

THE GEOLOGICAL SURVEY OF WYOMING
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1977

ADDITIONS TO THE
MINERAL LAWS
OF WYOMING

Laramie, Wyoming

1979

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Title 1.
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CHAPTER 27.
EMINENT DOMAIN.

ARTICLE 4.

Ways of Necessity for Certain Purposes.

§ 1-794.1. Condemnation and certificate of public necessity and convenience. — No person, association of persons, company or corporation shall institute a condemnation proceeding relating to any activity for which a certificate of public necessity and convenience is required until the certificate has been issued. (Laws 1977, ch. 73, § 1.)

Effective date. — Section 3, ch. 73, Laws 1977, makes the act effective May 27, 1977.

CHAPTER 38.
UNIFORM DECLARATORY JUDGMENTS ACT.

§ 1-1054.1. Adjudication of water rights. — (a) The state of Wyoming upon the relation of the attorney general may institute an action to have determined in a general adjudication the nature, extent, and relative priority of the water rights of all persons in any river system and all other sources, provided:

(i) For the purposes of this section, W.S. 1-1054.1:

(A) The term "general adjudication" shall mean the judicial determination or establishment of the extent and priority of the rights to use water of all persons on any river system and all other sources within the state of Wyoming. The court conducting such a general adjudication shall:

(1) Certify to the state board of control those legal and factual issues which the court deems appropriate for the board to determine. Upon such certification, the board shall exercise those powers and follow those procedures set forth in Rule 53 of the Wyoming Rules of Civil Procedure;

(2) Confirm those rights evidenced by previous court decrees, or by certificates of appropriation, or by certificates of construction heretofore issued by the Wyoming state board of control;

(3) Determine the status of all uncanceled permits to acquire the right to the use of the water of the state of Wyoming and adjudicate all perfected rights thereunder not theretofore adjudicated under W.S. 41-211;

(4) Determine the extent and priority date of and adjudicate any interest in or right to use the water of the river system and all other sources not otherwise represented by the aforescribed decrees, certificates, or permits;

(5) Establish, in whatever form determined to be most appropriate by the court, one or more tabulations or lists of all water rights and their relative priorities on the river system and all other sources.

(B) The word "person" shall be construed to mean an individual, a partnership, a corporation, a municipality, the state of Wyoming, the United States of America, or any other legal entity, public or private.

(ii) When the potential defendants number one thousand (1,000) or more, personal service of a summons and complaint shall not be required and (a) the court shall order that the clerk obtain service on known potential defendants by mailing a court-approved notice of the action by certified mail, return receipt requested, and (b) the court shall order that the clerk obtain service on all unknown parties by publication of said notice for four (4) consecutive weeks in

a newspaper published in each of the counties within which interests in and rights to the use of water may be affected by the adjudication. If there is no newspaper in one (1) or more of said counties, then publication for such counties shall be in one (1) or more newspapers published in the state, and of general circulation within said counties. If publication is in a daily newspaper, one (1) insertion a week shall be sufficient;

(iii) The complaint for such a general adjudication shall be captioned: "In re the General Adjudication of All Rights to Use Water in the River System and All Other Sources, State of Wyoming";

(iv) When the water rights to be determined are located in more than one (1) county, the general adjudication may be brought in any of the counties. (Laws 1977, ch. 2, § 1.)

Editor's note. — There is no subsection (b) in this section as it appears in the printed acts.

Effective date. — Section 3, ch. 2, Laws 1977, makes the act effective immediately upon

completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved January 22, 1977.

Title 9.

Administration of the Government.

CHAPTER 3.

AGENCIES, BOARDS, COMMISSIONS AND DEPARTMENTS GENERALLY.

ARTICLE 1.2.

State Department of Economic Planning and Development.

§ 9-160.24. Same; appointment of members; terms; chairman; chairman of board. — (a) Members of the councils shall be appointed by the governor with the advice and consent of the senate. In making the appointments the governor shall:

(i) Ensure representation from each appointment district pursuant to W.S. 9-863 on at least one (1) of the councils;

(ii) Ensure that no more than two (2) members of each council shall be members of the same political party;

(iii) And in his initial appointments to the councils he shall designate the term for each appointee, one (1) six (6) year, one (1) four (4) year and one (1) two (2) year term for each of the councils. Subsequent members of the councils shall be appointed for six (6) year terms.

(b) Each council shall annually select its chairman. The chairman of the board shall be a chairman of one (1) of the councils and the chairmanship shall be rotated annually among the councils. (Laws 1969, ch. 94, § 6; 1977, ch. 21, § 2.)

The 1977 amendment designated the first paragraph as subsection (a) and the second paragraph as subsection (b), redesignated former subsections (a) to (c) as present paragraphs (i) to (iii) of subsection (a), and in subsection (a), substituted "appointment district pursuant to W.S. 9-863" for "judicial district" in paragraph (i), inserted "year" following both "(6)" and "(4)" in the first sentence of paragraph (iii), and substituted "subsequent" for "thereafter" at the beginning of the second sentence of paragraph (iii). The amendment also made minor stylistic changes throughout the section.

Appropriation. — Section 3, ch. 21, Laws 1977, reads: "There is appropriated, from any monies in the general fund not otherwise appropriated the sum of one hundred forty-six thousand eight hundred dollars (\$146,800.00) or so much of it as is necessary for the judicial administration of the eighth and ninth judicial districts during the remainder of the biennium ending June 30, 1978 to be administered pursuant to W.S. 5-41 and W.S. 5-42."

Effective date. — Section 5, ch. 21, Laws 1977, makes the act effective May 27, 1977.

ARTICLE 11.

Geologist, Geological Survey and Topographic Mapping.

Division 1. State Geologist Generally.

§ 9-248.1. **Definitions.** — (a) As used in W.S. 9-248.1 through 9-266:

(i) "Geology" means the science which treats of the earth in general, the earth's processes and its history, investigation of the earth's crust and the rocks and other materials which compose it, and the applied science of utilizing knowledge of the earth's history, processes, constituent rocks, minerals, liquids, gases and other materials for the use of mankind;

(ii) "Geologist" means a person who is a graduate of an institution of higher education that is accredited by a regional or national accrediting agency, with a minimum of thirty (30) semester or forty-five (45) quarter hours of course work in geology; and

(iii) "Professional geologist" means a geologist as defined in W.S. 9-248.1 (a) (ii) and who has had an additional five (5) years in aggregate of post baccalaureate geological training or experience, no more than two (2) years of which may have been in post graduate study. (Laws 1977, ch. 151, § 1.)

Editor's note. — There is no subsection (b) in this section as it appears in the printed acts.

§ 9-248.2. **Reports containing geological information.** — Any report required by law or by rule and regulation and prepared as a result of or based on geological data or geological interpretation, or which contains information relating to geology as defined by W.S. 9-248.1 (a) (i), and is to be presented to or prepared for the state, any agencies or political subdivisions thereof, shall be prepared or approved by a geologist or professional geologist as defined by W.S. 9-248.1 (a), provided however that the requirements of W.S. 9-248.2 shall not apply to state agency forms or exploratory mineral drill hole data defined under W.S. 36-74.1 or to any report required by law or rule or regulation to be filed with the oil and gas conservation commission. (Laws 1977, ch. 151, § 1.)

Effective date. — Section 3, ch. 151, Laws 1977, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 2, 1977.

§ 9-252. **Duties generally; report; records to be kept; publication of reports, maps, etc.**

(b) The state geologist shall:

(i) Perform all other acts as are provided by the laws of Wyoming relating to mineral deposits;

(ii) Make valuation surveys, investigations, appraisements and reports on the mineral resources of the state;

(iii) Have authority to designate and supervise mining operations on state and school lands in the interest of economic development;

(iv) Have authority to cooperate with the United States government, departments of the state of Wyoming, University of Wyoming or private corporations in the matter of geological, topographic, soil and mineral surveys, also industrial investigations and examinations that may bring about further economic development of the mineral resources of the state. The cooperative activities of his office may be accomplished on whatever basis he may determine but in no case shall the cost to the state exceed fifty percent (50%) thereof;

(v) As required by W.S. 9-21, report to the governor covering the activities of his office and include therein suggestions as to the enactment of laws relating to the mineral resources of the state;

(vi) Keep in his office full and complete records of all work done by him or under his supervision, all of which shall be the property of the state; and

(vii) Publish all reports, maps and data as he considers advisable and of public interest, and distribute the reports, maps and data to the public upon request either free or at a price he deems reasonable. (Laws 1901, ch. 45, § 4; C. S. 1910,

§ 211; Laws 1919, ch. 72, § 1; C. S. 1920, § 224; Laws 1927, ch. 90, § 1; R. S. 1931, § 109-1004; C. S. 1945, § 18-1204; Laws 1947, ch. 129, § 1; 1973, ch. 215, § 1; 1977, ch. 151, § 2.)

The 1977 amendment rewrote subsection (b). Only part of section set out. — As subsection (a) was not affected by the amendment, it is not set out in this Supplement.
Effective dates.

