

ENROLLED ACT NO. 67, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2006 BUDGET SESSION

AN ACT relating to a revision of inadvertent errors; correcting statutory references and language resulting from inadvertent errors and omissions in previously adopted legislation; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 1-12-401, 1-23-107(a), 1-39-103(a)(v), 5-3-101(a)(viii)(D), 6-1-104(a)(vi)(J) and (O), 6-4-502(b)(v), 6-7-101(a)(viii)(B), 7-2-101(a)(iv)(H) and (M), 7-3-701(a)(iii), 7-6-103(c)(v) and (k), 7-13-1205(a)(intro), 7-19-301(a)(xv), 9-1-415(f)(i)(D), 9-2-1016(f), 9-2-1026.1(a)(xiii) and (b)(vi), 9-2-1026.9, 9-2-1204(a)(xv) and (xvi), 9-3-402(a)(vi)(O) and (U), 9-3-404(a)(iii), 9-3-405(a)(vi), 9-3-406(a), 9-3-409(a), 9-3-434(a)(xxiv), 9-12-307, 11-6-210(j), 11-10-111, 11-12-102 by creating a new subsection (b), 12-4-407(c), 13-6-101, 14-1-101(b)(iii) 14-3-202(a)(ix), 14-3-203(a)(ii) and (iii), 14-3-214(b)(vi), 14-3-418(b)(i) and (ii), 14-6-203(g)(iv) and (v), 14-6-205(a)(ii) and (iv), 14-6-427(c)(v), 15-1-601(d)(ii) and (iii), 15-5-201(a)(vii), 15-6-404(c), 15-6-418(b)(i)(C), by amending and renumbering paragraph (ii) as subsection (c) and by renumbering (c) as (d), 16-1-108(c)(v), 16-3-103(a)(i)(E), 16-4-203(d)(xi) and (xii), 16-9-203(e), 17-10-244(a)(intro) and (iii)(B), 17-16-1502(c), 17-18-102(b)(iv)(D), 18-2-107, 18-8-103, 18-12-102(a)(xi), 20-2-101(g), 20-2-402(a)(v)(B) and (C), 20-6-215(a)(i) and (ii), 21-2-102, 21-2-202(a)(xvii)(A) and (B), 21-2-304(a)(iv)(intro), 21-3-307(a)(xx) and (xxi), 21-13-309(n)(ix) and (xi), 21-18-314(f), 22-13-104(a), 22-18-111(a)(iv), 22-29-102(a)(iii), 23-1-105(a), 23-1-106(a), 23-1-302(a)(xxvi) and (xxviii), 23-1-602, 24-1-112(a), 25-10-122(a)(ii) and (iii), 25-11-103(d),

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26-3-112(a)(iii), 26-6-205(c)(ii)(C) and (D),  
26-12-102(a)(i)(G), 26-13-110(a)(ii)(D), 26-19-107(j)(i),  
26-36-103(a)(vi), 27-2-105(a)(iv) and (v), 27-3-107(a)(v),  
27-14-701(e), 29-3-103(a)(i), 29-7-301(e), 30-3-210(b),  
31-6-101(a)(v), 31-7-305(g)(iv), 33-1-115(d)(iv) and (v),  
33-3-109(a)(v)(B), 33-4-117(a)(ii), 33-9-110(a)(v) and  
(vi), 33-16-301(a)(ii), 33-21-127(b)(iv), by renumbering  
paragraphs (iv) and (vi) as subparagraphs (A) and (B),  
33-21-145(a)(vi), 33-21-146(a)(ix), 33-22-108(a)(v) and  
(vi), 33-23-110(f), 33-28-106(e)(viii)(A), 34-1-141(c) and  
(d), 34-4-103(a)(ii), 34-24-117(b)(ii), 35-2-609(b)(iii)  
and (iv), 35-7-1011(f), 35-7-1046(b)(iv)(B), 35-9-605,  
35-10-201(d)(iii), 35-11-103(d)(v)(C) and (e)(xix),  
35-11-209(e), 35-11-1105(d)(iii), 35-12-110(b)(xiv) and  
(xv), 35-17-101(a)(i)(B) and (C), 37-2-125(a)(ix),  
37-7-109(a)(iv), 37-12-126(a)(intro),  
39-15-203(a)(i)(E)(V), 39-15-211(a)(iv)(B)(intro),  
39-16-211(a)(iii)(B), 40-13-206(a)(i) and (iii),  
41-2-114(b)(v), (vii) and (e)(i), 41-2-118(a)(x) and (xiii)  
and 41-4-514(a)(iv) and (v) are amended to read:

**1-12-401. Written finding of presumed death  
admissible as evidence.**

A written finding of presumed death made by an officer or  
employee of the United States authorized to make such  
finding, pursuant to the Federal Missing Persons Act, ~~456  
Stat. 143, 1092, and 58 Stat. 679; 50 U.S.C. App. Supp.  
1001-17~~ 37 U.S.C. § 551 et seq., as now or hereafter  
amended, or a certified copy of the finding, shall be  
received in any court, office or other place in this state  
as evidence of the death of the person found to be dead and  
the date, circumstances and place of his disappearance.

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

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(a) Notwithstanding W.S. 1-39-101 through ~~1-39-120~~ 1-39-121, the members of any governmental board, agency, council, commission or governing body are not individually liable for any actions, inactions or omissions by the governmental board, agency, council, commission or governing body.

**1-39-103. Definitions.**

(a) As used in this act:

(v) "Scope of duties" means performing any duties which a governmental entity requests, requires or authorizes a public employee to perform regardless of the time and place of performance; ~~and~~

**5-3-101. Judicial districts enumerated; terms of court.**

(a) The state of Wyoming is divided into judicial districts as follows with terms as designated:

(viii) The counties of Converse, Platte, Goshen and Niobrara are the eighth judicial district. Regular terms of the district court in each county shall be held:

(D) In Niobrara county, one (1) term beginning on the second Monday in February and one (1) term beginning on the first Tuesday in September.

**6-1-104. Definitions.**

(a) As used in W.S. 6-1-101 through 6-10-203 unless otherwise defined:

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(vi) "Peace officer" includes the following officers assigned to duty in the state of Wyoming:

(J) Any duly authorized detention officer who has qualified pursuant to W.S. 9-1-701 through 9-1-707, when engaged in the performance of his duties while supervising a detainee who has been convicted as a felon; ~~and~~

(O) The director and full-time staff instructors of the Wyoming law enforcement academy when duly appointed and acting pursuant to W.S. 9-1-633(b); ~~and~~

**6-4-502. Mutilation of dead human bodies; penalties; exceptions.**

(b) This section does not apply to:

(v) Conduct authorized by the Uniform Anatomical Gift Act, W.S. 35-5-101 through ~~35-5-109~~ 35-5-119.

