

ENROLLED ACT NO. 69, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

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

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

Section 1. W.S. 1-15-409(b), 1-20-109, 1-22-203(e), 1-40-203(b) (ii), (xiii) and (xvii), 1-42-113(a) (iv), 2-5-101(c), 2-6-109(a), 2-7-805(d) and (e), 2-15-104, 2-15-105(b), 3-5-213, 5-1-106(d) and (e), 5-3-104, 5-3-211, 5-9-135, 6-2-312(a) (intro), 6-3-401(a) (iii), 7-1-109(g) (ii), 7-2-105(o), 7-6-112(a) (ii), 7-11-403(a) (intro), 7-11-407, 7-15-102(a) (ii), 9-1-618(b) (ii), 9-2-1016(c) (i) and (v), 9-3-301(a) (ix), 9-4-210, 9-4-601(a) (vi), 9-4-604(k) (iii), 9-4-701(q) (intro) and (ii) (B), 9-4-1201(a) (xi), 11-2-204(a), 11-7-301(a) (v), 11-19-304, 11-20-101(a) (vii), 11-24-108(a), 13-6-304(a) (iii), 14-3-308(b), 14-4-113(a), 14-6-233(a), 14-6-301(a) (iii), 14-8-103(a) (intro), 15-1-103(a) (xxix) (C) and (xli), 15-1-108(a) (vi) (C), 15-1-701(a) (ii), 15-4-229, 15-4-244(b), 15-6-401, 15-6-433, 16-1-104(d), 16-2-101(a) (v), 16-3-101(b) (ix) (E) and (F), 16-4-103(b), 16-4-123(c), 16-6-501(b) and (d), 16-6-801(a) (ii), 16-6-803(b), 16-9-102(a) (x), 17-4-122(d), 17-4-124(b), 17-10-118, 17-10-122, 17-16-825(e) (ii), 17-16-1103(j), 17-16-1801(b), 17-17-114(c), 17-18-106(b) (intro), 17-18-116(f), 17-19-1630(a), 18-3-304, 18-3-402(a) (vi) (B) and (xxiv), 18-3-516(b) (i), 18-3-520, 18-3-812, 18-4-201(b) (iii), 18-4-501(a) (v), 18-5-203, 18-6-313, 18-8-106, 19-7-102(a) (intro), (ii) and (iii), 19-11-102(c), 20-4-140(a) (xxii), 20-4-153(a) (ii), 21-2-402(b) (x) (B), 21-2-702, 21-2-703(a) (iii), 21-4-309(d) (i), 21-6-202(a) (i),

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21-12-101(a), 21-13-310(a)(ii)(B), 21-13-313(d),
21-13-326(a)(ii), 21-15-108(d)(ii), 21-15-109(e),
21-16-720(b), 21-17-417(a)(ii), 21-17-427(a)(xii),
25-5-102(a)(iv) and (xiii), 25-10-101(a)(xiv),
25-10-116(b), 25-11-101(a)(iv), 26-2-209, 26-3-114(a)(iii),
26-4-102(b)(i), 26-4-103(h), 26-4-105(a), 26-7-101,
26-14-102(a)(viii), 26-14-103(a)(xii), 26-17-127(a)(intro),
26-19-304(a)(ii), 26-29-238(b), 26-34-102(a)(xxix),
26-34-120(e)(ii), 26-34-127(a), 27-3-102(a)(xxii),
27-3-103(a)(viii), (ix) and (b), 27-3-105(a)(i), (ii),
(b)(xi) and (xii), 27-3-317(g)(ii), 28-1-107(a)(i),
29-2-110(a), 29-3-109(a), 29-3-110, 29-6-206(a)(i) and (c),
29-7-103(a), 29-7-105(b)(intro), 30-2-210(a),
30-5-101(a)(i)(F) and (G), 30-5-103(b), 30-5-109(c)(iii),
30-5-110(b), (c)(ii), (iii) and (t), 30-5-126, 31-2-104(f),
31-2-107(a), 31-2-212, 31-2-504(c), 31-7-105(f)(iv),
31-18-806, 32-1-110, 33-1-106, 33-3-103, 33-3-124,
33-7-108(b), 33-7-209(a)(iii), 33-9-105, 33-9-107,
33-16-111, 33-16-207, 33-16-305, 33-16-317, 33-16-318,
33-21-145(b), 33-24-153(a), 33-26-103(a)(iii),
33-29-139(c)(intro), 33-29-148, 33-33-104(a)(intro) and
(vii), 33-43-109, 34-1-118, 34-1-126, 34-16-105,
34.1-2-511(c), 34.1-2.A-307(b), 34.1-3-103(b),
34.1-3-503(a), 34.1-4-503(b), 35-1-613(a)(xi), 35-4-103,
35-6-107(b), 35-7-1018(b)(i), 35-8-405, 35-9-608(a),
35-10-206, 35-11-110(d), 35-11-404(c)(ii), 35-11-503(c),
35-11-1104(a)(iii), 35-22-101(a)(x), 37-7-109(a)(iii)(D),
37-7-201, 37-7-309, 37-9-104, 37-9-501, 37-9-601,
37-13-127, 40-13-105, 40-13-106, 40-14-407(b)(ii),
40-17-101(a)(i)(A), 41-2-112(a), 41-2-124(c), 41-3-108(a),
41-4-209, 41-7-906(a)(i), 41-9-261, 41-13-206(e) and
42-2-103(e)(iv)(A) are amended to read:

1-15-409. Service of writ; return; copy to defendant.

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(b) Not later than five (5) days after service is made upon the garnishee the sheriff or other person who served the writ shall mail a copy of the writ to the defendant. The ~~papers~~writ shall be sent by first class United States mail with the postage prepaid. The ~~envelopes~~envelope shall be furnished and properly addressed by the plaintiff.

1-20-109. Exemptions from estates in bankruptcy.

In accordance with ~~section 522(b)(2) of the Bankruptcy Reform Act of 1978,~~ 11 U.S.C. § 522(b)(1), the exemptions from property of the estate in bankruptcy provided in 11 U.S.C. § 522(d) are not authorized in cases where Wyoming law is applicable on the date of the filing of the petition and the debtor's domicile has been located in Wyoming for the one hundred eighty (180) days immediately preceding the date of the filing of the petition or for a longer portion of the one hundred eighty (180) day period than in any other place.

1-22-203. Confidential intermediaries; confidential intermediary services.

(e) Any person acting as a confidential intermediary who knowingly fails to comply with the provisions of subsections (c) and (d) of this section shall be subject to citation and punishment for contempt as provided by Rule ~~41~~42, Wyoming Rules of Criminal Procedure.

1-40-203. Victim and witness bill of rights.

(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights:

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(ii) To be provided information about the right to receive judicially ordered restitution as provided in W.S. ~~7-9-107~~ 7-9-102;

(xiii) To be notified about the defendant's conviction as provided in W.S. ~~7-21-102(a)(ii)~~ 7-21-102(a);

(xvii) To be notified about the opportunity to make an impact statement at sentencing as provided in W.S. ~~7-21-102(a)(vii)~~ 7-21-102(a); and

1-42-113. Proposal to transfer administration of local government self-insurance account; transfer after approval; effect.

(a) The local government self-insurance policy board may submit to all participating local governments a proposal to transfer administration of the account and all functions under the provisions of this act to a joint powers board to operate the local government self-insurance program in accordance with W.S. 1-42-201 through 1-42-207. As of July 1, next following the approval of such a proposal by two-thirds (2/3) of the participating local governments:

(iv) The local government self-insurance program shall be operated in accordance with the provisions of W.S. 1-42-201 through 1-42-207, and not in accordance with the provisions of this act. The program shall be administered by the risk manager under the direction of the board for up to one (1) year after the transfer of the program. The program shall reimburse the department of administration and information for one hundred percent (100%) of the direct costs and thirty percent (30%) of the budget of the office costs, salaries and benefits of the self-insurance

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program within the ~~procurement~~general services division of the department during that period.

2-5-101. Elective share of property.

(c) If the surviving spouse of a married person domiciled in this state dies or becomes incompetent within three (3) months after the will is admitted to probate or before being advised of the right of election as in W.S. ~~2-5-201~~2-5-104 provided, a personal representative or guardian of the estate of the deceased or incompetent surviving spouse has the same right of election as the surviving spouse would have had if living or competent.

2-6-109. Nonademption of specific devises where sold by conservator; exception; rights of specific devisee.

(a) If specifically devised property is sold by a conservator, or if a condemnation award or insurance proceeds are paid to a conservator as a result of a condemnation, fire or casualty, the specific devisee has the right to a general pecuniary devise equal to the net sale price, the condemnation award or the insurance proceeds. This subsection does not apply if after the sale, condemnation or casualty, it is adjudicated that the disability of the testator has ceased and the testator survives the adjudication by one (1) year. The right of the specific devisee under this subsection is reduced by any right he has under subsection ~~(a)~~(b) of this section.

2-7-805. Allowance and payment of personal representative's fees and attorney fees; limitations.

(d) No contingent fee shall be allowed against an estate or paid by an estate for legal services rendered to or for or on behalf of an estate, except in a proceeding

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for recovery for wrongful death under W.S. ~~2-14-201~~ and ~~2-14-202~~ 1-38-101 and 1-38-102, unless before commencement of the services a written contract is entered into by the personal representative and the attorney with respect thereto and the contract is submitted to the court upon written, verified application of the personal representative and is approved by the court. No contract shall be approved if it violates any statute or rule of court. No contract shall be approved unless it appears to the court, upon due consideration of the size of the estate and the nature and extent of the legal services to be rendered, that adequate compensation of the attorney cannot be assured by allowance of fees for extraordinary services pursuant to W.S. 2-7-803.

(e) The provisions of W.S. 2-7-801 through ~~2-7-804(d)~~ 2-7-804 apply to personal representatives and attorneys serving in ancillary administration in Wyoming, except as the probate court in which the ancillary administration is pending may otherwise determine for good cause shown.

2-15-104. Disposition of unclaimed property.

When real or personal property remains in the hands of the agent unclaimed for one (1) year, the agent shall petition the court for an order directing the sale of the property. If it appears to the court that it is for the benefit of all interested parties the property shall be sold under the order of the court and the proceeds, after deducting the expenses of the sale allowed by the court, be held by the agent in a fiduciary capacity subject to the provisions of the Uniform Unclaimed Property Act, W.S. 34-24-101 through ~~34-24-139~~ 34-24-140.

2-15-105. Agent to render annual account; information to be shown; hearing; court may order sale of property.

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(b) When filed, the court may examine witnesses and take proofs in regard to the account. If satisfied that it will be for the benefit of the persons interested therein, the court may order a sale to be made of the whole or such parts of the real or personal property as appears proper and the purchase money to be held by the agent in a fiduciary capacity subject to the provisions of the Uniform Unclaimed Property Act, W.S. 34-24-101 through ~~34-24-139~~ 34-24-140.

3-5-213. Presumption of principal's capacity.

The principal of a durable power of attorney for health care executed in accordance with this article is presumed to be capable of executing a durable power ~~or~~of attorney. A person who contests the presumption must prove by clear and convincing evidence the principal was incompetent at the time the durable power of attorney for health care was executed.

5-1-106. Retirement of judges of the supreme court or district courts; pension; assignment of retired judges.

(d) This ~~act~~section shall apply to judges who have retired heretofore.

(e) Any judge who is otherwise eligible to receive a pension may receive the benefits accorded by this ~~act~~section if he retires on the day of attainment of the age of seventy (70) years, or prior thereto, provided that if he is a judge on the effective date of this act, he may complete the present term for which he was elected or appointed without the loss of any pension benefits accorded by this ~~act~~section.

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5-3-104. Opening day in case of legal holiday.

Whenever the opening day of a term of any district court in the state of Wyoming falls upon a day designated as a legal holiday, as defined in W.S. ~~8-6-101~~8-4-101, it is hereby provided that the day following such legal holiday shall be the opening day of ~~said~~the term of ~~said~~the district court.

5-3-211. Books and records to be kept.

The clerk of district ~~courts~~court shall keep an appearance docket, a trial docket, journal, record and execution docket. The appearance docket, record and execution docket may be kept and preserved in one (1) book.

5-9-135. Filing fee.

For all civil matters the circuit court shall collect from the plaintiff an original filing fee of twenty dollars (\$20.00), and a court automation fee of ten dollars (\$10.00), excluding small claims civil actions as provided in W.S. 1-21-201 through 1-21-205 which shall have a filing fee of ten dollars (\$10.00). The court automation fee shall be deposited into the judicial systems automation account as provided by W.S. ~~5-5-152~~5-9-144.

6-2-312. Evidence of victim's prior sexual conduct or reputation; procedure for introduction.

(a) In any prosecution under W.S. 6-2-302 through ~~6-2-305~~6-2-304 or for any lesser included offense, if evidence of the prior sexual conduct of the victim, reputation evidence or opinion evidence as to the character of the victim is to be offered the following procedure shall be used:

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6-3-401. Definitions.

(a) As used in this article:

(iii) "This article" means W.S. 6-3-401 through ~~6-3-409~~ 6-3-411.

7-1-109. Examination for sexually transmitted diseases required in certain cases; health officers to notify crime victims; results confidential.

(g) As used in this section:

(ii) "Sex offense" means sexual assault under W.S. 6-2-302 through ~~6-2-305~~ 6-2-304, attempted sexual assault, conspiracy to commit sexual assault, incest under W.S. 6-4-402 or indecent liberties under W.S. 14-3-105.

7-2-105. Disposition and appraisal of property seized or held; notice and order to show cause; judgment.

(o) This section does not apply to property which is subject to the Uniform Unclaimed Property Act, W.S. 34-24-101 through ~~34-24-139~~ 34-24-140.

7-6-112. Applicability of provisions.

(a) This act does not apply to:

(ii) Representation of an individual in proceedings for hospitalization of mentally ill persons under W.S. 25-10-101 through ~~25-10-126~~ 25-10-127;

7-11-403. Applicability of rules and civil procedure provisions.

