

ENROLLED ACT NO. 55, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

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

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

Section 1. W.S. 1-11-129, 1-40-119(a)(i), 5-13-115(b) by renumbering (xii) as (xiii), 9-1-507(a)(ix)(intro), 9-3-421(d), 9-12-601(o), 9-12-1503(a)(ix), 12-1-101(a)(xix), 12-2-201(f), 14-3-402(a)(xxv), 16-6-116, 17-4-102(a)(iv)(E) and (xxviii)(E), 21-20-201(d), 26-43-103(b)(iv), 31-2-215(c), 31-8-102(a)(viii), 33-22-104, 33-40-102(a)(vi)(H) and (N), 35-11-406(m)(x), 35-20-102(a)(iv)(F), 35-30-101(a)(v)(C), 39-16-104(a), 39-17-111(f), 39-17-311(a)(v), 41-6-402 and 41-13-206(c)(ii) are amended to read:

1-11-129. Procedure for maintaining jury lists.

The supreme court shall compile a base jury list for each county. The supreme court shall compile a base jury list for the state as necessary under W.S. 7-5-303. The base jury lists shall be compiled from voter lists and may also include names from Wyoming driver's license or Wyoming department of transportation state identification lists. The base jury lists prepared by the supreme court and panels or lists of prospective jurors selected by the clerk of court may be compiled and maintained using any manual, mechanical, electronic or other means calculated to ~~insure~~ ensure the integrity of the system and a random selection process.

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1-40-119. Surcharge to be assessed in certain criminal cases; paid to account.

(a) In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, or is convicted of, the following criminal offenses shall be assessed a surcharge of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) for the offenses specified in paragraph (v) of this subsection, not less than one hundred fifty dollars (\$150.00) nor more than three hundred fifty dollars (\$350.00) for the first plea to or conviction of offenses specified in paragraphs (i) through (iv) of this subsection, and not less than two hundred dollars (\$200.00) nor more than four hundred dollars (\$400.00) for each subsequent plea to or conviction of offenses specified in paragraphs (i) through (iv) of this subsection:

(i) Any ~~crime enumerated in violation of~~ W.S. 6-1-101 through 6-2-313 and 6-2-319 through 6-10-203;

5-13-115. Purpose and jurisdiction.

(b) The chancery court shall have jurisdiction to hear and decide actions for equitable or declaratory relief and for actions where the prayer for money recovery is an amount exceeding fifty thousand dollars (\$50,000.00), exclusive of claims for punitive or exemplary damages, prejudgment or post judgment interest, costs and attorney fees provided the cause of action arises from at least one (1) of the following:

~~(xii)~~(xiii) Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships, joint ventures, banks and trust

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companies. The monetary threshold of subsection (b) of this section shall not apply to action brought under this paragraph;

9-1-507. Examination of books of state institutions, agencies and certain districts and entities; independent audit authorized; guidelines.

(a) The director of the state department of audit shall:

(ix) In lieu of the rules described in subparagraphs ~~(A)-(iii)(A)~~ through (D) ~~of paragraph (iii)~~ of this subsection, fire protection and water and sewer districts shall be required to comply with the rules to provide for different levels of oversight as follows:

9-3-421. Death benefits; monthly benefit option; refund of excess employee contributions plus interest; medical insurance premiums.

(d) For purposes of determining a member's account under ~~subsection~~ subsections (a) through (c) of this section, if a member dies before the member has vested under the system, the member's account shall consist of the contributions and interest that accrue in the manner for which contributions and interest accrue for a member who is vested.

9-12-601. Wyoming business ready community program; purpose; creation; rulemaking.

(o) On or before November 1 of each year, the council shall report to the joint appropriations ~~interim~~ committee and the joint minerals, ~~economic and~~ business and economic

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development interim committee information on the administration of the business ready community program. The report shall include a list of all grant and loan requests made in the previous twenty-four (24) months, the amount approved by project, expenditures by project and the progress for each project as of the date of the report.

9-12-1503. Application contents.

(a) An applicant for funding under this article shall provide the following information on the application:

(ix) Evidence that no later than six (6) weeks before submission of the application the applicant contacted, in writing, all entities who are listed with the ~~eounsel~~—council as providing broadband service in the proposed project area to ask for each broadband service provider's plan to upgrade broadband service in the project area to speeds that meet or exceed the speeds proposed in the application, within the time frame specified in the proposed project activities;

12-1-101. Definitions.