**6-7-101. Definitions.**

(a) As used in this article:

(viii) "Professional gambling" means:

(B) Participating in gambling and having, other than by virtue of skill or luck, a lesser chance of losing or a greater chance of winning than one (1) or more of the other participants. ~~and~~

**7-2-101. Definitions.**

(a) As used in W.S. 7-2-101 through 7-2-107:

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(iv) "Peace officer" means:

(H) Any duly authorized detention officer in the performance of his duties and who has qualified pursuant to W.S. 9-1-701 through 9-1-707; ~~and~~

(M) Certified law enforcement officers of an adjoining state while responding to a request for assistance from a peace officer in this state pursuant to the "Law Enforcement Interstate Mutual Aid Act" or other lawful request; and

**7-3-701. Definitions.**

(a) As used in this act:

(iii) "Communication common carrier" shall have the same meaning which is given the term "common carrier" by ~~47 U.S.C. § 153(h)~~ 47 U.S.C. § 153(10);

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

(c) The state public defender shall:

(v) Administer the public defender program of the state; ~~and~~

(k) Notwithstanding any other provision of law to the contrary, any attorney providing services for the office of the state public defender in the defense of a criminal case shall, for matters arising out of such services, be considered a state employee for purposes of coverage and representation under the Wyoming Governmental Claims Act,

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W.S. 1-39-101 through ~~1-39-120~~1-39-121, and the state self-insurance program, W.S. 1-41-101 through 1-41-111.

**7-13-1205. Juvenile courts authorized to establish teen court program.**

(a) Notwithstanding any other provision of the Juvenile ~~Court~~Justice Act, W.S. 14-6-201 through ~~14-6-244~~14-6-252, a juvenile court may establish and offer a teen court program substantially complying with the provisions of this act as an alternative to any disposition authorized by W.S. 14-6-229(d), provided:

**7-19-301. Definitions.**

(a) Unless otherwise provided, for the purposes of this act:

(xv) "This act" means W.S. 7-19-301 through ~~7-19-308~~7-19-307;

**9-1-415. Collection of debts due the state; discharge of uncollectible debts.**

(f) No patient billing from the state hospital shall be collectible unless:

(i) A legally responsible person has been advised in writing before the treatment or stay at the hospital, at the time of admission or a reasonable time thereafter, of:

(D) The right to appeal pursuant to W.S. 25-11-103.~~;~~and

**9-2-1016. General services division.**

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(f) The section may engage in activities relative to federal excess property in connection with the use of the property by other state agencies, institutions or organizations engaging in or receiving assistance under federal programs. The section may enter into contracts and other agreements for and on behalf of the state, including the cooperative agreements within the purview of section 203(n) of the federal act ~~(40 U.S.C. § 484(n))~~ (40 U.S.C. § 484(j)) with federal agencies, as well as agreements with other groups or associations which will in any way procure the administration of the section's functions but this act relating to the procurement of property shall not apply to the section in the acquisition of federal surplus property.

**9-2-1026.1 Duties performed through information technology division.**

(a) In addition to other duties prescribed by law, the department through the information technology division shall:

(xiii) Provide necessary administrative and clerical assistance to the ~~law enforcement~~ public safety communications commission established under W.S. 9-2-1101.

(b) Notwithstanding subsection (a) of this section:

(vi) The state ~~law enforcement~~ public safety communications commission established under W.S. 9-2-1101 shall coordinate its statewide telecommunications transport service requirements through the information technology division;

**9-2-1026.9. Compliance with local laws prerequisite to entering into library agreement.**

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No city, town, county, school district or public district of any sort of this state shall be party to a library agreement which provides for the construction or maintenance of a library pursuant to article III, ~~(e-7)~~ paragraph (c)(vii) of the Interstate Library Compact, nor pledge its credit in support of such a library, or contribute to the capital financing thereof, except after compliance with any laws applicable to such cities, towns, counties, school districts or public districts of any sort relating to or governing capital outlays and the pledging of credit.

**9-2-1204. Powers and duties; rules and regulations; addressing problems of senior citizens; funds and grant awards; development of senior citizen programs; report to governor.**

(a) The department of health shall:

(xv) Report to the governor as required by W.S. 9-2-1014; ~~and~~

(xvi) Administer the community based in-home services program as provided by W.S. 9-2-1208; and

**9-3-402. Definitions.**

(a) As used in this article:

(vi) "Employer" or "participating employer" means:

(O) Any senior citizen center within the state; ~~and~~



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(U) Any special district; and

**9-3-404. Wyoming retirement board; responsibility for administration of system; composition; appointment; term; vacancies; meetings; election of chairman.**

(a) The responsibility for the administration and operation of the retirement system is vested solely and exclusively in the Wyoming retirement board. The board shall be composed of eleven (11) members, not more than six (6) of whom shall be from the same political party. The members shall be:

(iii) Two (2) members, exclusive of the public school system, the community colleges and the University of Wyoming, one (1) of which is a participant in the Wyoming deferred compensation program established under W.S. 9-3-501 through ~~9-3-507~~ 9-3-508;

**9-3-405. Retirement board duties and powers.**

(a) In addition to any other duties prescribed by law, the board shall:

(vi) Through the director employed under W.S. 9-3-406(a), administer the Wyoming deferred compensation program established under W.S. 9-3-501 through ~~9-3-507~~ 9-3-508.

**9-3-406. Retirement board; employment and compensation of director, consulting actuary and assistants; director designated secretary; compensation of members; quorum; seal.**

(a) The board shall employ a director and a consulting actuary and other professional and clerical

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assistants necessary for the administration of the retirement system and the Wyoming deferred compensation program established under W.S. 9-3-501 through ~~9-3-507~~ 9-3-508. The compensation of employees shall be fixed by the board, subject to confirmation and approval by the personnel division and together with all other necessary expenses of the board shall be paid by vouchers drawn on the state treasurer of Wyoming. The director shall also serve, without additional compensation, as secretary of the board.

**9-3-409. Retirement board; rules and regulations; powers and privileges required to perform functions; requiring employers to furnish information and keep records.**

(a) The retirement board shall adopt rules and regulations for the administration of the retirement system and the control and disbursement of its assets, the administration of the Wyoming deferred compensation program established under W.S. 9-3-501 through ~~9-3-507~~ 9-3-508 and shall have the powers and privileges required in the performance of its functions under this article and W.S. 9-3-501 through ~~9-3-507~~ 9-3-508.

**9-3-434. Definitions.**

(a) As used in this act:

(xxiv) "This act" means W.S. ~~9-3-434~~ 9-3-433 through 9-3-452.

**9-12-307. Penalty.**

Any person who knowingly makes a false statement to the council in connection with an application under this

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article ~~or who violates W.S. 9-12-302(e)~~ is guilty of a felony punishable by imprisonment for not more than two (2) years, a fine of not more than two thousand dollars (\$2,000.00), or both.

**11-6-210. Creation of predatory animal district fund; predatory animal control fees; donations; appropriation by county commissioners.**

(j) Any person failing to pay the predator animal control fee imposed by ~~subsections~~ subsection (a) or (f) of this section shall be punished as provided by W.S. 11-1-103.

**11-10-111. Reports.**

The director of the department of agriculture shall make reports as required by W.S. ~~9-2-103~~ 9-2-1014 in regard to the state fair.

**11-12-102. Exceptions to applicability.**

(b) Any resident grower who sells or offers for sale any agricultural, vegetable, flower or tree seeds grown only by him and sold or offered for sale at the headquarters of his operations directly to grower planters of the seed and not for resale is exempt from the licensing provisions under W.S. 11-12-103.

