

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), 9-1-507(a)(ix)(intro), 9-3-421(d),
 11 9-12-1503(a)(ix), 14-3-402(a)(xxv), 16-6-116,
 12 17-4-102(a)(iv)(E) and (xxviii)(E), 21-20-201(d),
 13 26-43-103(b)(iv), 31-2-215(c), 31-7-110(e),
 14 31-8-102(a)(viii), 33-22-104, 33-40-102(a)(vi)(H) and (N),
 15 35-11-406(m)(x), 35-20-102(a)(iv)(F), 35-30-101(a)(v)(C),

1 39-17-111(f), 39-17-311(a)(v), 41-6-402 and
2 41-13-206(c)(ii) are amended to read:

3

4 **1-11-129. Procedure for maintaining jury lists.**

5

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

18

19 **1-40-119. Surcharge to be assessed in certain**
20 **criminal cases; paid to account.**

21

22 (a) In addition to any fine or other penalty
23 prescribed by law, a defendant who pleads guilty or nolo

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

13

14 (i) Any ~~crime enumerated in violation of~~ W.S.
15 6-1-101 through 6-2-313 and 6-2-319 through 6-10-203;

16

17 **5-13-109. Temporary assignment to fill vacancies;**
18 **appointments to fill vacancies in office.**

19

20 (a) Prior to the appointment of a chancery court
21 judge under subsection (b) of this section or in the event
22 a chancery court judge appointed under W.S. 5-13-107 dies,
23 becomes unable or unwilling to perform the duties of his

1 office, the supreme court may temporarily assign the duties
2 of chancery court judge to be performed by a person who
3 meets the qualifications set forth in W.S. 5-13-108. Any
4 assignment shall be made to:

5

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

7

8 **9-1-507. Examination of books of state institutions,**
9 **agencies and certain districts and entities; independent**
10 **audit authorized; guidelines.**

11

12 (a) The director of the state department of audit
13 shall:

14

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

20

21 **9-3-421. Death benefits; monthly benefit option;**
22 **refund of excess employee contributions plus interest;**
23 **medical insurance premiums.**

1

2 (d) For purposes of determining a member's account
3 under ~~subsection~~subsections (a) through (c) of this
4 section, if a member dies before the member has vested
5 under the system, the member's account shall consist of the
6 contributions and interest that accrue in the manner for
7 which contributions and interest accrue for a member who is
8 vested.

9

10 **9-12-1503. Application contents.**

11

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

14

15 (ix) Evidence that no later than six (6) weeks
16 before submission of the application the applicant
17 contacted, in writing, all entities who are listed with the
18 ~~eounsel~~council as providing broadband service in the
19 proposed project area to ask for each broadband service
20 provider's plan to upgrade broadband service in the project
21 area to speeds that meet or exceed the speeds proposed in
22 the application, within the time frame specified in the
23 proposed project activities;

1

2 **14-3-402. Definitions.**

3

4 (a) As used in this act:

5

6 (xxv) "This act" means W.S. 14-3-401 through
7 ~~14-3-440~~ 14-3-441.

8

9 **16-6-116. Final settlement with and payment to**
10 **contractor; required notices.**

11

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

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

14

15 **17-4-102. Definitions.**

16

17 (a) In this act, unless the context otherwise
18 requires:

19

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

1

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

4

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

22 The term:

23

1 (E) Includes as an "investment contract,"
2 among other contracts, an interest in a limited partnership
3 and a limited liability company and an investment in a
4 viatical settlement or similar agreement. ~~and~~

5

6 **21-20-201. Agreement between districts and**
7 **post-secondary education institutions required; student**
8 **participation; credits; financial arrangements;**
9 **transportation; accessibility; required annual reporting.**

10

11 (d) The school district and the university or
12 community college district entering into an agreement for
13 purposes of this section shall, if there are any fees
14 within the agreement, establish fees to be assessed to the
15 school district for student participation under the
16 program, the payment schedule for the established fees and
17 other necessary arrangements to facilitate fee payment and
18 collection. Any textbooks, materials or equipment purchased
19 under the established fees shall be addressed within the
20 agreement entered into between the university or college
21 and the school district. The university or community
22 college shall not directly assess and collect any fee from
23 the participating student for textbooks, materials, student

1 services or any other fees otherwise assessed and collected
2 from students attending the institution.