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(a) To the extent practicable and when not otherwise specifically provided, the provisions of the Wyoming Rules of Civil Procedure, the Wyoming Rules of Evidence and the Wyoming Code of Civil Procedure shall govern in criminal cases, relative to:

7-11-407. Procedures for taking depositions.

Procedures for the taking of depositions in criminal cases shall be governed by the Wyoming Rules of Criminal Procedure ~~and the Wyoming Rules of Criminal Procedure for County Courts.~~

7-15-102. Additional definitions; short title.

(a) As used in W.S. 7-15-101 through 7-15-105:

(ii) "This act" or "this agreement" means W.S. 7-15-101 through ~~7-15-106~~ 7-15-105.

9-1-618. Agents to be safeguarded as peace officers; general assistance to state, county or local authorities; investigative duties.

(b) The division shall investigate:

(ii) Suspected violations of the Wyoming Controlled Substances Act of 1971 and shall perform all the duties of a law enforcement officer under that act;

9-2-1016. General services division.

(c) The surplus property section within the division of general services is created, which shall be the state's surplus property agency pursuant to the terms of section

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203(j) of the Federal Property and Administrative Services Act of 1949, as amended. The surplus property section may:

(i) Acquire from the United States of America under and in conformance with the Federal Property and Administrative Services Act of 1949, as amended, hereinafter referred to as the "act", property, including equipment, materials, books or other supplies under the control of any department or agency of the United States of America which are usable and necessary for purposes of education, public health or civil defense, including research for any purpose authorized by federal law; to warehouse the property; and to distribute the property within the state to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges and universities within the state, to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges and universities which have been held exempt from taxation under ~~section 501(c)(3) of the United States Internal Revenue Code of 1954~~ 26 U.S.C. § 501(c)(3), to civil defense organizations of the state, or political subdivisions and instrumentalities which are established pursuant to state law, and to other types of institutions or activities which are eligible under federal law to acquire the property;

(v) Cooperate to the fullest extent consistent with the act with the departments or agencies of the United States of America, file a state plan of operation, operate in accordance therewith, and take necessary action to meet the minimum standards prescribed in accordance with the act, make reports in the form and containing the information which the United States of America or any of its departments or agencies requires, and comply with the laws of the United States of America and the rules and regulations of any of the departments or agencies of the

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United States of America governing the allocation, transfer, use of, or accounting for, property donable or donated to the state.

9-3-301. Definitions.

(a) As used in this act:

(ix) "This act" means W.S. 9-3-301 through ~~9-3-307~~ 9-3-306.

9-4-210. Consolidation of existing funds.

The existing state funds as identified by number and title on the accounting records of the state auditor and state treasurer as stated in W.S. 1957 9-557.4 contained in chapter 245, section 1, 1973 Session Laws and W.S. 1957 9-557.10(b) through (m) contained in chapter 16, section 1, 1974 Session Laws shall continue to be consolidated into the funds established by W.S. 9-4-204 as fund accounts where applicable.

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

(a) All monies received by the state of Wyoming from the secretary of the treasury of the United States under the provisions of the act of congress of February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, or from lessees or authorized mine operators and all monies received by the state from its sale of production from federal mineral leases subject to the act of congress of February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191) as amended, except as provided by subsection (b) of this section, shall be deposited in the trust and agency fund and the first two hundred million dollars

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(\$200,000,000.00) of revenues received in any fiscal year shall be distributed by the state treasurer as provided in this subsection. One percent (1%) of these revenues shall be credited to the general fund as an administrative fee, and the remainder shall be distributed as follows:

(vi) ~~Except as provided in subsection (e) of this section,~~ Three and seventy-five hundredths percent (3.75%) to the capital construction account to be expended as provided by W.S. 9-4-604(k)(i) or to fund bonds the proceeds of which will be used under W.S. 9-4-604(g) and one and twenty-five hundredths percent (1.25%) to the highway fund;

9-4-604. Distribution and use; capital construction projects and bonds; municipal, county and special district purposes.

(k) All revenues received under W.S. 9-4-601(a)(vi) and (b)(i) prior to the issuance of bonds under subsection (b) of this section and all revenues in excess of those required to be otherwise expended or retained pursuant to subsection (j) of this section or pursuant to the resolution or resolutions authorizing the issuance of bonds under subsection (b) of this section shall be used or distributed as follows:

(iii) Funds may be used by the state loan and investment board to provide one-half (1/2) of the twenty percent (20%) state matching funds for each federal capitalization grant to the ~~drinking water~~ state drinking water revolving ~~fund program~~ loan account created by W.S. 16-1-302.

9-4-701. Permissible investments; treasurer's rules and regulations.

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(q) The limitation on legislatively designated investments under W.S. 9-4-712 applies to this investment. ~~To promote economic development and in addition to the authority under paragraph (a)(iii) of this section,~~ The state treasurer is authorized to invest and keep invested not to exceed one hundred million dollars (\$100,000,000.00) of any state permanent funds available for investment through the purchase of industrial development bonds issued by joint powers boards, municipalities or counties under W.S. 15-1-701 through 15-1-710 subject to the terms and conditions specified under this subsection. By December 31 of each calendar year, the state treasurer and the Wyoming business council shall each provide a report to the joint minerals, business and economic development committee on the effectiveness of the investment program authorized by this subsection. The reports shall include the costs incurred by the state to the permanent mineral trust fund, and the revenue received by the Wyoming business council through fees and businesses who utilized the program:

(ii) No investment shall be made under this subsection unless:

(B) The Wyoming business council shall establish guidelines dependent upon the type of business concerned in each project considered and shall set the maximum amount of the investment to be made by the state of Wyoming in each project. In setting the maximum amount of investment the business council shall consider the number of jobs created or preserved by the facility and the economic impact to the state which may result from the facility. The council shall review each project considered with the Wyoming energy commission created pursuant to W.S. ~~30-6-601~~ 30-7-101, provided the project being considered

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involves an area over which the commission has been given authority;

9-4-1201. Definitions.

(a) As used in this act:

(xi) "This act" means W.S. 9-4-1201 ~~and 9-4-1202~~
through 9-4-1204.

11-2-204. Services of persons in employ of university; reimbursement; applicability of provisions.

(a) In performing duties imposed by law which require technical scientific training, the director may request the services of qualified members of the University of Wyoming faculty, resident or extension. Faculty members shall serve without additional compensation but the department shall reimburse the University of Wyoming for fifty percent (50%) of the salary paid by the university while the faculty member is actually performing services for the ~~commissioner~~
director. The use of faculty members and the proportion and distribution of their time shall be determined by agreement between the director and the president of the university and the faculty member shall be employed by the department when performing duties for the director under this section.

11-7-301. Apiaries; powers and duties of the department.

(a) To prevent the spread of contagious and infectious disease among bees and apiaries, to protect apiaries against depredation by wildlife and to assist law enforcement agencies in an effort to alleviate losses due to theft, the department may:

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(v) Order the hives within an apiary which is not legally registered with the state to be confiscated. The owner of the apiary shall be notified at least seven (7) days prior to the date of confiscation. Notification shall be by certified mail addressed to the last known address of the owner or by personal service ~~to~~ upon the owner;

11-19-304. Prohibition on importation of cattle; penalties.

Any person bringing cattle into any "tuberculosis modified accredited area" except in compliance with the rules and regulations made by the state veterinarian shall upon conviction be punished by imprisonment for not more than one (1) year, or by a fine of not more than one hundred dollars (\$100.00), or both.

11-20-101. Definitions.

(a) As used in this act:

(vii) "This act" means W.S. 11-19-101 through 11-19-506, 11-20-101 through 11-24-115 and 11-30-101 through ~~11-30-112~~ 11-30-115;

11-24-108. Stock at large or picketed on public highways; penalties for violations; impoundment and disposition; fees; proceeds from sale thereof; removal of dead or injured animals.

(a) No owner or person having custody or charge of livestock shall permit the livestock to run at large in any fenced public highways in Wyoming as defined in W.S. 31-1-101. Livestock shall not be picketed on a public highway right-of-way from one (1) hour before sundown to

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one (1) hour after sunrise. If livestock are picketed on a public highway and escape, the owner or person having custody or charge of the livestock is deemed to have permitted the livestock to run at large in violation of this section. No livestock shall be picketed on an interstate or national defense highway as defined in W.S. ~~31-5-1001(a)(xv)~~ 31-18-801(a)(xvi).

13-6-304. Conversion to state association; procedure.

(a) Any savings and loan association organized under the federal laws and doing business in this state may convert itself into a state savings and loan association under the laws of this state by the following procedure:

(iii) The association shall then organize itself as a state savings and loan association under the laws of this state, including the filing of appropriate articles of incorporation, adoption of bylaws and election of officers and full compliance with the provisions of W.S. ~~13-6-209 through 13-6-221~~ 13-2-201, 13-2-202 and 13-2-207 through 13-2-215. Upon completion of its organization, the association ceases to be a federal savings and loan association and becomes a state savings and loan association subject to the supervision of the state banking commissioner, the federal deposit insurance corporation and the office of thrift supervision.

14-3-308. Further regulation by local ordinance.

(b) No governmental entity shall enact any law or ordinance which changes the standards provided by W.S. 14-3-302(a) and (c), 14-3-303(a), 14-3-304(a) and 14-3-305(a) ~~.and (c).~~

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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 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 ~~industrial institute~~ Wyoming boys' school, the Wyoming girls school, or such other privately or publicly operated facility as the court deems appropriate.

14-6-233. Appeal; right generally; transcript provided; cost thereof.

(a) Any party including the state may appeal any final order, judgment or decree of the juvenile court to the supreme court within the time and in the manner provided by the Wyoming Rules of ~~Civil~~ Appellate Procedure.

14-6-301. Definitions.

(a) As used in W.S. 14-6-301 through 14-6-308:

(iii) "Institution" means the Wyoming boys' school, Wyoming girls' school and any other state institution, including a youth correctional facility operated by a private entity in which a Wyoming youth is placed pursuant to W.S. 14-6-201 through ~~14-6-243~~ 14-6-252;

14-8-103. Definitions.

(a) As used in this ~~article~~ chapter:

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15-1-103. General powers of governing bodies.

(a) The governing bodies of all cities and towns may:

(xxix) Appoint a board of health and prescribe its powers and duties and:

(C) Contract for treatment and preventive services for the mentally ill, substance abuser and developmentally disabled as provided in W.S. 35-1-611 through ~~35-1-625~~ 35-1-628;

(xli) Adopt ordinances, resolutions and regulations, including regulations not in conflict with this act and necessary for the health, safety and welfare of the city or town, necessary to give effect to the powers conferred by this act and, except as provided by paragraph (xlvi) of this subsection, enforce all ordinances by imposing fines not exceeding seven hundred fifty dollars (\$750.00), or imprisonment not exceeding six (6) months, or both. The governing body of a city or town may by ordinance impose a term of probation for battery which may exceed the maximum term of imprisonment established for the offense provided the term of probation, together with any extension thereof, shall in no case exceed one (1) year;

15-1-108. Powers and duties of mayor; appointment of mayor pro tem.

(a) Unless otherwise provided by statute, the mayor shall:

(vi) Have one (1) vote on all matters coming before the governing body upon which a vote is taken, except a vote:

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(C) Pursuant to a hearing for removal or discharge as provided in W.S. ~~15-2-102(b)(iv)(B)~~ 15-2-102(b)(iv)(C) or ~~15-3-204(b)(iv)(B)~~ 15-3-204(b)(iv)(C).

15-1-701. Definitions; vesting of powers and privileges.

(a) As used in this article:

(ii) "Project" means any land, building, pollution control facility or other improvement and all necessary and appurtenant real and personal properties, whether or not in existence, suitable for manufacturing, industrial, commercial or business enterprises or for health care facilities, ~~having received an approved state certificate of need for said project in accordance with W.S. 35-2-201 through 35-2-214.~~ Project may also mean an undivided interest as a tenant in common in an electrical generating facility or in pollution control facilities in connection therewith;

15-4-229. Claims; appeals; exception; definition.

Except as provided by W.S. 1-39-101 through ~~1-39-119~~ 1-39-121, 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 ~~1-39-119~~ 1-39-121.

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15-4-244. Construction or reconstruction of sidewalks and curbs; landowner's duties; notice; assessment; establishing grade and parking width.

(b) If the manager considers it necessary that a sidewalk or curb be constructed, reconstructed or repaired, notice shall be served upon the owner of the land along which it is to be constructed or repaired specifying the manner in which it is to be constructed or repaired and the estimated cost which may be assessed if the city or town does the work. The notice shall be served personally upon the owner, or if he is not to be found within the city or town, it shall be sent to him by registered or certified mail, requesting a return receipt, if his address is known. Otherwise it shall be published once in the official newspaper of the city or town. Unless the owner within two (2) weeks after service, mailing or publication of the notice, begins the construction or repair and completes it without delay, the manager shall have the work done at the expense of the permanent improvement revolving fund. Upon completion of the work, the manager shall certify the cost thereof to the clerk of the city or town. The governing body shall then fix a date for hearing upon the costs. The procedure for notice and hearing shall be as set forth in W.S. 15-6-405. Upon confirmation of the assessment by the governing body, the charge levied is a lien upon the property as set forth in W.S. 15-6-406. The governing body may levy and collect the assessment and provide for the manner of sale, redemption and conveyance of lands sold for nonpayment of the assessment in the manner provided in W.S. 15-6-401 through ~~15-6-447~~15-6-448. When collected the assessment shall be paid into the revolving fund. The manager, upon proper showing made to him, may extend the time within which the construction or repair shall begin or be completed.

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15-6-401. How grades established or altered; cost.