**12-4-407. Restaurant liquor license; authorized.**

(c) After the 1980 census has been completed and the maximum number of appropriate licenses has been certified by the commission, the number of restaurant liquor licenses issued shall not exceed fifty percent (50%) of the number of retail liquor licenses allowable under W.S. ~~12-4-201(e)~~

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~~or (d), whichever is applicable~~ 12-4-201(d), or two (2),  
whichever is greater.

**13-6-101. Authority to charter.**

The state banking board as provided by W.S. ~~13-2-206~~  
13-1-606 and 13-2-207 through 13-2-214 is authorized to  
charter state savings and loan associations.

**14-1-101. Age of majority; rights on emancipation.**

(b) A minor may consent to health care treatment to  
the same extent as if he were an adult when:

(iii) The parents or guardian of the minor  
cannot with reasonable diligence be located and the minor's  
need for health care treatment is sufficiently urgent to  
require immediate attention; ~~or~~

**14-3-202. Definitions.**

(a) As used in W.S. 14-3-201 through 14-3-216:

(ix) "Subject of the report" means any child  
reported under W.S. 14-3-201 through ~~14-3-215~~ 14-3-216 or  
the child's parent, guardian or other person responsible  
for the child's welfare;

**14-3-203. Duties of state agency; on-call services.**

(a) The state agency shall:

(ii) Be responsible for strengthening and  
improving state and community efforts toward the  
prevention, identification and treatment of child abuse and  
neglect in the state; and

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(iii) Refer any person or family seeking assistance in meeting child care responsibilities, whether or not the problem presented by the person or family is child abuse or neglect, to appropriate community resources, agencies, services or facilities. ~~and~~

**14-3-214. Confidentiality of records; penalties; access to information; attendance of school officials at interviews; access to central registry records pertaining to child protection cases.**

(b) Applications for access to records concerning child abuse or neglect contained in the state agency or local child protective agency shall be made in the manner and form prescribed by the state agency. Upon appropriate application, the state agency shall give access to any of the following persons or agencies for purposes directly related with the administration of W.S. 14-3-201 through 14-3-216:

(vi) A court or grand jury upon a showing that access to the records is necessary for the determination of an issue, in which case access shall be limited to in camera inspection unless the court finds public disclosure is necessary; ~~and~~

**14-3-418. Search warrant; when authorized; affidavit required; contents of affidavit and warrant; service and return.**

(b) The affidavit shall be in writing, signed and affirmed by the affiant. The affidavit shall set forth:

(i) The name and age of the child sought, provided that if the name or age of the child is unknown

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the affidavit shall set forth a description of the child sufficient to identify him with reasonable certainty and a statement that the affiant believes the child is of age to come within the provisions of this act; ~~and~~

(ii) The affiant's belief that the child sought is being neglected, unlawfully detained or physically abused and his health or welfare requires that he be taken immediately into custody, and a statement of the facts upon which the belief is based; and

**14-6-203. Jurisdiction; confidentiality of records.**

(g) Except as provided by subsection (j) of this section, all information, reports or records made, received or kept by any municipal, county or state officer or employee evidencing any legal or administrative process or disposition resulting from a minor's misconduct are confidential and subject to the provisions of this act. The existence of the information, reports or records or contents thereof shall not be disclosed by any person unless:

(iv) The disclosure results from the information being shared with or between designated employees of any court, any law enforcement agency, any prosecutor's office, any employee of the victim services division within the office of the attorney general, any probation office or any employee of the department of family services or the minor's past or present school district who has been designated to share the information by the department of family services or by the school district; ~~or~~

(v) The disclosure is made to a victim of a delinquent act constituting a felony, in accordance with W.S. 14-6-501 through 14-6-509; or

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**14-6-205. Taking of child into custody; when permitted.**

(a) A child may be taken into custody by a law enforcement officer without a warrant or court order when:

(ii) There are reasonable grounds to believe the child has violated the terms of an order of the juvenile court; or

(iv) The child's conduct or behavior seriously endangers himself or the person or property of others and immediate custody appears necessary. ~~† or~~

**14-6-427. Predisposition studies and reports.**

(c) The multidisciplinary team shall include the following:

(v) The district attorney or his designee; ~~and~~

**15-1-601. Regulations; scope and purpose; uniformity within authorized districts; to follow plan; objectives.**

(d) All regulations shall be made:

(ii) With reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses; ~~and~~

(iii) With a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city or town; and

**15-5-201. Definitions.**

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(a) As used in this article:

(vii) "Fiscal year" means ~~a twelve (12) month period as defined by W.S. 9-7-303~~ the fiscal year beginning July 1 and ending June 30;

**15-6-404. Assessments; property included in district; methods of computation; combining improvements; ordinances and resolutions.**

(c) More than one (1) improvement may be combined in a single local improvement district when the governing body determines that the combination is both efficient and economical. If the combination of improvements are separate and distinct by reason of substantial difference in their character or location, or otherwise, the estimated costs of each improvement shall be segregated for the levy of assessments and an equitable share of the incidental costs allocated to each improvement. In the absence of arbitrary or unreasonable abuse of discretion, its determination of the portion of the project constituting a separate improvement for purposes of segregation is conclusive. ~~and~~

**15-6-418. Assessments; redemption of sold property; procedure; notice; deed; results therefrom.**

(b) The deed shall be:

(i) Executed in the name of the city or town by which the improvement was made and shall recite in substance:

(C) That no redemption has been made of the property within the time allowed by law. ~~and~~



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~~(ii)~~(c) The deed shall be signed and acknowledged by the city or town treasurer and is prima facie evidence that:

~~(A)~~(i) The property was assessed according to law;

~~(B)~~(ii) The property was not redeemed;

~~(C)~~(iii) Due notice of demand for deed had been given; and

~~(D)~~(iv) The person executing the deed was the proper officer.

~~(e)~~(d) The deed is conclusive evidence of the regularity of all other proceedings from the assessment, up to and including the execution of the deed, and shall convey the entire fee simple title to the property described, except as otherwise provided for cities and towns, stripped of all liens and claims except assessments for local improvements or installments thereof not delinquent.

