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81 ISO 027

HOUSE BILL 85

HOUSE BILL 85

Title: AN ACT to authorize the state of Wyoming to be sued by Kelly J. Worthington for personal injuries and damages resulting therefrom caused by the negligent acts or omissions of its boards, agents, and employees; authorizing the attorney general of the state of Wyoming to accept service of process; setting the venue of such action; waiving sovereign immunity within specified limits; establishing a date for the commencement of time to run under the statute of limitations; and providing funds to pay any judgment.

Introduced by: Bol Bennett

DATE	ACTION	DATE	ACTION
JAN 14 1981	READ FIRST TIME	FEB 2 1981	Received Amended House did concur on Senate Amendments April 2, Nov. 4, Revised R. About 2.
	REFERRED TO COM. NO. <u>1</u>		RECEIVED FROM SENATE
	DELIVERED TO COM. NO. <u>1</u>		SENT TO LSO FOR ENROLLING
JAN 30 1981	RETURNED		RECEIVED FROM LSO ENROLLING
	RECOMMENDED DO <u>PASS</u> 10 days		HEA NO. <u>62</u>
FEB 2 1981	CONSIDERED IN COM OF WHOLE		SIGNED BY SPEAKER <u>2-28-81</u>
	RECOMMENDED DO <u>PASS</u>		SIGNED BY PRESIDENT <u>2-28-81</u>
FEB 3 1981	READ SECOND TIME		APPROVED BY GOVERNOR
FEB 4 1981	READ THIRD TIME		CHAPTER NO. <u> </u> SESSION LAWS OF WYOMING
	PASSED AYES <u>54</u> NOES <u>8</u> RECESSED <u>0</u> ABSENT <u>0</u> Just to Senate		
✓ 2-4-81	Received from House		
	Read first time		
	Referred to Com. No. <u>1</u>		
✓ 2-13-81	Delivered to Com. No. <u>1</u> STANDING COMM. REPORT		
	ADOPTED AND DO PASS		
✓ 2-13-81	CONSIDERED IN COM OF WHOLE		
	STANDING COM. WAS ADOPTED HRS 5551-A		
	DO PASS		
✓ 2-24-81	READ SECOND TIME		
2-25-81	READ THIRD TIME		
	PASSED AYES <u>29</u> NOES <u>1</u> EXCUSED <u>0</u> ABSENT <u>0</u>		
	SENT TO HOUSE		

CONTINUED ON BACK

Roll Call of the Senate

of the FORTY-SIXTH LEGISLATURE
of Wyoming

	Ayes	Noes	Excused	Absent
31 ARNEY	✓			
30 BOYLE	✓			
29 BUSSART	✓			
28 CHRISTENSEN	✓			
27 CUNDALL				
26 DAILY	✓			
25 DOWNING	✓			
24 FRISBY	✓			
23 GEIS	✓			
22 HICKEY	✓			
21 LARSON, R.	✓			
20 MAJHANOVICH	✓			
19 MOORE	✓			
18 NICHOLAS	✓			
17 NICHOLS	✓			
16 NORRIS	✓			
15 NORTHRUP	✓			
14 PARKS	✓			
13 PECK	✓			
12 PROFFIT	✓			
11 RECTOR	✓			
10 SADLER	✓			
9 SEDAR	✓			
8 STAFFORD	✓			
7 STROOCK	✓			
6 TAGGART	✓			
5 TRUE		✓		
4 TURNER	✓			
3 YOUTZ	✓			
2 ZIMMER	✓			
1 MR. PRESIDENT	✓			