Section 3, ch. 151, Laws 1977, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 2, 1977.

CHAPTER 6.

FUNDS OF STATE AND POLITICAL SUBDIVISIONS.

ARTICLE 8.

Government Royalty Revenue.

§ 9-577: Repealed by Laws 1977, ch. 153, § 2.

Effective date.

Section 3, ch. 153, Laws 1977, makes the act effective immediately upon completion of all

acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 4, 1977.

§ 9-577.1. Distribution and use of federal government royalties. — (a) All monies received by the state of Wyoming from the secretary of the treasury of the United States under the provisions of the act of congress of February 25, 1920 (41 Stat. 437, 450; 10 U. S. C. 181, 191), as amended, shall be deposited in the trust and agency fund and shall be distributed by the state treasurer as follows:

(i) Two and one-quarter percent (2 ¼%) to county treasurers for construction and maintenance of permanent roads and highways in their counties with priority given to roads and highways impacted by mineral development. Each county shall receive a proportionate share based on royalties attributable to the county;

(ii) Two and one-quarter percent (2 ¼%) to the highway fund to be expended by the state highway commission for permanent construction or maintenance work in the counties to which the royalties are attributable with priority given to roads and highways impacted by mineral development;

(iii) Thirty-seven and one-half percent (37 ½%) to the public school foundation program account;

(iv) Twenty-six and one-quarter percent (26 ¼%) to the highway fund;

(v) Six and three-quarters percent (6 ¾%) shall be deposited in the trust and agency fund for the University of Wyoming. This revenue may be used only when authorized by the legislature for the actual and necessary expenses of constructing, equipping and furnishing of new buildings, the repairing of existing buildings, the purchasing of improved or unimproved real estate, the payment of principal and interest on securities issued to finance these projects or for the payment of principal and interest on securities issued to refund the securities. Any proposed expenditures from this revenue shall be included in the budget of the university submitted to the governor. Payments from this revenue shall be made by the state treasurer only upon properly itemized and receipted vouchers approved by the trustees of the university and filed with the state auditor as provided by law. Notwithstanding the requirement that proposed expenditures from this revenue be included in the university budget submitted to the governor, the trustees of the university are authorized to approve expenditures from this revenue for the payment of principal and interest on any outstanding securities issued pursuant to this paragraph in accordance with the terms of the securities;

(vi) Seven and one-half percent (7 ½%) shall be distributed to incorporated cities and towns to be used for planning, construction or maintenance of public

facilities or providing public services. Any city or town may expend these revenues or pledge future revenues for payment of revenue bonds issued to provide public facilities. Pledges of this income for revenue bonds shall not exceed ten (10) years. Each city and town shall receive:

(A) Ten thousand dollars (\$10,000.00); plus

(B) An amount computed by the state treasurer as follows: After deducting the distribution provided by subparagraph (A) of this paragraph, the remainder shall be allocated for distribution to cities and towns within each county in an amount proportionate to the percentage obtained by dividing the average daily membership, as defined in W.S. 21.1-288, of all school districts within each county by the total average daily membership of all school districts in the state. The distribution to each city and town will then be made in the proportion that the population of the city or town bears to the total population of all cities and towns in the county based on the latest federal census as periodically updated by the bureau of the census;

(vii) Seven and one-half percent (7 ½%) shall be deposited in the Wyoming government royalty impact assistance account within the earmarked revenue fund together with the revenue provided by paragraph (b) (i) of this section. The Wyoming farm loan board shall disburse these revenues as grants to incorporated cities, towns, counties, and joint powers boards to be used only to fund planning, construction and maintenance of public facilities, provisions of public services, or equipment purchases. In disbursing the grants authorized by this paragraph, the Wyoming farm loan board shall first determine that the incorporated city, town or county to which a grant is to be given has been socially or economically impacted by mineral or mineral related development and is unable to fund their needs expressed in this paragraph from existing revenue sources or whose assessed valuation is insufficient to fund necessary capital construction projects through the issuance of general obligation bonds;

(viii) Four percent (4%) shall be deposited in a school district capital construction account within the earmarked revenue fund to finance the school districts capital construction entitlements authorized by W.S. 21.1-290 through 21.1-293, or such proportionate part of each entitlement as the revenues available under this paragraph bears to the total of all such entitlements;

(ix) Through June 30, 1983, six percent (6%) shall be deposited in the state highway fund by the state treasurer, and shall be expended by the state highway commission for construction, reconstruction and maintenance of highways in the state affected by the extraction or processing of minerals or affected by mineral related development;

(x) Beginning July 1, 1983, six percent (6%) shall be deposited in the legislative government royalty assistance account within the earmarked revenue fund unless otherwise provided for by the legislature together with the revenue provided by paragraph (b) (ii) of this section. The legislature may appropriate these funds to alleviate impact problems resulting from mineral development.

(b) The state treasurer shall ascertain and withhold all bonus payments received from the federal government attributable to coal, oil shale or geothermal leases of federal land within Wyoming and shall distribute it as follows:

(i) Fifty percent (50%) shall be deposited into the Wyoming government royalty impact assistance account for the purposes specified in paragraph (a) (vii) of this section;

(ii) Fifty percent (50%) shall be deposited into the legislative government royalty impact assistance account in the earmarked revenue fund for the purposes specified in paragraph (a) (x) of this section. (Laws 1977, ch. 153, § 1.)

Effective date. — Section 3, ch. 153, Laws 1977, makes the act effective immediately upon completion of all acts necessary for a bill to

become law as provided by art. 4, § 8, Wyo. Const. Approved March 4, 1977.

§§ 9-578, 9-579: Repealed by Laws 1977, ch. 153, § 2.

Effective date. — Section 3, ch. 153, Laws 1977, makes the act effective immediately upon completion of all acts necessary for a bill to

become law as provided by art. 4, § 8, Wyo. Const. Approved March 4, 1977.

ARTICLE 8.1.

Coal and Oil Shale and Geothermal Bonuses.

§§ 9-580.1 to 9-580.3: Repealed by Laws 1977, ch. 153, § 2.

Effective date. — Section 3, ch. 153, Laws 1977, makes the act effective immediately upon completion of all acts necessary for a bill to

become law as provided by art. 4, § 8, Wyo. Const. Approved March 4, 1977.

CHAPTER 14.

State Land Use Planning.

ARTICLE 2.

State Land Use Planning.

§ 9-852. **State land use commission.** — (a) There is created the Wyoming state land use commission, for the purpose of guiding land use planning within the state. The commission shall consist of nine (9) members appointed by the governor. Each member of the advisory committee shall within thirty (30) days after the effective date of this act, submit to the governor a list of two (2) names of persons residing within his respective county. From this list the governor shall appoint seven (7) members of the commission, one (1) from each appointment district pursuant to W.S. 9-863. The remaining two (2) members shall be appointed at large. No state or federal agency employees shall be appointed as members of the land use commission. No person shall serve on the advisory committee and the land use commission at the same time.

(b) The governor shall, within thirty (30) days after receipt of the list of names from the members of the advisory committee, appoint the members of the commission. Initial appointments to the commission shall be three (3) members for two (2) year terms, three (3) members for three (3) year terms and three (3) members for four (4) year terms. Subsequent appointments shall be made only for a limited term to end on the expiration date of this act. Any vacancies shall be filled by the governor for the unexpired portion of the term, from nominees from the appointment district in which the vacancy occurs, in accordance with the applicable provisions of subsection (a) of this section.

(Laws 1977, ch. 21, § 2.)

The 1977 amendment deleted "hereby" preceding "created" in the first sentence and substituted "appointment district pursuant to W.S. 9-863" for "judicial district of the state" in the fourth sentence of subsection (a) and substituted "Subsequent appointments" for "Thereafter all appointments" in the third sentence, and "appointment district" for "judicial district" in the fourth sentence of subsection (b).

Only part of section set out. — As only subsections (a) and (b) were affected by the amendment, the remainder of this section was not set out in this Supplement.

Appropriation. — Section 3, ch. 21, Laws 1977, reads: "There is appropriated from any monies in the general fund not otherwise appropriated the sum of one hundred forty-six thousand eight hundred dollars (\$146,800.00) or so much of it as is necessary for the judicial administration of the eighth and ninth judicial districts during the remainder of the biennium ending June 30, 1978 to be administered pursuant to W.S. 5-41 and W.S. 5-42."

Effective date.

Section 5, ch. 21, Laws 1977, makes the act effective May 27, 1977.

Title 21.

Education.

CHAPTER 2.

UNIVERSITY OF WYOMING.

ARTICLE 3.

Agriculture, Extension Work.