If the notice provided for in W.S. 15-6-202, is in whole or in part to establish or alter a grade, the governing body, after the expiration of giving the notice as provided in W.S. ~~15-6-204~~15-6-202, may establish it by ordinance or resolution. The cost of establishing or altering the grade of any streets, highway, avenue, road or alley may be paid out of the general funds of the city or town or may be specially assessed.

15-6-433. Bonds; action for nonpayment.

If the city or town fails, neglects or refuses to pay the bonds or to promptly collect any assessment when due, the owner of any bonds may proceed in his own name to collect the assessments and foreclose the lien in any court of competent jurisdiction. The bondholder shall recover five percent (5%) in addition to the amount and interest thereon, together with the cost of the suit. Any number of holders of the bonds for any single improvement may join as plaintiffs, and any number of owners of ~~the~~ property ~~on which they are a~~encumbered by the lien may be joined as defendants in the suit.

16-1-104. Joint powers, functions and facilities; city-county airport board; eligible senior citizen centers.

(d) Any city-county airport board heretofore organized and operating pursuant to W.S. ~~10-4-101 through 10-4-105~~10-5-101 through 10-5-204 shall be deemed a joint powers board, and shall not be required to reorganize as provided for by W.S. 16-1-106(a) but is subject to all other provisions of this act.

16-2-101. Definitions.

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(a) As used in this act:

(v) "This act" means W.S. 16-2-101 through ~~16-2-104~~ 16-2-103.

16-3-101. Short title; definitions.

(b) As used in this act:

(ix) "Rule" means each agency statement of general applicability that implements, interprets and prescribes law, policy or ordinances of cities and towns, or describes the organization, procedures, or practice requirements of any agency. The term includes the amendment or repeal of a prior rule, but does not include:

(E) Rules concerning the use of public roads or facilities which are indicated to the public by means of signs and signals; or

(F) Ordinances of cities and towns; or

16-4-103. Budget requirements.

(b) Intragovernmental and enterprise fund municipal budgets are required for adequate management control and for public information including financial statements of condition, work programs and any other costs as the municipal governing body may request. These fund accounts shall not be deemed to have spent amounts in excess of those budgeted when the funds available from all sources ~~is~~ are sufficient to cover the additional operating expenditures which have been approved by the governing bodies.

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16-4-123. Examinations of audit reports; violations; malfeasance by public officers and employees.

(c) If it appears an auditor has knowingly issued an audit report under the provisions of this act containing any false or misleading statement, the director of the state department of audit shall report the matter in writing to the ~~state board of accountancy~~ Wyoming board of certified public accountants and to the municipality.

16-6-501. Building plans and specifications; required facilities; elevators; curb ramps; inspections; exceptions.

(b) Every curb or sidewalk to be constructed or reconstructed in Wyoming, where both are provided and intended for public use, whether constructed with public or private funds, shall provide a ramp at points of intersection between pedestrian and motorized lines of travel and no less than two (2) curb ramps per lineal block. Design for curb ramps shall take into consideration the needs of all physically handicapped persons including blind pedestrians. Existing design standards will be available from the governor's committee for employment of the handicapped. If future improvements in the curb ramp design will benefit handicapped and elderly persons, designs stipulated in this article may be altered after full hearings on the proposed changes by the ~~director~~ administrator of the division of vocational rehabilitation, the ~~director~~ program manager of the governor's committee ~~for employment of the handicapped~~ on employment of people with disabilities and the state fire marshal.

(d) Exceptions may be granted by the state fire marshal in consultation with the ~~director~~ administrator of the division of vocational rehabilitation, the ~~director~~ program manager of the governor's committee ~~for employment~~

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~~of the handicapped on employment of people with disabilities,~~ and the ~~state safety engineer occupational health and safety commission chairman.~~

16-6-801. Definitions.

(a) As used in this article:

(ii) "Architect" means any person licensed to practice architecture pursuant to W.S. 33-4-101 through ~~33-4-115~~ 33-4-117 and designated as the project architect for a specific capital construction project;

16-6-803. Department of commerce to acquire works of art; advisory panel to consult in acquisition; procedure; public education programs.

(b) The acquisition of works of art from funds within the separate general fund account established under W.S. ~~16-6-202(b)~~ 16-6-802(b) shall not require advertisement for bids.

16-9-102. Definitions.

(a) As used in this act:

(x) "This act" means W.S. 16-9-101 through ~~16-9-106~~ 16-9-108;

17-4-122. Civil liability of sellers violating provisions.

(d) Every cause of action under this ~~statute~~ act survives the death of any person who might have been a plaintiff or defendant.

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17-4-124. Rules, forms and orders.

(b) No rule, form, or order may be made, amended, or rescinded unless the secretary of state finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this act. In prescribing rules and forms the secretary of state may cooperate with the securities administrators of the other states and the securities and exchange commission with a view to effectuating the policy of this ~~statute~~act to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable.

17-10-118. Liability of directors upon payment of dividends or appointment when corporation insolvent; exception.

If the directors of any corporation organized under this act shall declare and pay any dividend or apportionment of earnings or profits to members or nonmembers when the corporation is insolvent or when it would be rendered insolvent by such payment, such directors shall be jointly and severally liable for all debts of the corporation then existing and for all such debts thereafter incurred while they shall respectively continue in office. Any director may relieve himself from such liability at any time before the time fixed for the payment of such dividend or apportionment by filing a certificate in writing of his objection with the secretary of the corporation, and with the ~~register of deeds~~county clerk of the county in which the principal office is located.

17-10-122. Inducing breach of marketing contract or spreading false reports of finances or management; penalty.

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Any person ~~or persons~~ who, or any corporation whose officers or employees knowingly induces or attempts to induce any member or stockholder of an association organized hereunder to breach his marketing contract with the association, or who maliciously and knowingly spreads false reports about the finances or management thereof, shall be guilty of a misdemeanor and subject to a fine of not less than one hundred dollars (\$100.00), and not more than one thousand dollars (\$1,000.00), for each such offense and shall be liable to the association aggrieved in a civil suit in the penal sum of five hundred dollars (\$500.00) for each such offense; provided, that this section shall not apply to a bona fide creditor of such association, or the agent or attorney of any such bona fide creditor, endeavoring to make collections of the indebtedness.

17-16-825. Committees.

(e) A committee may not, unless specifically authorized by the board of directors:

(ii) Approve or propose to shareholders action that this act requires to be approved by shareholders;

17-16-1103. Action on plan.

(j) After a merger or share exchange is authorized, and at any time before articles of merger or share exchange are filed, the planned merger or share exchange may be abandoned, subject to any contractual rights, without further shareholder action, in accordance with the procedure set forth in the plan of merger or share ~~of~~ exchange or, if none is set forth, in the manner determined by the board of directors.

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17-16-1801. Application to existing domestic corporations.

(b) For corporations incorporated in Wyoming prior to the effective date of this act, the cumulative voting and shareholder preemptive rights provisions contained in former W.S. 17-1-123 and 17-1-130 are continued for a period of four (4) years from the effective date of this act unless the corporation amends its articles of incorporation to provide otherwise.

17-17-114. Compulsory purchase of shares after death of shareholder.

(c) An amendment to the articles of incorporation to provide for application of W.S. 17-17-115 through 17-17-117, or to modify or delete the provisions of these sections, must be approved by the holders of at least two-thirds (2/3) of the votes of each class or series ~~or~~ of shares of the statutory close corporation, voting as separate voting groups, whether or not otherwise entitled to vote on amendments. If the corporation has no shareholders when the amendment is proposed, it must be approved by at least two-thirds (2/3) of the subscribers for shares, if any, or, if none, by all of the incorporators.

17-18-106. Statement; consent to service of process; filing fee; copy to target company.

(b) If a takeover offer is subject to any federal law, ~~including the Securities Exchange Act of 1934, 15 U.S.C. 78 as amended as of January 1, 1989,~~ the statement shall be one (1) copy of each document required to be filed with the securities and exchange commission and any other

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federal agency. If the takeover offer is not subject to any requirement of federal law, the statement shall be filed on forms prescribed by the secretary of state and shall contain the following information:

17-18-116. Proxies.

(f) If the articles of incorporation permit the board to impose restrictions on the use of proxies and a court orders a shareholder's meeting, the board may still impose the restrictions provided if it does so within ten (10) days of the meeting or within half the total number of days between the date of the court order and the date of the meeting, whichever is less. The time periods for notice of issues and mailing deadlines set forth in subsection ~~(d)~~ (e) of this section shall not apply to court ordered meetings.

17-19-1630. Filing of reports.

(a) Every Wyoming nonprofit corporation organized under the laws of this state and every foreign nonprofit corporation which obtains the right to transact and carry on its affairs within this state shall file an annual report setting forth the names and addresses of its officers and directors, the address of its principal office, and any compensation, profit or pecuniary advantage paid directly or indirectly to any officer or director.

18-3-304. Travel allowances.

When any county attorney is called upon to render services for the county outside of his county or consolidation of counties, or within his county or consolidation of counties at a distance of more than ten (10) miles from the county seat, or more than ten (10) miles from his own residence,

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he may in the discretion of the board or boards of county commissioners receive his actual and necessary traveling expenses as provided by W.S. ~~9-1-118~~9-3-103 in attending to such services, in addition to his salary as county attorney.

18-3-402. Duties generally.

(a) The county clerk shall:

(vi) Have custody and keep all books, records, deeds, maps, papers and copies thereof deposited or kept in his office as required by law. All deeds, mortgages, and other instruments in writing authorized by law to be recorded or filed in his office and left in his office shall be:

(B) Recorded on microfilm, microcards or other permanent record retention medium. All reproduction processes shall be instituted and used pursuant to W.S. ~~9-212.7:1~~9-2-413. Maps may either be recorded as herein provided or if the copying is unlikely to provide a satisfactory record, the county clerk may keep the originals or tracings thereof, undamaged and unfolded and make prints available for public use.

(xxiv) File maps as defined in W.S. ~~33-29-111~~33-29-139. The county clerk shall charge a fee of twenty-five dollars (\$25.00) for filing the maps.

18-3-516. Publication of proceedings; publication of names, salaries and wages of certain officials and employees.

(b) Each board of county commissioners shall publish separate from the minutes of the proceedings:

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(i) During January and July of each year, the name, position and gross monthly salary of each chief administrative official, assistant administrative official and department head including those officials and department heads of boards and departments funded by the board of county commissioners and elected officials. The publication shall also include a list of all other full-time positions employed by the county without the name of the current employee, including the gross monthly salary for each position. A brief statement shall accompany the salary publication specifying that all salaries are listed as gross monthly salaries or actual monthly wages, not including any fringe benefits such as health insurance costs, life insurance benefits and pension plans. The statement shall also indicate that the salaries or wages do not include any overtime that the employee may earn which would be paid by the county; and

18-3-520. Restrictions upon employment of attorneys.

No attorney shall be employed by the board of county commissioners except as provided by W.S. ~~18-2-107~~18-2-110 and the nature and necessity of such employment shall appear in the record of the board.

18-3-812. Settlement with state treasurer.

Each county treasurer shall pay the state treasurer all state taxes and other state monies received by him and shall give the state treasurer a written statement that he has paid over the same funds in kind as received by him and has not exchanged or bartered any of the monies, coin, bank bills, treasury notes or other currency received by him for the state for any auditor's warrants, state scrip or other certificates or evidences of indebtedness of the state, nor

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permitted the same to be done, and that all state auditor's warrants or other certificates or evidences of indebtedness of the state delivered by him to the treasurer, were received in payment of state taxes or other monies due the state. Each statement shall be sworn to before any person authorized to administer oaths and shall be filed and preserved in his office. False swearing in the statement is subject to the penalty provided by W.S. ~~6-154.1~~ 6-5-303.

18-4-201. Election for establishment; mill levy; custodian; restriction on use; investment.

(b) If the proposal carries the board of county commissioners may levy a tax to raise money directly for the building fund, providing this levy and other county levies do not exceed the constitutional limitation in addition:

(iii) The county commissioners may invest these funds to realize the greatest amount of interest as provided by W.S. ~~9-612~~ 9-4-831.

18-4-501. Issuance authorized; purpose; terms and conditions; provisions for payment and redemption.

(a) Each board of county commissioners may issue negotiable coupon bonds of their county for the purpose of paying, redeeming, funding or refunding the principal and interest of any indebtedness of their county when it can be done at a lower rate of interest to the benefit of the county. The bonds:

(v) May be issued serially as provided by W.S. ~~9-625~~ 16-5-302.

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18-5-203. Certificate required to locate buildings or use land within zoning resolution; issuance and denial; appeal upon denial.

It is unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or use any land within any area included in a zoning resolution without first obtaining a zoning certificate from the board of county commissioners and no zoning certificate shall be issued unless the plans for the proposed building, structure or use fully comply with the zoning regulations then in effect. The board of county commissioners shall act promptly upon any application filed with it and shall grant certificates when the proposed construction or use complies with the requirements of the zoning resolution. If it denies the application, the board shall specify the reasons for such denial. The decision of the board of county commissioners may be reviewed by the district court and by the supreme court upon appeal in the same manner as provided in W.S. ~~15-626~~15-1-609, for review of decisions of boards of adjustment.

18-6-313. Restrictions on jail expenses.

Nothing in W.S. 18-6-201 or 18-6-202 or ~~18-6-301~~18-6-302 through 18-6-305 or 18-6-307 through 18-6-312 shall be construed as authorizing any board of county commissioners to give extra compensation to the county sheriff for performing the duties specified therein, or of incurring any expense on behalf of the county without the written authority of the board of county commissioners except as specifically provided.

18-8-106. To be maintained as public hospitals; charges for services; when free services to be given; payment for resident indigent hospitalization.

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Every county memorial hospital established and maintained as provided by law is a public county hospital. It may charge persons able to pay the same a reasonable price for use of the hospital and its facilities during the time required for proper treatment, and shall furnish free to residents of the county having no means to pay for the same all necessary facilities and maintenance during the time such persons are required to remain there for proper treatment. As long as a county department of public assistance and social services functions in the county as provided by law, ~~and the full taxes required under W.S. 42-3 are levied in the county,~~ the ~~resulting~~ funds in control of the board for hospitalization purposes shall be deemed "means" for payment of resident indigent hospitalization.