PRESENT

AYES 29NOES 1EXCUSED 0ABSENT 0TOTAL 30

Third Reading

Date 2/4/81

Roll Call of the House

of the FORTY-SIXTH LEGISLATURE

of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
63 ARNOLD	✓				30 PHELAN	✓			
62 ASAY	✓				29 PROSSER	✓			
61 BRYANT	✓				28 PUGH	✓			
60 BUDD <i>ggo</i>	✓				27 RATLIFF	✓			
59 BARNETT					26 ROTH	✓			
58 BURNS	✓				25 SALISBURY	✓			
57 BYRD	✓				24 SANDERS	✓			
56 CHAMBERLAIN	✓				23 SCHWOPE	✓			
55 CROSS	✓				22 SCOTT, C	✓	✓		
54 CROWLEY	✓				21 SCOTT, D.	✓			
53 CURRY	✓				20 SHREVE	✓			
52 DONLEY	✓				19 SIDI <i>ggo</i>	✓			
51 DUSL	✓				18 SIMONS	✓			
50 EDWARDS	✓				17 SIMPSON <i>ggo</i>	✓			
49 ESKENS	✓				16 SMITH	✓			
48 GETTER	✓				15 SORENSEN	✓			
47 HANSEN	✓				14 STAUFFER	✓			
46 HEMMERT	✓				13 STEWART	✓			
45 JENSEN	✓				12 STRAND	✓			
44 JONES <i>ggo</i>	✓	✓			11 TARTER	✓			
43 KINNISON	✓				10 THOMPSON	✓			
42 LARSON, T <i>ggo</i>	✓				9 THORSON	✓			
41 LUMMIS	✓	✓			8 TIPTON	✓	✓		
40 MacMILLAN	✓				7 TROWBRIDGE	✓			
39 MARTON	✓				6 URBIGKIT <i>ggo</i>	✓	✓		
38 McCARTHY	✓	✓			5 VINICH	✓			
37 McILVAIN	✓				4 WALLIS	✓	✓		
36 MEENAN	✓				3 WIEDERSPAHN	✓			
35 MICHELI	✓				2 WINNINGER	✓			
34 MICHIE	✓				1 MR. SPEAKER	✓			
33 MURPHY	✓				PRESENT _____	AYES <u>54</u> NOES <u>2</u> EXCUSED _____ ABSENT _____			
32 ODDE	✓								
31 PERRY	✓	✓							

PRESENT _____

AYES 54

NOES 8

EXCUSED _____

ABSENT _____

TOTAL 112

LESS _____

96B85Upbigkit moved
ConcurDate 3/26/81

Roll Call of the House

of the FORTY-SIXTH LEGISLATURE

of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
63 ARNOLD	✓				30 PHELAN	✓			
62 ASAY	✓				29 PROSSER	✓			
61 BRYANT	✓				28 PUGH	✓			
60 BUDD	✓				27 RATLIFF	✓			
59 BARNETT					26 ROTH	✓			
58 BURNS	✓				25 SALISBURY	✓			
57 BYRD	✓				24 SANDERS	✓			
56 CHAMBERLAIN	✓				23 SCHWOPE	✓			
55 CROSS	✓				22 SCOTT, C	✓			
54 CROWLEY	✓				21 SCOTT, D.	✓			
53 CURRY	✓				20 SHREVE	✓			
52 DONLEY	✓				19 SIDI	✓			
51 DUSL	✓				18 SIMONS	✓			
50 EDWARDS	✓				17 SIMPSON	✓			
49 ESKENS	✓				16 SMITH	✓			
48 GETTER	✓				15 SORENSEN	✓			
47 HANSEN	✓				14 STAUFFER	✓			
46 HEMMERT	✓			⊗	13 STEWART	✓			
45 JENSEN	✓				12 STRAND	✓			
44 JONES	✓	✓			11 TARTER	✓			
43 KINNISON	✓				10 THOMPSON	✓			
42 LARSON, T.	✓				9 THORSON	✓			
41 LUMMIS	✓	✓			8 TIPTON	✓			
40 MacMILLAN	✓				7 TROWBRIDGE	✓			
39 MARTON	✓				6 URBIGKIT	✓			
38 McCARTHY	✓				5 VINICH	✓			
37 McILVAIN	✓				4 WALLIS	✓			
36 MEENAN	✓				3 WIEDERSPAHN	✓			
35 MICHELI	✓				2 WINNINGER	✓			
34 MICHIE	✓				1 MR. SPEAKER	✓			
33 MURPHY	✓				PRESENT				
32 ODDE	✓								
31 PERRY	✓	✓							

AYES 58
 NOES 4
 EXCUSED _____
 ABSENT _____
 TOTAL 62
 LESS _____

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, January 29....., 1921.