§ 21-2-307. **Leases authorized; scope of authority to lease.** — (a) The trustees of the University of Wyoming may grant mineral leases in the name of the state of Wyoming to any lands acquired in the name of the state of Wyoming for experimental farm purposes. This authority extends to those lands transferred into the control of the trustees of the University of Wyoming by chapter 99, Session Laws of Wyoming, 1923, and all other land theretofore or thereafter acquired in the name of the state of Wyoming for experimental farm purposes and now under the administration and control of the trustees of the University of Wyoming, whether or not acquired pursuant to express legislative authorization.

(b) Mineral leases executed under the authority hereby granted shall be executed by such persons, shall be granted upon terms prescribed by the state board of land commissioners for the leasing of other state lands and shall include such additional provisions as the trustees of the University of Wyoming determine to be necessary to protect the surface of the lands or the use thereof for university purposes.

(c) If land used for experimental farm purposes is leased under this section, and it becomes untenable for experimental purposes by virtue of mineral production or exploration thereon, the trustees shall, without unnecessary delay, obtain other lands in the same general vicinity. In all cases the land obtained, whether by grant, purchase or gift, must be within the boundaries of the same county as the land rendered untenable and must be suitable for experimental farm purposes. The trustees shall take immediate steps to reestablish an operating experimental farm on the land obtained.

(d) All amounts received under mineral leases, including bonus payments, delay rentals and royalties, shall be expended for the purposes of the University of Wyoming as the trustees of the University of Wyoming may determine. (Laws 1963, ch. 96, §§ 1-4; 1977, ch. 169, § 1.)

Title 30.

Mines and Minerals.

CHAPTER 1.

GENERAL PROVISIONS.

§ 30-28.3. **Provisions for indemnity in certain contracts; invalidity.** — All agreements, covenants or promises contained in, collateral to or affecting any agreement pertaining to any well for oil, gas or water, or mine for any mineral, which purport to indemnify the indemnitee against loss or liability for damages for:

- (a) Death or bodily injury to persons;
- (b) Injury to property; or
- (c) Any other loss, damage, or expense arising under either (a) or (b) from:
 - (i) The sole or concurrent negligence of the indemnitee or the agents or employees of the indemnitee or any independent contractor who is directly responsible to such indemnitee; or
 - (ii) From any accident which occurs in operations carried on at the direction or under the supervision of the indemnitee or an employee or representative of the indemnitee or in accordance with methods and means specified by the indemnitee or employees or representatives of the indemnitee, are against public policy and are void and unenforceable to the extent that such contract of indemnity by its terms purports to relieve the indemnitee from loss or liability for his own negligence. This provision shall not affect the validity of any insurance contract or any benefit conferred by the Worker's Compensation Law of this state. (Laws 1969, ch. 46, § 1; 1977, ch. 145, § 1.)

The 1977 amendment deleted "and all" preceding "covenants or promises" and "and" preceding "which purport to indemnify" in the introductory paragraph, deleted "or" at the end of subsection (a), and in paragraph (ii) of subsection (c), added the language beginning "to the extent that such contract of indemnity" at

the end of the first sentence and substituted "Worker's Compensation Law" for "Workmen's Compensation Law" at the end of the second sentence.

Effective date. — Section 2, ch. 145, Laws 1977, makes the act effective May 27, 1977.

CHAPTER 3.

MINING OPERATIONS GENERALLY.

ARTICLE 3.

Inspector of Mines; Deputy Inspectors.

§ 30-59. Regulations for abandonment of mine.

(d) Within thirty (30) days after abandonment or closing down of any underground mine, the owner or operator shall file with the inspector of mines a map showing all pertinent data as of the date of closing or abandonment in the form as hereafter prescribed. The map and all data shown thereon shall be confidential and not open for public inspection until a period of two (2) consecutive years have elapsed without resumption of mining activity, unless release thereof has been authorized in writing by the owner or unless need because of safety reasons is shown by an adjoining operator or other interested party. (Laws 1957, ch. 160, § 25; 1977, ch. 65, § 1.)

The 1977 amendment, in subsection (d), substituted "hereafter" for "hereinafter" near the end of the first sentence and in the second sentence, substituted "The map and all data" for "Such map, and all of the data and information," "a period of two (2) consecutive years have elapsed without resumption of mining activity" for "and unless a period of ten consecutive years without resumption or recommencement of mining activity shall have elapsed," "has been

authorized" for "shall have been authorized" and "is shown by an adjoining operator or other interested party" for "shall be shown by an adjoining operator."

Only part of section set out. — As only subsection (d) was affected by the amendment, the remainder of this section was not set out in this Supplement.

Effective date. — Section 2, ch. 65, Laws 1977, makes the act effective May 27, 1977.

ARTICLE 6.

Abandoned Drill Holes.

§§ 30-96.14 to 30-96.21: Repealed by Laws 1977, ch. 140, § 2.

Effective date. — Section 3, ch. 140, Laws 1977, makes the act effective immediately upon completion of all acts necessary for a bill to

become law as provided by art. 4, § 8, Wyo. Const. Approved March 1, 1977.

CHAPTER 4.

COAL MINES.

ARTICLE 4.

Safety Regulations.

§ 30-131. Maps of mines to be made; biannual revision; care and custody; corrections by state inspector; copies; abandonment of mine. — (a) The owner, operator or superintendent of every coal mine shall make an accurate map or plan of the coal mine on a scale not exceeding two hundred (200) feet to the inch. The map or plan shall exhibit all openings or excavations, shafts, tunnels, slopes, planes, gangways, entries, cross headings, rooms, etc., and shall show the direction of the air currents therein, shall accurately delineate the boundary line between the mine and adjoining mines and show its relation and proximity

thereto. The map shall be prepared with reference to the legal subdivision or subdivisions in which the mine is located, and shall show thereon the lines of such legal subdivision or subdivisions.

(b) The coal map, plan or true copy thereof shall be kept at the mine by the owner, operator or superintendent for the use of the state inspector of coal mines, and for the inspection of any miner working in the mine whenever the miner has cause to fear that the place where he is working is becoming dangerous by reason of its proximity to other workings which may contain water or dangerous gases.

(c) The owner, operator or superintendent of every coal mine shall once every six (6) months, accurately place on a map or plan of the coal mine, a plan of the excavations made of all working places or other parts of the coal mine during the preceding six (6) months. The operator or the superintendent shall then furnish the state inspector of coal mines with a true and correct copy of this map and at the end of every six (6) months thereafter the state inspector shall return the copy to the operator or superintendent, who shall place thereon all extensions made, all portions of the mine worked out or abandoned during the preceding six (6) months and the part or parts in proximity to the boundary line.

(d) All coal maps or plans of mines in the state which are furnished to the state inspector of coal mines shall be the property of the state of Wyoming, shall remain in the care of the state inspector of coal mines, shall be transferred by him to his successor in office, and in no case shall any copy of these maps be made without the consent of the owner or operator. If the state inspector of coal mines finds or has good reason to believe that any map or plan of any coal mine made or furnished is materially inaccurate or imperfect, he is authorized to cause a correct plan or map of the coal mine to be made at the expense of the owner or operator thereof, the cost of which shall be recovered from the owner or operator in the name of the state of Wyoming as other debts are recoverable by law. However, if the map or plan which is claimed to be inaccurate proves to be correct, the expense of making the test survey shall be paid by the state of Wyoming from any funds in the state treasury not otherwise appropriated.

(e) Within thirty (30) days after abandonment of any coal mine, the owner, operator or superintendent shall file with the inspector of coal mines a map showing all pertinent information as of the date of abandonment. The map and all information thereon shall be held in confidence and not disclosed to the public for two (2) years after the date of abandonment, unless the owner authorizes in writing the release thereof or the need for safety reasons is shown by an adjoining operator or other interested party. (Laws 1890-91, ch. 80, § 1; R. S. 1899, § 2562; C. S. 1910, § 3505; Laws 1919, ch. 126, § 1; C. S. 1920, § 4428; Laws 1927, ch. 51, § 1; R. S. 1931, § 23-101; C. S. 1945, § 57-401; Laws 1977, ch. 65, § 1.)

The 1977 amendment so changed this section as to make a detailed comparison impracticable.

Effective dates.

Section 2, ch. 65, Laws 1977, makes the act effective May 27, 1977.

Title 34.

Property, Conveyances and Security Transactions.

CHAPTER 22.

UNIFORM COMMERCIAL CODE.

ARTICLE 9.

Secured Transactions: Sales of Accounts, Contract Rights and Chattel Paper.

Part 3. Rights of Third Parties; Perfected and Unperfected Security Interests; Rules of Priority.

§ 34-9-306. "Proceeds"; secured party's rights on disposition of collateral. — (1) "Proceeds" includes whatever is received when collateral or proceeds is sold, exchanged, collected or otherwise disposed of. Insurance payable by reason of loss or damage to the collateral is proceeds, except to the extent that it is payable to a person other than a party to the security agreement. The term also includes the account arising when the right to payment is earned under a contract right. Money, checks and the like are "cash proceeds." All other proceeds are "noncash proceeds."
(Laws 1977, ch. 5, § 1.)

The 1977 amendment, in subsection (1), inserted the present second sentence and substituted "noncash" for "non-cash" in the last sentence.

