

ENROLLED ACT NO. 117, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2003 GENERAL SESSION

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

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

**Section 1.** W.S. 11-11-105, 22-29-408(b), 31-5-234(e), 39-11-101(a)(vi), 39-13-102(g), 39-15-105(a)(v)(C), 39-15-203(a)(i)(E)(V), 39-16-105(a)(v)(B) and 41-2-1001(g) are amended to read:

**11-11-105. Cash or surety bond required; amount; approval by director; conditions; exception.**

Each applicant for a warehouseman's or warehouse license shall post a cash bond or execute and file with the director a good and sufficient surety bond in an amount determined by the board of agriculture based on the maximum number of hundred weight the warehouseman or warehouse can store in the warehouses for which the bond is required, but not less than twenty thousand dollars (\$20,000.00). A surety bond shall be executed by a responsible surety company licensed to do business in this state, approved by the director, and conditioned upon the faithful performance of the ~~warehouseman's~~ obligation of the warehouseman or person operating a warehouse ~~obligation~~ under the laws of this state and of any additional obligations assumed by him under contract with those who deposit grain with him. All bonds shall be payable to the state for the benefit of any injured party, and shall be in ~~such~~ the form and contain ~~such~~ additional conditions as the director may prescribe. No person is required to file ~~such~~ a bond who has already

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posted similar bond with the United States department of agriculture pursuant to the United States Warehouse Act of August 11, 1916, as amended.

**22-29-408. Dissolution without election.**

(b) The election required by W.S. 22-29-404 shall be dispensed with and the board of county commissioners shall declare the district dissolved if the director of the department of audit has notified the board of county commissioners of the district's failure to comply with the reporting requirements of W.S. 9-1-507, and the district has failed to comply with W.S. ~~9-1-407(a)(vii)~~ 9-1-507(a)(vii) by December 30 of that same calendar year.

**31-5-234. Unlawful operation of vehicle by youthful driver with detectable alcohol concentration; penalty.**

(e) A person convicted of violating this section shall be guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00). A person convicted of violating this section a second time within one (1) year of the first conviction is guilty of a misdemeanor punishable by imprisonment for not more than one (1) month, a fine of not more than seven hundred fifty dollars (\$750.00), or both. A person convicted of a third or subsequent conviction under this section within two (2) years shall be guilty of 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. The court may order the person to undergo a substance abuse assessment and complete any recommended treatment for any conviction under this section as a condition of probation. Notwithstanding any other provision of law, the term of probation imposed by a judge under this section may exceed the maximum term of imprisonment established for the

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offense under this subsection provided the term of probation together with any extension thereof, shall in no case exceed three (3) years.

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

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

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

**39-13-102. Administration; confidentiality.**

(g) On or before the first ~~Tuesday~~Monday of August, the board of county commissioners shall by order entered of record levy the requisite taxes for the year. On or before the third Monday in August the county assessor shall compute the taxes from the corrected valuations as corrected by the state board and entered by the county assessor in the column of corrected valuations. The county assessor shall deliver the tax list and his warrant for the collection of the taxes to the county treasurer setting forth the assessment roll, with the taxes extended, containing in tabular form and alphabetical order the names of persons in whose names property has been listed in the

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county, with the classes of property and the value, total amount of taxes and column of numbers and values and total taxes footed commanding the treasurer to collect the taxes. At the end of the tax list and warrant, the county assessor shall prorate the total taxes levied to the several funds.

**39-15-105. Exemptions.**

(a) The following sales or leases are exempt from the excise tax imposed by this article:

(v) For the purpose of exempting sales of services and tangible personal property which are alternatively taxed, the following are exempt:

(C) Sales of gasoline or gasohol taxed under W.S. 39-17-101 through 39-17-111 and of diesel fuels taxed under W.S. 39-17-201 through 39-17-211. The exemption provided by this subparagraph shall not apply to gasoline or gasohol taxed under W.S. 39-17-104(a)(iii) or to diesel fuel taxed under W.S. 39-17-204(a)(ii).

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

(a) Taxable event. The following shall apply:

(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

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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 imposed by the state of Wyoming.

**39-16-105. Exemptions.**

(a) The following purchases or leases are exempt from the excise tax imposed by this article:

(v) For the purpose of exempting sales of services and tangible personal property which are alternatively taxed, the following are exempt:

(B) Motor vehicle fuel which is subject to taxation under W.S. 39-17-101 through 39-17-111 or 39-17-201 through 39-17-211. The exemption provided by this subparagraph shall not apply to gasoline or gasohol taxed under W.S. 39-17-104(a)(iii) or to diesel fuel taxed under W.S. 39-17-204(a)(ii).

**41-2-1001. Creation; use of funds; interest.**

(g) Revenues received by the state from the lease, sale, assignment or transfer of water from projects funded by the Wyoming water development program or from the lease, sale, assignment or transfer of projects, or any portions thereof, funded by the Wyoming water development program shall be deposited into the account created by paragraph ~~(a)(v)~~ (a)(iv) of this section. The Wyoming water development commission shall administer the account and use any monies in the account to meet the contract obligations of the state relative to said leases, sales, assignments or

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transfers. The account balance shall at no time exceed fifty thousand dollars (\$50,000.00).

**Section 2.** W.S. 7-22-116 and 21-18-202(b)(iii) are repealed.

**Section 3.** If 2003 Senate File 64 is enacted into law, then W.S. 19-14-104(b) as created by that act is amended to read:

**19-14-104. Recordation of discharges.**

(b) All documents filed under this section on and after July 1, 2003, shall be kept confidential and shall be available only to the discharged person, that person's authorized agent, that person's dependents, the veterans' service officer, the Wyoming veteran's ~~affairs~~-commission, a peace officer or by court order.

**Section 4.** If 2003 House Bill 207 is enacted into law, then W.S. 16-9-105(c) as amended by that bill is amended to read:

**16-9-105. Agreements or contract for 911 emergency reporting systems; use of funds collected.**

(c) Funds collected from the charge pursuant to this chapter shall be credited to a cash account separate from the general fund of the public agency, for payments for public safety answering points and service supplier costs pursuant to ~~subsections~~-subsection (b) ~~and (d)~~ of this section. Any monies remaining in the cash account at the end of any fiscal year shall remain in the account for payments during any succeeding year. If any 911 system is discontinued, monies remaining in the account shall, after all payments to the service supplier pursuant to subsection

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(b) of this section, be transferred to the general fund of the public agency or proportionately to the general fund of each participating public agency.

**Section 5.** 2002 Wyoming Session Laws, Chapter 76, Section 12 is amended to read:

Notwithstanding W.S. 21-13-309(p), using computations of district foundation program amounts by the state department of education based upon reports from districts required by the department, the foundation program amount computed for a district under W.S. 21-13-309(p) for school years 2002-2003 and 2003-2004 shall not be less than one hundred percent (100%) of the foundation program amount available to that district during the 2001-2002 school year. A district is not entitled to additional funding under this section if, but for a decrease in ADM as compared with the 2001-2002 school year, that district would not have a foundation program amount that is less ~~that~~ than one hundred percent (100%) of the school year 2001-2002 foundation program amount.

**Section 6.** 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 the acts are in conflict with this act.

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_  
DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

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