offenses specified in paragraph  
7 (v) of this subsection, not less than one hundred fifty  
8 dollars (\$150.00) nor more than three hundred fifty dollars  
9 (\$350.00) for the first plea to or conviction of offenses  
10 specified in paragraphs (i) through (iv) of this  
11 subsection, and not less than two hundred dollars (\$200.00)  
12 nor more than four hundred dollars (\$400.00) for each  
13 subsequent plea to or conviction of offenses specified in  
14 paragraphs (i) through (iv) of this subsection:

15

16           (i) Any ~~crime enumerated in violation of~~ W.S.  
17 6-1-101 through 6-2-313 and 6-2-319 through 6-10-203;

18

19           **5-13-109. Temporary assignment to fill vacancies;**  
20 **appointments to fill vacancies in office.**

21

22           (a) Prior to the appointment of a chancery court  
23 judge under subsection (b) of this section or in the event

1 a chancery court judge appointed under W.S. 5-13-107 dies,  
2 becomes unable or unwilling to perform the duties of his  
3 office, the supreme court may temporarily assign the duties  
4 of chancery court judge to be performed by a person who  
5 meets the qualifications set forth in W.S. 5-13-108. Any  
6 assignment shall be made to:

7

8 (ii) A retired district court ~~justice~~-judge; or

9

10 **5-13-115. Purpose and jurisdiction.**

11

12 (b) The chancery court shall have jurisdiction to  
13 hear and decide actions for equitable or declaratory relief  
14 and for actions where the prayer for money recovery is an  
15 amount exceeding fifty thousand dollars (\$50,000.00),  
16 exclusive of claims for punitive or exemplary damages,  
17 prejudgment or post judgment interest, costs and attorney  
18 fees provided the cause of action arises from at least one

19 (1) of the following:

20

21 ~~(xii)~~(xiii) Dissolution of corporations,  
22 partnerships, limited liability companies, limited  
23 liability partnerships, joint ventures, banks and trust

1 companies. The monetary threshold of subsection (b) of this  
2 section shall not apply to action brought under this  
3 paragraph;

4

5 **9-1-507. Examination of books of state institutions,**  
6 **agencies and certain districts and entities; independent**  
7 **audit authorized; guidelines.**

8

9 (a) The director of the state department of audit  
10 shall:

11

12 (ix) In lieu of the rules described in  
13 subparagraphs ~~(A)-(iii)(A)~~ through (D) ~~of paragraph (iii)~~  
14 of this subsection, fire protection and water and sewer  
15 districts shall be required to comply with the rules to  
16 provide for different levels of oversight as follows:

17

18 **9-3-421. Death benefits; monthly benefit option;**  
19 **refund of excess employee contributions plus interest;**  
20 **medical insurance premiums.**

21

22 (d) For purposes of determining a member's account  
23 under ~~subsection~~ subsections (a) through (c) of this

1 section, if a member dies before the member has vested  
2 under the system, the member's account shall consist of the  
3 contributions and interest that accrue in the manner for  
4 which contributions and interest accrue for a member who is  
5 vested.

6

7 **9-12-601. Wyoming business ready community program;**  
8 **purpose; creation; rulemaking.**

9

10 (o) On or before November 1 of each year, the council  
11 shall report to the joint appropriations ~~interim~~ committee  
12 and the joint minerals, ~~economic and business~~ and economic  
13 development interim committee information on the  
14 administration of the business ready community program.  
15 The report shall include a list of all grant and loan  
16 requests made in the previous twenty-four (24) months, the  
17 amount approved by project, expenditures by project and the  
18 progress for each project as of the date of the report.