**16-1-108. Obligations and responsibilities of participating agencies.**

(c) After April 1, 1998, any legal entity created pursuant to this act or any of its participating agencies, which owns, constructs, operates or maintains a municipal or rural domestic water supply system funded in whole or in part by state grants or loans, shall not assess public entities or individual water users in the cooperating agencies' service area water rate charges which exceed the actual costs of providing and delivering water to the point

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of connection to the public entities' or individual water users' water system. The governing body of the entity may establish one (1) or more service areas in each of which an average water rate may be used for all customers. A one time connection fee or system investment fee reasonably calculated to permit recovery of a proportionate share of the system infrastructure cost necessary to treat and convey the water may also be charged. A one-time fee may also be charged to recover reasonable expenses incurred by the public entity in determining the actual costs of treating and delivering water to the point of connection. Charges for special services such as customer's line maintenance shall be in addition to the water rate. As used in this subsection, "actual costs of providing and delivering water" shall include a proportionate share of the following costs related to the water system:

(v) The cost for providing and maintaining a depreciation fund, a fund for emergencies and a fund for acquisition and development of new water rights and water sources; ~~and~~

**16-3-103. Adoption, amendment and repeal of rules; notice; hearing; emergency rules; proceedings to contest; review and approval by governor.**

(a) Prior to an agency's adoption, amendment or repeal of all rules other than interpretative rules or statements of general policy, the agency shall:

(i) Give at least forty-five (45) days notice of its intended action. Notice shall be mailed to all persons making timely requests of the agency for advanced notice of its rulemaking proceedings and to the attorney general, the secretary of state's office as registrar of rules, and the legislative service office if a state agency. The agency

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shall submit a copy of the proposed rules, in a format conforming to any requirements prescribed pursuant to subsection (f) of this section, with the notice given to the legislative service office. The notice shall include:

(E) The place where an interested person may obtain a copy of the proposed rules in a format conforming to any requirements prescribed pursuant to subsection (f) of this section; ~~and~~

**16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions.**

(d) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law:

(xi) Records or information compiled solely for purposes of investigating violations of, and enforcing, internal personnel rules or personnel policies the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; ~~and~~

(xii) Information regarding the design, elements and components, and location of state information technology security systems and physical security systems; ~~and~~

**16-9-203. Term of office; vacancies; officers; bylaws; compensation; conflict of interest.**

(e) Members of the committee shall receive no compensation, but ~~those members defined in W.S. 16-9-202(b)(i) and (ii)~~ shall be reimbursed under W.S. 9-3-102 and 9-3-103 for travel and per diem expenses incurred in the performance of their duties.

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**17-10-244. Court-ordered remedies or dissolution.**

(a) A court may grant equitable relief that it deems just and reasonable in the circumstances or may dissolve a cooperative and liquidate its assets and business in any of the following circumstances:

(iii) In an action by a creditor when:

(B) The cooperative has admitted in writing that the claim of the creditor against the cooperative is due and owing and it is established that the cooperative is unable to pay its debts in the ordinary course of business. ~~or~~

**17-16-1502. Consequences of transacting business without authority.**

(c) A court may stay a proceeding commenced by a foreign corporation, its successor or assignee until it determines whether the foreign corporation or ~~it~~its successor requires a certificate of authority. If it so determines, the court may further stay the proceeding until the foreign corporation or its successor obtains the certificate.

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

(b) As used in this act:

(iv) "Business combination," when used in reference to any corporation and any interested stockholder of that corporation, means:

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(D) Any transaction involving the corporation or any subsidiary which has the effect, directly or indirectly, of increasing the proportionate share of the corporation's or a subsidiary's stock of any class or series, or securities convertible into the stock of any class or series, owned by the interested stockholder, except as a result of immaterial changes due to fractional share adjustments or as a result of any purchase or redemption of any shares of stock not caused, directly or indirectly, by the interested stockholder; ~~or~~

**18-2-107. Cooperation with other agencies for funding and operation of senior citizen centers.**

The county, city or local housing authority may cooperate with other agencies as provided in W.S. ~~9-18.7-16-1-101~~, for the operation and funding of senior citizen centers.

**18-8-103. Authority to establish fund for improvements; revenues derived from taxation and from memorial hospital fund.**

The board of county commissioners of any county having a county memorial hospital may establish a fund of a certain amount to be raised within a certain number of years for the purpose of constructing improvements, equipping improvements already erected or for purchasing land for the county memorial hospital. The fund shall be created and added to from taxation as provided by W.S. 18-8-102 and from any funds in the county memorial hospital fund remaining unexpended at the end of any fiscal year exclusive of funds maintained as reserve for depreciation and the cash reserve fund authorized by W.S. ~~9-534~~ 16-4-105. The fund shall be expended as provided in W.S. 18-8-102(b).

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**18-12-102. Definitions.**

(a) As used in this act:

(xi) "This act" means W.S. ~~18-339 through 18-377~~  
18-12-101 through 18-12-140;

**20-2-101. Void and voidable marriages defined; annulments.**

(g) All decrees of annulment may include provisions for the custody and support of children pursuant to this article, W.S. 20-2-201 through 20-2-204 and 20-2-301 through 20-2-315 and for the division of property pursuant to W.S. ~~20-2-131~~ 20-2-114.

**20-2-402. Employer's obligations.**

(a) Where a parent is required by a court or administrative order to provide health coverage for a child, at the time of the order, which is offered by and available through an employer doing business in this state to the parent, the employer is required to comply with the following:

(v) Not to disenroll, or eliminate coverage of, the child unless the employee is no longer insured by that employer's plan or the employer is provided satisfactory written evidence that:

(B) The child is or will be enrolled in comparable health coverage which will take effect not later than the effective date of disenrollment; ~~or~~

(C) The employer has eliminated family health coverage for all of its employees; or

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**20-6-215. Minimum and maximum amount of withholding; allocation.**

(a) Subject to the limitation under W.S. 20-6-210(b)(iii) the aggregate amount of income withheld under an income withholding order served upon one (1) or more payors of an obligor shall:

(i) Satisfy the current support obligation under the support order; ~~and~~

(ii) Include an additional amount to be applied toward the liquidation of any arrearage; and

**21-2-102. Effect on functions and powers of board of trustees of University of Wyoming.**

~~Except as provided in W.S. 21-4-304,~~ Nothing in this code shall be construed to limit or contravene the functions and powers of the board of trustees of the University of Wyoming as established by law in conformity with the constitution and laws of the state of Wyoming and the laws of the United States.

**21-2-202. Duties of the state superintendent.**

(a) In addition to any other duties assigned by law, the state superintendent shall:

(xvii) Include in the agency's budget request:

(A) Recommendations to the governor for appropriations from the school foundation program account and for appropriations to the account necessary to fund payments to school districts as required by law; and

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(B) Recommendations to the governor for appropriations from the foundation program for special programs ~~.~~ ~~and~~

**21-2-304. Duties of the state board of education.**

(a) The state board of education shall:

(iv) Establish, in consultation with local school districts, requirements for students to earn a high school diploma as measured by each district's body of evidence assessment system prescribed by rule and regulation of the state board and required under W.S. ~~21-3-110(a)(xxii)~~ 21-3-110(a)(xxiv). A high school diploma shall provide for one (1) of the following endorsements which shall be stated on the transcript of each student:

**21-3-307. Charter application; contents.**

(a) The charter school application shall be a proposed agreement and shall include:

(xx) A description of how the charter school plans to meet the transportation needs of its pupils and whether the charter school plans to provide transportation for pupils; ~~and~~

(xxi) In accordance with this article, a description of the rights of any employee of the school district upon commencing employment in a charter school; and

**21-13-309. Determination of amount to be included in foundation program for each district.**



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(n) For each district, the district total amount per ADM computed under subsection (m) of this section shall be adjusted as follows to result in a revised amount per ADM for each district. Unless otherwise specified in this subsection, the adjustments under this subsection shall be determined as specified in the education resource block grant model:

(ix) The amount shall be adjusted for isolation and maintenance payments as specified under W.S. 21-4-401; and

(xi) The amount shall be adjusted for at-risk students in each district as provided in W.S. 21-13-332; and