19-7-102. Creation and composition of military department.

(a) The military department of the state of Wyoming shall consist of the adjutant general and the following ~~four (4)~~ three (3) divisions:

(ii) Air national guard; and

(iii) State military affairs. ~~;~~ and

19-11-102. Purpose.

(c) The provisions of this article are intended to be supplemental to any rights that persons called to military service have under any applicable federal statutes, including the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, 50 U.S.C. 501 et seq., the Uniformed Services Employment and Reemployment Rights Act, ~~43-38~~

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U.S.C. 4301 et seq., and under any other applicable laws of this state.

20-4-140. Definitions.

(a) As used in this act:

(xxii) "This act" means W.S. 20-4-139 through ~~20-4-192~~ 20-4-194;

20-4-153. Application of law of this state.

(a) Except as otherwise provided by the Uniform Interstate Family Support Act, a responding tribunal of this state:

(ii) Shall determine the duty of support and the amount payable in accordance with the presumptive child support established under W.S. ~~20-6-304~~ 20-2-304.

21-2-402. Licensure; post secondary education institutions; application; fees; suspension and revocation.

(b) Post secondary education institutions specified under W.S. 21-2-401(a) shall apply to the state department of education for a license under this article. Application shall be in a manner and on a form prescribed by the department and shall include:

(x) Evidence that the institution is in compliance with admission requirements for applicants, including:

(B) For students whose primary written and spoken language is not English, a minimum score of five hundred (500) written ~~and~~ or one hundred seventy-five (175)

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computer-based on the test of English as a foreign language (TOEFL), administered within two (2) years of admission or prior to receipt of a degree or certificate from the institution, whichever first occurs. This subparagraph shall not apply to any student attending class in an on-site classroom in a foreign country under a bona fide franchise agreement between a licensee and an educational institution in that country if the student has completed, with a grade equivalent to C or better, a minimum of six (6) semester credit hours or ninety (90) classroom contact hours of post secondary education instruction, taught by appropriately credentialed instructors, in the study of the English language. The requirement for an exception under this subparagraph shall be demonstrated by appropriately translated and evaluated academic transcripts or the requirement may be satisfied through instruction received concurrently with the student's course of study.

21-2-702. Intermediate educational unit.

The division is deemed an intermediate educational unit as defined in ~~20 USC § 1401(22)~~ 20 U.S.C. § 1401(23), Education of the Handicapped Act, as amended as of January 1, 1989.

21-2-703. Superintendent duties; division duties.

(a) The state superintendent shall:

(iii) Insure that activities under this act comply with the Education of the Handicapped Act, ~~20 USC §§ 1401-1485~~ 20 U.S.C. §§ 1400 through 1485, as amended as of January 1, 1989.

21-4-309. Mandatory immunizations for children attending schools; exceptions.

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(d) For purposes of this section:

(i) "State health officer" means the person appointed by the director of the department of health pursuant to W.S. ~~9-2-101(f)~~ 9-2-103;

21-6-202. Definitions.

(a) As used in this article:

(i) "School district" includes unified school districts and elementary school districts ~~authorized under W.S. 21-6-224~~ pursuant to W.S. 21-3-102;

21-12-101. "State board" defined; boards of trustees authorized to establish and maintain adult education program.

(a) As used in this ~~article~~ chapter "state board" means the state board of education acting as the state board of vocational education.

21-13-310. Annual computation of district revenues.

(a) To ensure revenues available to each district are uniformly sufficient to enable compliance with the uniform standards for educational programs prescribed under W.S. 21-9-101 and 21-9-102 and to secure state board accreditation of educational programs under W.S. 21-2-304(a)(ii), the revenues specified under this subsection shall be deemed state revenues and shall be considered in determining the amount to be distributed to each district under W.S. 21-13-311. A district shall make an annual computation of the following revenues:

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(ii) The required local tax effort in the current school year for the assessment and levy of school taxes by the district according to the following schedule:

(B) Any nonunified district actually and physically operating a school within the boundaries of the district offering instruction in kindergarten through grade eight (8), the amount of revenue collections to be received during the school year under the number of mills levied pursuant to W.S. 21-13-102(a)(ii)(A) , ~~and (C),~~ as certified on August 10 under W.S. 39-11-102.1(c)(v) for that school year.

21-13-313. Distribution of funds from foundation account; property tax and cash reserve adjustment; regulations.

(d) On or before August 15 of the succeeding fiscal year, each school district shall report the amount of revenue it received during the preceding fiscal year attributable to levies provided by W.S. 21-13-102(a)(i)(A) and (ii)(A) ~~and (C)~~ and 21-13-201 regardless of the assessment year, but not to include assessments from years prior to July 1, 1991. If those revenues reported are less than the revenues estimated under W.S. 21-13-310(a)(i) and (ii) for that fiscal year, as applicable, and if the district's total revenues computed under W.S. 21-13-310 for that fiscal year continue to be less than the total foundation program amount computed under W.S. 21-13-309, the school district shall be paid the difference by October 15 from the foundation program account. No amount in excess of the total foundation program amount computed for any district for that fiscal year shall be paid from the foundation program account for purposes of this subsection. Any amount paid under this subsection shall not thereafter be relevant to or used for future foundation program

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calculations. If those revenues reported are greater than the revenues estimated under W.S. 21-13-310(a)(i) and (ii) for that fiscal year, as applicable, the excess shall be included as revenues of the district under W.S. 21-13-310 in computing the foundation entitlement for the succeeding fiscal year.

21-13-326. Routine maintenance; adjustment to foundation program formula.

(a) The adjustment for routine maintenance under W.S. 21-13-309(n)(vi), following reduction of the operations and maintenance component contained within each school level within the prototypical school model, as prescribed by the education resource block grant model, shall be computed for each district on a dollar per average daily membership basis under the block grant model, subject to the following:

(ii) For purposes of computations for the adjustment to the block grant model under this section, actual square footage of education space shall be reported and computed for each district by school level. The gross square footage of education space for each school level shall be subject to the computations prescribed under paragraphs (a)(iv) through (vi) of this section. The standard education space capacity for each school level shall be the gross square footage prescribed by the statewide building adequacy standards promulgated under W.S. ~~21-15-107~~ 21-15-115;

21-15-108. Revenue bonds for grants and loans; refunding revenue bonds.

(d) Any bonds issued under this section shall:

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(ii) Be fully negotiable within the meaning of and for all purposes of the Uniform Commercial Code, W.S. 34.1-1-101 through ~~34.1-10-102~~ 34.1-10-104;

21-15-109. Major building and facility repair and replacement payments; computation; square footage allowance; use of payment funds; accounting and reporting requirements.

(e) Amounts distributed under subsection (b) of this section shall be deposited by the recipient district into a separate account, the balance of which may accumulate from year-to-year. Expenditures from the separate account, including any interest earnings on the account, shall be restricted to expenses incurred for major building and facility repair and replacement as defined in subsection (a) of this section and as prescribed by rule and regulation of the commission, and shall be in accordance with the district's facility plan approved by the commission under W.S. 21-15-116. Any interest earned on the account is exempt from and shall not be reported as a local district revenue. ~~under W.S. 21-13-310(a)(xi).~~ Each district shall annually report to the commission on the expenditures made from the separate account during the applicable reporting period, separating account expenditures on a building-by-building basis. In addition, the annual report shall include the district's five (5) year plan for addressing district major building and facility repair and replacement needs, updated for the applicable reporting period. The report shall be in a manner and form required by rule and regulation of the commission. The commission shall annually review account expenditures and shall report expenditures to the select committee on school facilities established under W.S. 28-11-301. The commission shall compile reported building-by-building expenditure information for each district and

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the district five (5) year plan and include this information in his annual report to the select committee pursuant to W.S. 21-15-121.

21-16-720. Annual report and budget.

(b) The authority shall submit its budget for review as provided by W.S. 9-2-1010 through ~~9-2-1015~~ 9-2-1014.1.

21-17-417. Conditions which may be imposed by board; interest coupons.

(a) As the board may determine, bonds and other securities issued under this act except as otherwise provided shall:

(ii) Be fully negotiable within the meaning of and for all purposes of the Uniform Commercial Code, W.S. 34.1-8-101 through ~~34.1-8-406~~ 34.1-8-603;

21-17-427. Covenants in resolution limiting powers to secure payment.

(a) Any resolution providing for the issuance of any bonds or other securities under this act payable from pledged revenues and any indenture or other instrument or proceedings appertaining thereto may contain covenants or other provisions which may limit the exercise of powers conferred under this act, in order to secure the payment of the securities in agreement with the holders of the securities, including without limitation covenants or other provisions as to any of the following:

(xii) The reissuance of any outstanding bond or other securities, and the terms and conditions thereof, whether lost, apparently destroyed, wrongfully taken, or

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for any other reason, as provided in the Uniform Commercial Code, W.S. 34.1-8-101 through ~~34.1-8-406~~ 34.1-8-603, or otherwise;

25-5-102. Definitions.

(a) As used in this act:

(iv) "Incompetent" means an individual for whom the court has appointed a guardian pursuant to W.S. ~~3-4-101 through 3-4-109~~ 3-2-101 through 3-2-112;

(xiii) "This act" means W.S. 25-5-101 through ~~25-5-134~~ 25-5-135;

25-10-101. Definitions.

(a) As used in this act:

(xiv) "This act" means W.S. 25-10-101 through ~~25-10-404~~ 25-10-305;

25-10-116. Periodic examinations of patients; determination of discharge or continued hospitalization; notice; hearing.

(b) When the head of a hospital determines after the examination required by subsection (a) of this section or by W.S. 25-10-113 that the conditions justifying hospitalization of involuntary patients no longer exist, he shall report his determination to the court, the county attorney, the district attorney, family members and the mental health center which were involved in the initial proceedings. Unless, within three (3) days after the notice is sent, the court upon motion orders a hearing on continuing the patient's hospitalization, the head of the

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hospital shall discharge the patient. The hearing shall be held as soon as practicable and shall follow the procedures in W.S. ~~25-10-117~~ 25-10-118. Notice of the hearing shall conform with W.S. 25-10-116(c).

25-11-101. Definitions.

(a) As used in this chapter:

(iv) "Legally responsible person" means the resident, a responsible relative or the conservator of the resident's property as defined by W.S. ~~3-1-101(a)(ii)~~ 3-1-101(a)(iii);

26-2-209. Deduction allowed for retaliation.

Notwithstanding any other law, if any domestic insurer is required to pay additional taxes or fees to some other jurisdiction because of this article under the color of a retaliatory statute or other similar law, the insurer may deduct the additional taxes or fees from the premium taxes otherwise payable under W.S. 26-4-103. ~~and 26-4-104.~~

26-3-114. Certificate of authority; continuation; expiration; reinstatement.

(a) A certificate of authority issued under this code continues in force until suspended or revoked by the commissioner or terminated at the insurer's request, subject to continuance by the insurer each year by:

(iii) Payment by the insurer of premium taxes for the immediately preceding calendar year as required by W.S. 26-4-103. ~~and 26-4-104.~~

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26-4-102. Record of receipts; payment to treasurer; credit to fund.

(b) The commissioner shall promptly pay all monies he receives from any charges to the state treasurer for credit to the general fund, except that:

(i) Fees received pursuant to W.S. 26-4-101(a)(v)(A)(I) and (B)(I) ~~and (xiii)~~ shall be paid and credited as provided in W.S. 26-10-107; and

26-4-103. Premium taxes; generally; preemption by state.

(h) The provisions of subsections ~~(e)~~, (f) and (g) of this section shall not be modified or repealed by any law of general application enacted after December 31, 1967 unless expressly referred to or expressly repealed therein.

26-4-105. Premium taxes; commissioner to collect tax; failure to pay.

(a) The taxes imposed under W.S. 26-4-103 ~~and 26-4-104~~ shall be collected by the commissioner.

26-7-101. Scope of chapter.

Except as to W.S. ~~26-7-117~~ 26-7-116, this chapter applies to domestic insurers only.

26-14-102. Scope and applicability of chapter; liberal interpretation.

(a) This chapter applies to all kinds of insurance written on risks in this state by any insurer authorized to do business, except nothing in this chapter applies to:

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(viii) Worker's compensation insurance as provided under title 27, chapter ~~12~~14 of the Wyoming statutes.

26-14-103. Definitions.

(a) As used in this chapter:

(xii) "Unfairly discriminatory" refers to rates that cannot be actuarially justified. It does not refer to rates that produce differences in premiums for policyholders with like loss exposures but different expenses, or like expenses but different loss exposures, so long as the rate reflects such differences with reasonable accuracy. A rate is not unfairly discriminatory if it averages broadly among persons insured under a group, franchise or blanket policy or a mass marketing plan. No rate in a competitive market shall be considered unfairly discriminatory unless it violates the provisions of W.S. 26-14-105(b) in that they classify in whole or in part on the basis of race, color, creed or ~~natural~~national origin.

26-17-127. Additional groups.

(a) Group life insurance offered to a resident under a group life insurance policy issued to a group other than one described in W.S. 26-17-103 through ~~26-17-107~~26-17-106 and 26-17-109 is subject to the following requirements:

26-19-304. Restrictions relating to premium rates.

(a) Premium rates for health benefit plans subject to this act shall be subject to the following provisions:

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(ii) For a class of business, the premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage, or the rates which could be charged to employers under the rating system for that class of business shall not vary from the index rate by more than thirty-five percent (35%) of the index rate;

26-29-238. Exemption of certain societies.

(b) Any society or association described in ~~paragraphs~~ paragraph (a)(iii) or (iv) of this section which provides for death or disability benefits for which benefit certificates are issued, and any society or association included in paragraph (a)(iv) of this section which has more than one thousand (1,000) members, shall not be exempted from the provisions of this chapter but shall comply with all requirements thereof.

