

HOUSE BILL NO. HB0066

Revisor's bill.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to a revision of inadvertent errors;
2 correcting statutory references and language that were
3 erroneously made to the statutes as a result of legislation
4 previously adopted by the legislature; providing for
5 application as specified; and providing for an effective
6 date.

7

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

9

10 **Section 1.** W.S. 9-3-203(a)(iv), 9-4-601(a)(iii), (ix)
11 and (x), 9-4-602(a)(iii)(intro), 9-4-1002(d)(iii)(B)(II),
12 17-15-143(d), 20-1-105(a), 27-9-102(d), 27-9-104(b),
13 31-5-224(a)(ii), 37-9-302(b), 39-11-101(a)(vi),
14 39-15-111(c), 39-16-111(d), 39-16-202(g), 39-16-211(b)(iv)
15 and 42-4-103(a)(xxii) are amended to read:

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17 **9-3-203. Definitions.**

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2 (a) As used in this act:

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4 (iv) "Employee" means any official or employee
5 of the state of Wyoming whose salary is paid by state
6 funds, including employees and faculty members of the
7 University of Wyoming and various community colleges in the
8 state, except persons employed on intermittent, irregular,
9 or less than halftime basis and any at-will contract
10 employee who does not meet the requirements established
11 under W.S. 9-2-1022(a)(xi)(F)(III) or (IV). ~~Until July 1,~~
12 ~~2004,~~ "Employee" shall not include employees of the
13 agricultural extension service of the University of Wyoming
14 who hold federal civil service appointments, are required
15 to participate in federal civil service retirement and who
16 elect to participate in the federal employees' health
17 benefit program as authorized in W.S. 9-3-210(d);

18

19 **9-4-601. Distribution and use; funds, accounts,**
20 **cities and towns benefited; exception for bonus payments.**

21

22 (a) All monies received by the state of Wyoming from
23 the secretary of the treasury of the United States under
24 the provisions of the act of congress of February 25, 1920

1 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, or
2 from lessees or authorized mine operators and all monies
3 received by the state from its sale of production from
4 federal mineral leases subject to the act of congress of
5 February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181,
6 191) as amended, except as provided by subsection (b) of
7 this section, shall be deposited in the trust and agency
8 fund and the first two hundred million dollars
9 (\$200,000,000.00) of revenues received in any fiscal year
10 shall be distributed by the state treasurer as provided in
11 this subsection. One percent (1%) of these revenues shall
12 be credited to the general fund as an administrative fee,
13 and the remainder shall be distributed as follows:

14

15 (iii) Except as provided by W.S. 9-4-605(a),
16 twenty-six and one-quarter percent (26 1/4%) to the highway
17 fund subject to allocations under W.S. 9-4-606 and 9-4-607;
18 ~~first and then subject to allocations required under~~
19 ~~subsection (h) of this section;~~

20

21 (ix) Two and twenty-five one-hundredths percent
22 (2.25%), to the highway fund;
23 ~~subject to subsection (h) of~~
24 ~~this section;~~

1 (x) Five-eighths percent (.625%) to the highway
2 fund. ~~7, subject to subsection (h) of this section.~~

3
4 **9-4-602. Distribution and use; state treasurer's**
5 **duty.**

6
7 (a) Except as hereafter provided, distribution under
8 W.S. 9-4-601 shall be made by the state treasurer within
9 thirty (30) days after the receipt of the government
10 royalty funds for the preceding period. Federal mineral
11 royalties received by the state on a continuing monthly
12 basis shall be distributed under W.S. 9-4-601 by the state
13 treasurer, subject to the following and except as otherwise
14 provided by law for fiscal year 1994:

15
16 (iii) Federal mineral royalties to be
17 distributed to the public school foundation program account
18 under W.S. 9-4-601(a)(ii) and to or for local governments
19 under W.S. 9-4-601(a)(v) ~~7~~ and (vi) ~~and (x)~~ shall be
20 distributed as follows:

21
22 **9-4-1002. Guarantee program for local government**
23 **bonds.**

1 (d) As a condition of participating in the bond
2 guarantee program under this section, a city, town or
3 county shall enter into agreements necessary to provide
4 that:

5

6 (iii) If the city, town or county fails to
7 comply with paragraph (ii) of this subsection:

8

9 (B) To the extent that the city, town or
10 county has not deposited sufficient funds with the state to
11 comply with paragraph (ii) of this subsection, the state is
12 deemed to have loaned and the city, town or county is
13 deemed to have borrowed those funds subject to the
14 following terms and conditions:

15

16 (II) The loan, including principal and
17 interest, shall be repaid from the city, town or county's
18 next distributions of federal mineral royalties under W.S.
19 9-4-601(a)(v), ~~(ix) and (x)~~ and of severance taxes under
20 W.S. ~~39-14-211(d)(i) or (ii)~~ 39-14-801(d)(v) through
21 (viii). The loan is not deemed to be a general obligation
22 of the city, town or county, and the state shall not
23 require repayment from any source other than as provided in
24 this subdivision;

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17-15-143. Continuance.

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20-1-105. Judge may order license issued.

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(d) The application shall be executed by the manager or managers if any or by any member who is authorized to execute the application on behalf of the ~~corporation~~ limited liability company and shall be verified by the officer signing the application.

(a) If any county clerk refuses to issue a license to marry, or in case of circumstances arising which would necessitate the waiver of any one (1) or more of the requirements of W.S. 20-1-102 and 20-1-103(b) and (c), either applicant for the license may apply to the district court of the county for the issuance of a license without compliance with one (1) or more of those requirements. If the judge finds that a license should be issued, or such circumstances exist that it is proper that any one (1) or more of the requirements, ~~excluding health certificate,~~ should be waived, the judge may order in writing the issuance of the license. Upon the order of the judge being filed with the county clerk, the county clerk shall issue

1 the license at the time specified in the order. No fee or
2 court costs shall be charged or taxed for the order.

3

4 **27-9-102. Definitions.**

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6 (d) As used in W.S. 27-9-101 through ~~27-9-108~~
7 27-9-106, "department" means the department of employment
8 and the term "director" means the director of the
9 department or his designee who is authorized to administer
10 W.S. 27-9-101 through ~~27-9-108~~27-9-106.

11

12 **27-9-104. Powers and duties of department of**
13 **employment.**

14

15 (b) The department shall contract with an independent
16 hearing officer to conduct any hearing under W.S. 27-9-101
17 through ~~27-9-108~~27-9-106. The hearing officer's decision
18 in a case shall constitute the final agency action.

19

20 **31-5-224. Operation of vehicles upon approach of**
21 **authorized emergency vehicles.**

22

23 (a) Upon the immediate approach of an authorized
24 emergency vehicle making use of audible or visual signals

1 meeting the requirements of W.S. 31-5-928 and 31-5-952, the
2 driver of every other vehicle shall yield the right-of-way
3 and shall immediately drive to a position parallel to, and
4 as close as possible to, the right-hand edge or curb of the
5 roadway clear of any intersection and shall stop and remain
6 in that position until the authorized emergency vehicle has
7 passed, except when otherwise directed by a police officer.
8 When an authorized emergency vehicle making use of any
9 visual signals provided for in W.S. 31-5-928(d) is parked,
10 the driver of every other vehicle, as soon as it is safe:

11

12 (ii) When driving on a two (2) lane road, shall
13 slow to a speed that is twenty (20) miles per hour less
14 than the posted speed limit, except when otherwise directed
15 by a police officer.

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17 **37-9-302. Fireguards; penalty.**

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19 (b) The penalty imposed under subsection (a) of this
20 section applies to any railroad corporation failing to
21 comply with W.S. ~~37-9-202~~ 37-9-311.