**21-18-314. Bond issues; general obligation bonds; bond elections; bond tax levy.**

(f) Bonds issued by community college districts pursuant to this section shall bear interest payable annually or semiannually, and evidenced by one (1) or two (2) sets of coupons, if any, except that the first coupon may evidence interest for a period not in excess of one (1) year, and the bonds may be in one (1) or more series, may bear a date or dates, may mature in an amount or amounts, serially or otherwise, at a time or times not exceeding twenty-five (25) years from their respective dates, may be in a denomination or denominations, may be payable in a medium of payment, in a place or places, within or without the state, including, but not limited to the office of the county treasurer of the county in which the college is located, may carry such registration privileges, may be subject to terms or prior redemption in advance of maturity in order, or by lot, or otherwise, at a time or times with or without premium, may bear privileges for reissuance in

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the same or other denominations, may be so reissued without modification of maturities and interest rates and may be in a form, either coupon or registered, as may be provided by resolution of the community college district board. Except as the board may otherwise provide, bonds and interest coupons attached thereto, if any, are fully negotiable, within the meaning of and for all purposes of the Uniform Commercial Code, W.S. 34.1-8-101 through ~~34.1-8-408~~ 34.1-8-603. A holder of each bond, by accepting the bond, shall be conclusively deemed to have agreed that the bond is and shall be fully negotiable within the meaning and for all purposes of the Uniform Commercial Code, W.S. 34.1-8-101 through ~~34.1-8-408~~ 34.1-8-603.

**22-13-104. Procedure before elector permitted to vote.**

(a) Before a qualified elector is permitted to vote an election judge shall record the applicable information as listed in W.S. ~~22-1-202(a)(xxiii)~~ 22-1-102(a)(xxiii) by his name on the poll list.

**22-18-111. Vacancies in other offices; temporary appointments.**

(a) Any vacancy in any other elective office in the state except representative in congress or the board of trustees of a school or community college district, shall be filled by the governing body, or as otherwise provided in this section, by appointment of a temporary successor to serve until a successor for the remainder of the unexpired term is elected at the next general election and takes office on the first Monday of the following January. If a vacancy in a four (4) year term of office occurs after the first day for filing an application for nomination pursuant to W.S. 22-5-209, the temporary successor appointed shall

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serve until the first Monday in January following the second general election thereafter. The following apply:

(iv) A vacancy in the office of any hospital district trustee or in any other special district office shall be filled by temporary appointment by the governing body of the hospital or special district, both subject to chapter 29 of this ~~act~~title;

**22-29-102. Definitions.**

(a) As used in this act:

(iii) "This act" means W.S. 22-29-101 through ~~22-29-408~~22-29-601.

**23-1-105. Migratory bird refuge in Seedskafee area.**

(a) The state consents to the acquisition by the United States by purchase, gift, devise, or lease of land or land covered by water in the amount of twenty thousand (20,000) acres in the Seedskafee area in Sweetwater county where approved by the commission and the state land board. The acquisition shall be as the United States may deem necessary for the establishment and maintenance of migratory bird refuges in accordance with and for the purposes of the act of congress approved February 18, 1929 entitled "Migratory Bird Conservation Act," ~~(Public Law 770, 70th congress)~~16 U.S.C. §§ 715 through 715s, and amendments thereto, and the act of congress ~~approved March 16, 1934,~~approved March 16, 1934, entitled "Migratory Bird Hunting Stamp Act," ~~(Public Law 124, 73rd congress)~~16 U.S.C. §§ 718 through 718k and amendments thereto.

**23-1-106. Migratory bird refuge in Bear river area.**

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(a) Subject to acceptance by the United States fish and wildlife service of the provisions contained in this section, the state consents to the acquisition by the United States by purchase, gift, devise or lease of land or land covered by water in the amount of twenty-seven thousand (27,000) acres along the Bear river or in the Bear river area in Lincoln county. The acquisition shall be as the United States may deem necessary for the establishment and maintenance of migratory bird refuges in accordance with and for the purposes of the act of congress approved February 18, 1929 entitled "Migratory Bird Conservation Act", 16 U.S.C. ~~§ 715-715r~~ §§ 715 through 715s, P.L. 70-770, the act of congress approved March 16, 1934 entitled "Migratory Bird Hunting Stamp Act", 16 U.S.C. ~~§ 718-718h~~ §§ 718 through 718k, and the act of congress approved September 3, 1964 entitled "Land and Water Conservation Fund Act of 1965", 16 U.S.C. §§ 4601-4-4601-11, P.L. 88-578, as these acts are amended as of January 1, 1989. Wyoming reserves full and complete jurisdiction and authority over all such areas not incompatible with the administration, maintenance, protection and control of the areas by the United States under the acts of congress specified in this subsection except as provided in subsection (d) of this section.

**23-1-302. Powers and duties.**

(a) The commission is directed and empowered:

(xxvi) To regulate or prohibit the importation of exotic species, small game animals, furbearing animals, protected animals, game birds, migratory birds, protected birds, and fish into Wyoming, and to regulate and permit the importation of big or trophy game animals into Wyoming only for exhibition purposes or for zoos; ~~and~~

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(xxviii) To reject or to accept and expend for purposes authorized under this section any and all gifts of cash, stocks, bonds or any other form of monies. Gifts shall be deposited and expended as provided in W.S. 23-1-501; and

**23-1-602. Assent to and cooperation with federal fish restoration projects; funds from license fees not to be diverted.**

The state assents to the provisions of the act of congress entitled "An act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes," ~~approved August 9, 1950 (Public Law 681, 81st congress)~~ 16 U.S.C. §§ 777 through 777m. The commission is authorized to perform such lawful acts as may be necessary in its opinion to the conduct and establishment of cooperative fish restoration projects as defined in and in compliance with the preceding act of congress. Fishermen license fees may only be used for the administration of the department and commission, and for the protection, propagation, preservation, and investigation of fish and game.

**24-1-112. Construction and repair of fences to be performed by department of transportation.**

(a) In the event that fences paralleling state highways, or built on the highway right-of-way need repair or reconstruction to meet legal fence requirements, as set forth in W.S. ~~11-33-102~~ 11-28-102, the actual work of repair and reconstruction of the fence, including all corresponding labor costs, shall be performed by the department of transportation.

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**25-10-122. Records to be kept confidential; exceptions.**

(a) Records and reports made under this act which directly or indirectly identify a patient, a former patient or an individual for whom an application for hospitalization has been filed, shall be confidential and shall not be disclosed by any person unless:

(ii) Disclosure is necessary to carry out this act; or

(iii) A court determines disclosure is necessary for the conduct of proceedings before it and failure to disclose would be contrary to the public interest. ~~;~~ ~~or~~

**25-11-103. Determining financial ability and established charges; special funds considered as part of resident's assets.**

(d) Nothing ~~is~~ in this chapter limits any obligation created by law or contract for third parties to pay for services provided to a resident admitted to a state institution.