26-34-102. Definitions.

(a) As used in this chapter:

(xxix) "This act" means W.S. 26-34-101 through ~~26-34-133~~ 26-34-134.

26-34-120. Examination.

(e) Instead of the examinations under this section the commissioner or administrator may accept the report of an examination made by the insurance commissioner or public health commissioner of another state. A report from another state's insurance commissioner shall only be accepted if:

(ii) The examination is performed under the supervision of an accredited insurance department or with

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the participation of one (1) ~~of~~or more examiners who are employed by an accredited insurance department and who, after the review of the examination work papers and report, state under oath that the examination was performed in a manner consistent with the standards and procedures required by their insurance department.

26-34-127. Penalties and enforcement.

(a) The commissioner, instead of suspension or revocation of a certificate of authority under W.S. ~~26-34-118~~26-34-121, may levy an administrative penalty in an amount not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00) if reasonable notice in writing is given of the intent to levy the penalty and the health maintenance organization has a reasonable time within which to remedy the defect in its operations which gave rise to the penalty citation. The commissioner may augment this penalty by an amount equal to the sum that he calculates to be the damages suffered by enrollees or other members of the public.

27-3-102. Definitions generally.

(a) As used in this act:

(xxii) "This act" means W.S. 27-3-101 through ~~27-3-704~~27-3-705.

27-3-103. "Employer" defined; qualifications; employment services in other states included.

(a) As used in this act, "employer" means any employing unit:

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(viii) Employing agricultural labor defined under W.S. 27-3-107; ~~or~~

(ix) Employing domestic service defined under W.S. 27-3-107(g); or

(b) Domestic service shall not be considered by the department in determining if an employing unit is an employer under ~~paragraphs~~ paragraph (a)(i), (vi), (vii) or (viii) of this section. Agricultural labor shall not be considered by the department in determining if an employing unit is an employer under ~~paragraphs~~ paragraph (a)(i), (vi), (vii) or (ix) of this section.

27-3-105. "Employment" defined; employment for state, and other organizations; exceptions.

(a) Employment under this act includes service performed for:

(i) This state, any of its political subdivisions, including service as an appointed official of any political subdivision, or for this state and any other state or its political subdivisions and this service is excluded from employment under 26 U.S.C. §§ 3301 through 3311 solely by 26 U.S.C. § 3306(c)(7); ~~and~~

(ii) A religious, charitable, educational or other organization if excluded from employment under 26 U.S.C. §§ 3301 through 3311 solely by 26 U.S.C. § 3306(c)(8) and the organization employed four (4) or more individuals for part of one (1) day for twenty (20) weeks within the current or preceding calendar year; and

(b) Subsection (a) of this section does not include service performed:

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(xi) By an individual receiving a wage as part of a work experience or workfare program assisted or financed by the federal government or any state or local government, except for those programs employing an individual in on-the-job training for which wages are wholly or partially paid by the employer; ~~or~~

(xii) By an inmate of a state custodial or penal institution; or

27-3-317. Eligibility for extended benefits; exceptions; qualifications.

(g) An individual disqualified from benefit entitlement under W.S. 27-3-311 shall be denied extended benefits until requalified as follows:

(ii) If disqualified from benefit entitlement under W.S. ~~27-3-311(e)~~ 27-3-311(f), the individual shall be employed in an employee-employer relationship for not less than four (4) weeks, whether or not consecutive, following the date of disqualification and have earned wages of not less than four (4) times his weekly benefit amount for this employment; and

28-1-107. Definitions.

(a) As used in this act:

(i) "Committee" means any duly constituted committee of the legislature, any standing committee of either house of the legislature, joint interim committee of the legislature, special investigating committee established by joint resolution of the legislature and the

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committees established by W.S. 28-11-101, ~~and~~ 28-11-201 and
28-11-301;

29-2-110. Notice to owner; limitations; condition precedent to lien.

(a) Every prime contractor or subcontractor shall give to the owner or his agent, within thirty (30) days of providing any materials or services by the contractor or subcontractor governed by this chapter, a written notice which shall be receipted by the owner or his agent and include the following language in ten point bold type:

NOTICE TO OWNER

FAILURE OF THIS PRIME CONTRACTOR OR SUBCONTRACTOR TO PAY THOSE PERSONS SUPPLYING MATERIALS OR SERVICES TO COMPLETE THIS CONTRACT CAN RESULT IN THE FILING OF A MECHANIC'S LIEN ON THE PROPERTY WHICH IS THE SUBJECT OF THIS CONTRACT PURSUANT TO W.S. 29-2-101 THROUGH ~~29-2-110~~ 29-2-111. TO AVOID THIS RESULT, WHEN PAYING FOR LABOR AND MATERIALS YOU MAY ASK THIS PRIME CONTRACTOR OR SUBCONTRACTOR FOR "LIEN WAIVERS" FROM ALL PERSONS SUPPLYING MATERIALS OR SERVICES FOR THE WORK DESCRIBED IN THIS CONTRACT. FAILURE TO SECURE LIEN WAIVERS MAY RESULT IN YOUR PAYING FOR LABOR AND MATERIALS TWICE.

29-3-109. Limitation of actions and duration of liens; procedure when property subject to lien removed to another county.

(a) Every person holding a lien created by this chapter may proceed to obtain a judgment for the amount claimed by civil action commenced on the account within one hundred eighty (180) days after filing of the ~~notice~~ lien

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statement required by W.S. ~~29-3-108~~29-3-106. The lien shall continue until the case is finally determined.

29-3-110. Limitation upon owner's liability and rights.

Nothing in this ~~act~~chapter shall be construed to fix a greater liability against the owner of the land or leasehold (or pooled or unitized lands, leases or interests, as the case may be) than the price or sum stipulated by the owner to be paid for the materials or services furnished or labor performed. The owner shall not have the right to offset obligations of the contractor unless these obligations arise out of the original contract.

29-6-206. Duties of filing officer.

(a) If a notice of federal lien, a refiling of a notice of federal lien or a notice of revocation of any certificate described in subsection (b) of this section is presented to a filing officer who is:

(i) The secretary of state, he shall cause the notice to be marked, held and indexed in accordance with the provisions of W.S. ~~34.1-9-403(d)~~34.1-9-519 of the Uniform Commercial Code as if the notice were a financing statement within the meaning of that code; or

(c) If a refiled notice of federal lien referred to in subsection (a) of this section or any of the certificates or notices referred to in subsection (b) of this section is presented for filing to any other filing officer specified in W.S. ~~26-9-204~~29-6-204, he shall permanently attach the refiled notice or the certificate to the original notice of lien and enter the refiled notice or

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the certificate with the date of filing in any alphabetical lien index on the line where the original notice of lien is entered.

29-7-103. Lien statement; additional contents; county clerk to note lien on certificate of title.

(a) A lien statement under W.S. 29-7-101 through 29-7-106 shall provide in addition to the requirements of W.S. ~~29-1-301(a)~~ 29-1-301(b) whether the lien claimant was in possession of the property at the time the lien statement was filed or the owner consented to the filing of the lien; and

29-7-105. Repossession; enforcement of lien by sale; notice thereof to known claimants; satisfaction by any claimant; title of good faith purchaser; disposition of proceeds; additional creditors' rights; liability for noncompliance with section; "commercially reasonable".

(b) A lien arising under W.S. 29-7-101 through 29-7-106 may be enforced by public or private sale of the property ~~in~~en bloc or in parcels at a time or place and on terms which are commercially reasonable after mailing by certified mail, return receipt requested, to their last known address a notice to all persons known to claim an interest in the property. The notification shall include:

30-2-210. Notice of violation; correction of condition constituting violation required; penalty upon failure to comply; continuing violations; authority to close operations; right of appeal.

(a) If the inspector or his deputy finds a violation of this act or rules or regulations adopted under it relating to ~~mines~~mine operating methods and conditions, he

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shall notify in writing the person in charge of the mining operation of the condition or method constituting the violation and the provision being violated. The condition or method shall be corrected in five (5) days or other time prescribed by the inspector or his deputy as is reasonable in view of the nature of the condition or method. Allowing a correction period does not prevent the condition or method constituting a violation of this act or a rule or regulation adopted under it. Any person failing to correct a condition or method in the period allowed is guilty of a misdemeanor. Each day during which the condition or method continues uncorrected after notice of correction has been given constitutes a separate violation.

30-5-101. Definitions.

(a) As used in this act unless the context otherwise requires:

(i) The term "waste" means and includes:

(F) Underground or aboveground waste in the production or storage of oil, gas, or condensate, however caused, and whether or not defined in other subdivisions hereof; ~~and~~

(G) The flaring of gas from gas wells except that necessary for the drilling, completing or testing of the well; and

30-5-103. Oil and gas conservation commission; composition; expenses; hearings; director of oil and gas conservation; legal advisors.

(b) Each member of the commission not otherwise in full time employment of the state, shall receive the same

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allowances as other state officials and employees as set forth in ~~section 9-13, Wyoming Statutes 1957~~ W.S. 9-3-102, as amended while attending and traveling to and from meetings of the commission, said fees and expenses to be paid from the funds of the Wyoming conservation commission.

30-5-109. Rules and regulations governing drilling units.

(c)(iii) If any of the owners specified in paragraph (ii) above of this subsection (c), who have not in writing consented to the exception applied for, file written objections to the requested exception with the state oil and gas supervisor during said fifteen (15) day period following the applicant's mailing of the notice of filing, or if for any other reason said supervisor fails to grant such requested exception, then no well shall be drilled on the drilling unit involved except at the location authorized by the order establishing such unit, unless and until the commission shall grant such exception after notice and hearing upon the application as required by this act. Provided that in addition to any other notice required by ~~section 30-223(d), Wyoming Statutes 1957~~ W.S. 30-5-111(d) as amended, or any other provision of law or the commission's rules, the commission shall cause notice of any hearing before it on an application for such exception to be mailed by registered or certified mail with return receipt to each of the owners specified in paragraph (ii) above of this subsection (c) at least ten (10) days before the date of such hearing.

30-5-110. Agreements for waterflooding or other recovery operations, repressuring or pressure-maintenance operations, cycling or recycling operations; operation as a unit of 1 or more pools or parts thereof and pooling of interests in oil and gas therein.

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(b) Except when context otherwise requires, the terms used or defined in ~~section 30-216, Wyoming Statutes 1957, Compiled 1967~~ W.S. 30-5-101, shall have the same meaning when used in this ~~act~~ section.

(c) Any interested person may file an application with the commission requesting an order providing for the operation as a unit of one (1) or more pools or parts thereof and for the pooling of the interests in the oil and gas in the proposed unit area for the purpose of conducting such unit operation. Such application shall contain:

(ii) The names, as disclosed by the conveyance records of the county or counties in which the proposed unit area is situated, and the status records of the district office of the bureau of land management, of (A) all persons owning or having an interest in the oil and gas in such unit area or the production therefrom including mortgages and the owners of other liens or encumbrances, (B) all owners ~~(as defined in subparagraph (c) of section 30-216, Wyoming Statutes 1957, Compiled 1967)~~ of every tract of land not included within but which immediately adjoins the proposed unit area or a corner thereof, and (C) the addresses of all such persons and owners, if known. If the name or address of any such person or owner is unknown, the application shall so indicate;

(iii) A statement of the type of operations contemplated in order to effectuate the purposes of this ~~act~~ section;

(t) If any section, subsection, sentence or clause of this ~~act~~ section is adjudged to be unconstitutional or invalid, such adjudication shall not affect any other portions of this ~~act~~ section which can be given effect

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without the unconstitutional or invalid provision, and to this end the provisions of this ~~act~~ section are severable.

30-5-126. Purchase or taking ratably oil and gas for transportation without discrimination in favor of any owner or producer; oil and gas conservation commission to administer.

In addition to the powers and authority, either expressed or implied, granted to the Wyoming oil and gas conservation commission, by virtue of the statutes of the state of Wyoming, the commission is hereby authorized and empowered to administer and enforce the provisions of this act, in the same manner and in accordance with the same procedures provided by ~~sections 30-216 to 30-231, Wyoming Statutes 1957~~ W.S. 30-5-101 through 30-5-119, as amended for the enforcement and violations of rules, regulations and orders of the commission.

31-2-104. Transfer of ownership.

(f) Any person knowingly providing false or incomplete information on the damage disclosure statement ~~required by subsection (e) of this section~~ is guilty of a misdemeanor and upon conviction shall be fined not more than seven hundred fifty dollars (\$750.00), imprisoned for not more than six (6) months, or both.

31-2-107. Return of certificate of title and registration for damaged vehicle; replacement title and registration.

(a) When a motor vehicle is declared a total loss by the insurance company or, in the event an insurance company is not involved in the settlement of the claim, sustains damage in an amount exceeding seventy-five percent (75%) of

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its actual retail cash value, as set forth in any current edition of a nationally recognized automotive appraisal guide or other source approved by the Wyoming insurance department, the owner or insurance company, if it obtains ownership of the vehicle through transfer of title as a result of a settlement of an insurance claim, shall forward the properly endorsed certificate of title to the office of the county clerk that issued the certificate of title together with an application for a certificate of title branded salvage and payment of the fee required under W.S. ~~31-2-102(a)(vii)~~ 31-3-102(a)(vii) to obtain a properly branded certificate of title. When any vehicle accident report is required under chapter 5, article 11 of this title, the investigating officer shall provide written notice to the owner or operator of the vehicle of the requirements under this section.

31-2-212. Loss, mutilation or destruction of registration, plates or validation stickers.