19

20 **9-12-1503. Application contents.**

21

22 (a) An applicant for funding under this article shall  
23 provide the following information on the application:

1

2 (ix) Evidence that no later than six (6) weeks  
3 before submission of the application the applicant  
4 contacted, in writing, all entities who are listed with the  
5 ~~eounsel~~council as providing broadband service in the  
6 proposed project area to ask for each broadband service  
7 provider's plan to upgrade broadband service in the project  
8 area to speeds that meet or exceed the speeds proposed in  
9 the application, within the time frame specified in the  
10 proposed project activities;

11

12 **12-1-101. Definitions.**

13

14 (a) As used in this title:

15

16 (xix) "Microbrewery" means a commercial  
17 enterprise at a single location producing not more than  
18 fifty thousand (50,000) barrels per year and no less ~~that~~  
19 than fifty (50) barrels per year of malt beverage;

20

21 **12-2-201. Wholesale license for sale of malt**  
22 **beverages only; fee.**

23

1 (f) Nothing in this section limits the ~~commission's~~  
2 division's exclusive authority to wholesale alcoholic  
3 liquors.

4  
5 **14-3-402. Definitions.**

6  
7 (a) As used in this act:

8  
9 (xxv) "This act" means W.S. 14-3-401 through  
10 ~~14-3-440~~ 14-3-441.

11  
12 **16-6-116. Final settlement with and payment to**  
13 **contractor; required notices.**

14  
15 When any public work is let by contract the commission,  
16 board or person under whose direction or supervision the  
17 work is being carried on and conducted and upon whose  
18 approval intermediate and final estimates are paid for the  
19 construction of the work, forty (40) days before the final  
20 estimate is paid, shall cause to be published in a  
21 newspaper of general circulation, published nearest the  
22 point at which the work is being carried on, once a week  
23 for three (3) consecutive weeks, and also to post in three



1 (3) conspicuous places on the work, a notice setting forth  
2 in substance, that the commission, board or person has  
3 accepted the work as completed according to the plans and  
4 specifications and rules set forth in the contract between  
5 the commission, board or person and the contractor, and  
6 that the contractor is entitled to final settlement  
7 therefor. The notice shall also set forth that upon the  
8 ~~41st~~forty-first day (and the notice shall specify the  
9 exact date) after the first publication of the notice the  
10 commission, board or person under whose direction or  
11 supervision the work has been carried on will pay to the  
12 contractor the full amount due under the contract. This  
13 section does not relieve the contractor and the sureties on  
14 his bond from any claims for work or labor done or  
15 materials or supplies furnished in the execution of the  
16 contract.

17

18 **17-4-102. Definitions.**

19

20 (a) In this act, unless the context otherwise  
21 requires:

22

1           (iv) "Broker-dealer" means a person engaged in  
2 the business of effecting transactions in securities for  
3 the account of others or for the person's own account. The  
4 term does not include:

5

6           (E) A person excluded by rule adopted or  
7 order issued under this act. ~~;~~ ~~or~~

8

9           (xxviii) "Security" means a note; stock;  
10 treasury stock; security future; bond; debenture; evidence  
11 of indebtedness; certificate of interest or participation  
12 in a profit-sharing agreement; collateral trust  
13 certificate; preorganization certificate or subscription;  
14 transferable share; investment contract; voting trust  
15 certificate; certificate of deposit for a security; put,  
16 call, straddle, option, or privilege on a security,  
17 certificate of deposit, or group or index of securities,  
18 including an interest therein or based on the value  
19 thereof; put, call, straddle, option, or privilege entered  
20 into on a national securities exchange relating to foreign  
21 currency; or, in general, an interest or instrument  
22 commonly known as a "security"; or a certificate of  
23 interest or participation in, temporary or interim

1 certificate for, receipt for, guarantee of, or warrant or  
2 right to subscribe to or purchase, any of the foregoing.