Only part of section set out. — Only subsection (1), which was affected by the amendment, is set out in this Supplement.

Effective date. — Section 2, ch. 5, Laws 1977, makes the act effective May 27, 1977.

Title 35.

Public Health and Safety.

CHAPTER 9.1.

WYOMING ENVIRONMENTAL QUALITY ACT.

ARTICLE 1.

General Provisions.

§ 35-502.2. Policy and purpose. — Whereas pollution of the air, water and land of this state will imperil public health and welfare, create public or private nuisances, be harmful to wildlife, fish and aquatic life, and impair domestic, agricultural, industrial, recreational and other beneficial uses; it is hereby declared to be the policy and purpose of this act [§§ 35-502.1 to 35-502.56] to enable the state to prevent, reduce and eliminate pollution; to preserve, and enhance the air, water and reclaim the land of Wyoming; to plan the development, use, reclamation, preservation and to preserve and exercise the primary responsibilities and rights of the state of Wyoming; to retain for the state the control over its air, land and water and to secure cooperation between agencies of the state, agencies of other states, interstate agencies, and the federal government in carrying out these objectives. (Laws 1973, ch. 250, § 1; 1977, ch. 132, § 1.)

The 1977 amendment substituted "state" for "State" preceding "of Wyoming."

Effective date. — Section 3, ch. 132, Laws 1977, makes the act effective May 27, 1977.

§ 35-502.3. Definitions.

(e) Specific definitions for land quality:

(viii) "Operation" means all of the activities, equipment, premises, facilities, structures, roads, rights of way, waste and refuse areas, storage and processing areas, and shipping areas used in the process of excavating or removing overburden and minerals from the affected land or for removing overburden for the purpose of determining the location, quality or quantity of a natural mineral deposit or for the reclamation of affected lands;
(Laws 1977, ch. 132, § 1.)

The 1977 amendment deleted "railroads" following "roads" near the beginning of paragraph (viii) of subsection (e).

Only part of section set out. — Only the introductory paragraph and paragraph (viii) of

subsection (e), which was affected by the amendment, are set out in this Supplement.

Effective dates.

Section 3, ch. 132, Laws 1977, makes the act effective May 27, 1977.

§ 35-502.9. Powers and duties of director. — (a) In addition to any other powers and duties imposed by law, the director of the department shall:

(xi) Designate authorized officers, employees or representatives of the department to monitor the air, water, and land quality, and solid waste management operations of all facilities which have been granted permits under W.S. 35-502.75 through 35-502.94, for assuring continuing compliance with conditions and requirements of their permits and for discovering and preventing noncompliance with the permits or violations of law. (Laws 1973, ch. 250, § 1; 1977, ch. 66, § 2.)

The 1977 amendment added paragraph (xi) of subsection (a).

Only part of section set out. — Only the introductory paragraph and paragraph (xi), of subsection (a), which was affected by the amendment, are set out in this Supplement.

Effective date. — Section 3, ch. 66, Laws 1977, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved February 23, 1977.

§ 35-502.11. Independent environmental quality council created; terms; officers; meetings; expenses. — (a) There is hereby created an independent council consisting of seven (7) members to be known as the environmental quality council. Not more than four (4) of the members shall be of the same political party. Council members shall be appointed by the governor with the advice and consent of the senate. No employee of the state, other than employees of institutions of higher education, shall be a member of the council. At all times, there shall be at least one (1) member from the minerals industry and one (1) member from agriculture. Any member receiving more than ten percent (10%) of his income from any permit applicant shall not act on a permit application from such applicant. (Laws 1977, ch. 132, § 1.)

The 1977 amendment, in subsection (a), inserted "(7)" in the first sentence and "(4)" in the second sentence, deleted "or any of its political subdivisions" following "state" in the fourth sentence and added the last two sentences.

Only part of section set out. — As only subsection (a) was affected by the amendment,

the remainder of this section was not set out in this Supplement.

Effective date.

Section 3, ch. 132, Laws 1977, makes the act effective May 27, 1977.

§ 35-502.12. Powers and duties of the environmental quality council. — (a) The council shall act as the hearing examiner for the department and shall hear and determine all cases or issues arising under the laws, rules, regulations, standards or orders issued or administered by the department or any division thereof. The council shall:

(v) Designate at the earliest date and to the extent possible those areas of the state which are very rare or uncommon and have particular historical, archaeological, wildlife, surface geological, botanical or scenic value. When areas of privately owned lands are to be considered for such designation, the council shall give notice to the record owner and hold hearing thereon, within a county in which the area, or major portion thereof, to be so designated is located, in accordance with the Wyoming Administrative Procedure Act [§§ 9-276.19 to 9-276.33].

(Laws 1977, ch. 184, § 1.)

The 1977 amendment rewrote the first sentence and added the second sentence in paragraph (v) of subsection (a).

Only part of section set out. — Only the introductory paragraph and paragraph (v) of subsection (a), which was affected by the amendment, are set out in this Supplement.

Effective date. — Section 2, ch. 184, Laws 1977, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 8, 1977.

ARTICLE 4.

Land Quality.

§ 35-502.20. Compliance generally; exceptions.

(d) The provisions of this article [§§ 35-502.20 to 35-502.41] shall not apply to any of the following activities:

(iii) The extraction of sand, gravel, dirt, scoria, limestone, dolomite, shale, ballast or feldspar by a landowner for his own noncommercial use from land owned or leased by him;

(vi) Surface mining operations, whether commercial or noncommercial, for the removal of sand, gravel, scoria, limestone, dolomite, shale, ballast or feldspar from an area of ten (10) acres or less of affected land if the operator has written permission for the operation from the owner and lessee, if any, of the surface; provided that the operator shall notify the land quality division of the department of environmental quality of the location of the land to be mined before commencing operations;

(vii) Before commencing any mining operations, the operator shall file a bond to insure reclamation in accordance with the purposes of this act [§§ 35-502.1 to 35-502.56] in the amount of two hundred dollars (\$200.00) per acre of affected land. Within ninety (90) days after mining operations commence, the administrator may require the operator to post an additional bond of one hundred dollars (\$100.00) per acre of affected land if he determines that such amount is necessary to insure reclamation. The operator shall post the additional bond not later than thirty (30) days after receipt of such notification;

(viii) After the mining operations have ceased or within thirty (30) days after abandonment of the mining operation, the operator shall notify the administrator of such fact and commence reclamation and restoration in compliance with the rules and regulations of the land quality division of the department of environmental quality. The rules and regulations for reclamation shall at all times be reasonable; and

(ix) Immediate reclamation will not be required if the landowner advises the department in writing of his intent to further utilize the product of the mine, and if he assumes the obligation of reclamation.

(h) A single permit may be issued for mining of noncontiguous minerals deposits at the discretion of the administrator in compliance with the statutes.

(j) The council, after consultation with the administrator and the advisory board, may modify or suspend certain requirements of W.S. 35-502.24 (a), (b), (d), (e) and (f) by rules and regulations, for surface mining operations involving not more than ten thousand (10,000) yards of overburden and ten (10) acres of affected land in any one (1) year, if the application requirements insure reclamation in accordance with the purposes of this act [§§ 35-502.1 to 35-502.56].

(k) An operator conducting operations pursuant to W.S. 35-502.20 (d) (vi) shall file an annual report with the administrator on or within thirty (30) days prior to the anniversary date of the commencement date of initial operation. The report shall contain:

(i) The name and address of the operator;

(ii) The location of the mining operations;

(iii) The number of acres of affected lands at the conclusion of the past year's operation;

(iv) The number of acres of land that have been reclaimed during the past year;

(v) The number of yards of overburden or mined mineral removed;

(vi) The expected remaining life of the mining operation. (Laws 1973, ch. 250, § 1; 1974, ch. 14, § 1; 1975, ch. 198, §§ 2,3; 1976, ch. 15, § 1; 1977, ch. 108, § 1; ch. 132, § 1.)

The 1977 amendments. — The first 1977 amendment, in subsection (d), deleted "or" preceding "dirt" in paragraph (iii), inserted "scoria, limestone, dolomite, shale, ballast or feldspar" in paragraphs (iii) and (vi) and also in paragraph (vi), deleted "and" preceding "gravel", substituted "ten (10)" for "five (5)", inserted "of affected land" and added the proviso at the end of the paragraph. The amendment also, in subsection (d), inserted present paragraph (vii), redesignated former paragraphs (vii) and (viii) as present paragraphs (viii) and (ix) and in paragraph (viii), inserted "notify the administrator of such fact and." Finally, the amendment, in subsection (j), deleted "and" preceding "(b)", inserted "(d), (e) and (f)" and substituted "ten thousand (10,000) yards" for "four thousand (4,000) tons" and "ten (10)" for "Two (2)" and added subsection (k).

The second 1977 amendment, in subsection (h), substituted "minerals" for "bentonite", inserted "at the discretion of the administrator" and deleted "when such operations are served in such an area by a single processing plant" following "statutes."