(a) As used in this title:

(xix) "Microbrewery" means a commercial enterprise at a single location producing not more than fifty thousand (50,000) barrels per year and no less ~~that~~ than fifty (50) barrels per year of malt beverage;

12-2-201. Wholesale license for sale of malt beverages only; fee.

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(f) Nothing in this section limits the ~~commission's~~
division's exclusive authority to wholesale alcoholic
liquors.

14-3-402. Definitions.

(a) As used in this act:

(xxv) "This act" means W.S. 14-3-401 through
~~14-3-440~~ 14-3-441.

**16-6-116. Final settlement with and payment to
contractor; required notices.**

When any public work is let by contract the commission,
board or person under whose direction or supervision the
work is being carried on and conducted and upon whose
approval intermediate and final estimates are paid for the
construction of the work, forty (40) days before the final
estimate is paid, shall cause to be published in a
newspaper of general circulation, published nearest the
point at which the work is being carried on, once a week
for three (3) consecutive weeks, and also to post in three
(3) conspicuous places on the work, a notice setting forth
in substance, that the commission, board or person has
accepted the work as completed according to the plans and
specifications and rules set forth in the contract between
the commission, board or person and the contractor, and
that the contractor is entitled to final settlement
therefor. The notice shall also set forth that upon the
~~41st~~ forty-first day (and the notice shall specify the
exact date) after the first publication of the notice the
commission, board or person under whose direction or
supervision the work has been carried on will pay to the
contractor the full amount due under the contract. This

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section does not relieve the contractor and the sureties on his bond from any claims for work or labor done or materials or supplies furnished in the execution of the contract.

17-4-102. Definitions.

(a) In this act, unless the context otherwise requires:

(iv) "Broker-dealer" means a person engaged in the business of effecting transactions in securities for the account of others or for the person's own account. The term does not include:

(E) A person excluded by rule adopted or order issued under this act. ~~;~~

(xxviii) "Security" means a note; stock; treasury stock; security future; bond; debenture; evidence of indebtedness; certificate of interest or participation in a profit-sharing agreement; collateral trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting trust certificate; certificate of deposit for a security; put, call, straddle, option, or privilege on a security, certificate of deposit, or group or index of securities, including an interest therein or based on the value thereof; put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency; or, in general, an interest or instrument commonly known as a "security"; or a certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or

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right to subscribe to or purchase, any of the foregoing.
The term:

(E) Includes as an "investment contract," among other contracts, an interest in a limited partnership and a limited liability company and an investment in a viatical settlement or similar agreement. ~~;~~ ~~and~~

21-20-201. Agreement between districts and post-secondary education institutions required; student participation; credits; financial arrangements; transportation; accessibility; required annual reporting.

(d) The school district and the university or community college district entering into an agreement for purposes of this section shall, if there are any fees within the agreement, establish fees to be assessed ~~to~~ the school district for student participation under the program, the payment schedule for the established fees and other necessary arrangements to facilitate fee payment and collection. Any textbooks, materials or equipment purchased under the established fees shall be addressed within the agreement entered into between the university or college and the school district. The university or community college shall not directly assess and collect any fee from the participating student for textbooks, materials, student services or any other fees otherwise assessed and collected from students attending the institution.

26-43-103. Eligibility.

(b) The following persons are not eligible for pool coverage:

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(iv) ~~For pool coverage,~~ Any person on whose behalf the pool has paid two hundred fifty thousand dollars (\$250,000.00) in benefits. The board shall adjust these amounts annually to reflect the effects of inflation. The adjustment shall not be less than the annual change in the medical component of the "Consumer Price Index for All Urban Consumers" of the department of labor, bureau of statistics, unless the board proposes and the commissioner approves a lower adjustment factor;

31-2-215. Disabled veteran's license plates.

(c) The county treasurer shall only issue one (1) pair of license plates annually that are exempt as provided by W.S. ~~31-3-101(a)(xv)~~ 31-3-101(b)(xv) to each applicant under this section.

31-8-102. Contents.

(a) The identification card shall resemble a Wyoming driver's license. It shall have:

(viii) The designations as provided for in W.S. 31-7-139, 31-7-141 and 31-7-142; and

33-22-104. License; annual fee; expiration.