Upon loss, mutilation or destruction of a certificate of registration, license plate, or validation sticker the owner of a vehicle may obtain a duplicate certificate of registration, new license plates or validation stickers from any county treasurer or the department if the vehicle was registered or plates or stickers were issued by the department upon application showing the loss, mutilation or destruction, return of mutilated plates or stickers and payment of the duplicate registration, plate or sticker fee. For those vehicles registered under the provisions of W.S. 31-2-206(b), 31-2-207 through 31-2-209, 31-2-213(h) or 31-2-215 through 31-2-217, replacement duplicate license plates may be obtained upon application with the county treasurer from which the original plates were purchased or the department if applicable, accompanied by fees as provided by W.S. 31-3-102(a)(vi)(A). Duplicate license

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plates obtained under this section to replace lost or stolen plates shall not be displayed on the vehicle until the validation stickers on the lost or stolen plates have expired. Upon loss, mutilation or destruction of a dealer plate or validation sticker the dealer may obtain a replacement dealer plate or validation sticker from the county treasurer from which he purchased the original plate in the same manner as the owner of a vehicle and upon payment of the appropriate fee under W.S. 31-3-102(a)(vi). Obtaining a replacement plate is not the purchase of an additional plate under W.S. ~~31-2-301(f)~~ 31-16-125(b)(i). Upon application for new license plates or stickers the county treasurer shall notify the department and the county sheriff as soon as possible of the loss, mutilation or destruction. The department shall notify the appropriate law enforcement agencies of any loss, mutilation or destruction of license plates or stickers.

31-2-504. Transfer of ownership.

(c) In the event of a transfer by operation of law of any interest in a mobile home as upon an order in bankruptcy or insolvency, execution sale, repossession upon default in the performance of the terms of a lease or sales contract or otherwise than by voluntary act of the person whose title or interest is transferred, the administrator, receiver, trustee, sheriff, creditor or other representative or successor in interest of the person whose interest is transferred shall forward to the county clerk an application for a certificate of title together with a verified or certified statement of the transfer of interest. The statement shall set forth the reason for the involuntary transfer, the interest transferred, the name of the transferee, the process or procedure effecting the transfer and other information requested by the county clerk. Evidence and instruments otherwise required by law

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to effect a transfer of legal or equitable title to or an interest in a mobile home in such cases shall be furnished with the statement. If a transfer of title to a creditor is accomplished in accordance with the provisions of this subsection, a creditor retains the right to seek any deficiency balance which may exist after sale, provided the creditor has complied with applicable law, and the transfer by itself shall not be considered a strict foreclosure or an election to retain the collateral in satisfaction of an obligation as provided by W.S. 34.1-9-620 and does not affect the debtor's right to redeem the collateral under W.S. 34.1-9-623. If from the records of the county clerk there appears to be any lien on the mobile home which was recorded prior to the lien of the creditor applying for title and which has not been released, the certificate of title shall contain a statement of the lien. The creditor repossessing and applying for title to the mobile home shall notify all persons holding liens on the mobile home by certified mail return receipt requested at least fifteen (15) days prior to filing the application for title. Any proceeds from the sale, lease or other disposition of the mobile home shall be distributed in accordance with the provisions of W.S. ~~34.1-9-608~~ 34.1-9-610 and 34.1-9-615.

31-7-105. Administrative hearings.

(f) Upon receipt of a timely request, the department shall conduct a review of its records and issue an order granting or denying limited driving privileges. The discretion to continue or modify any order of suspension or denial to allow driving privileges is limited as follows:

(iv) A person whose driving privileges have been suspended for nonpayment of child support may be granted limited driving privileges for a period not to exceed one hundred twenty (120) days upon receipt of the notice

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required under W.S. ~~20-6-111(g)(iii)~~20-6-111(n)(iii). A person granted limited driving privileges under this paragraph shall not be granted an extension of such privileges for twelve (12) months after the limited driving privileges expire unless the person has subsequently made full payment on his child support obligation in arrears, or is in full compliance with a payment plan approved by the department of family services;

31-18-806. Adoption of greater size or weight limits comparable to federal limits.

If the federal highway administration or the United States congress prescribes or adopts vehicle size or weight limits greater than those now prescribed by the Federal-Aid Highway Act of 1956 (title I of public law 627, 84th congress) which exceed in full or in any part the provisions of this ~~act~~article, the department may, upon determining that Wyoming highways have been constructed to standards which will accommodate the additional size or weight, and that the adoption of the size and weight schedule will not jeopardize any federal appropriations to the state, adopt size and weight provisions or schedules comparable to those approved or recommended by the United States congress or the federal highway administration.

32-1-110. Failure of county clerk to perform duties imposed by chapter.

If any ~~register of deeds~~county clerk shall fail or neglect to fulfill and perform the duties imposed on him by this chapter, such person shall be liable in the penal sum of two hundred dollars (\$200.00), to be recovered and applied as provided in the preceding section.

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33-1-106. Certain licenses payable to incorporated towns.

All licenses issued by any county in this state for the sale of liquors, or for owning or keeping a billiard table, or any table used for pool or bagatelle, and all licenses issued by ~~said~~the counties for any other game or games, not prohibited by the laws of this state, when the licensee shall be a resident of and carrying on the business for which he is licensed within the corporate limits of any incorporated town, city or village, the license shall be collected by the city marshal or collecting officer of ~~such~~the incorporated town, city or village, for the purposes mentioned in this ~~act~~section. It shall be the duty of ~~such~~the collecting officer, between the first and fifteenth days of each month, to pay into the treasury of such incorporated town, city or village, all ~~moneys~~monies collected for ~~such~~the licenses, which ~~moneys~~monies shall be applied to the general revenue purposes of ~~such~~the incorporated town, city or village.

33-3-103. Wyoming board of certified public accountants; creation; members; vacancies; removal; reappointment.

There is created a Wyoming board of certified public accountants. The board shall consist of five (5) members appointed by the governor. Members of the board shall be citizens of the United States and residents of Wyoming. Three (3) members of the board shall be persons who hold certified public ~~account~~accountant certificates issued under the laws of Wyoming and who are in active practice and are in good standing as certified public accountants. One (1) member of the board shall be a person who holds a certified public accountant certificate issued under the laws of Wyoming and who is not in active practice. One (1)

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member of the board shall be a member of the general public. The members of the board first to be appointed shall hold office, one (1) for one (1) year, two (2) for two (2) years and two (2) for three (3) years from July 1, 1975, the term of each to be designated by the governor. Their successors shall be appointed for terms of three (3) years. Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of his term of office a member shall continue to serve until his successor is appointed and qualified. The governor shall remove any member from the board whose permit has been revoked or suspended, and may remove any member of the board as provided in W.S. 9-1-202. No person, who has served two (2) successive complete terms of one (1), two (2) or three (3) years is eligible for reappointment until after the lapse of one (1) year. An appointment to fill an unexpired term is not considered a complete term.

33-3-124. Reinstatement of certificate or permit for good cause shown.

Upon written application and after hearing and for good cause shown, the board may issue a new certificate to a certified public accountant whose certificate has been revoked or may reissue or modify the suspension of any permit which has been revoked or suspended. If a license is suspended or restricted under W.S. ~~33-2-121(b)~~ 33-3-121(b), the license may be reissued without the hearing required under this section if the department of family services provides notice that the applicant has complied with the terms of the court order that resulted in the suspension or restriction of the license issued under this chapter.

33-7-108. Shop license; fee; renewal; application; inspection fees; nontransferable.

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(b) Registered barbers and cosmetologists licensed under W.S. ~~33-12-101 through 33-12-118~~ 33-12-119 through 33-12-140 may engage in the practice for which they are licensed in the same shop if the shop is licensed under subsection (a) of this section and under W.S. ~~33-12-101 through 33-12-118~~ 33-12-119 through 33-12-140.

33-7-209. Qualifications for registration as barber; examination.

(a) No person shall receive a certificate of registration to practice barbering, other than a renewal or restoration, unless he:

(iii) Is a cosmetologist licensed under W.S. ~~33-12-101 through 33-12-118~~ 33-12-119 through 33-12-140, has completed seven hundred fifty (750) hours of training at an approved barber school or college and passed an examination conducted by the board to determine his fitness for practice.

33-9-105. Examinations.

Examinations of applicants for a license to practice podiatry shall be in the English language and shall include both clinical and written tests as the board shall determine. The examinations shall embrace the subjects of histology, surgery, hygiene, dermatology, anatomy, physiology, chemistry, bacteriology, pathology, diagnosis and treatment, pharmacology, therapeutics, clinical podiatry and such other subjects as the board may prescribe, a knowledge of which is commonly and generally required by the practitioners of podiatry. This section shall not be construed to require of the applicant a medical or surgical education. The minimum requirements for a license to practice under W.S. 33-9-101 through ~~33-9-113~~

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33-9-114 is a general passing grade average of seventy-five percent (75%) in all of the subjects involved and not less than sixty percent (60%) in any one (1) subject. At the time of making application to practice, an examination and license fee in amounts established by the board pursuant to W.S. 33-1-201 shall be paid to the board. An applicant failing in the examination and being refused a license is entitled, within six (6) months of the refusal, to a reexamination, but only two (2) such reexaminations shall be granted to any one (1) applicant. The board may make such rules and regulations governing the conduct of the examinations as shall be necessary, and willful violation of such rules and regulations shall subject the applicant to the cancellation of the examination and loss of the fee.

33-9-107. Licensing matters.

A license issued under W.S. 33-9-101 through ~~33-9-113~~ 33-9-114 shall be designated a "registered podiatrist's license" and may not contain any abbreviations thereof nor any other designation or title except that a statement of limitation shall be contained in the license referring to the licensee as a "registered podiatrist - practice limited to the foot", so as not to mislead the public with respect to their right to treat other portions of the body. A renewal license fee in an amount established by the board pursuant to W.S. 33-1-201 shall be due to the board annually on July 1 each year, and if not paid within three (3) months the license shall be revoked and may be reissued only upon an additional application and payment of a fee in an amount established by the board pursuant to W.S. 33-1-201. Licenses shall be conspicuously displayed by podiatrists at their offices or other places of practice.

33-16-111. Exceptions.

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To the extent the provisions of this ~~act~~article conflict with the authority granted by W.S. 35-1-241, the provisions in this ~~act~~article may be superseded by the provisions of W.S. 35-1-241.

33-16-207. Exceptions.

To the extent the provisions of this ~~act~~article conflict with the authority granted by W.S. 35-1-241, the provisions in this ~~act~~article may be superseded by the provisions of W.S. 35-1-241.

33-16-305. Continuance; renewal of existing licenses.

Every funeral director already holding a license which has been duly issued under the laws of this state and who is, on the effective date of this act, engaged in or conducting the business of a funeral director at a fixed place or establishment in this state, as designated in ~~such~~the license already held by him or it, shall be entitled to continue in business for the remainder of the year of 1939, and shall be entitled to have his or its license renewed annually upon payment of ~~such~~ renewal fees ~~are~~as required under W.S. 33-16-306.

33-16-317. Prohibited acts; penalty for violations; continuing offenses.

Any person, firm or corporation who shall engage, directly or indirectly, in the business of funeral directing or undertaking or hold himself or itself out as a funeral director or undertaker or attempt to take care of the disposition of dead human bodies without having complied with the provisions of this ~~act~~chapter and without being licensed so to do, as herein provided, or who shall continue in the business of a funeral director or

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undertaker, after his or its license has been revoked, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00); and each day that he or it is so engaged in such business shall be deemed a separate offense and every funeral director or undertaker or any person acting for him, who pays or causes to be paid, directly or indirectly, any money or other thing of value as a commission or gratuity for the securing of business as such funeral director or undertaker and every person who accepts or offers to accept any money or other thing of value as a commission or gratuity from a funeral director or undertaker in order to secure business for him shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00), or shall be imprisoned in the county jail for not less than thirty (30) days or punished by both such fine and imprisonment.

33-16-318. Exceptions.

To the extent the provisions of this ~~act~~article conflict with the authority granted by W.S. 35-1-241, the provisions in this ~~act~~article may be superseded by the provisions of W.S. 35-1-241.

33-21-145. Violations; penalties.

(b) Violation of any of the provisions of this act constitutes a misdemeanor and upon conviction, the person is subject to a fine of not more than one thousand dollars (\$1,000.00), imprisonment for not more than one (1) year, or both.

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33-24-153. Manufacturer or wholesaler registration; requirements for registration; fees; renewal; denial, revocation or suspension.

(a) Every manufacturer, distributor, wholesaler or pharmacy who sells or distributes dangerous drugs in this state shall obtain a drug distributor's license for each location from the board. This section shall not apply to commercial operators registered under W.S. 33-24-113, nonresident pharmacies registered under W.S. 33-24-152 or to individuals practicing medicine as defined by W.S. ~~33-26-102(a)(x)(B) and (E)~~ 33-26-102(a)(xi)(B) and (E).

33-26-103. Applicability of chapter.

(a) This chapter does not apply to:

(iii) Commissioned medical officers of the United States armed services and medical officers of the United States public health service ~~of~~ or the veterans administration of the United States in the discharge of their official duties or within federally controlled facilities or enclaves, provided that the persons who are licensees of the board shall be subject to the provisions of this act and further provided that all such persons shall be the holder of a full and unrestricted license to practice medicine in one (1) or more jurisdictions of the United States;

33-29-139. Maps, plats, plans or designs for filing to be made and certified by professional engineer or surveyor; exception; size of maps.

(c) The application may be signed by the applicant or an agent acting for him, and may be accompanied by aerial photographs or United States geological survey quadrangle

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maps of a scale conforming to the requirements of this act with designation thereon of the township, range, section, and section corner or quarter corner, and the location of the installation designated in the quarter section on the photographs or United States geological survey quadrangle maps and a description of:

33-29-148. Previously existing corners.

Corner records may be filed concerning corners established, reestablished or restored before the effective date of W.S. 33-29-140 through ~~33-29-150~~ 33-29-149.

33-33-104. Persons and practices not affected.