Only part of section set out. — As only paragraphs (iii), (vi), (vii), (viii) and (ix) of subsection (d) and subsections (h), (j), and (k) were affected by the amendments, the remainder of this section was not set out in this Supplement.

Effective dates.

Section 2, ch. 108, Laws 1977, makes the act effective May 27, 1977.

Section 3, ch. 132, Laws 1977, makes the act effective May 27, 1977.

§ 35-502.22.1. Drill holes to be capped, sealed or plugged. — (a) All drill holes sunk in the exploration of locatable or leasable minerals on all lands within the state of Wyoming shall be capped, sealed or plugged in the manner described hereinafter by or on behalf of the discoverer, locator or owner who drilled the hole. Prospecting and exploration drill holes shall include all drill holes except those drilled in conjunction with the expansion of an existing mine operation or wells or holes regulated pursuant to W.S. 30-216 through 30-238.

(b) "Person" means any person, firm, association or corporation who drills or is responsible for drilling holes for the purpose of exploration or development of these minerals.

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

(i) "**Plugging.**" All artesian flow of ground water to surface shall be eliminated by a cement plug or other similar material sufficient to prevent such artesian flow;

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

(iii) "**Surface Cap.**" Each drill hole is to be completely filled to the collar of the hole or securely capped at a minimum depth of two (2) feet below either the original land surface or the collar of the hole, whichever is at the lower elevation. If capped, the cap is to be made of concrete or other material satisfactory for such capping. The hole shall be backfilled above the cap to the original land surface;

(iv) "**Water Well.**" If any holes drilled are to be ultimately used as or converted to water wells, the user shall comply with the applicable provisions of W.S. 41-128 through 41-147;

(v) "**Surface Restoration.**" Each drill site shall be restored as nearly as possible to its original condition, including reseeding if grass or other crop was destroyed.

(d) Within sixty (60) days after the completion and abandonment of any hole drilled which has artesian flow at the surface, the person for whom the hole was drilled shall report the existence of the hole to the administrator, land quality division and the state engineer. The report, set forth in affidavit form, shall contain at least the location of the hole to the nearest two hundred (200) feet, the depth of the hole and estimated rate of flow, if known, and the facts of the plugging technique used.

(e) Within twelve (12) months after the completion and proper abandonment of any hole drilled any person shall file with the administrator, land quality division and the state engineer a report which shall include the location of each hole to the nearest forty (40) acre legal subdivision and the depth of each hole drilled. Such reports are confidential.

(f) Where plugging reports are required to conform with federal regulations, and if such reports cover all the requirements of this act, they are adequate for the purposes described herein.

(g) The administrator, land quality division may waive any of the administrative provisions of this act [§§ 35-502.1 to 35-502.56] pertaining to aquifers, following a formal written application for a waiver of any particular provisions, if in the opinion of the administrator, land quality division waiver of any such provisions shall not adversely affect the interests of the state of Wyoming and would create an undue hardship upon application. Such waivers shall be in writing and may be appealed under the provisions of the Wyoming Administrative Procedure Act [§§ 9-276.19 to 9-276.33].

(h) The drill hole should be capped immediately following the drilling and probing. If it is necessary to temporarily delay the capping or keep the hole open for any reason, the drill hole must be securely covered in a manner which will prevent injury to persons or animals.

(j) Any person who fails or refuses to comply with the provisions of this act is guilty of a misdemeanor and on conviction is subject to imprisonment in a county jail for not more than ninety (90) days or a fine of not more than five thousand dollars (\$5,000.00) or both.

(k) When exploratory drill holes have been abandoned in violation of these provisions, the administrator, land quality division may then cause such holes to be capped, sealed or plugged and the state of Wyoming is granted a cause of action against the person refusing to comply with the provisions of this act for the recovery of the reasonable costs incurred by the administrator, land quality division in having the holes properly capped, sealed or plugged.

(m) All actions pursuant to subsections (j) or (k) of this section, must be initiated by the state of Wyoming within three (3) years of the date of the report required by subsection (d) of this section. (Laws 1977, ch. 140, § 1.)

Editor's note. — There are no subsections (i) and (l) in this section as it appears in the printed acts.

Effective date. — Section 3, ch. 140, Laws 1977, makes the act effective immediately upon

completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 1, 1977.

§ 35-502.24. Application for permit; generally; denial; limitations. — (a) Applications for a mining permit shall be made in writing to the administrator and shall contain:

(iv) The names and last known addresses of the owners of record of the surface and mineral rights on the land to be covered by the proposed permit;

(v) The names and last known addresses of the owners of record of the surface rights of the lands immediately adjacent to the proposed permit area and for surface coal mining operations, the names and last known addresses of coal ownership immediately adjacent to the permit area;

(ix) A map based upon public records showing the boundaries of the land to be affected, its surrounding immediate drainage area, the location and names, where known, of all roads, railroads, public or private rights-of-way and easements, utility lines, lakes, streams, creeks, springs, and other surface water courses, oil wells, gas wells, water wells, and the probable limits of underground mines and surface mines, whether active or inactive, on or immediately adjacent to the land to be affected. The map shall also show:

(e) The administrator shall notify the applicant within ninety (90) days of submission of the application whether or not it is complete. If the administrator deems an application incomplete, he shall state in writing to the applicant the information specified.

(f) The applicant shall cause notice of the application to be published in a newspaper of general circulation in the locality of the proposed mining site once a week for four (4) consecutive weeks commencing within fifteen (15) days after filing of the completed application. The notice shall contain information regarding the identity of the applicant, the location of the proposed operation, the proposed dates of commencement and completion of the operation, the proposed future use of the affected land, the location at which information about the application may be obtained, and the location and final date for filing objections to the application. The applicant shall mail a copy of the notice within five (5) days after first publication to all owners of record of the surface and

mineral rights of the land within the permit area, to the owners of record of the surface rights of immediately adjacent lands and to any other persons within one-half (½) mile having a valid legal estate of record. Proof of notice and mailing shall be attached to and become part of the application.

(g) Any interested person has the right to file written objections to the application with the administrator within twenty (20) days after the last publication of the above notice. If written objections are filed, the council shall hold a public hearing within twenty (20) days after the final date for filing objections unless a different period is stipulated to by the parties. The council shall publish notice of the time, date and location of the hearing in a newspaper of general circulation in the locality of the proposed operation once a week for two (2) consecutive weeks immediately prior to the hearing. The hearing shall be conducted as a contested case in accordance with the Wyoming Administrative Procedure Act [§§ 9-276.19 to 9-276.33], and right of judicial review will be afforded as provided in said act.

(h) The requested permit shall be granted if it is established that the application complies with the requirements of this act [§§ 35-502.1 to 35-502.56] and all applicable federal and state laws. The director shall not deny a permit except for one (1) or more of the following reasons:

- (i) The application is incomplete;
- (ii) The applicant has not properly paid the required fee;
- (iii) Any part of the proposed operation, reclamation program, or the proposed future use is contrary to the law or policy of this state, or the United States;
- (iv) The proposed mining operation would irreparably harm, destroy, or materially impair any area that has been designated by the council a rare or uncommon area and having particular historical, archaeological, wildlife, surface geological, botanical or scenic value;
- (v) If the proposed mining operation will cause pollution of any waters in violation of the laws of this state or of the federal government;
- (vi) If the applicant has had any other permit or license issued hereunder revoked, or any bond posted to comply with this act forfeited;
- (vii) The proposed operation constitutes a public nuisance or endangers the public health and safety;
- (viii) The affected land lies within 300 feet of any existing occupied dwelling, home, public building, school, church, community or institutional building, park or cemetery, unless the landowner's consent has been obtained. The provisions of this subsection shall not apply to operations conducted under an approved permit issued by the state land commissioner in compliance with the "Open Cut Mined Land Reclamation Act of 1969";
- (ix) The operator is unable to produce the bonds required;

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

(xi) If information in the application or information obtained through the director's investigation shows that reclamation cannot be accomplished consistent with the purposes and provisions of this act;

(xii) If the applicant has been and continues to be in violation of the provisions of this act;

(xiii) No permit shall be denied on the basis that the applicant has been in actual violation of the provisions of this act if the violation has been corrected or discontinued.

(i) The administrator shall render a decision on the application within thirty (30) days after completion of the notice period if the application is not protested. Should the application be protested and a hearing be held, the council shall issue findings of fact and a decision on the application within sixty (60) days after the final hearing. The administrator shall issue or deny the permit no later than fifteen (15) days from receipt of any findings of fact and decision of the environmental quality council. (Laws 1973, ch. 250, § 1; 1974, ch. 14, § 1; 1975, ch. 198, § 2; 1977, ch. 132, §§ 1, 2; ch. 184, § 1.)