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23 **39-11-101. Definitions.**

24

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

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4 (vi) "Fair market value" means the amount in
5 cash, or terms reasonably equivalent to cash, a well
6 informed buyer is justified in paying for a property and a
7 well informed seller is justified in accepting, assuming
8 neither party to the transaction is acting under undue
9 compulsion, and assuming the property has been offered in
10 the open market for a reasonable time, except, fair market
11 value of agricultural land shall be determined as provided
12 by W.S. 39-13-103(b)(x) and fair market value of mine
13 products shall be determined as provided by W.S.
14 39-14-203(b), 39-14-303(b), 39-14-403(b), 39-14-503(b),
15 39-14-603(b) and 39-14-703(b) ~~and 39-14-803(b)~~;

16

17 **39-15-111. Distribution.**

18

19 (c) If any person commences after the effective date
20 of this act to construct an industrial facility, as that
21 term is defined in W.S. 35-12-102, under a permit issued
22 pursuant to W.S. 35-12-106, or if the federal or state
23 government commences to construct any project within this
24 state with an estimated construction cost as specified in

1 the definition of industrial facility in W.S. 35-12-102 the
2 state treasurer shall thereafter pay to the county
3 treasurer and the county treasurer will distribute to the
4 county, cities and towns of that county in which the
5 industrial facility or project is located, impact
6 assistance payments from the monies available under
7 paragraph (b)(i) of this section. Each payment to the
8 county treasurer shall be equal to the excess of each
9 monthly payment made under paragraph (b)(iii) of this
10 section during the period of construction over the base
11 period amount and shall continue during the period of
12 construction except that in the case of an industrial
13 facility or a federal or state government project which is
14 expected to continue in phases for an indefinite period of
15 time, the state treasurer shall discontinue payments under
16 this section and establish a new base period when
17 construction of any phase has ceased or been substantially
18 completed for twelve (12) consecutive months. The impact
19 assistance payments shall be distributed to the county
20 treasurer and the county treasurer will distribute to the
21 county and to the cities and towns therein based on a ratio
22 established by the industrial siting council during a
23 public hearing held in accordance with W.S. 35-12-110. The
24 industrial siting council shall review the distribution

1 ratio for construction projects on a regular basis and make
2 appropriate adjustments. A governing body which is
3 primarily affected by the facility, or any person issued a
4 permit pursuant to W.S. 35-12-106, may petition the
5 industrial siting council for review and adjustment of the
6 distribution ratio upon a showing of good cause. The impact
7 assistance payment shall be in addition to all other
8 distributions under this section, but no impact assistance
9 payment shall be made for any period in which the county or
10 counties are not imposing the full one percent (1%) tax
11 authorized by W.S. ~~39-15-201 through 39-15-211~~
12 39-15-204(a)(i) and 39-16-204(a)(i). For purposes of this
13 subsection, the industrial facility or federal or state
14 government project will be deemed to be located in the
15 county in which a majority of the construction costs will
16 be expended, provided that upon a request from the county
17 commissioners of any adjoining county to the industrial
18 siting council, the council may determine that the social
19 and economic impacts from construction of the industrial
20 facility or federal or state government project upon the
21 adjoining county are significant and establish the ratio of
22 impacts between the counties and certify that ratio to the
23 state treasurer who will thereafter distribute the impact
24 assistance payment to the counties pursuant to that ratio.

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39-16-111. Distribution.

