

ORIGINAL HOUSE  
BILL NO. HB0036

ENROLLED ACT NO. 32, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

AN ACT relating to the general revision of laws; amending archaic and obsolete provisions; repealing fully executed or otherwise archaic and obsolete provisions; and providing for an effective date.

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

**Section 1.** W.S. 1-1-138(c), 1-23-107(a), 1-39-103(a)(viii), 1-39-104(a), 6-2-501(c) and (d), 7-6-103(k), 14-12-104, 15-4-304, 16-6-112(a)(intro), 18-2-111, 18-3-510(a), 18-3-513(b), 23-2-101(k), 27-2-109(g), 27-11-103(a)(ii) and 35-2-1108 are amended to read:

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

(c) Should any grant of immunity, exception or imposition of liability within the Wyoming Governmental Claims Act, W.S. 1-39-101 through ~~1-39-121~~1-39-120, conflict with any provision of this section, the Wyoming Governmental Claims Act shall prevail.

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

(a) Notwithstanding W.S. 1-39-101 through ~~1-39-121~~1-39-120, 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.**

ORIGINAL HOUSE  
BILL NO. HB0036

ENROLLED ACT NO. 32, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

(a) As used in this act:

(viii) "This act" means W.S. 1-39-101 through ~~1-39-121~~ 1-39-120.

**1-39-104. Granting immunity from tort liability; liability on contracts; exceptions.**

(a) A governmental entity and its public employees while acting within the scope of duties are granted immunity from liability for any tort except as provided by W.S. 1-39-105 through 1-39-112. ~~and limited by W.S. 1-39-121.~~ Any immunity in actions based on a contract entered into by a governmental entity is waived except to the extent provided by the contract if the contract was within the powers granted to the entity and was properly executed and except as provided in W.S. 1-39-120(b). ~~and 1-39-121.~~ The claims procedures of W.S. 1-39-113 apply to contractual claims against governmental entities.

**6-2-501. Simple assault; battery; penalties.**

(c) ~~Except as provided by subsection (c) of this section,~~ Simple assault is a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00).

(d) ~~Except as provided by subsection (f) of this section,~~ Battery is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. Notwithstanding any other provision of law, the term of probation imposed by a judge under this subsection may exceed the maximum term of imprisonment established for the

ORIGINAL HOUSE  
BILL NO. HB0036

ENROLLED ACT NO. 32, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

offense under this subsection provided the term of probation, together with any extension thereof, shall in no case exceed one (1) year.

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

(k) Notwithstanding any other provision of law to the contrary, any attorney providing services for the office of the state public defender in the defense of a criminal case shall, for matters arising out of such services, be considered a state employee for purposes of coverage and representation under the Wyoming Governmental Claims Act, W.S. 1-39-101 through ~~1-39-121~~ 1-39-120, and the state self-insurance program, W.S. 1-41-101 through 1-41-111.

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

Notwithstanding any other provision of law to the contrary, any attorney providing services for the office pursuant to the guardian ad litem program shall, for matters arising out of such services, be considered a state employee for purposes of coverage and representation under the Wyoming Governmental Claims Act, W.S. 1-39-101 through ~~1-39-121~~ 1-39-120, and the state self-insurance program, W.S. 1-41-101 through 1-41-111.

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

Except as provided by W.S. 1-39-101 through ~~1-39-121~~ 1-39-120, 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

ORIGINAL HOUSE  
BILL NO. HB0036

ENROLLED ACT NO. 32, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

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 ~~1-39-121~~ 1-39-120.

**16-6-112. Contractor's bond or other guarantee; when required; conditions; amount; approval; filing; enforcement upon default.**

(a) Except as provided under W.S. ~~9-2-1016(b)(xviii)~~ 9-2-3004(c)(iv), any contract entered into with the state, any county, city, town, school district or other political subdivision of the state for the construction, major maintenance or renovation of any public building or other public structure or for any public work or improvement and the contract price exceeds seven thousand five hundred dollars (\$7,500.00), shall require any contractor before beginning work under the contract to furnish the state or any political subdivision, as appropriate, a bond or if the contract price is one hundred fifty thousand dollars (\$150,000.00) or less, any other form of guarantee approved by the state or the political subdivision. The bond or other form of guarantee shall be:

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

Except as provided in W.S. 1-39-101 through ~~1-39-121~~ 1-39-120 when a judgment is rendered against the board of county commissioners or any county officer the judgment shall be paid by a tax levied for that purpose and when collected shall be paid by the county treasurer to the judgment creditor upon the delivery of a proper voucher.