**26-3-112. Certificate of authority; application; contents of application.**

(a) An insurer shall apply to the commissioner for an original certificate of authority, stating under oath of the president, or vice-president or other chief officer and the secretary of the insurer, or of the attorney-in-fact if the insurer is a reciprocal insurer, the insurer's name, location of its home office, or principal office in the United States if an alien insurer, the kinds of insurance to be transacted, date of organization or incorporation,

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form of organization, state or country of domicile and any additional information the commissioner reasonably requires. The application shall be accompanied by the applicable fees as provided in W.S. 26-4-101 together with the following documents, as applicable:

(iii) If a reciprocal insurer, a current, complete copy of the power of attorney of its attorney-in-fact, certified by the attorney-in-fact; ~~and~~

**26-6-205. Computation of minimum standard; reserve valuation method, life insurance and endowment benefits; annuity and pure endowment benefits; minimum reserves; reserve calculation; indeterminate plans.**

(c) Except as provided in W.S. 26-6-203, 26-6-207 and subsection (e) of this section reserves according to the commissioners' reserve valuation method:

(ii) For any life insurance policy issued on or after January 1, 1998 for which the contract premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for the excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than the excess premium, the reserve according to the commissioners' reserve valuation method as of any policy anniversary occurring on or before the assumed ending date defined herein as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than the excess premium, except as otherwise provided in W.S. 26-6-203, shall be the greater of the reserve as of the policy anniversary calculated as described in paragraph (i) of this subsection and the reserve as of the policy

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anniversary calculated as described in that paragraph, but with:

(C) The policy being assumed to mature on such date as an endowment; ~~and~~

(D) The cash surrender value provided on such date being considered as an endowment benefit; and

**26-12-102. Representing or aiding unauthorized insurers prohibited; exceptions.**

(a) No person in this state shall:

(i) Act as agent for, or otherwise represent or aid on behalf of another, any insurer not then authorized to transact insurance in this state, in the:

(G) Collection or forwarding of premiums. ~~or~~

**26-13-110. Rebates and favors as to life, disability and annuity contracts prohibited.**

(a) Except as otherwise provided by law, no person shall:

(ii) Pay, allow or give or offer to pay, allow or give in any manner as inducement to the insurance or annuity:

(D) Any valuable consideration or inducement not specified in the contract. ~~or~~

**26-19-107. Group disability and blanket insurance standard provisions; exceptions.**



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(j) All group and blanket disability insurance policies providing coverage on an expense incurred basis, group service or indemnity type contracts issued by a nonprofit corporation, group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed on or after July 1, 2001, and providing coverage to any resident of this state shall provide benefits or coverage for:

(i) A pelvic examination and pap smear for any nonsymptomatic women covered under the policy or contract;  
~~and~~

**26-36-103. Definitions.**

(a) As used in this act:

(vi) "Liability" as used in the act means legal liability for damages including costs of defense, legal costs and fees, and other claims or expenses because of injuries to other persons, damage to their property, or other damage or loss to such other persons resulting from or arising out of any business whether profit or nonprofit, trade, product, services including professional services, premises or operations, or any activity of any state or local government, or any agency or political subdivision thereof except, the term does not include personal risk liability or an employer's liability with respect to its employees other than legal liability under the Federal Employers' Liability Act (45 U.S.C. § 51 et seq.);

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**27-2-105. Report to governor; statistics and information required.**

(a) The department of employment shall collect, classify, have printed and submit to the governor in its annual report the following statistics:

(iv) The working conditions of all industrial establishments (including manufacturing establishments, hotels, stores, workshops, theaters, halls and other places where labor is employed); ~~and~~

(v) Other information relating to industrial, economic, social, educational, moral and sanitary conditions of the workers; and

**27-3-107. "Agricultural labor" defined; "farm" defined; "crew leader" defined; when domestic services included; exception.**

(a) As used in this section, "agricultural labor" means remunerated service performed:

(v) In the production or harvesting of an agricultural commodity as defined under ~~12 U.S.C. § 1141(g)~~ 12 U.S.C. § 1141j(g);

**27-14-701. Worker's compensation account established; investments; administrative expenses; rehabilitation expenses; worker's compensation claims payment account established for worker's compensation revenue bond proceeds.**

(e) The division shall from the worker's compensation account, periodically advance or reimburse the division of vocational rehabilitation of the department of employment

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workforce services, for administrative and program costs associated with the rehabilitation of injured workers pursuant to W.S. 27-14-408. Administrative or program costs reasonably available or legally allowable under the federal Rehabilitation Act of 1973, as amended, shall not be advanced or reimbursed pursuant to this subsection.

**29-3-103. Extent of liens; generally.**

(a) Every person who works upon or furnishes material, whether incorporated into the real property or not, under contract with the owner of any interest in real estate or with an agent, trustee or receiver of an owner has a lien to secure payment for:

(i) Constructing, altering, digging, drilling, driving, boring, operating, completing or repairing any wells, mines or quarries; ~~or~~

**29-7-301. Persons entitled to lien; notice and priority thereof; removal of trailer by lienor; exception; enforcement and foreclosure of lien; "house trailer".**

(e) As used in this section "house trailer" shall be defined as in W.S. ~~35-1-102(a)(xvi)~~ 31-5-102(a)(xv).

**30-3-210. Cages; standards and use established by rule.**

(b) The floor of the cage shall be adequate to carry the load and so constructed that it will be impossible for a person's foot or body to enter any opening in the bottom of the cage.

**31-6-101. Definitions.**

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(a) As used in this act:

(v) "This act" means W.S. 31-6-101 through ~~31-6-107~~ 31-6-108.

**31-7-305. Disqualification and cancellation; right to a hearing.**

(g) A driver who is convicted of violating an out-of-service order may be disqualified for a period of:

(iv) Not less than one hundred eighty (180) days nor more than two (2) years if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, ~~(49 U.S.C. §§ 1801-1813)~~ 49 U.S.C. § 5101 et seq., or while operating motor vehicles designed to transport more than fifteen (15) passengers, including the driver. A driver is disqualified for a period of not less than three (3) years nor more than five (5) years if, during any ten (10) year period, the driver is convicted of any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, or while operating motor vehicles designed to transport more than fifteen (15) passengers, including the driver.

**33-1-115. Professional assistance programs for health care providers and others as specified; confidentiality of records.**

(d) Whether or not the licensee gives his written consent, the content of the record may be disclosed as follows:

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(iv) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefore; ~~or~~

(v) If compelled in an administrative action before a board or commission to enforce its laws, rules, regulations or permit or license requirements, unless the disclosure would violate federal law; or

**33-3-109. Certified public accountant; qualifications.**

(a) An active certificate of "certified public accountant" shall be granted by the board to any person:

(v) Who meets the requirements of subparagraphs (A) and (B) or subparagraphs (C) and (D) of this paragraph:

(B) Completed at least four (4) years of full-time experience in the practice of public accounting. The experience shall include providing any type of service or advice involving the use of accounting skills, any auditing, review or compilation service, any management advisory or financial advisory service, or any tax or consulting service. Experience shall be verified by an active certified public accountant or the equivalent as determined by the board, or by providing representative samples of work as determined by the board. The experience shall be acceptable if it is gained through employment in government, industry, academia or public accounting; ~~or~~

**33-4-117. Exemptions.**

(a) Nothing in this act prohibits any person from preparing plans and specifications, designing, planning or administering the construction contracts for the