Mr. Speaker:

Your Committee No. 1 on JUDICIARY

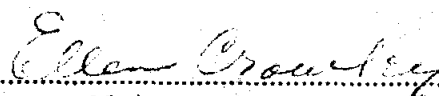
to whom was referred H.B. No. 85

respectfully reports same back to the House with the recommendation that it

DO PASS

AYESNOES
0EXCUSED
0

Chamberlain
Hansen
Lummis
McCarthy
Odde
C. Scott
Tipton
Trowbridge
Wiederspahn
Crowley



Ellen Crowley

Chairman

- ✓ Page 2-line 12 / Delete "three" and insert "five"; delete
"(\$300,000.00)" and insert "(\$500,000.00)".
- ✓ Page 2-line 15 / Delete "The" and insert "Any"; after
"filed" insert "under this act".
- ✓ Page 2-line 16 / Delete the comma; after "resides" insert
"or in Laramie County".
- ✓ Page 2-line 19 / After "filed" insert ", to appear in any
pending action".

- ✓ Page 3-line 6 / Delete "three" and insert "five".
- ✓ Page 3-line 7 / Delete "(\$300,000.00)" and insert
"(\$500,000.00)".
- ✓ Page 3-line 15 / Delete "May 20, 1981." and insert "immedi-
ately upon completion of all acts necessary
for a bill to become law as provided by
Article 4, Section 8 of the Wyoming con-
stitution.". -ARNEY

House of Intro
____ To Com No. _____
____ Stand Report Do ____ Amd ____ Not ____
____ Com Whole Do ____ Amd ____ Not ____
____ 2nd Reading Amd ____
____ 3rd Reading Amd ____ Pass ____ Fail ____

Second House
____ To Com No. _____
____ Stand Report Do ____ Amd ____ Not ____
____ Com Whole Do ____ Amd ____ Not ____
____ 2nd Reading Amd ____
____ 3rd Reading Amd ____ Pass ____ Fail ____

INTRODUCED

1981

STATE OF WYOMING

81LSO-027.01

HOUSE BILL NO. 85

Waiver of immunity.

Sponsored by: Representative BURNETT

A BILL

for

1 AN ACT to authorize the state of Wyoming to be sued by
2 Kelly J. Worthington for personal injuries and damages
3 resulting therefrom caused by the negligent acts or omis-
4 sions of its boards, agents, and employees; authorizing
5 the attorney general of the state of Wyoming to accept
6 service of process; setting the venue of such action;
7 waiving sovereign immunity within specified limits; estab-
8 lishing a date for the commencement of time to run under
9 the statute of limitations; and providing funds to pay any
10 judgment.

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

1 Section 1. The state of Wyoming acting by and
2 through its legislature hereby consents that the state of
3 Wyoming may be sued or joined as a party defendant in an
4 action brought by or in behalf of Kelly J. Worthington as
5 plaintiff to recover damages arising out of the accident
6 and resulting injuries to Kelly J. Worthington on or about
7 the 28th day of August, 1976, on Highway 230 west of
8 Laramie, Wyoming. Nothing in this act shall be inter-
9 preted as an admission of liability on the part of the
10 state, however the defense of sovereign immunity is hereby
11 waived to the extent of any recovery but not to exceed
12 three hundred thousand dollars (\$300,000.00). For the
13 purpose of this action, the statute of limitations shall
14 run from the effective date of this act.

15 Section 2. The action may be filed in the district
16 court, in the county where the plaintiff resides.

17 Section 3. The attorney general of the state of
18 Wyoming is authorized to accept service of process in any
19 suit so filed and to take such action as he deems neces-
20 sary to protect the interest of the people of the state of
21 Wyoming and to enter into stipulations, compromises and
22 settlements as he deems best. No part of the money appro-
23 priated hereby shall be used or awarded by virtue of any

1 settlement, stipulation, judgment or verdict as attorney
2 fees.

3 Section 4. A judgment, if any, obtained in any such
4 suit shall be paid from the general fund.

5 Section 5. There is hereby appropriated from the
6 state general fund to the state treasurer the sum of three
7 hundred thousand dollars (\$300,000.00) or as much thereof
8 as may be necessary to pay any judgment or settlement of
9 the claim herein authorized to be litigated or settled.
10 The treasurer shall make payment to the claimant only upon
11 the direction of the attorney general, and in settlement
12 of any and all claims of liability against the state of
13 Wyoming and its agents and employees, arising from the
14 accident herein mentioned.

15 Section 6. This act is effective May 20, 1981.

16 (END)

FISCAL NOTE

Anticipated REVENUE to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED REVENUE		
Anticipated COST to:	Fiscal Year 19 81	Fiscal Year 19
General Fund	\$300,000.00	
TOTAL ESTIMATED COST	\$300,000.00	

1. The bill provides for a general fund appropriation of \$300,000.

2. No apparent personnel impact.