(a) Nothing in this ~~act~~ chapter prevents or restricts:

(vii) The performance of speech pathology or audiology services in this state by any person not a resident of this state who is not licensed under this act, if such services are performed for no more than five (5) days in any calendar year and in cooperation with a speech pathologist or audiologist licensed under this act, and if ~~such the~~ person meets who is not a resident in this state possesses the qualifications and requirements ~~for applications for licensure described in W.S. 33-33-201(a) through (c) to apply for a license under this chapter~~. However, a person not a resident of this state who is not licensed under this act, but who is licensed under the law of another state which has established license requirements may offer speech pathology or audiology services in this state for no more than thirty (30) days in any calendar year, if such services are performed in cooperation with a speech pathologist or audiologist licensed under this act.

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33-43-109. Licensure; fees.

An applicant applying for a license to practice respiratory care shall pay an administrative fee to the board. Fees under this section shall be set by the board in accordance with W.S. 33-1-201. If an applicant fails to complete the requirements for licensing within three (3) ~~ears~~years from the date of filing, the application is deemed to be abandoned.

34-1-118. Where conveyance to be recorded.

A certificate of the acknowledgment of any deed, mortgage or conveyance, or proof of the execution thereof, before a court of record or a justice of the peace, signed by the clerk of such court, (or by the justice) before whom the same was taken, as provided in this act, and in the cases where the same is necessary, the certificate required by W.S. 34-1-115, shall entitle such deed, mortgage or conveyance, certificate or certificates aforesaid, to be recorded in the office of the ~~register of deeds~~county clerk in the county where the land lies.

34-1-126. Liability of county clerk for recording improperly executed conveyances.

Any ~~register of deeds~~county clerk who shall receive for record, and record any deed, mortgage, or other instrument affecting the title to real estate, which is not executed, acknowledged, attested or proved in accordance with the provisions of this act, shall be liable to a penalty of one hundred dollars (\$100.00), payable to the party aggrieved, in an action of damages for the same.

34-16-105. Prohibited acts; penalty for violation of W.S. 34-16-104.

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Every carrier, or officer, agent or servant of a carrier, who knowingly violates the provisions of W.S. 34-16-104, and every person who negotiates or transfers for value a bill of lading known by him to have been issued in violation of ~~said~~ section 4 shall be guilty of a ~~misdemeanor~~ felony and upon conviction, shall be punished by fine not exceeding five thousand dollars (\$5,000.00) or imprisonment not exceeding five (5) years, or both. And every carrier, who himself, or by his officer, agent or servant authorized to issue bills of lading, issues a false or duplicate bill of lading in violation of the provisions of section 4, shall be estopped, as against all and every person or persons injured thereby who shall acquire any such false or duplicate bill of lading in good faith and for value, to deny the receipt of the property as described therein, or to assert that a former bill of lading has been issued and remains outstanding and uncanceled for the same property, as the case may be; and ~~such~~ the issuing carrier shall be liable to any and every such person for all damages, immediate or consequential, which he or they may have sustained because of reliance upon ~~such~~ the bill, whether the person or persons guilty of issuing or negotiating ~~such~~ the bill shall have been convicted under this section or not.

34.1-2-511. Tender of payment by buyer; payment by check.

(c) Subject to the provisions of this act on the effect of an instrument on an obligation, ~~(section 34.1-3-802)~~ payment by check is conditional and is defeated as between the parties by dishonor of the check on due presentment.

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34.1-2.A-307. Priority of liens arising by attachment or levy on, security interests in, and other claims to goods.

(b) Except as otherwise provided in subsection ~~(d)~~ (e) and in sections 34.1-2.A-306 and 34.1-2.A-308, a creditor of a lessor takes subject to the lease contract unless:

34.1-3-103. Definitions.

(b) Other definitions applying to this article and the sections in which they appear are:

"Acceptance"	Section 34.1-3-409
"Accommodated party"	Section 34.1-3-419
"Accommodation party"	Section 34.1-3-419
"Alteration"	Section 34.1-3-407
"Anomalous indorsement"	Section 34.1-3-205
"Blank indorsement"	Section 34.1-3-205
"Cashier's check"	Section 34.1-3-104
"Certificate of deposit"	Section 34.1-3-104
"Certified check"	Section 34.1-3-409
"Check"	Section 34.1-3-104
"Consideration"	Section 34.1-2-303

34.1-3-303

"Deposited instrument"	Section 34.1-3-901
"Draft"	Section 34.1-3-104
"Having control"	Section 34.1-3-901
"Holder in due course"	Section 34.1-3-302
"Incomplete instrument"	Section 34.1-3-115
"Indorsement"	Section 34.1-3-204
"Indorser"	Section 34.1-3-204
"Instrument"	Section 34.1-3-104
"Issue"	Section 34.1-3-105
"Issuer"	Section 34.1-3-105

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"Negotiable instrument"	Section 34.1-3-104
"Negotiation"	Section 34.1-3-201
"Note"	Section 34.1-3-104
"Payable at a definite time"	Section 34.1-3-108
"Payable on demand"	Section 34.1-3-108
"Payable to bearer"	Section 34.1-3-109
"Payable to order"	Section 34.1-3-109
"Payment"	Section 34.1-3-602
"Person entitled to enforce"	Section 34.1-3-301
"Presentment"	Section 34.1-3-501
"Reacquisition"	Section 34.1-3-207
"Special indorsement"	Section 34.1-3-205
"Teller's check"	Section 34.1-3-104
"Transfer of instrument"	Section 34.1-3-203
"Traveler's check"	Section 34.1-3-104
"Value"	Section 34.1-3-303

34.1-3-503. Notice of dishonor.

(a) The obligation of an indorser stated in section 34.1-3-415(a) and the obligation of a drawer stated in section ~~34.1-3-414(e)~~34.1-3-414(d) may not be enforced unless (1) the indorser or drawer is given notice of dishonor of the instrument complying with this section or (2) notice of dishonor is excused under section 34.1-3-504(b).

34.1-4-503. Responsibility of presenting bank for documents and goods; report of reasons for dishonor; referee in case of need.

(b) However, the presenting bank is under no obligation with respect to goods represented by the documents except to follow any reasonable instructions seasonably received; it has a right to reimbursement for any expense incurred in ~~the~~ following any reasonable

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instructions and to prepayment of or indemnity for those expenses.

35-1-613. Definitions.

(a) As used in this act:

(xi) "Sexual assault" means any act made criminal under W.S. 6-2-302 through ~~6-2-305~~6-2-304 and 6-4-402;

35-4-103. Investigation of diseases; quarantine; regulation of travel; employment of police officers to enforce quarantine; report of county health officer; supplies and expenses.

It shall be the duty of the department of health, immediately after the receipt of the information that there is any smallpox, cholera, scarlet fever, diphtheria or other infectious or contagious disease, which is a menace to the public health, in any portion of this state, to order the county health officer by telegram or telephone, if he is not at hand to proceed immediately to ~~said~~the case and there to investigate said case or cases, and to report to the state health officer, by telephone or telegram, the results of ~~said~~the investigation, and it shall be the duty of the state health officer, if in his judgment the occasion requires, to direct the county health officer to declare ~~said~~the infected place to be in quarantine and to place any and all restrictions upon the ingress and egress thereat as in his judgment, or in the judgment of the state health officer shall be necessary to prevent the spread of the disease from the infected locality; and it shall be the duty of the ~~said~~ county health officer when he shall have declared any city or town or other place to be in quarantine, so to control the

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population of ~~said~~the city, town or other place, and make such disposition of the same, as shall in his judgment best protect the people and at the same time prevent the spread of the disease among the same. And when deemed necessary for the protection of the public health the state health officer shall establish and maintain a state quarantine, and shall enforce such practical regulations regarding railroads, stage lines, or other lines of travel into and out of the state of Wyoming as they so deem proper and necessary for the protection of the public health, and the expenses incurred in maintaining ~~said~~the state quarantine shall be paid out of the funds of the state treasury appropriated for this purpose and in the manner in which other expenses of the department are audited and paid. The county health officer, or the department, are hereby authorized to employ a sufficient number of police officers who shall be under the control of the county health officer, to enforce and carry out any and all quarantine regulations the department may prescribe, which ~~said~~ regulations shall be made public in the most practicable manner, in the several counties, cities, towns or other places where the quarantine may be established. And where quarantine is established by the county health officer, he shall make immediate report of his actions and doings in the premises to the state health officer and from time to time so long as quarantine shall continue. It shall also be the duty of the county health officer to furnish all supplies, in the nature of clothing, provisions, construction of pesthouses or other things necessary for the maintaining of such quarantine, and upon certificate of the county health officer, approved by the director of the state department of health it shall be the duty of the county commissioners of any county where such quarantine has been established, to issue warrant or warrants to the proper parties for the payment of all expenses, together with the expense of employing sufficient police force to

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maintain and enforce ~~said~~the quarantine. For purposes of this act, "state health officer" means as defined in W.S. ~~9-2-101(f)~~9-2-103(e).

35-6-107. Forms for reporting abortions.

(b) The form shall be completed by the attending physician and sent to the state health officer as defined in W.S. ~~9-2-101(f)~~9-2-103(e) within twenty (20) days after the abortion is performed.

35-7-1018. Substances included in Schedule III.

(b) Stimulants. - Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(i) Those compounds, mixtures or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures or preparations were listed on August 25, 1971, as excepted in the Federal Register as excepted compounds under section ~~308.32-21~~C.F.R. part 1308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

35-8-405. Removal of body from vault constituting menace to public health; reinterment; cost; construction

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contrary to W.S. 35-8-401 through 35-8-407 deemed nuisance; enjoining.

When any mausoleum, vault, crypt or structure containing one (1) or more deceased human bodies, shall, in the opinion of the state ~~board~~department of health, become a menace to public health, and the owner or owners ~~thereof~~ shall fail to remedy or remove the same to the satisfaction of ~~said board~~the department, the judge of any district court of the state of Wyoming may, upon application by the county attorney of the county in which it is located, order the person, firm, partnership, association, company or corporation owning ~~such~~the structure to remove the deceased body or bodies for interment in some suitable cemetery at the expense of the person, firm, partnership, association, company or corporation owning ~~such~~the mausoleum, vault or crypt. If no ~~such~~ person, firm, partnership, association, company or corporation can be found in the county where ~~such~~the mausoleum, vault or crypt is located, ~~such~~the removal and interment shall be at the expense of the cemetery, city, town or county within which ~~such~~the mausoleum, vault or crypt is located, or of the cemetery association in charge of any such cemetery, provided, however, that if there is a perpetual care and maintenance fund in existence for the care of the mausoleum, vault, crypt or structure, the expense incident thereto may be defrayed from the principal of the fund by order of the district judge. Any columbarium or mausoleum maintained or constructed contrary to the provisions of this act shall be deemed a public nuisance, and may be enjoined in an action brought by any taxpayer of this state in the district court.

35-9-608. Benefits enumerated; death of participant or spouse; amount and payment of contributions; withdrawal from plan.

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(a) ~~Retirement.~~—When any participating member shall attain the retirement age corresponding to his entry age as set forth in the table contained in subsection (d) hereof, the board shall authorize the payment monthly to ~~such~~the member during his remaining lifetime of an amount equal to the member's pension benefit corresponding to his entry age as set forth in ~~such~~the table.

35-10-206. Enforcement; disposal of seized fireworks.

Wyoming peace officers shall seize all stocks of fireworks held in violation of W.S. 35-10-201 through ~~35-10-207~~35-10-208 and shall apply to the appropriate court for the disposition of the fireworks. Following a hearing determining the fireworks were held in violation of W.S. 35-10-201 through ~~35-10-207~~35-10-208, the fireworks shall be destroyed or otherwise disposed of upon order of any justice of the peace, circuit court or district court.

35-11-110. Powers of administrators of the divisions.

(d) The administrator of the abandoned mine land division shall enforce and administer the provisions of W.S. 35-11-1201 through ~~35-11-1208~~35-11-1209 and 35-11-1301 through 35-11-1304. He shall have the powers set forth in paragraph (a)(x) of this section.

35-11-404. Drill holes to be capped, sealed or plugged.

(c) "Plugging, sealing and capping upon abandonment" means any hole drilled shall be abandoned in the following manner:

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(ii) "Sealing". Drill holes which have encountered any ground water shall be sealed by leaving a column of drilling mud in the ~~hole~~hole or by such other sealing procedure which is adequate to prevent fluid communication between aquifers;

35-11-503. Authority to promulgate rules and regulations for solid waste management facilities and for the management of hazardous wastes.

(c) Unless and until the council adopts rules pursuant to ~~paragraph~~subsection (a) of this section, for commercial radioactive waste management facilities or a particular classification of commercial radioactive waste management facilities, the director shall rely upon the performance criteria and standards of title 10, part 40, appendix A, and title 40, part 192, subpart D of the Code of Federal Regulations, as of January 1, 1991, as guidance for determining whether an application complies with the act. Nothing in this subsection shall be construed to limit the director's authority to impose permit requirements or conditions ~~on~~or the council's authority to promulgate rules, consistent with this act, which are more stringent than the federal regulations referenced.

35-11-1104. Limitation of scope of provisions.

(a) Nothing in this act:

(iii) Limits or interferes with the jurisdiction, duties or authority of the state engineer, the state board of control, the director of the Wyoming game and fish commissioner~~department~~, the state mine inspector, the oil and gas supervisor or the oil and gas conservation commission, or the occupational health and safety commission.

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35-22-101. Definitions.

(a) As used in this act:

(x) "This act" means W.S. 35-22-102 through ~~35-22-108~~ 35-22-109.

37-7-109. Order of court upon decision for petitioners; appointment of commissioners; findings and orders final unless appealed.

(a) If the issues at this hearing are decided in favor of the petitioners, the court shall make an order:

(iii) Establishing said district as a corporation by the name proposed with powers:

(D) To build or otherwise ~~require~~ acquire power lines and the transformers and other electrical equipment necessary to connect with power lines of the United States, the state of Wyoming, or any subdivision thereof to transmit power to any and all persons deciding to use same;

37-7-201. Petition for organization; assessments against real estate.