3 The term:

4

5 (E) Includes as an "investment contract,"  
6 among other contracts, an interest in a limited partnership  
7 and a limited liability company and an investment in a  
8 viatical settlement or similar agreement. ~~;~~ ~~and~~

9

10 **21-20-201. Agreement between districts and**  
11 **post-secondary education institutions required; student**  
12 **participation; credits; financial arrangements;**  
13 **transportation; accessibility; required annual reporting.**

14

15 (d) The school district and the university or  
16 community college district entering into an agreement for  
17 purposes of this section shall, if there are any fees  
18 within the agreement, establish fees to be assessed to the  
19 school district for student participation under the  
20 program, the payment schedule for the established fees and  
21 other necessary arrangements to facilitate fee payment and  
22 collection. Any textbooks, materials or equipment purchased  
23 under the established fees shall be addressed within the

1 agreement entered into between the university or college  
2 and the school district. The university or community  
3 college shall not directly assess and collect any fee from  
4 the participating student for textbooks, materials, student  
5 services or any other fees otherwise assessed and collected  
6 from students attending the institution.

7

8 **26-43-103. Eligibility.**

9

10 (b) The following persons are not eligible for pool  
11 coverage:

12

13 (iv) ~~For pool coverage,~~ Any person on whose  
14 behalf the pool has paid two hundred fifty thousand dollars  
15 (\$250,000.00) in benefits. The board shall adjust these  
16 amounts annually to reflect the effects of inflation. The  
17 adjustment shall not be less than the annual change in the  
18 medical component of the "Consumer Price Index for All  
19 Urban Consumers" of the department of labor, bureau of  
20 statistics, unless the board proposes and the commissioner  
21 approves a lower adjustment factor;

22

23 **31-2-215. Disabled veteran's license plates.**

1

2 (c) The county treasurer shall only issue one (1)  
3 pair of license plates annually that are exempt as provided  
4 by W.S. ~~31-3-101(a)(xv)~~31-3-101(b)(xv) to each applicant  
5 under this section.

6

7 **31-7-110. Instruction and temporary driver's permits.**

8

9 (e) Any person who holds a valid Wyoming classified  
10 driver's license and who is at least eighteen (18) years of  
11 age may apply to the division for a commercial learner's  
12 permit. The division may, after the person has successfully  
13 passed all required ~~examination~~examinations, other than  
14 the driving skills examination and paid the required fee,  
15 issue to the person a commercial learner's permit, which  
16 entitles the person to drive a commercial motor vehicle on  
17 a highway only when accompanied by a person who has a  
18 commercial driver's license valid for the type of vehicle  
19 driven and who occupies a seat beside the person for the  
20 purpose of giving instruction in driving the commercial  
21 motor vehicle. The commercial learner's permit may not be  
22 issued for a period to exceed one hundred eighty (180) days  
23 and only one (1) renewal may be granted for an additional

1 period of one hundred eighty (180) days. Every person  
2 holding a commercial driver's license shall obtain a  
3 commercial learner's permit prior to upgrading their  
4 commercial driver's license to a higher class type, adding  
5 an endorsement or removing a restriction which requires a  
6 skills test.

7

8 **31-8-102. Contents.**

9

10 (a) The identification card shall resemble a Wyoming  
11 driver's license. It shall have:

12

13 (viii) The designations as provided for in W.S.  
14 31-7-139, 31-7-141 and 31-7-142; and

15

16 **33-22-104. License; annual fee; expiration.**

17

18 Each person licensed as a nursing home administrator shall  
19 be required to pay an annual license fee in an amount to be  
20 fixed by the board pursuant to W.S. 33-1-201. Each such  
21 license shall expire on the ~~31st~~thirty-first day of  
22 December following issuance, and shall be renewable for a  
23 calendar year, upon payment of the annual license fee.

1

2           **33-40-102. Definitions.**

3

4           (a) As used in this act:

5

6                   (vi) "Unprofessional conduct" means:

7

8                           (H) Failure to notify the board within  
9 thirty (30) days of a malpractice final ~~judgement~~judgment  
10 or settlement involving the occupational therapist;

11

12                           (N) Employing, either directly or  
13 indirectly, any licensee under suspension or revocation,  
14 except as may be authorized by the board, or any person not  
15 licensed to practice occupational therapy to perform any  
16 task requiring licensure except that an unlicensed person  
17 may be employed to perform tasks under supervision not  
18 requiring occupational therapy professional knowledge or  
19 ~~judgement~~judgment;