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4 (d) If any person commences after the effective date
5 of this act to construct an industrial facility, as that
6 term is defined in W.S. 35-12-102, under a permit issued
7 pursuant to W.S. 35-12-106, or if the federal or state
8 government commences to construct any project within this
9 state with an estimated construction cost as specified in
10 the definition of industrial facility in W.S. 35-12-102 the
11 state treasurer shall thereafter pay to the county
12 treasurer and the county treasurer will distribute to the
13 county, cities and towns of that county in which the
14 industrial facility or project is located, impact
15 assistance payments from the monies available under
16 paragraph (b)(i) of this section. Each payment to the
17 county treasurer shall be equal to the excess of each
18 monthly payment made under paragraph (b)(iii) of this
19 section during the period of construction over the base
20 period amount and shall continue during the period of
21 construction except that in the case of an industrial
22 facility or a federal or state government project which is
23 expected to continue in phases for an indefinite period of
24 time, the state treasurer shall discontinue payments under

1 this section and establish a new base period when
2 construction of any phase has ceased or been substantially
3 completed for twelve (12) consecutive months. The impact
4 assistance payments shall be distributed to the county
5 treasurer and the county treasurer will distribute to the
6 county and to the cities and towns therein based on a ratio
7 established by the industrial siting council during a
8 public hearing held in accordance with W.S. 35-12-110. The
9 impact assistance payment shall be in addition to all other
10 distributions under this section, but no impact assistance
11 payment shall be made for any period in which the county or
12 counties are not imposing the full one percent (1%) tax
13 authorized by W.S. ~~39-15-204~~ 39-15-204(a)(i) and
14 ~~39-16-102(d) through (h)~~ 39-16-204(a)(i). For purposes of
15 this subsection, the industrial facility or federal or
16 state government project will be deemed to be located in
17 the county in which a majority of the construction costs
18 will be expended, provided that upon a request from the
19 county commissioners of an adjoining county to the
20 industrial siting council, the council may determine that
21 the social and economic impacts from construction of the
22 industrial facility or federal or state government project
23 upon the adjoining county are significant and establish the
24 ratio of impacts between the counties and certify that

1 ratio to the state treasurer who will thereafter distribute
2 the impact assistance payment to the counties pursuant to
3 that ratio.

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5 **39-16-202. Administration.**

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7 (g) No applicant to the state of Wyoming for grant or
8 loan funds shall be penalized for failure to enact the tax
9 provided in W.S. ~~39-16-204(a)(iii)~~ 39-16-204(a)(ii).

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11 **39-16-211. Distribution.**

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13 (b) All revenue collected by the department from the
14 taxes imposed by W.S. 39-16-204(a)(ii) shall be transferred
15 to the state treasurer who shall:

16

17 (iv) If taxes collected exceed the amount
18 necessary for the approved purpose, the excess funds shall
19 be retained by the county treasurer for one (1) year for
20 refund of overpayments of the tax imposed pursuant to this
21 act upon order of the department. After one (1) year any
22 interest earned on the excess funds and the excess funds
23 less any refunds ordered shall be transferred to the county
24 or municipality as specified in the resolution adopted

1 pursuant to W.S. ~~39-16-203(a)(iii)(A)~~ 39-16-203(a)(ii)(A).
2 Excess funds collected on the propositions approved prior
3 to January 1, 1989, and any interest earned shall be
4 retained by the county treasurer for use in any purposes
5 approved by the electors in accordance with procedures set
6 forth in this section and for refunds of overpayment of
7 taxes imposed pursuant to this act upon the order of the
8 department, except that, with the approval of the governing
9 bodies adopting the initial resolution, the excess funds
10 and any interest earned may be used for the needs of the
11 project for which the tax was approved.

12

13 **42-4-103. Authorized services and supplies.**

14

15 (a) Services and supplies authorized for medical
16 assistance under this chapter include:

17

18 (xxii) Services provided by an intermediate care
19 facility as defined under 42 U.S.C. § ~~1396d(e)~~ 1396d(d);

20

21 **Section 2.** W.S. 9-4-601(h) and 39-14-211(h) are
22 repealed.

23

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.

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7 **Section 4.** This act is effective immediately upon
8 completion of all acts necessary for a bill to become law
9 as provided by Article 4, Section 8 of the Wyoming
10 Constitution.

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(END)