If the petition for the organization of a power district under ~~section 87-101, Wyoming Revised Statutes, 1931~~ W.S. 37-7-101, states that the bonds to be issued by such district for the purpose of raising money shall be a lien only upon the power plant, distribution system, and other property used in the manufacture or distribution of electrical energy, and upon the revenues from electrical energy so developed or distributed, the petition or

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petitions of fifty (50) freeholders of the area to be served shall be sufficient to give the court jurisdiction to hear such petition, and to organize a power district; provided, no district organized under a petition providing such revenue bonds only, shall have authority to make any assessments against the real estate of the district, unless it shall amend its petition and follow the procedure provided in ~~section 87-101, Wyoming Revised Statutes, 1931~~ W.S. 37-7-101.

37-7-309. South Dakota and Wyoming not to impair power of commission to own properties, collect rents so long as any bonds or securities outstanding.

The state of South Dakota and the state of Wyoming hereby covenant and agree with each other and with the holders of any bonds or other securities or obligations of the commission, for which there may or shall be pledged the tolls, rents, rates, or other revenues or any part thereof, of any property or facility owned, operated or controlled by the commission that so long as any of ~~said the~~ bonds or other securities or obligations remain outstanding and unpaid the state of South Dakota and the state of Wyoming will not diminish or impair the power of the commission to own, operate or control ~~said the~~ properties and facilities or to establish, levy and collect rents, rates and other charges in connection with such properties or ~~franchises~~ facilities.

37-9-104. Consolidation; effects; rights of creditors.

Upon the election of the first board of trustees of the corporation created by the agreement, ~~in the preceding section mentioned~~ pursuant to W.S. 37-9-102, and by the provisions of ~~this subdivision~~ W.S. 37-9-101 through

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37-9-105, all and singular the rights and franchises of each and all of ~~said~~the two (2) or more corporations, parties to such agreement, and all and singular the rights and interest in and to every species of property, real, personal and mixed, and things in action shall be deemed to be transferred to and vested in ~~such~~the new corporation, without any other deed or transfer, and ~~such~~the new corporation shall hold and enjoy the same, together with right-of-way and all other rights of property in the same manner and to the same extent as if the ~~said~~ two (2) or more corporations, parties to ~~such~~the agreement, should have continued to retain the title and transact the business of ~~such~~the corporations. And the title and the real estate acquired by either of ~~said~~the two (2) or more corporations shall not be deemed to revert or be impaired by means of anything in ~~this subdivision contained~~ W.S. 37-9-101 through 37-9-105; provided, that all rights of creditors and all liens upon the property of either of ~~said~~the corporations shall be and hereby are preserved unimpaired; and the respective corporations shall continue to exist as far as may be necessary to enforce the same; provided, further, that all debts, liabilities and duties of either company shall henceforth attach to ~~such~~the new corporation, and be enforced to the same extent and in the same manner as if ~~such~~the debts, liabilities and duties had been originally incurred by it.

37-9-501. Death or injury due to negligence.

Every person or corporation operating a railroad in the state shall be liable in damages to any person suffering injury while he is employed by ~~such~~the person or corporation so operating any ~~such~~ railroad, or, in case of the death of ~~such~~an employee, instantaneously, or otherwise, to his or her personal representative, for the benefit of the surviving widow or husband and children of

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~~such—the~~ employee; and, if none, then of ~~such—the~~ employee's parents; and, if none, then of the next of kin dependent upon ~~such—the~~ employee, for ~~such—the~~ injury or death resulting in whole or in part from the negligence of any of the officers, agents, or ~~employers—employees~~ of ~~such—the~~ person or corporation so operating ~~such—the~~ railroad in or about the handling, movement, or operation of any train, engine, or car, on or over ~~such—the~~ railroad, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, or other equipment.

37-9-601. Contractor's bond.

Whenever any railroad company shall contract with any person, persons or corporation for the construction of its railroad or any part thereof, ~~such—the~~ company shall take from the person, persons, or corporation with whom ~~such—a~~ contract is made, a good and sufficient bond, in some guarantee or surety company authorized to do business in this state, conditioned that ~~such—the~~ contractor or contractors shall pay or cause to be paid all laborers, mechanics, materialmen, ranchmen, farmers, merchants, and other persons who supply ~~such—the~~ contractor or contractors, or any of his or their subcontractors, with labor, work, material, ranch or farm products, provisions, goods or supplies of any kind, all just debts incurred therefor in carrying on ~~such—the~~ work, which bond shall be filed by ~~such—the~~ company in the office of the county clerk and ex officio register of deeds in the county where the principal work of ~~such—the~~ contractor shall be carried on; and if any ~~such—~~railroad company shall fail to take ~~such—a~~ bond, ~~such—the~~ railroad company shall be liable to the persons herein mentioned to the full extent of all ~~such~~ debts so contracted by ~~such—the~~ contractor, or contractors, or any of his or their subcontractors. Any ~~such—~~contractor

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or contractors may take a similar bond from each of his or their subcontractors to secure the payment of all debts of the kind above mentioned, incurred by him, and file the same as above provided. All ~~such~~ persons mentioned in this section to whom any debt of the kind above mentioned shall be due from any ~~such~~ contractor or subcontractor shall severally have a right of action upon any ~~such~~ bond covering ~~such~~the debt taken as herein provided for the recovery of the full amount of ~~such~~the debt, and a certified copy of the bond shall be received as evidence in any ~~such~~ action; provided, however, that in order that the right of action upon ~~such~~the bonds may exist, ~~such~~the person or parties herein granted ~~such~~the right shall comply with either of the following conditions, to-wit: First, an action in a court of competent jurisdiction, in the county where ~~such~~the bond is filed shall be commenced within ninety (90) days after the last item of indebtedness shall have accrued; or second, an itemized statement of the indebtedness duly verified shall within ninety (90) days after the last item of ~~such~~the indebtedness shall have accrued be filed in the office of the county clerk of the proper county; and an action shall be brought in any court of competent jurisdiction of ~~such~~the county within three (3) months after the filing of ~~such~~the statement. In case an action is commenced upon the bond of a contractor, ~~such~~the contractor may give notice thereof to the subcontractor liable for the claim, and in ~~such~~a case the result of ~~such~~the action shall be binding upon the subcontractor, and his sureties, and in any case when a contractor ~~was~~has paid a claim for which a subcontractor is liable, ~~such~~the contractor shall bring action against the subcontractor and his sureties within sixty (60) days after the payment of ~~such~~the claim.

37-13-127. Issuance of bonds.

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After the expiration of thirty (30) days from the date of the adoption of the resolution levying the assessments, the governing body may issue negotiable interest-bearing bonds in a principal amount not exceeding the unpaid balance of the assessments levied. The bonds shall bear interest payable semiannually or annually and shall mature serially over a period not exceeding twenty (20) years, but in no event shall the bonds extend over a longer period of time than the period of time over which the installments of special assessments are due and payable and ninety (90) days thereafter. The bonds shall be of a form and denomination and shall be payable in principal and interest at times and ~~place~~places and shall be sold, authorized and issued in a manner, as the governing body may determine. The bonds shall be dated no earlier than the date on which the special assessment shall begin to bear interest and shall be secured by and payable from the irrevocable pledge of the funds derived from the levy and collection of the special assessments in anticipation of the collection of which they are issued. Any premium received on the sale of the bonds shall be placed in the fund for the payment of principal and interest on the bonds. The bonds shall be callable for redemption from the proceeds of the sale of property sold for the nonpayment of special assessments but not otherwise unless the bonds on the face thereof provide for redemption prior to maturity. The governing body may provide that the bonds shall be redeemable on interest payment date or dates prior to maturity pursuant to notice and at premiums as it deems advisable. The bonds shall be signed by a member of the governing body designated by the governing body and shall be countersigned by the city recorder or the clerk of the board of the town trustees or the clerk of the board of the county commissioners, whichever is applicable, and one (1) of the signatures may be a facsimile signature. Interest may be evidenced by interest coupons attached to the bonds and signed by a

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facsimile signature of one (1) of the individuals who signed the bond.

40-13-105. Licenses and fees; choices.

The licenses and fees made available pursuant to this ~~section~~article shall provide users with genuine economic choices between the various licenses and fees provided for application within the state of Wyoming.

40-13-106. Time for filing contracts and licenses; filing fee.

The contracts and licenses required by this ~~section~~article shall be filed with the secretary of state. A filing fee of five dollars (\$5.00) shall be paid to the secretary of state at the time of each filing.

40-14-407. Maximum charge by creditor for insurance.

(b) A creditor who provides consumer credit insurance in relation to a revolving charge account (W.S. 40-14-208) or revolving loan account (W.S. 40-14-308) may calculate the charge to the debtor in each billing cycle by applying the current premium rate to:

(ii) The unpaid balance of the debt or a median amount within a specified range of unpaid balances of debt on approximately the same day of the cycle. The day of the cycle need not be the day used in calculating the credit service charge (W.S. 40-14-218) or loan finance charge (W.S. 40-14-310 and 40-14-348), but the specified range shall be the range used for that purpose; or

40-17-101. Definitions; express warranties; duty to make warranty repairs.

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(a) As used in this section:

(i) "Consumer" means any person:

(A) Who purchases a motor vehicle, other than for ~~purposes~~ the purpose of resale, to which an express warranty applies; or

41-2-112. Wyoming water development program.

(a) The Wyoming water development program is established to foster, promote and encourage the optimal development of the state's human, industrial, mineral, agricultural, water and recreational resources. The program shall provide, through the commission, procedures and policies for the planning, selection, financing, construction, acquisition and operation of projects and facilities for the conservation, storage, distribution and use of water, necessary in the public interest to develop and preserve Wyoming's water and related land resources. The program shall encourage development of water facilities for irrigation, for reduction of flood damage, for abatement of pollution, for preservation and development of fish and wildlife resources and for protection and improvement of public lands and shall help make available the waters of this state for all beneficial uses, including but not limited to municipal, domestic, agricultural, industrial, instream flows, hydroelectric power and recreational purposes, conservation of land resources and protection of the health, safety and general welfare of the people of the state of Wyoming.

41-2-124. Accounts created within earmarked revenue fund; unexpended balance.

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(c) The state treasurer shall transfer such sums of money from water development accounts I and II created by subsection (a) of this section to the state drinking water ~~state~~-revolving ~~fund~~-loan account created by W.S. 16-1-302 to provide not to exceed one-half (1/2) of the twenty percent (20%) state matching funds for each federal capitalization grant to the drinking water state revolving fund program account. The transferred funds shall be proportioned between water development accounts I and II as directed by the water development commission.

41-3-108. Lands taken out of agricultural production or lands taken by eminent domain; retention of priority.

(a) Where lands are taken out of agricultural production as the necessary result of acquisitions for railroad roadbed construction, highway construction, mining or petroleum extraction operations or industrial site acquisitions or lands taken by proceedings in eminent domain or which have become impracticable to irrigate by reason of any of the foregoing conditions, the owner of an affected water right may transfer the water right to other lands held by the owner. The petition for the change in use, or change in place of use shall be properly filed within five (5) years of the date the land went out of production because of any of the conditions specified herein. Failure to file the petition within five (5) years results in forfeiture of the right except as otherwise provided.

41-4-209. Tabulations and supplements of adjudicated water rights; adequate copies to be printed; president to direct.

Adequate copies, as determined by the president of the state board of control, of the tabulation of adjudicated

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water rights and supplements shall be printed under the direction of the president of the state board of control upon a printing contract let by the ~~state board of supplies department of administration and information, general services division, procurement.~~

41-7-906. Statement on bonds and coupons of limitations affecting interest payments; portion of interest affected; separate coupons.

(a) If the limitations affect the payment of only a portion of the interest which will accrue on any bond, the board of commissioners may provide either that:

(i) The entire installment of interest payable on any interest payment date shall be represented by a single coupon which shall contain a brief statement as to the portion of interest subject to the limitations; or

41-9-261. Commissioners not to have financial interest in construction contracts.

~~(a) And they~~ While in office no commissioner shall ~~not during their term of office,~~ be interested directly or indirectly:

(i) In any contract for the construction of any drain, ditch, levee or other work in such a drainage district; ~~or~~

(ii) In the sale of materials therefor, used for any work in a drainage district; or

(iii) In the wages of or supplies for men or teams employed on any such work in said a drainage district.

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

(e) Nothing in subsection (d) of this section shall be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol, including tests obtained more than three (3) hours after the alleged violation. The fact that any person charged with a violation of subsection (c) of this section is or has been entitled to use the controlled substance under the laws of this state shall not constitute a defense against any charge under this section. It is an affirmative defense to a violation of paragraph (c)(iii) of this section that the defendant consumed a sufficient quantity of alcohol after the time of actual operation or physical control of a watercraft and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed ten one-hundredths of one percent (0.10%) but evidence of the consumption may not be admitted unless notice is given to the prosecution pursuant to Rule ~~16.1~~ 12.1 of the Wyoming Rules of Criminal Procedure.

42-2-103. Provision of assistance and services; duties of department; burial assistance; state supplemental security income program.

(e) In administering this section and in addition to other requirements imposed under this chapter and the Wyoming Medical Assistance and Services Act and federal rule and regulation, the department shall by rule and regulation:

(iv) Establish only one (1) earned income disregard for determining assistance payable under W.S.

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42-2-104 at two hundred dollars (\$200.00) per month for any one (1) recipient. For married couples the earned income disregard shall be four hundred dollars (\$400.00) per month. The department may in addition establish an additional individual earned income disregard tailored to the individual person as part of that person's self-sufficiency plan developed pursuant to paragraph (v) of this subsection, provided:

(A) Such an individual earned income disregard shall be available only during time periods when the person is working at paid employment enough average number of hours per week to qualify as working for the purposes of section 407 of P.L. ~~104-109~~ 104-193;

Section 2. W.S. 26-34-128(a)(ii) is repealed.

Section 3. 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.

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Section 4. 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 House.

Chief Clerk