The 1977 amendments. — The first 1977 amendment, in subsection (a), inserted "of record" and "and mineral" in paragraph (iv), deleted "and mineral" preceding "rights" and inserted "of record", "immediately" and "and for surface coal mining operations, the names and last known addresses of coal ownership immediately adjacent to the permit area" in paragraph (v) and substituted "based upon public records" for "in such detail as the administrator may specify" near the beginning of paragraph (ix). The amendment also inserted present subsection (e) and redesignated former subsections (e), (f), (g) and (h) as present subsections (f), (g), (h) and (i). Finally, the amendment, in subsection (f), substituted "fifteen (15)" for "15" and inserted "(4)" and "completed" in the first sentence, rewrote the

third sentence and deleted "such" preceding "notice" in the last sentence and rewrote subsection (i).

The second 1977 amendment rewrote paragraph (iv) of subsection (h).

Only part of section set out. — As only paragraphs (iv), (v) and (ix) of subsection (a) and subsections (e) through (i) were affected by the amendment, the remainder of this section was not set out in this Supplement.

Effective dates.

Section 3, ch. 132, Laws 1977, makes the act effective May 27, 1977.

Section 2, ch. 184, Laws 1977, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 8, 1977.

CHAPTER 9.2.

WYOMING INDUSTRIAL DEVELOPMENT AND SITING ACT.

§ 35-502.80:1: [Reserved.]

§ 35-502.80:2. Quantity of water available; analysis; public comment. — (a) Whenever an applicant applies for an industrial siting permit, pursuant to W.S. 35-502.80 for a facility which requires the use of the waters of the state, the applicant shall prepare and submit to the state engineer a water supply and water yield analysis with a request for a preliminary and final opinion as to the quantity of water available for the proposed facility.

(b) Within thirty (30) days after the applicant has submitted the water supply and yield analysis, the state engineer shall cause to be made, at the applicant's expense, a comprehensive review of the water supply and water yield analysis submitted.

(c) Within five (5) days after completion of the review, the state engineer shall render a preliminary opinion as to the quantity of water available for the proposed facility. The preliminary opinion, or a reasonable summary, shall be published for three (3) consecutive weeks in a newspaper of general circulation in the county in which the proposed facility is to be located. The expense of the publication shall be borne by the applicant.

(d) In rendering a final opinion as to the quantity of water available for the proposed facility, the state engineer shall consider any comments which are submitted in writing within twenty (20) days of the last date of publication.

(e) Within thirty (30) days after the last date of publication, the state engineer shall render a final opinion.

(f) The final opinion of the state engineer shall be submitted to the industrial siting council and the public service commission. The final opinion shall be binding on the industrial siting council for the purposes of issuing an industrial siting permit, and shall be reviewed by the public service commission prior to its issuance of a certificate of public convenience and necessity.

(g) The preliminary and final opinion of the state engineer shall not create a presumption concerning injury or noninjury to water rights, nor shall the opinions of the state engineer be used as evidence in any administrative proceeding or in any judicial proceeding concerning water right determinations or administration. (Laws 1977, ch. 66, § 1.)

Effective date. — Section 3, ch. 66, Laws 1977, makes the act effective immediately upon completion of all acts necessary for a bill to

become law as provided by art. 4, § 8, Wyo. Const. Approved February 23, 1977.

§ 35-502.82. Study and evaluation; service of notice of application.

(b) Not less than ninety (90) nor more than one hundred twenty (120) days after receipt of an application for a permit, the director shall:

(i) Schedule and conduct a public hearing, provided that no hearing shall be held until the state engineer has submitted a preliminary and final opinion as

to the quantity of water available for the proposed facility pursuant to W.S. 35-502.80:2;
(Laws 1977, ch. 66, § 2.)

The 1977 amendment, in subsection (b), substituted "ninety (90) nor more than one hundred twenty (120) days" for "forty (40) nor more than sixty (60) days" in the introductory language and added the proviso at the end of paragraph (i).

Only part of section set out. — As only the introductory language and paragraph (i) of

subsection (b) were affected by the amendment, the remainder of this section was not set out in this Supplement.

Effective date. — Section 3, ch. 66, Laws 1977, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved February 23, 1977.

§ 35-502.91. Monitoring of facilities. — The council and the office, utilizing to the fullest extent possible the staff and resources of all state agencies, boards and commissions, shall have continuing authority and responsibility for monitoring the operations of all facilities which have been granted permits under this act [§§ 35-502.75 to 35-502.94], for assuring continuing compliance with this act and permits issued hereunder, and for discovering and preventing noncompliance with this act and the permits, except that the department of environmental quality shall have continuing authority and responsibility for monitoring and assuring compliance with laws and regulations pertaining to air, water, and land quality, and solid waste management, and for monitoring and assuring compliance with any permit conditions ordered by the council relating to matters of air, water, and land quality, and solid waste management. (Laws 1975, ch. 169, § 1; 1977, ch. 66, § 2.)

The 1977 amendment added the language beginning "except that the department of environmental quality" to the end of the section.

Effective date. — Section 3, ch. 66, Laws 1977, makes the act effective immediately upon

completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved February 23, 1977.

Title 36.

Public Lands.

CHAPTER 3.

COMMISSIONER OF PUBLIC LANDS.

§ 36-42. Fees. — The commissioner of public lands shall collect the following administrative fees:

For filing each application to lease or purchase	\$15.00
For recording each surface lease of less than one (1) section	\$ 3.00
For recording each surface lease of one (1) section	\$ 3.00
For recording each surface lease containing more than one (1) section, for each additional section or fraction thereof	\$ 2.00
For filing each right-of-way	\$10.00
For issuing each certificate of purchase	\$10.00
For issuing each patent	\$10.00
For filing each assignment of lease or certificate of purchase	\$20.00
For issuing each post and pole permit	\$ 3.00
For issuing each timber permit	\$10.00
For issuing each sand and gravel permit	\$10.00
For issuing each sign board permit	\$10.00
For filing each power of attorney	\$ 5.00
For filing each declaration of trust	\$ 5.00
For filing each letter of administration	\$ 5.00
For affixing the commissioner's seal to certified copies	\$ 2.00
For preparing each oil lease where application is withdrawn or not completed	\$10.00

For filing each final decree of distribution	\$10.00
For filing each collateral assignment	\$10.00
For filing each application for construction of improvements . . .	\$10.00
For filing each sub-lease agreement	\$10.00
For filing each subordination agreement	\$10.00
For filing each change of name	\$20.00
For filing each operating agreement for mineral leases	\$10.00
For filing each unit agreement	\$10.00
For filing each fossil permit	\$10.00
For recording each "special use lease"	\$10.00

All money collected for fees shall be paid to the treasurer of the state monthly and shall be credited to the general fund. (Laws 1909, ch. 42, § 1; C. S. 1910, § 233; Laws 1919, ch. 101, § 1; C. S. 1920, § 244; Laws 1921, ch. 130, § 1; 1925, ch. 62, § 1; R. S. 1931, § 91-210; C. S. 1945, § 24-211; Laws 1961, ch. 169, § 1; 1967, ch. 87, § 1; 1977, ch. 35, § 1.)

The 1977 amendment increased the fee for recording each surface lease of less than one section, for recording each surface lease of one section, for filing each assignment of lease or certificate of purchase, for issuing each post and pole permit and for filing each change of name.

Effective dates.
Section 2, ch. 35, Laws 1977, makes the act effective May 27, 1977.

CHAPTER 7. MINERAL LEASES.

ARTICLE 1.

General Provisions.

§ 36-74.1. Same; subsurface reports contingent upon issuance of mineral exploration lease; report to be confidential. — (a) Contingent upon the leasing of any state or state school lands for coal, uranium or other mineral exploration, the board of land commissioners shall require copies of all electrical, gamma-ray neutron, resistivity or other types of subsurface log reports to be submitted to the office of the state geologist within three (3) years after completion of drilling. All copies thereof will become the property of the state to be retained within the permanent files of the Wyoming geological survey for the exclusive use of the staff, as required by law for evaluation purposes. Reports received by the oil and gas conservation commission shall qualify for this provision.

(b) All subsurface log reports will be held confidential for a period of seven (7) years after received by the state geologist or until the expiration of the lease, whichever is the lesser period of time. If the lease is being held by production, all reports will be held confidential until the lease is terminated. (Laws 1977, ch. 151, § 1.)

Effective date. — Section 3, ch. 151, Laws 1977, makes the act effective immediately upon completion of all acts necessary for a bill to

become law as provided by art. 4, § 8, Wyo. Const. Approved March 2, 1977.

CHAPTER 10. SALE OF STATE LANDS.

§ 36-186. Terms of payment.

Amendment effective January 1, 1978. — Section 2, ch. 45, Laws 1977, designated the formerly undesignated provisions of this section as subsection (a) and in that subsection, in the first sentence, inserted "(30)" and substituted "the" for "said" preceding "payments," "percent (25%)" for "per centum," "percent (4%)" for "per centum" and "percent (8%) per year" for "per centum per annum" twice, inserted "accrued" and deleted "on same" following "paid" in the second sentence and added subsection (b).