3

4 **26-43-103. Eligibility.**

5

6 (b) The following persons are not eligible for pool
7 coverage:

8

9 (iv) ~~For pool coverage,~~ Any person on whose
10 behalf the pool has paid two hundred fifty thousand dollars
11 (\$250,000.00) in benefits. The board shall adjust these
12 amounts annually to reflect the effects of inflation. The
13 adjustment shall not be less than the annual change in the
14 medical component of the "Consumer Price Index for All
15 Urban Consumers" of the department of labor, bureau of
16 statistics, unless the board proposes and the commissioner
17 approves a lower adjustment factor;

18

19 **31-2-215. Disabled veteran's license plates.**

20

21 (c) The county treasurer shall only issue one (1)
22 pair of license plates annually that are exempt as provided

1 by W.S. ~~31-3-101(a)(xv)~~31-3-101(b)(xv) to each applicant
2 under this section.

3

4 **31-7-110. Instruction and temporary driver's permits.**

5

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

1 commercial driver's license to a higher class type, adding
2 an endorsement or removing a restriction which requires a
3 skills test.

4

5 **31-8-102. Contents.**

6

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

9

10 (viii) The designations as provided for in W.S.
11 31-7-139, 31-7-141 and 31-7-142; and

12

13 **33-22-104. License; annual fee; expiration.**

14

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

21

22 **33-40-102. Definitions.**

23

1 (a) As used in this act:

2

3 (vi) "Unprofessional conduct" means:

4

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

8

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

17

18 **35-11-406. Application for permit; generally; denial;**
19 **limitations.**

20

21 (m) The requested permit, other than a surface coal
22 mining permit, shall be granted if the applicant
23 demonstrates that the application complies with the

1 requirements of this act and all applicable federal and
2 state laws. The director shall not deny a permit except for
3 one (1) or more of the following reasons:

4

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

7

8 **35-20-102. Definitions.**

9

10 (a) As used in this act:

11

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

15

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

20

21 **35-30-101. Definitions.**

22

23 (a) As used in this act:

1

2 (v) "Representative of the patient" means any
3 person who:

4

5 (C) Is a representative named in an
6 ~~advanced~~advance care directive in Wyoming or other similar
7 law in another state.

8

9 **39-17-111. Distribution.**

10

11 (f) All taxes collected under W.S. 39-17-104(a)(iii)
12 shall be deposited into the state highway fund with receipt
13 and acknowledgement submitted to the state treasurer. The
14 provisions of this section ~~and W.S. 39-17-105(e)~~ shall not
15 apply to the tax imposed by W.S. 39-17-104(a)(iii). Any
16 refund for any overpayment of this one cent (\$.01) tax
17 shall be taken from the taxes collected pursuant to W.S.
18 39-17-104(a)(iii).

19

20 **39-17-311. Distribution.**

21

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

4
5 (v) All taxes collected under W.S.
6 39-17-304(a)(iii) shall be transferred to the state
7 treasurer who shall deposit them only into the state
8 highway fund. The provisions of this section ~~and W.S.~~
9 ~~39-17-305(e)~~ shall not apply to the tax imposed by W.S.
10 39-17-304(a)(iii). Any refund for any overpayment of the
11 one cent (\$.01) tax imposed by W.S. 39-17-304(a)(iii) shall
12 be taken from the taxes collected pursuant to W.S.
13 39-17-304(a)(iii).

14

15 **41-6-402. Assessments.**

16

17 Where any irrigation or drainage district shall make and
18 levy any assessment against any property within such
19 district, the same shall not be questioned in any suit or
20 proceeding unless such suit or proceeding is instituted on
21 or before the second December ~~31st~~ thirty-first following
22 such levy or assessment.

23

