

HOUSE BILL NO. HB0270

Transportation commission contract immunity repeal.

Sponsored by: Representative(s) Laursen, Jennings, Miller and
Olsen and Senator(s) Biteman, Hutchings,
Kinskey and Steinmetz

A BILL

for

1 AN ACT relating to governmental claims and the department of
2 transportation; amending the availability of governmental
3 claims act contract immunity in relation to department of
4 transportation contracts; and providing for an effective
5 date.

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

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9 **Section 1.** W.S. 24-2-101(e) is amended to read:

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11 **24-2-101. Department and commission created;**
12 **qualifications; appointment; term; removal; compensation;**
13 **location of offices; power to bring civil actions; official**
14 **seal.**

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1 (e) The commission shall maintain offices at the state
2 capital. The commission is empowered to sue in the name of
3 the "Transportation Commission of Wyoming", and may be sued
4 by that name in the courts of this state and in no other
5 jurisdiction upon any contract executed by it. Neither the
6 commission nor the department shall assert immunity under
7 W.S. 1-39-104(a) in defense of any action arising from a
8 contract and brought under the Wyoming Governmental Claims
9 Act. The attorney general is the legal advisor of the
10 commission and shall prosecute and defend all actions and
11 shall also appear in all proceedings in any federal department
12 in which the commission is a party or is interested.

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14 **Section 2.** This act is effective July 1, 2019.

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(END)