Section 8, ch. 45, Laws 1977, reads: "If any other act of the legislature enacted during the same session in which this act is enacted is in conflict with the provisions of this act, the other act shall prevail in all cases to the extent of such conflict, regardless of whether enacted before or after the enactment of this act."

Section 9, ch. 45, Laws 1977, makes the act effective January 1, 1978.

This section as amended will be published in the Wyoming Statutes 1977.

Title 39.

Taxation and Revenue.

Revision of title effective January 1, 1978. — Section 1, ch. 45, Laws 1977, enacted §§ 39-1-101 to 39-5-101. Section 4, ch. 45, Laws 1977, repealed §§ 39-1 to 39-160, 39-208 to 39-227, 39-227.3, 39-227.6, 39-233 to 39-235 and 39-246 to 39-285. Section 5, ch. 45, Laws 1977, effective January 1, 1978, amended §§ 39-1-101, 39-1-201 and 39-5-101 and repealed §§ 39-2-102 to 39-2-104. Section 6, ch. 45, Laws 1977, effective January 1, 1978, amended §§ 39-1-101, 39-1-201 and 39-2-101. Section 7, ch. 45, Laws 1977, was a severability provision. Section 8, ch. 45, Laws 1977, was a conflicting legislation provision. Section 9, ch. 45, Laws 1977, was an effective date provision.

Section 1, ch. 51, Laws 1977, enacted §§ 39-6-101 to 39-6-808. Section 3, ch. 51, Laws 1977, redesignated § 39-369.1 as § 39-7-101 and §§ 39-375 to 39-377 as §§ 39-8-101 to 39-8-103. Section 4, ch. 51, Laws 1977, repealed §§ 39-161 to 39-204.8, 39-227.1, 39-227.1.1, 39-227.2, 39-227.4, 39-227.5, 39-227.7 to 39-227.11, 39-286 to 39-369 and 39-380. Section 5, ch. 51, Laws 1977, was a severability provision. Section 6, ch. 51, Laws 1977, was a conflicting legislation provision. Section 7, ch. 51, Laws 1977, was an effective date provision.

Section 2, ch. 44, Laws 1977, repealed §§ 39-8-101 to 39-8-103, effective January 1, 1978.

Section 2, ch. 46, Laws 1977, amended § 39-6-504. Section 4, ch. 46, Laws 1977, amended § 39-6-505, effective January 1, 1978. Section 5, ch. 46, Laws 1977, was an effective date provision.

Section 2, ch. 88, Laws 1977, reenacted and renumbered § 39-2.2 as § 39-2-304, effective January 1, 1978.

Section 2, ch. 109, Laws 1977, reenacted and renumbered § 39-2.1 as § 39-2-303, effective January 1, 1978.

Section 4, ch. 155, Laws 1977, redesignated § 39-227.1:1 (h) as § 39-6-302 (f) and § 39-227.12 as § 39-6-305 (k), effective January 1, 1978.

Section 3, ch. 185, Laws 1977, amended §§ 39-1-201, 39-4-103, 39-6-701 and 39-6-702 and repealed § 39-1-203, effective January 1, 1978.

Section 4, ch. 185, Laws 1977, was an appropriation provision. Section 5, ch. 185, Laws 1977, redesignated § 39-380 (a), (c), (e) (ii) and (iii) as §§ 39-6-702 (a) and (c) and 39-6-701 (a) (i) and (iv), effective January 1, 1978.

Section 2, ch. 189, Laws 1977, amended §§ 39-6-302, 39-6-303 and 39-6-305. Section 4, ch. 189, Laws 1977, was an effective date provision.

The revised title with accompanying amendments will be published in the Wyoming Statutes 1977.

CHAPTER 2.

EXEMPTIONS FROM TAXATION.

§ 39-7. Generally.

Sixth. Repealed by Laws 1977, ch. 185, § 2.

The 1977 amendment repealed subsection "Sixth."

Only part of section set out. — As only subsection "Sixth" was affected by the amendment, the remainder of this section was not set out in this Supplement.

Appropriations.

Section 4, ch. 185, Laws 1977, reads: "Any unexpended appropriation from the program entitled 'Senior Citizens Homestead Exemptions' is hereby transferred to the program entitled 'Tax Refund to Elderly and Disabled' as provided by Section 7, Chapter 26, Session Laws of Wyoming 1976 and there is hereby appropriated from the general fund one million seven hundred sixty thousand dollars (\$1,760,000.00) or so much thereof as may be

necessary to carry out the provisions of this act."

Effective dates.

Section 6, ch. 185, Laws 1977, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. The act became law without the signature of the governor on March 9, 1977.

Amendment effective January 1, 1978. — Section 1, ch. 6, Laws 1977, substituted "exempt" for "exempted" in the introductory language to this section and added subsection "Seventh."

Section 3, ch. 6, Laws 1977, makes the act effective January 1, 1978.

CHAPTER 8.
SPECIFIC TAXES.

ARTICLE 6.

Mine Products.

§ 39-227.1. Excise tax on extraction or production of coal; expiration of tax.

(f) In addition to the other taxes provided by law, there is levied an excise tax upon the privilege of extracting or producing coal in the state of Wyoming of a percentage of the value of the coal of the gross product extracted or produced according to the following schedule:

(i) For coal produced in the calendar year 1974, a tax of four-tenths of one percent (0.4%) of the value of the coal produced;

(ii) For coal produced in the calendar year 1975, a tax of eight-tenths of one percent (0.8%) of the value of the coal produced;

(iii) For coal produced in the calendar year 1976, a tax of one and two-tenths percent (1.2%) of the value of the coal produced;

(iv) For coal produced in the calendar year 1977, a tax of one and six-tenths percent (1.6%) of the value of the coal produced;

(v) For coal produced in the calendar year 1978 and all subsequent years until the expiration of this tax, a tax of two percent (2%) of the value of the coal produced.

(g) The tax levied in subsection (f) of this section shall expire on January 1 next following the year in which the taxes collected pursuant to subsection (f) total one hundred sixty million dollars (\$160,000,000.00). (Laws 1969, ch. 193, § 1; 1974, ch. 19, § 1; 1975, ch. 67, § 1; ch. 120, § 1; ch. 125, § 3; 1977, ch. 189, § 1.)

The 1977 amendment substituted "is levied an excise" for "shall be a severance" and inserted "of the gross product extracted or" in the introductory paragraph of subsection (f) and substituted "one hundred sixty million dollars (\$160,000,000.00)" for "one hundred twenty million dollars (\$120,000,000.00)" at the end of subsection (g).

Only part of section set out. — As only subsections (f) and (g) were affected by the

amendment, the remainder of this section was not set out in this Supplement.

Effective dates.

Section 5, ch. 189, Laws 1977, reads: "Section 1 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. and is repealed effective January 1, 1978." Approved March 14, 1977.

§ 39-227.1:1. Excise tax on extraction of minerals; amount generally; value of gross product. — (a) There is hereby levied an excise tax payable to the department of revenue and taxation, in an amount equal to two percent (2%) of the value of the gross product extracted, upon the privilege of extracting any gold, silver or other precious metals, soda, saline, bentonite, or other valuable deposit, except uranium, trona, coal, petroleum, natural gas, oil shale or any other fossil fuel minerals.

(b) There is hereby levied an excise tax on the privilege of severing or extracting uranium, trona, coal, petroleum, natural gas, oil shale or any other fossil fuel, of two percent (2%) of the value of the gross product extracted. The proceeds from the tax are payable to the department of revenue and taxation and shall be deposited in the permanent Wyoming mineral trust fund.

(c) In addition to the excise tax provided for in subsection (b) of this section, there is hereby levied upon the privilege of extracting uranium, trona, coal, petroleum, natural gas, oil shale or any other fossil fuel minerals, an excise tax of two percent (2%) of the value of the gross product extracted. The proceeds from the tax are payable to the department of revenue and taxation and shall be deposited in the general fund. This subsection does not apply to a property or lease whose average daily production of crude petroleum and petroleum condensates, including natural gas liquids per well, did not exceed ten (10)

barrels per day during the preceding calendar year. "Average daily production" means the qualified maximum total production of domestic crude petroleum and petroleum condensates, including natural gas liquids, produced from a property during the preceding calendar year, divided by a number equal to the number of calendar days in that year times the number of wells which produced crude petroleum and petroleum condensates including natural gas liquids from that property in that year. To qualify as maximum total production, each well on the property must have been maintained at the maximum feasible rate of production, in accordance with recognized conservation practices and not significantly curtailed by reason of mechanical failure or other disruption in production.

(e) In addition to the other excise taxes provided for in this section, there is levied upon the privilege of extracting coal, an excise tax of one and one-half percent (1½%) of the value of the gross product extracted. The proceeds from the tax are payable to the department of revenue and taxation and shall be deposited in the Wyoming water development account within the earmarked revenue fund for water development projects. Each time a one hundred million dollar (\$100,000,000.00) balance is reached, deposits into the account will be discontinued and shall be deposited into the general fund until the balance in the Wyoming water development account is reduced to fifty million dollars (\$50,000,000.00). At such time revenue deposits will again be deposited into the Wyoming water development account. Any expenditures for any water development project shall be authorized by the legislature in a separate bill.