ORIGINAL HOUSE  
BILL NO. HB0036

ENROLLED ACT NO. 32, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

Execution may issue on the judgment if payment is not made within sixty (60) days after the time required for the payment of county taxes to the county treasurer.

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

(a) No claim against the county shall be allowed by the board of county commissioners unless it is properly dated and itemized and the value of each item specifically described, and when no specified fees are allowed by law, the date that such services were rendered and the time actually and necessarily devoted to the performance of any service. Each claim shall be accompanied by an affidavit, stating that the claim is just and correct and that no part of the claim has been paid by the county or other person. The board of county commissioners may disallow any account, in whole or in part, when so rendered and verified, and may require further evidence of the truth and propriety of the claim. This section does not apply to claims under W.S. 1-39-101 through ~~1-39-121~~ 1-39-120.

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

(b) When the appeal is perfected, the clerk of the board shall immediately give notice to the county attorney. The clerk shall make a brief return of the proceedings before the board with the decision properly certified and file the same together with the bond and all papers in the case in his possession with the clerk of the district court. The appeal shall be entered, tried and determined and costs awarded the same as appeals from circuit courts. This section does not apply to claims under W.S. 1-39-101 through ~~1-39-121~~ 1-39-120.

ORIGINAL HOUSE  
BILL NO. HB0036

ENROLLED ACT NO. 32, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

**23-2-101. Fees; restrictions; nonresident application fee; nonresident licenses; verification of residency required.**

(k) Any resident qualified to purchase a moose or ram big horn sheep hunting license under subsection ~~(b)~~ (j) of this section may pay a fee of seven dollars (\$7.00) in lieu of applying for a moose or ram big horn sheep hunting license. Payment of the fee for a particular species under this subsection shall authorize the person to accumulate points under W.S. 23-1-703(b) for that year in the same manner as if he had unsuccessfully applied for a hunting license for that species. Payment of the fee shall be made in compliance with application dates.

**27-2-109. Examination of witnesses.**

(g) Except as otherwise provided by law, final agency decisions of the department of workforce services with regard to chapters 4, 5, 6, 7, 8 and 9 of title 27, shall be issued only after an opportunity for hearing pursuant to the Wyoming Administrative Procedure Act. Any party aggrieved by a final agency decision of the department of ~~employment~~ workforce services with regards to chapters 4, 5, 6, 7, 8 and 9 of title 27, shall have the right to appeal to district court pursuant to the Wyoming Administrative Procedure Act.

**27-11-103. Definitions.**

(a) As used in this act:

(ii) "Department" means the department of ~~employment~~ workforce services of the state of Wyoming;

ORIGINAL HOUSE  
BILL NO. HB0036

ENROLLED ACT NO. 32, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

**35-2-1108. Receiver's liability.**

(a) The liability of the department shall be limited as set forth in the Wyoming Governmental Claims Act, W.S. 1-39-101 through ~~1-39-121~~1-39-120, for the operation of medical facilities and the provision of health care.

(b) If a person is designated to act as a receiver pursuant to W.S. 35-2-1103(f) and is not covered by the Wyoming Governmental Claims Act, W.S. 1-39-101 through ~~1-39-121~~1-39-120, the designated receiver shall only be held liable in a personal capacity for the designated receiver's own gross negligence, intentional acts or breach of fiduciary duty.

**Section 2.** W.S. 1-39-103(a)(vii), 1-39-121, 31-2-206(e) and (f), 39-15-105(a)(viii)(N) and 39-16-105(a)(viii)(C) are repealed.

ORIGINAL HOUSE  
BILL NO. HB0036

ENROLLED ACT NO. 32, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

**Section 3.** This act is effective July 1, 2017.

(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