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construction, alteration, remodeling or repair of any of the following:

(ii) Garages, commercial or industrial buildings, office buildings, preengineered metal buildings and buildings for the marketing, storage or processing of farm products and warehouses, which do not exceed two (2) stories in height, exclusive of a one (1) story basement, and which under applicable building code or codes, are not designed for occupancy by more than ten (10) persons;

**33-9-110. Revocation of license.**

(a) After notice and opportunity for hearing under the terms of the Wyoming Administrative Procedure Act, the board may revoke or refuse to renew a license granted under this act to any person otherwise qualified who is guilty of any of the following violations:

(v) Unprofessional conduct;~~or~~

(vi) Selling or giving away alcohol or controlled substances for illegal purposes, but the board may reissue a license after six (6) months if in its judgment the act, acts or conditions of disqualification have been remedied; or

**33-16-301. Definitions; board to adopt rules.**

(a) The terms "funeral director" and "undertaker" as used in this act, mean a person, partnership, corporation, association or other organization engaged in or conducting the business of or holding himself or itself out as engaged in:

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(ii) Providing for or maintaining a funeral establishment or a place for the preparation, disposition and care of dead human bodies; ~~or~~

**33-21-127. Qualifications for licensure; application requirements.**

(b) An applicant for licensure by endorsement to practice as a registered nurse or licensed practical nurse shall:

(iv) Remit fees as specified by the board; and either:

~~(v)~~ (A) Submit proof of initial licensure by an examination acceptable to the board, provided that when the applicant secured his or her initial license, the requirements for licensure included the requirements then necessary for licensure in this state and have submitted proof that the license has not been suspended, revoked or otherwise restricted for any reason; or

~~(vi)~~ (B) Be required to pass an examination or meet other requirements as specified by the board, if the applicant has not passed an examination acceptable to the board.

**33-21-145. Violations; penalties.**

(a) No person shall:

(vi) Conduct a nursing education program for the preparation of registered nurses or licensed practical nurses unless the program has been approved by the board; ~~or~~

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**33-21-146. Disciplining licensees; grounds.**

(a) The board of nursing may refuse to issue or renew, or may suspend or revoke the license, certificate or temporary permit of any person, or to otherwise discipline a licensee, upon proof that the person:

(ix) Has been found by the board to have violated any of the provisions of this act or of board rules and regulations; ~~or~~

**33-22-108. Powers and duties of board.**

(a) The board shall:

(v) Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards; ~~and~~

(vi) Receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards; and

**33-23-110. Refusal, suspension or revocation of license.**

(f) ~~Notwithstanding subsection (d) of this section,~~  
Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No



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appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.

**33-28-106. Application for license; qualifications; sworn statement; commission approval of course of study; statement of broker; denial of license; license and pocket card.**

(e) Every applicant for a broker's license shall furnish a sworn statement setting forth:

(viii) Evidence that the applicant has completed not less than sixty (60) class hours in a course of study approved by the commission, given by instructors approved by the commission and has satisfactorily passed an examination covering material taught in each course. The commission shall:

(A) Approve courses that cover real estate principles, real estate law, real estate finance and related topics;

**34-1-141. Easements.**

(c) For purposes of this ~~act~~section an easement or agreement which does not specifically describe the location of the easement or which grants a right to locate an easement at a later date shall be valid for a period of one (1) year from the date of execution of the easement or agreement. If the specific description is not recorded within one (1) year then the easement or agreement shall be of no further force and effect.

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(d) For purposes of this ~~act~~section the specific description required in an easement shall be sufficient to locate the easement and is not limited to a survey.

**34-4-103. Prerequisites to foreclosure.**

(a) To entitle any party to give a notice as hereinafter prescribed and to make such foreclosure, it is requisite:

(ii) That no suit or proceeding has been instituted at law to recover the debt then remaining secured by such mortgage, or any part thereof, or if any suit or proceeding has been instituted, that the same has been discontinued, or that an execution upon the judgment rendered therein has been returned unsatisfied in whole or in part;~~and~~

**34-24-117. Mineral proceeds.**

(b) At the time an owner's underlying right to receive mineral proceeds is deemed abandoned, any mineral proceeds then owing to the owner and any proceeds accruing after that time are deemed abandoned. The sum deemed abandoned is subject to the custody of this state as unclaimed property if:

(ii) The records of the holder do not reflect the last known address and it is established that the last known address of the apparent owner is in this state;~~or~~

**35-2-609. Disclosure without patient's authorization.**

(b) A hospital may disclose health care information about a patient without the patient's authorization if the disclosure is:

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(iii) To federal, state or local law enforcement authorities to the extent required by law; ~~or~~

(iv) Pursuant to W.S. 35-2-610; or

**35-7-1011. Control of substances.**

(f) The commissioner shall exclude any nonnarcotic substance from a schedule if such substance may under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 301 et seq., and W.S. ~~33-24-121~~ 33-24-131 of the Wyoming Pharmacy Act, be lawfully sold over the counter without a prescription.

**35-7-1046. Administrative inspection warrants.**

(b) The board may make administrative inspections of controlled premises in accordance with the following provisions:

(iv) This section does not prevent the inspection without a warrant of books and records pursuant to an administrative subpoena issued in accordance with the Wyoming Administrative Procedure Act and the rules promulgated thereunder, nor does it prevent entries and administrative inspections, including seizures of property, without a warrant:

(B) In situations presenting imminent danger to health or safety where a warrant is not constitutionally required; ~~or~~

**35-9-605. Authority to receive donations; investment of monies; employment of actuary; actuarial reports.**

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In addition to contributions from the state, the board may receive and credit to the account any gifts, donations and contributions made by individuals, organizations and cities, towns, counties and fire districts for the benefit of the ~~fund~~-~~account~~. The board may invest monies not immediately necessary for disbursement in investments authorized under W.S. 9-3-408(b). The board shall employ a consulting actuary to annually review the account to determine its solvency and to make recommendations as to revisions and modifications of the plan. The board also may employ legal and other consultants as needed. Actuarial reports are public records and available for inspection by all participating members of the account.

**35-10-201. Definitions.**

(d) "Commercial motor vehicle" means any self-propelled or towed vehicle used on public highways in interstate commerce to transport passengers or property and the vehicle meets one (1) of the following:

(iii) The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the secretary of transportation under the federal Hazardous Materials Transportation Act, ~~49 U.S.C. §§ 1801-1813~~ 49 U.S.C. § 5101 et seq.

**35-11-103. Definitions.**

(d) Specific definitions applying to solid waste management:

(v) "Commercial radioactive waste management facility" means any facility used or intended to be used to receive for disposal, storage, reprocessing or treatment, any amount of radioactive wastes which are generated by any

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person other than the facility owner or operator, or which are generated at a location other than the location of the facility, but does not include:

(C) Permitted solid waste disposal facilities which are authorized by the director to receive small quantities of radioactive wastes containing only naturally occurring radioactive materials, or which receive radioactive materials that have been exempted from regulation under section 10 of the Low-Level Radioactive Waste Policy Amendments Act of 1985, ~~(42 U.S.C. § 2021i)~~ 42 U.S.C. § 2021j, or both if found by the department not to threaten human health and the environment; and

(e) Specific definitions for land quality:

(xix) "Prime farmland" shall have the same meaning as that previously prescribed by the United States secretary of agriculture on the basis of such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding and erosion characteristics, and which historically have been used for intensive agricultural purposes, and as published in the federal register; ~~and~~

**35-11-209. Small business stationary source technical and environmental compliance assistance program.**

(e) Upon petition by a source, the department may, after notice and opportunity for public comment, include as a small business stationary source for purposes of this section any stationary source which does not meet the criteria of ~~paragraphs~~ paragraph (d)(iii), (iv) or (v) of this section but which does not emit more than one hundred (100) tons per year of all regulated pollutants.