(f) In addition to other excise taxes provided by this section, there is levied an excise tax on the privilege of extracting coal of one percent (1%) of the value of the gross product extracted. The proceeds from the tax shall be transferred to the highway fund.

(g) In addition to other excise taxes provided by this section, there is levied an excise tax on the privilege of extracting coal of one-half of one percent (0.5%) of the value of the gross product extracted. The proceeds from the tax shall be deposited into the permanent Wyoming mineral trust fund.

(h) In addition to the other excise taxes provided for in this section, there is hereby levied upon the privilege of extracting trona, coal and uranium an excise tax of one and one-half percent (1½%) of the value of the gross product extracted. The proceeds from the tax are payable to the department of revenue and taxation and shall be deposited in the capital facilities revenue account within the earmarked revenue fund. The tax levied in this subsection shall expire on January 1 next following the year in which the taxes collected pursuant to this subsection total two hundred fifty million dollars (\$250,000,000.00). (Laws 1975, ch. 125, § 1; 1977, ch. 155, § 2; ch. 189, § 1.)

The 1977 amendments. — The first 1977 amendment added subsection (h).

The second 1977 amendment deleted "uranium" following "saline" and inserted "uranium" following "except" in subsection (a), inserted "uranium" in both of the first sentences of subsections (b) and (c) and added subsections (e), (f) and (g).

Only part of section set out. — As subsection (d) was not affected by the amendments, it is not set out in this Supplement.

Effective dates.

Section 5, ch. 155, Laws 1977, makes the act effective immediately upon completion of all

acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 4, 1977.

Section 5, ch. 189, Laws 1977, reads: "Section 1 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. and is repealed effective January 1, 1978." Approved March 14, 1977.

Amendment effective January 1, 1978. — Section 4, ch. 155, Laws 1977, redesignated subsection (h) of this section as § 39-6-302 (f), effective January 1, 1978.

§ 39-227.10. Same; disposition of money received and collected.

(d) The monies in the Wyoming coal tax revenue account shall be administered by the Wyoming farm loan board and disbursed by the board for use in areas which are directly or indirectly impacted by the production of coal, to assist in financing public water, sewer, highway, road or street projects. Not less than fifty percent (50%) of the revenues to the coal tax revenue account shall be used to finance state highway, county road or city street projects, (Laws 1977, ch. 189, § 1.)

The 1977 amendment substituted "fifty percent (50%)" for "sixty percent (60%)" in the second sentence of subsection (d).

Only part of section set out. — As only subsection (d) was affected by the amendment, the remainder of this section was not set out in this Supplement.

Effective dates.

Section 5, ch. 189, Laws 1977, reads: "Section 1 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. and is repealed effective January 1, 1978." Approved March 14, 1977.

§ 39-227.12. Same; disposition of money received and collected under W.S. 39-227.1:1 (h). — (a) All revenues received under W.S. 39-227.1:1 (h) shall be deposited in the capital facilities revenue account within the earmarked revenue fund. Any unexpended balance in the capital facilities revenue account may be invested by the state treasurer and interest earned shall be credited to the capital facilities revenue account.

(b) The monies in the capital facilities revenue account shall be administered by the capitol building commission and disbursed by the commission for the following purposes:

(i) Refunding, repurchase and retirement of any bonds which are presently outstanding against that certain state office building known as the Hathaway building;

(ii) Planning, designing, maintaining, repairing, operating, leasing, managing, equipping, and financing permanent capital facilities for the governmental operations of the state of Wyoming. The University of Wyoming board of trustees and the community colleges of the state acting through the community college commission, may request the capitol building commission to assist them in planning, designing, repairing, equipping, and financing permanent capital facilities in whole or in part, and the capitol building commission may make grants, or may pledge or otherwise contract with the university or any community college or the state highway department with respect to the revenues deposited in the account. The capitol building commission shall submit a report to each session of the legislature establishing priorities for the capital facilities revenue account and recommend which facilities should be authorized by that session of the legislature. For this report the capitol building commission may expend up to a total of one hundred thousand dollars (\$100,000.00) for initial planning and design for capital facilities being recommended. Any other capital facility expenditures shall be authorized by the legislature in a separate bill;

(iii) Fifteen percent (15%) of the tax revenues deposited in the capital facilities revenue account shall be transferred to a school district capital construction account within the earmarked revenue fund to finance the school districts capital construction entitlements authorized by W.S. 21.1-290 through 21.1-293, or such proportionate part of each entitlement as the revenues available under this paragraph bears to the total of all such entitlements;

(iv) Ten percent (10%) of the tax revenues deposited in the capital facilities revenue account shall be transferred to a community college construction account which account shall be created within the community college commission to finance in whole or in part community college construction according to a formula which shall consider need and priorities which shall be set by the community college commission after application to the community college commission by the community colleges of the state of Wyoming and which shall be submitted to the legislature for approval as part of the general community college budget. Nothing provided herein shall prevent the use of additional funds available under this act [§§ 39-227.1:1, 39-227.12] to finance community college construction; and

(v) Constructing, repairing and acquiring highways and related facilities, in an amount not to exceed six million dollars (\$6,000,000.00) and authorized to the state highway commission by separate bill. Upon authorization and expenditure of such six million dollars (\$6,000,000.00), this paragraph shall be null and void.

(c) The state treasurer of the state of Wyoming is authorized to invest any part of the funds known as the permanent land fund and the permanent Wyoming mineral trust fund in the bonds authorized by subsection (d) of this section.

(d) To accomplish the purpose of this act [§§ 39-227.1:1, 39-227.12], the capitol building commission may accept donations and grants-in-aid from any source, and in addition thereto may borrow money in an amount not to exceed one hundred million dollars (\$100,000,000.00) principal amount and shall evidence such loan or loans by the issuance of revenue bonds. The bonds shall be in denominations of five thousand dollars (\$5,000.00) or multiples thereof, each, and shall be numbered from one (1) upwards and, except as hereinafter provided are payable in numerical order with interest at a rate not exceeding eight percent (8%) per annum, payable annually. The bonds may be issued for a term not exceeding thirty (30) years and bonds in substantially equal amounts shall be retired in each year of the term for which issued. The capitol building commission

ARTICLE 16.

Use Tax.

§ 39-312. Exempted property.

(i) Repealed by Laws 1977, ch. 46, § 3.

The 1977 amendment repealed subsection (i).

Effective dates.

Only part of section set out. — As only subsection (i) was affected by the amendment, the remainder of this section was not set out in this Supplement.

Section 6, ch. 46, Laws 1977, makes the act effective immediately upon completion of all acts necessary for a bill to become law as

Title 41.

Water.

CHAPTER 1.

GENERAL PROVISIONS.

§ 41-1.6. Water and related land resources planning; state engineer's responsibility. — The state engineer is responsible for the coordination of Wyoming's water and related land resources planning and is authorized to enter into contracts and agreements with the United States of America or its duly authorized representative agency for planning pertaining to the utilization of Wyoming's water and related land resources. Coordination of water and related land resources planning shall be accomplished through the governor's interdepartmental water conference. The conference shall consist of the governor of the state of Wyoming or his designee, the state engineer who shall serve as chairman, and a representative of the attorney general's office, state department of agriculture, department of economic planning and development, the game and fish department, the department of environmental quality, the industrial siting administration, the geological survey of Wyoming, the Wyoming highway department, the office of the commissioner of public lands, the office of the director of the Wyoming recreation commission, the director of the water resources research institute, and the agricultural extension service of the college of agriculture of the University of Wyoming. (Laws 1967, ch. 138, § 1; 1973, ch. 233, § 2; 1977, ch. 103, § 1.)

The 1977 amendment rewrote the last sentence.

Effective date. — Section 2, ch. 103, Laws 1977, makes the act effective May 27, 1977.

§ 41-1.7. Same; authorization to accept federal funds.

(b) The state engineer is authorized upon advice of the interdepartmental water conference to adopt such regulations, rules, instructions, and codes as are necessary to implement and interpret any programs and standards which are

or may be required of the state by federal water and related land resources planning legislation, and to implement any programs which are required by such legislation to make the state eligible to receive funds made available by the federal government to the state to carry out water and related land resources planning. In order to accomplish its purpose this section is to be liberally construed. (Laws 1967, ch. 138, § 2; 1973, ch. 233, § 2; 1977, ch. 106, § 1.)

The 1977 amendment deleted "and consent" following "advice" near the beginning of the first sentence in subsection (b).

Only part of section set out. — As subsection (a) was not affected by the amendment, it is not set out in this Supplement.

Effective date. — Section 2, ch. 106, Laws 1977, makes the act effective May 27, 1977.