Each person licensed as a nursing home administrator shall be required to pay an annual license fee in an amount to be fixed by the board pursuant to W.S. 33-1-201. Each such license shall expire on the ~~31st~~ thirty-first day of December following issuance, and shall be renewable for a calendar year, upon payment of the annual license fee.

33-40-102. Definitions.

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(a) As used in this act:

(vi) "Unprofessional conduct" means:

(H) Failure to notify the board within thirty (30) days of a malpractice final ~~judgement~~judgment or settlement involving the occupational therapist;

(N) Employing, either directly or indirectly, any licensee under suspension or revocation, except as may be authorized by the board, or any person not licensed to practice occupational therapy to perform any task requiring licensure except that an unlicensed person may be employed to perform tasks under supervision not requiring occupational therapy professional knowledge or ~~judgement~~judgment;

35-11-406. Application for permit; generally; denial; limitations.

(m) The requested permit, other than a surface coal mining permit, shall be granted if the applicant demonstrates that the application complies with the requirements of this act and all applicable federal and state laws. The director shall not deny a permit except for one (1) or more of the following reasons:

(x) If written objections are filed by an interested person under subsection ~~(g)~~(k) of this section;

35-20-102. Definitions.

(a) As used in this act:

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(iv) "Caregiver" means any person or in-home service provider responsible for the care of a vulnerable adult because of:

(F) Acceptance of a legal obligation or responsibility to the vulnerable adult through a power of attorney, ~~advanced~~advance health care directive or other legal designation.

35-30-101. Definitions.

(a) As used in this act:

(v) "Representative of the patient" means any person who:

(C) Is a representative named in an ~~advanced~~advance care directive in Wyoming or other similar law in another state.

39-16-104. Taxation rate.

(a) Except as otherwise provided, there is levied and shall be paid by the purchaser an excise tax at the same rate applied under W.S. ~~39-15-104~~39-15-104(a) upon sales in Wyoming.

39-17-111. Distribution.

(f) All taxes collected under W.S. 39-17-104(a)(iii) shall be deposited into the state highway fund with receipt and acknowledgement submitted to the state treasurer. The provisions of this section ~~and W.S. 39-17-105(e)~~ shall not apply to the tax imposed by W.S. 39-17-104(a)(iii). Any refund for any overpayment of this one cent (\$.01) tax

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shall be taken from the taxes collected pursuant to W.S. 39-17-104(a)(iii).

39-17-311. Distribution.

(a) Except as otherwise provided in subsection (b) of this section, all alternative fuel license taxes and fees shall be distributed as follows:

(v) All taxes collected under W.S. 39-17-304(a)(iii) shall be transferred to the state treasurer who shall deposit them only into the state highway fund. The provisions of this section ~~and W.S. 39-17-305(e)~~ shall not apply to the tax imposed by W.S. 39-17-304(a)(iii). Any refund for any overpayment of the one cent (\$.01) tax imposed by W.S. 39-17-304(a)(iii) shall be taken from the taxes collected pursuant to W.S. 39-17-304(a)(iii).

41-6-402. Assessments.

Where any irrigation or drainage district shall make and levy any assessment against any property within such district, the same shall not be questioned in any suit or proceeding unless such suit or proceeding is instituted on or before the second December ~~31st~~ thirty-first following such levy or assessment.

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

(c) No person shall operate or be in actual physical control of a watercraft if the person:

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(ii) Has an alcohol concentration of eight one-hundredths of one percent (0.08%) or more if the watercraft is a motorboat. ~~;~~ ~~or~~

Section 2. If 2020 House Bill 0027 is enacted into law, W.S. 28-11-601(b)(ii) as created by that act is amended to read:

28-11-601. Appointment of members; powers and duties; executive branch liaisons.

(b) The select committee shall:

(ii) Develop and introduce legislation as necessary to promote blockchain, financial technology and digital innovation in Wyoming unless the legislation relates to Title 13 of the Wyoming statutes, in which case the legislation shall be recommended to the ~~Minerals, Business & Economic Development Joint Interim Committee~~ joint minerals, business and economic development interim committee for consideration.

Section 3. W.S. 6-2-507(e)(iii), 9-12-407, 12-1-101(a)(xxiv), 26-20-401(e) and 41-13-206(c)(iii) are repealed.

Section 4. 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 5.

ORIGINAL SENATE
FILE NO. SF0072

ENGROSSED

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(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2020.

(b) Sections 2 and 5 of this act are 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