

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

AN ACT relating to the revision of statutes and other legislative enactments; correcting statutory references and language resulting from inadvertent errors and omissions in previously adopted legislation; amending obsolete references; and providing for an effective date.

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

Section 1. W.S. 1-1-138(c), 1-1-140(d), 1-23-107(a), 6-8-104(aa), 7-6-103(k), 7-13-402(g), 7-13-1401(h), 7-13-1501(j), 7-13-1502(j), 7-18-106(c), 9-1-404, 9-1-406, 9-1-407(a) and (b), 9-2-3204(b)(xii) and (xiii), 11-20-201(b), 13-12-104(a)(intro), 14-12-104, 15-1-125(c), 15-4-304, 15-4-308, 17-32-126(b)(i)(C), 18-2-111, 18-3-510(a), 18-3-513(b), 35-2-1108 and 37-12-306(e) are amended to read:

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

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

1-1-140. Public utility exemption from civil liability; catastrophes caused by an act of God.

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

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1-23-107. Individual liability of members of governmental agencies.

(a) Notwithstanding ~~W.S. 1-39-101 through 1-39-120~~ any provision of the Wyoming Governmental Claims Act, the members of any governmental board, agency, council, commission or governing body are not individually liable for any actions, inactions or omissions by the governmental board, agency, council, commission or governing body.

6-8-104. Wearing or carrying concealed weapons; penalties; exceptions; permits.

(aa) Notwithstanding the provisions of W.S. 1-39-105 through 1-39-112, the attorney general and members of the division of criminal investigation are immune from personal liability for issuing, for failing to issue and for revoking any concealed firearms permit under this section. A sheriff, police chief, employee of a sheriff or police chief's office shall not be personally liable for damages in a civil action arising from any information submitted pursuant to subsections (g) through (j) of this section. Nothing in this section shall relieve any governmental entity of any liability pursuant to ~~W.S. 1-39-101 through 1-39-120~~ the Wyoming Governmental Claims Act.

7-6-103. Creation of office of state public defender; appointment of state public defender and assistants; duties; removal.

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

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

7-13-402. General powers and duties of board; eligibility for parole; immunity.

(g) Notwithstanding ~~W.S. 1-39-101 through 1-39-119~~ the Wyoming Governmental Claims Act, the board and its members are immune from any liability, either as a board or individually, for any actions, inactions or omissions by the board or any member thereof, pursuant to W.S. 7-13-401 through 7-13-424.

7-13-1401. Petition for expungement; records of arrest, dismissal of charges, disposition; eligibility; no filing fee.

(h) Notwithstanding ~~W.S. 1-39-101 through 1-39-120~~ any provision of the Wyoming Governmental Claims Act, the division of criminal investigation and its employees are immune from liability, either as an agency or individually, for any actions, inactions or omissions by the agency or any employee thereof, pursuant to this section.

7-13-1501. Petition for expungement of records of conviction of certain misdemeanors; filing fee; notice; objections; hearing; definitions; exceptions.

(j) Notwithstanding ~~W.S. 1-39-101 through 1-39-120~~ any provision of the Wyoming Governmental Claims Act, the division of criminal investigation and its employees and any prosecuting attorney are immune from liability, either as an agency or individually, for any actions, inactions or

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omissions by the agency or any employee thereof, pursuant to this section.

7-13-1502. Petition for expungement of records of conviction of certain felonies; filing fee; notice; objections; hearing; definitions; restoration of rights.

(j) Notwithstanding ~~W.S. 1-39-101 through 1-39-120~~ any provision within the Wyoming Governmental Claims Act, the division of criminal investigation and its employees and any prosecuting attorney are immune from liability, either as an agency or individually, for any actions, inactions or omissions by the agency or any employee thereof, pursuant to this section.

7-18-106. Powers and duties of boards.

(c) Notwithstanding ~~W.S. 1-39-101 through 1-39-120~~ any provision within the Wyoming Governmental Claims Act, or any other provision of law and except for intentional torts or illegal acts, a corrections board and its members are immune from any liability, either as a board or individually, for any actions or omissions by the board or any member thereof pursuant to this act.

9-1-404. Specified claims against state to be presented within one year.

Except as provided by ~~W.S. 1-39-101 through 1-39-120~~ the Wyoming Governmental Claims Act, persons having claims against the state shall document the claim and submit it to the state auditor within one (1) year after the claim accrues, to be audited, settled and acted upon.

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9-1-406. Taking evidence concerning settlement of accounts.

Except as provided by ~~W.S. 1-39-101 through 1-39-120~~ the Wyoming Governmental Claims Act, the state auditor may examine the parties, witnesses or others, on oath or affirmation, relating to any matters material to the settlement of accounts, including information which is declared confidential by law, and for that purpose may issue subpoenas and compel witnesses to attend before him and give evidence in the same manner and by the same means allowed by law to courts of record. The state auditor shall take all reasonable measures necessary to protect the confidentiality of all confidential information obtained pursuant to this section.

9-1-407. Certificate of auditor's decision; claims against state in absence of appropriation or authorization.

(a) At the request of a person who is dissatisfied with the decision of the auditor on any claim, account or credit except as provided by ~~W.S. 1-39-101 through 1-39-120~~ the Wyoming Governmental Claims Act, the auditor shall certify his findings and decision.

(b) Except as provided by ~~W.S. 1-39-101 through 1-39-120~~ the Wyoming Governmental Claims Act, when the law recognizes a claim for money against this state and no appropriation or authorization is made by law to pay the claim, upon demand, the auditor shall audit and adjust the claim and give the claimant a certificate of the amount of the claim.