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**35-11-1105. Environmental audit privilege; exceptions; burden of proof; waiver; disclosure after in camera review; application.**

(d) The privilege described in this section shall not extend to:

(iii) Information obtained from a source independent of the environmental audit; ~~or~~

**35-12-110. Service of notice of application; information and recommendations; application deficiencies; procedure; jurisdiction; hearing.**

(b) The division shall obtain information and recommendations from the following state agencies relative to the impact of the proposed facility as it applies to each agency's area of expertise:

(xiv) The University of Wyoming; ~~and~~

(xv) Department of revenue; and

**35-17-101. Definition.**

(a) As used in this act:

(i) "Professional standard review organizations" means:

(B) A committee of a medical staff in a hospital having the responsibility of evaluation and improvement of the quality of care rendered in the hospital; ~~or~~

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(C) A committee functioning to review, pursuant to federal or state laws, the operation of hospital or extensive care facilities; or

**37-2-125. Collection and disposition of fees.**

(a) The public service commission is hereby authorized and empowered in the conduct of business coming before it to collect in advance the following fees:

(ix) For petitions filed under ~~section 37-66, Wyoming Statutes, 1957~~ 37-6-102, fifteen dollars (\$15.00) each.

**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:

(iv) ~~Shall appoint~~ Appointing three (3) commissioners from such districts who shall be freeholders or entrymen upon public lands in said district.

**37-12-126. Failure to yield telephone for reporting emergencies; definitions.**

(a) In ~~this section~~ W.S. 37-12-126 through 37-12-130 unless the context otherwise requires:

**39-15-203. Imposition.**

(a) Taxable event. The following shall apply:

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(i) The following provisions apply to imposition of the general purpose excise tax under W.S. 39-15-204(a)(i):

(E) If the proposition is approved by the qualified electors or under subparagraph (F) of this paragraph, the board of county commissioners shall by ordinance impose an excise tax upon retail sales of tangible personal property, admissions and services. The board of county commissioners or the city or town council shall adopt an ordinance for the tax authorized by W.S. 39-15-204(a)(i). The ordinance shall include the following:

(V) A provision that the amount subject to the sales tax shall not include the amount of any sales tax imposed by the state of Wyoming.

**39-15-211. Distribution.**

(a) All revenue collected by the department from the taxes imposed under W.S. 39-15-204(a)(i), (ii), (v) and (vi) shall be transferred to the state treasurer who shall:

(iv) For revenues collected under W.S. 39-15-204(a)(vi):

(B) Deposit the remainder into ~~the trust and agency fund~~ an account for monthly distribution to counties imposing the tax and its cities and towns. The distribution to the county and its cities and towns shall be equal to the amount collected in each county less the costs of collection as provided by subparagraph (A) of this paragraph. The distribution shall be as follows:

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



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(a) All revenue collected by the department from the taxes imposed under W.S. 39-16-204(a)(i), (iv) and (v) shall be transferred to the state treasurer who shall:

(iii) For revenues collected under W.S. 39-16-204(a)(v):

(B) Deposit the remainder into ~~the trust and agency fund~~ an account for monthly distribution to counties imposing the tax and its cities and towns. The distribution to the county and its cities and towns shall be equal to the amount collected in each county less the costs of collection as provided by subparagraph (A) of this paragraph. The distribution shall be as follows:

**40-13-206. Exceptions.**

(a) W.S. 40-13-201 through 40-13-206 do not apply to:

(i) Any broadcaster who, in connection with or as part of a radio, television or cable broadcast transmission or for the purpose of archival preservation, transfers any such sounds recorded on a sound recording; ~~or~~

(iii) The transfer of sounds or possession of duplicate copies within an educational institution, solely for educational purposes; or

**41-2-114. Development of water projects; rehabilitation of water projects.**

(b) State agencies shall cooperate fully with the commission in the preparation of the studies. In the execution of these activities, the commission shall:

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(v) Undertake studies, investigations, surveys and research relevant to the completion of the study and enter into contracts and arrangements for its completion with any government agency, department or any person, firm, university, institution or state or national organization; ~~and~~

(vii) Perform any other related activities or functions relevant and appropriate to the completion of the feasibility study; ~~and~~

(e) Any person seeking financial assistance from the water development account to rehabilitate an existing water project shall submit that request to the commission. The commission shall:

(i) Review and develop plans and recommendations for the project as provided in this section. ~~and~~

**41-2-118. Powers, duties, salaries and expenses of commission.**

(a) The commission shall:

(x) Have the duty and the authority to conduct studies, develop plans, and recommend legislation which may be enacted for the purpose of securing full utilization of the waters of the state of Wyoming, giving priority to projects for utilization of waters not now being beneficially used in Wyoming; ~~and~~

(xiii) Represent or advocate the state's interests in negotiations and construction of water projects assigned by the legislature or the governor; ~~and~~

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**41-4-514. Petition for amendment of permits; petition for amended certificate of appropriation; hearings on petition; notice; costs.**

(a) The state engineer may correct clerical errors and, upon written petition of the permit holder, amend any permit to appropriate water at any time prior to adjudication by the state board of control when in the judgment of the state engineer the amendment appears necessary, and providing:

(iv) The changes shall be limited to those within the area and concept of the original application for permit or development plan; ~~and~~

(v) No change of use shall be granted; and

**Section 2.** W.S. 11-12-102(a)(iii) is repealed.

**Section 3.** Except as provided in section 4 of this act, 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.

**Section 4.** Notwithstanding subsection 3 of this act, Section 300 (c) as created by the 2006 legislature in House Enrolled Act 11, being original House Bill 0001, is amended to read:

(c) There is appropriated from the budget reserve account to the legislative stabilization reserve account created by 2005 Wyoming Session Laws, Chapter 191, Section 4, Section 301(d), one hundred eighty-three million seven hundred nineteen thousand one hundred eighty-eight dollars

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(\$183,719,188.00). This appropriation shall only be transferred as funds become available in the budget reserve account as determined by the state auditor but not later than June 30, 2008. The appropriation in this subsection shall be reduced by an amount necessary to maintain an unappropriated budget reserve account balance on June 30, 2008, of eighty-six million five hundred thousand dollars (\$86,500,000.00). The appropriation in this subsection shall not be transferred to the legislative stabilization reserve account until after the state auditor has determined that there will be sufficient funds within the budget reserve account to fulfill all appropriations and transfers from the budget reserve account under this act and any other legislation enacted into law in the 2006 budget session.

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**Section 5.** 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 Senate.

\_\_\_\_\_  
Chief Clerk