20

21           **35-11-406. Application for permit; generally; denial;**  
22 **limitations.**

23

1           (m) The requested permit, other than a surface coal  
2 mining permit, shall be granted if the applicant  
3 demonstrates that the application complies with the  
4 requirements of this act and all applicable federal and  
5 state laws. The director shall not deny a permit except for  
6 one (1) or more of the following reasons:

7

8           (x) If written objections are filed by an  
9 interested person under subsection ~~(g)~~(k) of this section;

10

11           **35-20-102. Definitions.**

12

13           (a) As used in this act:

14

15           (iv) "Caregiver" means any person or in-home  
16 service provider responsible for the care of a vulnerable  
17 adult because of:

18

19           (F) Acceptance of a legal obligation or  
20 responsibility to the vulnerable adult through a power of  
21 attorney, ~~advanced~~advance health care directive or other  
22 legal designation.

23



1           **35-30-101. Definitions.**

2

3           (a) As used in this act:

4

5                   (v) "Representative of the patient" means any  
6 person who:

7

8                   (C) Is a representative named in an  
9 ~~advanced~~advance care directive in Wyoming or other similar  
10 law in another state.

11

12           **39-16-104. Taxation rate.**

13

14           (a) Except as otherwise provided, there is levied and  
15 shall be paid by the purchaser an excise tax at the same  
16 rate applied under W.S. ~~39-15-104~~39-15-104(a) upon sales  
17 in Wyoming.

18

19           **39-17-111. Distribution.**

20

21           (f) All taxes collected under W.S. 39-17-104(a)(iii)  
22 shall be deposited into the state highway fund with receipt  
23 and acknowledgement submitted to the state treasurer. The

1 provisions of this section ~~and W.S. 39-17-105(e)~~ shall not  
2 apply to the tax imposed by W.S. 39-17-104(a)(iii). Any  
3 refund for any overpayment of this one cent (\$.01) tax  
4 shall be taken from the taxes collected pursuant to W.S.  
5 39-17-104(a)(iii).

6

7 **39-17-311. Distribution.**

8

9 (a) Except as otherwise provided in subsection (b) of  
10 this section, all alternative fuel license taxes and fees  
11 shall be distributed as follows:

12

13 (v) All taxes collected under W.S.  
14 39-17-304(a)(iii) shall be transferred to the state  
15 treasurer who shall deposit them only into the state  
16 highway fund. The provisions of this section ~~and W.S.~~  
17 ~~39-17-305(e)~~ shall not apply to the tax imposed by W.S.  
18 39-17-304(a)(iii). Any refund for any overpayment of the  
19 one cent (\$.01) tax imposed by W.S. 39-17-304(a)(iii) shall  
20 be taken from the taxes collected pursuant to W.S.  
21 39-17-304(a)(iii).

22

23 **41-6-402. Assessments.**

1

2 Where any irrigation or drainage district shall make and  
3 levy any assessment against any property within such  
4 district, the same shall not be questioned in any suit or  
5 proceeding unless such suit or proceeding is instituted on  
6 or before the second December ~~31st~~thirty-first following  
7 such levy or assessment.

8

9 **41-13-206. Operation of watercraft by intoxicated or**  
10 **drugged person prohibited.**

11

12 (c) No person shall operate or be in actual physical  
13 control of a watercraft if the person:

14

15 (ii) Has an alcohol concentration of eight  
16 one-hundredths of one percent (0.08%) or more if the  
17 watercraft is a motorboat. ~~;~~.

18

19 **Section 2.** W.S. 6-2-507(e)(iii), 9-12-407,  
20 12-1-101(a)(xxiv), 26-20-401(e) and 41-13-206(c)(iii) are  
21 repealed.

22

1           **Section 3.** Any other act adopted by the Wyoming  
2 legislature during the same session in which this act is  
3 adopted shall be given precedence and shall prevail over  
4 the amendments in this act to the extent that such acts are  
5 in conflict with this act.

6

7           **Section 4.** This act is effective July 1, 2020.

8

9

(END)