9-2-3204. General services division.

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(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:

(xii) Secure and maintain insurance against the risks of fire and theft and other insurance deemed necessary or required by law on all motor vehicles, trailer attachments and aircraft owned by the state of Wyoming or any of its agencies. The insurance secured and maintained shall be in an amount which is adequate to protect the interest of the state but not less than the amounts required by ~~W.S. 1-39-101 through 1-39-120~~ the Wyoming Governmental Claims Act. In securing insurance the department shall take full advantage of experience ratings and groupings or master policies to the end that the insurance may be secured at the lowest possible beneficial rates and for the best interest of the state;

(xiii) Secure personal liability and surety bonds for Wyoming peace officers, employees and state officials as required by statute, secure professional liability insurance for Wyoming doctors and nurses employed by the state, and secure liability insurance for all property owned by the state or any of its agencies as required by ~~W.S. 1-39-101 through 1-39-120~~ the Wyoming Governmental Claims Act;

11-20-201. Designation of contract services to implement brand inspection laws; bond required; bond of inspectors; interstate cooperative agreements.

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(b) The agency, or the board may contract for inspectors as the board deems necessary to carry out specified duties. The board may contract for inspectors through an individual at-will contract. The board may contract to provide the inspector salary, mileage, per diem and other necessary reimbursable expenses, membership in the state employees' and officials' group insurance plan in accordance with W.S. 9-2-3207(a)(xi)(F)(IV) and 9-3-207, and the state retirement system in accordance with W.S. 9-2-3207(a)(xi)(F)(IV), 9-3-412 and 9-3-413.1. The board shall be authorized to establish mileage rates without regard to the limitations provided in W.S. 9-3-103. During the time that inspectors are acting within the scope of their duties on behalf or in service of the state in their official capacity, inspectors are covered by the provisions of the Wyoming Governmental Claims Act, ~~W.S. 1-39-101 through 1-39-120,~~ and the state self-insurance program, W.S. 1-41-101 through 1-41-111. It may assign inspectors inside or outside of this state as it deems appropriate. A blanket bond or individual bonds shall be executed to the state with good and sufficient surety in an amount determined by the board, conditioned for the full and faithful performance and discharge of the inspector's duties. The bond shall be approved by and filed in the office of the board.

13-12-104. Requirements relating to depositors; nature of business.

(a) ~~Except as otherwise provided by subsection (d) of this section,~~ No depositor shall maintain an account with a special purpose depository institution or otherwise receive any services from the institution unless the depositor meets the criteria of this subsection. A depositor shall:

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

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

15-1-125. Presentation and payment of claims; when warrant draws interest; exception.

(c) This section does not apply to claims under ~~W.S. 1-39-101 through 1-39-119~~ ~~[§ 1-39-120]~~ the Wyoming Governmental Claims Act.

15-4-304. Claims; appeals; exception; definition.

Except as provided by ~~W.S. 1-39-101 through 1-39-120~~ the Wyoming Governmental Claims Act, if any claim against the city is disallowed in whole or in part, the claimant may appeal from the decision of the governing body to the district court of the district in which the city or town is situated pursuant to Rule 12 of the Wyoming Rules of Appellate Procedure. "Claim" as used in this section means claims as are presented for audit and not claims for salaries of officers and employees or other fixed charges against the city or town, nor claims covered by ~~W.S. 1-39-101 through 1-39-120~~ the Wyoming Governmental Claims Act.

15-4-308. Conditions causing injury; defects.

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No action may be maintained against the city or town on account of injuries received by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare except as provided by ~~W.S. 1-39-101 through 1-39-119~~ the Wyoming Governmental Claims Act.

17-32-126. Winding up; termination.

(b) In winding up a decentralized unincorporated nonprofit association, the members:

(i) Shall discharge the nonprofit association's debts, obligations and other liabilities, settle and close the nonprofit association's business and distribute any remaining property:

(C) If neither ~~subdivision~~ subparagraph (A) or (B) of this paragraph applies, in accordance with the law of unclaimed property contained in W.S. 34-24-101 through 34-24-140.

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

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

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18-3-510. Claims against county to be itemized and verified; penalty.

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

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

(b) When the appeal is perfected, the clerk of the board shall immediately give notice to the county attorney. The clerk shall make a brief return of the proceedings before the board with the decision properly certified and file the same together with the bond and all papers in the case in his possession with the clerk of the district court. The appeal shall be entered, tried and determined and costs awarded the same as appeals from circuit courts. This section does not apply to claims under W.S. 1-39-101 through 1-39-120 the Wyoming Governmental Claims Act.

35-2-1108. Receiver's liability.

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

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

37-12-306. Civil penalties; applicability.

(e) This section shall not apply to any governmental entity as defined by W.S. 1-39-103(a)(i), which participates in the notification center as provided by this act. Nothing in this article shall affect any provision of the Wyoming Governmental Claims Act, ~~W.S. 1-39-101 through 1-39-120~~.

Section 2. W.S. 1-39-103(a)(ix) is amended to read:

1-39-103. Definitions.

(a) As used in this act:

(ix) "This act" means W.S. 1-39-101 through ~~1-39-123~~ 1-39-124.

Section 3. W.S. 39-16-105(a)(xi), as created by 2026 Senate Enrolled Act 0059, 2026 Senate File 0061, section 1, is repealed.

ORIGINAL HOUSE
BILL NO. HB0044

ENGROSSED

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Section 4. Section 2 of this act shall not be effective if 2026 Senate File 0101 is enacted into law.

Section 5. This act is effective July 1, 2026.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk