

SENATE FILE NO. SF0053

Obsolete laws-general revisions.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to the general revision of laws; amending
 2 archaic and obsolete provisions; correcting and updating
 3 references; conforming provisions to previous enactments;
 4 repealing provisions held to be unconstitutional; repealing
 5 fully executed and otherwise archaic or obsolete
 6 provisions; and providing for an effective date.

7

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

9

10 [SECTION 1. PROVISIONS AFFECTED BY COURT DECISIONS]

11 [a. PROVISIONS HELD TO BE UNCONSTITUTIONAL]

12

13 **Section 101.** W.S. 1-39-117(a) is amended to read:

14

15 **1-39-117. Jurisdiction; appeals; venue; trial by**
 16 **jury; liability insurance.**

17

18 (a) Original ~~and exclusive~~ jurisdiction for any claim
 19 under this act shall be in the district courts of Wyoming.
 20 Appeals may be taken as provided by law.

21

22 [SECTION 1. PROVISIONS AFFECTED BY COURT DECISIONS]

23 [b. PROVISIONS AFFECTED BY COURT DECISIONS, OTHER THAN
 24 HOLDINGS BASED UPON CONSTITUTIONAL GROUNDS]

1
2 **Section 102.** W.S. 9-5-203(a) and (b) is amended to
3 read:

4
5 **9-5-203. Recovery of escheated or forfeited property;**
6 **general procedure; proceedings where estate without known**
7 **heirs; unclaimed payments; disposition of property**
8 **obtained.**

9
10 (a) Whenever any property escheats or is forfeited to
11 the state for its use, the legal title vests in the state
12 from the time of the escheat or forfeiture. ~~An information~~
13 A complaint may be filed by the county attorney of the
14 proper county or by the attorney general in the name of the
15 state of Wyoming against the person or bank which possesses
16 the escheated or forfeited property, in the district court
17 of the proper county for the recovery of the property,
18 alleging the grounds on which the recovery is claimed, and
19 like proceedings in judgment shall be had as in a civil
20 action for the recovery of property. In any such action due
21 proof that any real or personal property has been unclaimed
22 for five (5) years immediately prior to the time of filing
23 the ~~information-complaint~~ and that the name or whereabouts
24 of the owner of the property is unknown is prima facie
25 evidence of the failure of title to the property for want
26 of legal heirs.

27
28 (b) In cases where probate proceedings are commenced
29 upon the estate of any person without known heirs no action
30 under subsection (a) of this section need be brought. The
31 court having jurisdiction of the estate shall enter a
32 decree in the estate, distributing the unclaimed property
33 remaining for distribution in the estate to the state of
34 Wyoming. Where probate proceedings have been commenced but
35 have never been completed, the county attorney or attorney
36 general may proceed ~~by information~~ as provided by
37 subsection (a) of this section. In any such estate, the
38 failure of any heirs or devisees of the deceased to appear
39 and establish a claim within the time fixed by the notice
40 of final settlement of the estate for filing objections to
41 the final account and petition for distribution is prima
42 facie evidence of the failure of title to the property of
43 the estate for want of legal heirs or devisees.

44
45 **Section 103.** W.S. 7-13-408(a) and (b) is repealed.

46
47 [SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

1 [a. DUE TO EARLIER LEGISLATIVE ACTION AND SUBSEQUENT
2 IMPLEMENTATION]

3 [i. JUSTICES OF THE PEACE REFERENCES]
4

5 **Section 201.** W.S. 5-6-301(b) is amended to read:
6

7 **5-6-301. Punishment of persons convicted before
8 judge; maximum penalty permitted; power to punish for
9 contempt.**

10
11 (b) The municipal judge shall punish for contempt in
12 the same manner as ~~justices of the peace~~ district court.
13

14 [SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

15 [a. DUE TO EARLIER LEGISLATIVE ACTION AND SUBSEQUENT
16 IMPLEMENTATION]

17 [ii. COUNTY COURTS]
18

19 **Section 202.** W.S. 7-20-102(b)(i) and 7-20-104 are
20 amended to read:
21

22 **7-20-102. Arrests without warrant.**
23

24 (b) A peace officer, without a warrant, may arrest
25 and take into custody a person if:
26

27 (i) An order of protection has been issued by a
28 ~~county circuit~~ or district court as authorized by W.S.
29 35-21-104 or 35-21-105 stating on its face the period of
30 time for which the order is valid and specifically
31 restraining or enjoining a household member, as defined by
32 W.S. 35-21-102(a)(iv), from entering onto premises, from
33 physical abuse, threats of personal abuse or acts which
34 unreasonably restrain the personal liberty of any household
35 member, or from abducting, removing or concealing any child
36 in the custody of another household member or from
37 transferring, concealing, encumbering or otherwise
38 disposing of petitioner's property or the joint property of
39 the parties;
40

41 **7-20-104. Notice to victim of services and legal
42 rights and remedies.**
43

44 At the time of arrest under W.S. 7-20-102 or as soon
45 thereafter as is practicable, the peace officer shall
46 advise the victim of the availability of a program that
47 provides services to victims of battering in the community

1 and give the victim notice of the legal rights and remedies
2 available. The notice shall include furnishing the victim a
3 copy of the following statement:

4
5 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can
6 ask the district attorney to file a criminal complaint. You
7 also have the right to go to the ~~county~~circuit or district
8 court and file a petition requesting any of the following
9 orders for relief: (a) An order restraining your attacker
10 from abusing you; (b) An order directing your attacker to
11 leave your household; (c) An order preventing your
12 attacker from entering your residence, school, business or
13 place of employment; (d) An order awarding you or the
14 other parent custody of or visitation with a minor child or
15 children; (e) An order restraining your attacker from
16 molesting or interfering with minor children in your
17 custody; (f) An order directing the party not granted
18 custody to pay support for minor children, or for support
19 of the other party if that party has a legal obligation to
20 do so.

21
22 You also have the right to sue for losses suffered as
23 a result of the abuse, including medical and moving
24 expenses, loss of earnings or support and other out-of-
25 pocket expenses for injuries sustained and damage to your
26 property. This can be done without an attorney in small
27 claims court if the total amount claimed is under \$....
28 (Officer to insert current jurisdictional limit of small
29 claims court).

30
31 1. Name, address and phone number of local family
32 violence program.

33
34 2. Name, address and phone number of district
35 attorney's office."

36
37 [SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

38 [b. FULLY EXECUTED]

39
40 **Section 203.** W.S. 5-1-102(a), 5-6-112(a), 5-6-113(a),
41 9-4-601(b)(i), (iv)(A) and (B), 9-4-602(a)(intro),
42 11-18-101(c), 11-19-405(a), 11-20-115(b), 11-20-408(b),
43 11-40-102(a) and (b), 11-40-105(h), 11-40-109(b),
44 12-4-201(d)(intro), 12-4-407(c), 13-1-205(a)(i)(B),
45 13-1-402(a), 14-4-104(e), 15-5-202(a), 15-5-203(e),
46 15-5-306(e)(ii), 15-5-420(b), 15-5-421, 15-9-204(a),
47 16-1-109(d)(intro), 16-1-305(e), 18-3-201(d), 18-3-303(a),

1 18-3-703(b) and (c), 18-5-305 and 18-6-310(b) are amended
2 to read:

3
4 **5-1-102. Terms of judicial nominating commission**
5 **members; expenses; removal.**

6
7 (a) The terms of the elected and appointed voting
8 members of the judicial nominating commission created by
9 Article 5, Section 4, Wyoming Constitution, shall be four
10 (4) years except the initial term for one (1) attorney and
11 one (1) elector shall be two (2) years and the initial term
12 for one (1) attorney and one (1) elector shall be three (3)
13 years. The members of the Wyoming state bar initially
14 elected to the commission shall draw lots to determine the
15 term each shall serve. The governor shall designate whether
16 the length of the term of electors he initially appoints to
17 the commission shall be two (2), three (3) or four (4)
18 years. ~~The terms of all initial elected and appointed~~
19 ~~members shall begin on March 1, 1973.~~ The governor may
20 remove any member he appoints as provided in W.S. 9-1-202.

21
22 **5-6-112. Detention of juvenile offenders.**

23
24 (a) ~~Effective July 1, 1995,~~ **N**o minor charged with
25 violating a municipal ordinance defined as a status offense
26 under subsection (b) of this section shall be detained in a
27 jail.

28
29 **5-6-113. Incarceration of juvenile offenders.**

30
31 (a) ~~Effective July 1, 1995,~~ **N**o minor convicted of a
32 status offense shall be sentenced to a term of
33 imprisonment.

34
35 **9-4-601. Distribution and use; funds, accounts,**
36 **cities and towns benefited; exception for bonus payments.**

37
38 (b) The state treasurer shall ascertain and withhold
39 all bonus payments received from the federal government
40 attributable to coal, oil shale or geothermal leases of
41 federal land within Wyoming and shall distribute it as
42 follows:

43
44 (i) Fifty percent (50%), the first seven million
45 five hundred thousand dollars (\$7,500,000.00) of which
46 shall be distributed as follows, ~~but for the fiscal years~~
47 ~~beginning July 1, 2004 and July 1, 2005 any amount in~~

1 ~~excess of seven million five hundred thousand dollars~~
2 ~~(\$7,500,000.00) shall be deposited in accordance with~~
3 ~~paragraph (v) of this subsection, and thereafter~~ any amount
4 in excess of seven million five hundred thousand dollars
5 (\$7,500,000.00) per year shall be deposited into the school
6 capital construction account established under W.S.
7 21-15-111(a)(i):

8
9 (iv) And:

10
11 (A) Ten percent (10%) but not to exceed one
12 million six hundred thousand dollars (\$1,600,000.00) per
13 year, to a separate account which may be expended by the
14 community college commission in accordance with and in
15 addition to appropriations available under W.S.
16 21-18-205(c). ~~For the fiscal years beginning July 1, 2004~~
17 ~~and July 1, 2005, any amount in excess of one million six~~
18 ~~hundred thousand dollars (\$1,600,000.00) shall be deposited~~
19 ~~in accordance with paragraph (v) of this subsection.~~
20 ~~Thereafter~~ Any amount in excess of one million six hundred
21 thousand dollars (\$1,600,000.00) together with any
22 unexpended revenues within the account at the end of any
23 biennial budget period shall be credited to the school
24 capital construction account established under W.S.
25 21-15-111(a)(i);

26
27 (B) ~~For the fiscal years beginning July 1,~~
28 ~~2004 and July 1, 2005,~~ Forty percent (40%) to be deposited
29 ~~in accordance with paragraph (v) of this subsection and~~
30 ~~thereafter~~ to the school capital construction account
31 established under W.S. 21-15-111(a)(i).
32

33 **9-4-602. Distribution and use; state treasurer's duty.**

34
35 (a) Except as hereafter provided, distribution under
36 W.S. 9-4-601 shall be made by the state treasurer within
37 thirty (30) days after the receipt of the government
38 royalty funds for the preceding period. Federal mineral
39 royalties received by the state on a continuing monthly
40 basis shall be distributed under W.S. 9-4-601 by the state
41 treasurer, subject to the following: ~~and except as~~
42 ~~otherwise provided by law for fiscal year 1994:~~
43

44 **11-18-101. Livestock board; creation; composition;**
45 **qualifications; appointment and term of members; removal;**
46 **vacancies; name defined.**
47

1 (c) ~~Effective July 1, 1979,~~ Appointments and terms
2 under this section shall be in accordance with W.S.
3 28-12-101 through 28-12-103.

4
5 **11-19-405. Control of brucellosis; governor authorized**
6 **to negotiate with federal agencies.**

7
8 (a) In order to preserve the brucellosis-free status
9 of this state, the governor shall enter into negotiations
10 with any relevant parties including appropriate federal
11 agencies on steps necessary to ensure brucellosis is not
12 passed from wildlife to livestock. ~~If adequate progress is~~
13 ~~not made by September 1, 1996, in the negotiations or if~~
14 ~~the appropriate federal agencies are unwilling to act to~~
15 ~~control brucellosis or are obstructing necessary efforts to~~
16 ~~control brucellosis, the governor is authorized to direct~~
17 ~~the attorney general to bring appropriate legal action.~~

18
19 **11-20-115. Rerecording; when required; notice;**
20 **abandonment.**

21
22 (b) ~~Effective January 1, 2005,~~ Every owner of a brand
23 shall rerecord the brand. The term of the rerecording
24 period shall not exceed the term established by this
25 section and the method of renewal shall be established by
26 the board. The renewal fee shall be as established by W.S.
27 11-20-116 and shall be prorated by the board for any
28 renewal less than ten (10) years. The board shall
29 promulgate rules and regulations necessary to carry out the
30 provisions of this section.

31
32 **11-20-408. Examination of agency records; report.**

33
34 (b) The board shall adopt an annual fiscal year budget
35 for the brand registration and inspection program. The
36 budget shall include any deficit amount from the prior year
37 and may include an operating reserve not to exceed one (1)
38 year for that portion of the program to be funded by user
39 fees. Based on the budget adopted under this subsection,
40 the board shall set the user fees for all activities under
41 the program at no less than the minimum fees provided for
42 in this chapter. Each fee may be adjusted not more than
43 one (1) time per fiscal year and by not more than twenty
44 percent (20%) in any one (1) fiscal year. ~~Beginning~~
45 ~~November 1, 2008,~~ The board shall report annually by
46 November 1 to the joint agriculture, state and public lands

1 and water resources interim committee with respect to the
2 budget adopted and fees set under this subsection.

3
4 **11-40-102. Creation of committee; composition;**
5 **administrative support; compensation; officers; conflict of**
6 **interest.**

7
8 (a) There is created the Wyoming lean beef committee.
9 The initial membership of the committee shall consist of
10 eleven (11) members of whom five (5) shall be members of
11 the faculty of the University of Wyoming, one (1) shall be
12 a person with professional training and experience related
13 to human health and diet, designated by the president of
14 the University of Wyoming, five (5) shall be appointed by
15 the governor of whom three (3) shall be producers of beef
16 cattle, one (1) shall be a person with training and
17 experience in finance, one (1) shall be a person with
18 training and experience in marketing and one (1) shall be
19 the director of the department of agriculture or his
20 designee serving ex officio. The members appointed by the
21 governor shall serve three (3) year terms. The members
22 designated by the president of the university shall serve
23 at his pleasure. ~~Beginning April 1, 1989 the number of~~
24 ~~members designated by the president of the University of~~
25 ~~Wyoming shall be reduced by one (1) each year and the~~
26 ~~number appointed by the governor shall be increased by one~~
27 ~~(1) each year until the number of university members is~~
28 ~~reduced to two (2).~~

29
30 (b) ~~Until July 1, 1990~~ Administrative support for the
31 committee shall be provided by and budgeted for by the
32 University of Wyoming and thereafter it shall be the
33 responsibility of the department of agriculture.

34
35 **11-40-105. Licensing; use of trademark; royalty.**

36
37 (h) ~~Until January 1, 1992 licensees shall pay to the~~
38 ~~state an annual royalty of one dollar (\$1.00) per head.~~
39 ~~Thereafter~~ The committee shall annually set the royalty to
40 be paid by licensees which shall be not less than fifty
41 cents (\$.50) per head and not more than five dollars
42 (\$5.00) per head and shall be designed to defray the
43 expenses of the committee, the expenses of the inspection
44 and enforcement program and give the state of Wyoming a
45 return of eight percent (8%) per annum on the monies
46 appropriated for the marketing of Wyoming lean beef by
47 Chapter 199, Wyoming Session Laws 1985 and by any other

1 legislative appropriation and spent by the University of
2 Wyoming on the 1985 San Francisco simulated market test.
3 The royalties shall be deposited in the general fund of the
4 state except that fifty percent (50%) of any royalties in
5 excess of the amount budgeted for the expenses of the
6 committee, the inspection and enforcement program and
7 repayment to the state shall be deposited in the University
8 of Wyoming fund to the credit of the agricultural
9 experiment station account.

10
11 **11-40-109. Termination of existence of committee.**
12

13 (b) If ~~the existence of the committee does not~~
14 ~~terminate as provided by subsection (a) of this section but~~
15 ~~thereafter~~ the sales volume falls below one million dollars
16 (\$1,000,000.00) for three (3) successive years, the
17 existence of the committee shall terminate on July 1 of the
18 fourth ~~(4th)~~ year.
19

20 **12-4-201. Retail liquor licenses and malt beverage**
21 **permits; population formulas; fees.**
22

23 (d) ~~Effective January 1, 1986,~~ The number of retail
24 liquor licenses issued shall be based on the following
25 population formula:
26

27 **12-4-407. Restaurant liquor license; authorized.**
28

29 (c) After ~~the 1980 census has been completed and~~ the
30 maximum number of appropriate licenses has been certified
31 by the commission, the number of restaurant liquor licenses
32 issued shall not exceed fifty percent (50%) of the number
33 of retail liquor licenses allowable under W.S. 12-4-201(d),
34 or two (2), whichever is greater.
35

36 **13-1-205. Financial institutions; consumer reports;**
37 **encumbrance of assets; immunity.**
38

39 (a) Any financial institution as defined in W.S.
40 13-1-101(a)(ix), national chartered credit union, benefit
41 association, insurance company, safe deposit company, money
42 market mutual fund or similar entity authorized to do
43 business in the state shall:
44

45 (i) Enter into an agreement with the department
46 of family services to provide identifying information for
47 each noncustodial parent who maintains an account at the

1 institution and who the department of family services
2 identifies as owing past due child support, provided:

3
4 (B) ~~By July 1, 1997,~~ Each financial
5 institution shall have an agreement with the department
6 setting a time schedule for developing an agreement for
7 providing the information required pursuant to this
8 section. ~~The agreements shall be completed by January 1,~~
9 ~~1998, and shall go into effect no later March 31, 1998.~~

10
11 **13-1-402. Disclosure of date when account opened;**
12 **exception; penalty.**

13
14 (a) All checks, drafts or similar negotiable or
15 nonnegotiable instruments or orders of withdrawal which are
16 drawn against funds held by a financial institution located
17 in Wyoming in a consumer deposit account ~~opened after July~~
18 ~~1, 1983,~~ shall, for a period of not less than twelve (12)
19 months, clearly display on the face thereof the month and
20 year in which the account was opened. This section does not
21 apply to temporary checks, drafts or similar negotiable or
22 nonnegotiable instruments or orders of withdrawal, or to a
23 consumer deposit account where the applicant either
24 demonstrates through the production of monthly statements
25 or represents in a writing, certified under sworn oath or
26 affirmation, that for twelve (12) months immediately
27 preceding his application he has had an account at the same
28 or another financial institution. A written representation
29 made to avoid this section is subject to W.S. 6-5-303.

30
31 **14-4-104. Certification; application; standards;**
32 **notification to certify or refuse; term.**

33
34 (e) The department is authorized to establish pursuant
35 to rules and regulations full and provisional certificate
36 fees and fees for continuation of a full certificate. Fees
37 for continuation of a full certificate shall be due on the
38 anniversary date of the original certificate. Fees
39 collected by the department under this section shall be
40 deposited in the general fund to offset the cost of
41 administration of the board. ~~For the balance of the~~
42 ~~biennium that began July 1, 1998, the governor may add the~~
43 ~~fees collected under this section to the department's~~
44 ~~budget through the B-11 process.~~

45
46 **15-5-202. Pension account; creation; administration;**
47 **donations; investment; dual participation prohibited.**

1
2 (a) There is created a firemen's pension account for
3 the purpose of paying the awards, benefits and pensions
4 under the provisions of this article. ~~and article 2 of this~~
5 ~~chapter.~~ The account shall be administered by the board
6 through the director. The board has full custody and
7 control of the account with full power over its
8 administration. The director of the state department of
9 audit or his designee shall make a biennial audit of the
10 account and the receipts thereto and disbursements
11 therefrom and report his findings to the governor and the
12 legislature. The account shall be administered without
13 liability on the part of the state beyond the amount of the
14 funds. All expenses of administration shall be paid from
15 the account. ~~Effective July 1, 1981 the firemen's~~
16 ~~contingency account is abolished and all monies in that~~
17 ~~account as of that date shall be credited to the firemen's~~
18 ~~pension account.~~

19
20 **15-5-203. Firemen and employer contributions;**
21 **imposition at discretion of board; amounts; how and when**
22 **collected, suspended and reinstated.**

23
24 (e) ~~From and after July 1, 1983~~ **T**he contributions
25 required by subsection (a) of this section shall be paid by
26 the employer for paid firemen covered under this article in
27 order to be treated as employer contributions for the sole
28 purpose of determining tax treatment under the United
29 States internal revenue code.

30
31 **15-5-306. Board powers and duties.**

32
33 (e) The board shall:

34
35 (ii) ~~Commencing in 1983 and~~ **A**t least every two
36 (2) years ~~thereafter~~ cause an actuarial investigation of
37 all the experience under the accounts within the fund to be
38 made;

39
40 **15-5-420. Member contributions.**

41
42 (b) ~~From and after July 1, 1983~~ **T**he contributions
43 required by subsection (a) of this section shall be paid by
44 the employer for employees covered under this article in
45 order to be treated as employer contributions for the sole
46 purpose of determining tax treatment under the United
47 States internal revenue code.

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15-5-421. Contribution by employer.

~~Until January 1, 1983 each employer shall pay into the account an amount equal to twenty one percent (21%) of the compensation paid all members of the account. Beginning January 1, 1983,~~ Each employer shall make monthly contributions to the account in an amount equal to the percentage contribution rate multiplied by the salaries paid to members of the account. The contribution rate, expressed as a percentage, shall be based on the results of actuarial valuations made at least every three (3) years, ~~with the first such actuarial valuation to be made as of January 1, 1982.~~ The city's contribution rate shall be comprised of the normal cost plus the level percentage of salary payment required to amortize the actuarial liability over a period of forty (40) years from January 1, 1983, calculated on the basis of an acceptable actuarial reserve funding method approved by the board.

15-9-204. Organizational procedure.

(a) Upon petition of twenty-five percent (25%) of the persons owning nonresidential property within the proposed district and following a public hearing, if the governing body of a municipality determines it is necessary to establish a downtown development authority for the public health, safety, prosperity, security and welfare and to carry out the purposes of an authority as stated in W.S. 15-9-201, it may by ordinance establish a downtown development authority. In the ordinance, the governing body shall state the boundaries of the downtown development district, as set forth in the original petition requesting the establishment of a downtown development authority within which the authority shall exercise its powers. Upon request of the governing body, the petitioners may submit an amended petition which modifies the boundaries of the district. The boundaries of the downtown development authority shall be certified to the county assessor of the county in which the municipality is located within sixty (60) days after formation of the district. ~~or in the case of an existing district, by April 15, 1987.~~

16-1-109. State loan and investment board loans; amount; interest; security; conditions.

1 (d) ~~For all loans made prior to July 1, 1979, all~~
2 ~~tangible personal and real property pledged for the~~
3 ~~repayment of loans under this section, excluding pledges of~~
4 ~~revenue or property generating user fees to repay the~~
5 ~~loans, is released as security for any loans under this~~
6 ~~section and the state loan and investment board shall have~~
7 ~~prepared, execute and have filed all necessary instruments~~
8 ~~to carry out this provision. Effective July 1, 1979, Loans~~
9 under this section shall be made only under the following
10 conditions:

11
12 **16-1-305. Authorized projects; authorized financial**
13 **assistance.**

14
15 (e) ~~Funding set asides and loan subsidies as allowed~~
16 ~~by the Safe Drinking Water Act for federal fiscal years~~
17 ~~1997, 1998 and 1999 shall be limited to those provided for~~
18 ~~in subsections (c) and (d) of this section. The board may~~
19 ~~consider the use of an amount of the allowable percentage~~
20 ~~of the capitalization grant for all of the established set-~~
21 ~~asides provided for by the Safe Drinking Water Act. in all~~
22 ~~following federal fiscal years starting in the year 2000.~~

23
24 **18-3-201. Qualifications; certification and education.**

25
26 (d) No individual shall perform the duties or exercise
27 the authority of a property tax appraiser unless the person
28 is certified by the department of revenue. No certificate
29 shall be issued to any individual who has not demonstrated
30 to the department of revenue that the individual is
31 competent to perform the necessary work or administer the
32 necessary operation of an assessor's office. An individual
33 may serve as county assessor without certification for one
34 (1) elected term and the remainder of any unexpired term to
35 which appointed. ~~Individuals occupying the position of~~
36 ~~county assessor as of the effective date of this act shall~~
37 ~~be deemed certified until January 1, 1991.~~

38
39 **18-3-303. Fees or salary; restriction upon employment;**
40 **failure to perform official duties.**

41
42 (a) Each county attorney and their deputies shall
43 receive such fees, salary or both as allowed by the board
44 of county commissioners. When counties have consolidated
45 the office of county and prosecuting attorney pursuant to
46 W.S. 18-3-301(b) the salary of county and prosecuting
47 attorneys shall be apportioned between the counties by

1 agreement of the boards of county commissioners, but a
2 county which has consolidated may independently employ a
3 deputy county and prosecuting attorney. The boards of
4 county commissioners of each county which have consolidated
5 shall meet ~~not later than June 1, 1978, and each~~ once every
6 four (4) years ~~thereafter~~ to set such salaries.

7
8 **18-3-703. Records to be kept; copies to be furnished**
9 **upon request; duty to file plats, maps and records of**
10 **surveys made for county with county clerk; penalty for**
11 **failure to file such records; authority of county**
12 **commissioners to purchase records of private surveys.**

13
14 (b) ~~Not later than June 1, 1965,~~ Each county surveyor
15 shall file with the county clerk of the county wherein the
16 land surveyed is located all plats, maps and survey records
17 of surveys made by him in behalf of the county, and shall
18 make such filings continuously ~~thereafter~~ as surveys are
19 completed. The county clerk and the county commissioners
20 may invoke the aid of any district court in the state to
21 secure possession of such documents as are in the custody
22 of the county surveyors which are the property of the
23 county.

24
25 (c) It is unlawful for any county surveyor to fail to
26 file plats, maps and survey records of surveys made as
27 provided herein, ~~or to file such plats, maps and survey~~
28 ~~records of surveys made after June 1, 1965,~~ within thirty
29 (30) days of the completion of the survey. Violators of
30 this section are guilty of a misdemeanor and may be fined
31 not more than one hundred dollars (\$100.00) or imprisoned
32 in the county jail not more than thirty (30) days, or both.

33
34 **18-5-305. Enforcement; rules and regulations.**

35
36 Each board shall enforce this article and in accordance
37 with the Wyoming Administrative Procedure Act shall within
38 ~~six (6) months after March 10, 1975,~~ adopt such rules and
39 regulations as necessary to implement the provisions of and
40 to insure compliance with the intent and purposes of this
41 article.

42
43 **18-6-310. Juvenile prisoners.**

44
45 (b) ~~Effective July 1, 1997,~~ Juvenile prisoners shall
46 be kept separate from adult prisoners.

47

1 **Section 204.** W.S. 9-4-601(b)(v), 9-12-104(a)(xx),
 2 11-20-103(c), 11-20-116(f), 11-20-212(c), 11-20-223(c),
 3 11-20-401(b), 11-20-402(b), 11-20-405(c), 11-34-123(b),
 4 11-40-109(a), 15-5-302(c) and (d), 15-7-515, 16-1-305(d),
 5 18-3-402(a)(xvi)(Y) are repealed.

6
 7 [SECTION 2. PROVISIONS WHICH ARE OBSOLETE]
 8 [c. ARCHAIC REFERENCES]
 9 [i. GOVERNMENT ROYALTY REVENUE]

10
 11 **Section 205.** W.S. 9-4-601(a)(iii) is amended to read:

12
 13 **9-4-601. Distribution and use; funds, accounts, cities**
 14 **and towns benefited; exception for bonus payments.**

15
 16 (a) All monies received by the state of Wyoming from
 17 the secretary of the treasury of the United States under
 18 the provisions of the act of congress of February 25, 1920
 19 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, or
 20 from lessees or authorized mine operators and all monies
 21 received by the state from its sale of production from
 22 federal mineral leases subject to the act of congress of
 23 February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181,
 24 191) as amended, except as provided by subsection (b) of
 25 this section, shall be deposited into an account and the
 26 first two hundred million dollars (\$200,000,000.00) of
 27 revenues received in any fiscal year shall be distributed
 28 by the state treasurer as provided in this subsection. One
 29 percent (1%) of these revenues shall be credited to the
 30 general fund as an administrative fee, and the remainder
 31 shall be distributed as follows:

32
 33 (iii) Except as provided by W.S. 9-4-605(a),
 34 twenty-six and one-quarter percent (26 1/4%) to the highway
 35 fund subject to allocations under W.S. ~~9-4-606 and~~ 9-4-607;
 36

37 **Section 206.** W.S. 9-4-606 is repealed.

38
 39 [SECTION 2. PROVISIONS WHICH ARE OBSOLETE]
 40 [c. ARCHAIC REFERENCES]
 41 [ii. OTHER ARCHAIC USES]

42
 43 **Section 207.** W.S. 1-17-102(c), 2-2-306, 2-2-307,
 44 2-2-311, 6-1-101(a), 6-1-104(a)(intro) and by creating a
 45 new paragraph (xiv), 6-10-301(a), 7-12-101, 11-2-102(h),
 46 11-5-301, 11-6-210(g)(intro), 11-6-305(a), 11-7-405(a),
 47 15-1-413(b), 33-16-311 and 33-18-104 are amended to read:

1
2 **1-17-102. Request for hearing when property seized**
3 **under execution.**

4
5 (c) ~~As to any judgment entered prior to June 11,~~
6 ~~1986,~~ The notice provided in this section shall be sent to
7 the last known address of the judgment debtor by the clerk
8 of court upon the request of any person before any property
9 of the judgment debtor is seized by execution or
10 garnishment.

11
12 **2-2-306. Citations; used to give personal notice.**

13
14 When a personal notice is required, and no mode of giving
15 it is prescribed in this ~~act~~ chapter, it shall be given by
16 citation.

17
18 **2-2-307. Citations; when to be served.**

19
20 When no other time is specially prescribed in this ~~act~~
21 chapter, citations shall be served at least five (5) days
22 before the return day thereof.

23
24 **2-2-311. Payment of costs.**

25
26 When it is not otherwise prescribed in this ~~act~~ chapter,
27 the district court, or the supreme court on appeal, may
28 order costs to be paid by any party to the proceedings, or
29 out of the assets of the estate. Execution for the costs
30 may issue out of the court.

31
32 **6-1-101. Short title; applicability of provisions;**
33 **conflicting penalties.**

34
35 (a) This act may be cited as the Wyoming Criminal
36 Code. ~~of 1982.~~

37
38 **6-1-104. Definitions.**

39
40 (a) As used in ~~W.S. 6-1-101 through 6-10-203~~ this
41 act, unless otherwise defined:

42
43 (xiv) "This act" means title 6 of the Wyoming
44 statutes.

45
46 **6-10-301. Life imprisonment without parole.**
47

1 (a) Pursuant to article 3, section 53 of the Wyoming
2 constitution, a sentence of life imprisonment without
3 parole is created for specified crimes designated in the
4 Wyoming Criminal Code. ~~of 1982.~~

5
6 **7-12-101. Manner of appeal.**

7
8 A defendant may appeal his conviction in any criminal case
9 in the manner provided by the Wyoming Rules of Appellate
10 Procedure. ~~and the Wyoming Rules of Appellate Procedure for
11 Courts of Limited Jurisdiction.~~

12
13 **11-2-102. Composition; qualifications; appointment and
14 removal of members; quorum.**

15
16 (h) ~~Effective July 1, 1979,~~ Appointments and terms
17 shall be in accordance with W.S. 28-12-101 through
18 28-12-103.

19
20 **11-5-301. Authorization of program.**

21
22 ~~Effective July 1, 1990,~~ A weed and pest special management
23 program may be carried out as provided by this article and
24 legislative appropriation acts. All state and local
25 governmental entities shall comply with the program.

26
27 **11-6-210. Creation of predator management district
28 fund; predator management fees; donations; appropriation by
29 county commissioners.**

30
31 (g) ~~After January 1, 1992~~ Each predator management
32 district board shall annually allocate five percent (5%) of
33 all predator management fee collections to be used for
34 refunds, in whole or in part. If a refund is requested the
35 board shall pay the refund within one hundred eighty (180)
36 days of application. Refunds under this subsection shall
37 be subject to the following:

38
39 **11-6-305. Wyoming animal damage management board
40 funding; sources; methods of collection.**

41
42 (a) ~~Effective January 1, 2000,~~ There is created a
43 "wildlife damage management" stamp. The stamp, issued at
44 licensed selling agents as designated by the Wyoming game
45 and fish commission may be purchased voluntarily. Proceeds
46 from the sale of the stamp, excluding fifty cents (\$.50)
47 which the agent shall retain for each stamp sold, shall be

1 deposited by the state treasurer into the animal damage
2 management account created by W.S. 11-6-306. The Wyoming
3 game and fish commission shall retain the fees related to
4 those administrative costs which are required to design and
5 print stamps, and collect, account for and disburse these
6 funds to the ADMB. The Wyoming game and fish commission
7 shall annually provide to the ADMB a complete and detailed
8 accounting of all administrative costs and fees.

9
10 **11-7-405. Restrictions on rearing, moving and trapping**
11 **bees; permits; fees.**

12
13 (a) No person shall rear any bee in a nesting material
14 from which samples of loose larval cells cannot readily be
15 obtained such as drilled boards or soda straws, ~~except~~
16 ~~drilled boards may be used until April 1, 1984.~~

17
18 **15-1-413. Survey of boundaries; when and how to be**
19 **made; presumption once recorded.**

20
21 (b) Any survey ~~or perambulation~~ made and recorded as
22 provided in subsection (a) of this section is presumptive
23 of the boundaries of the city or town, and any copy thereof
24 certified by the county clerk shall be received in evidence
25 in any court of this state.

26
27 **33-16-311. Petition for revocation or suspension of**
28 **license; notice for hearing; order of suspension or**
29 **revocation.**

30
31 A petition for the revocation or suspension of a license
32 may be filed by the attorney general or by the county
33 attorney of the county in which the licensee resides or has
34 practiced, or by any citizen residing in this state. Said
35 petition shall be filed with the Wyoming state board of
36 embalming and shall be entitled, "In the Matter of the
37 Revocation (or Suspension) of the License of (name of
38 licensee) to Practice Funeral Directing", and shall state
39 the charges against the licensee with reasonable
40 definiteness. Upon the presentation of the petition to said
41 board, the board shall make an order fixing a time and
42 place of hearing thereon which shall not be less than ten
43 (10) days nor more than thirty (30) days thereafter. Notice
44 of filing of such petition and the time and place of
45 hearing shall be served upon the licensee at least ten (10)
46 days before said hearing. Said notice may be served by any
47 sheriff ~~or constable~~ or by any person especially appointed

1 by the board. Order of revocation or suspension of licenses
2 shall be entered of record and the name of said licensee
3 stricken from the roster of licentiates and the licensee
4 may not engage in the practice of funeral directing after
5 revocation of license or during the time for which it is
6 suspended.

7
8 **33-18-104. Records; inspection by law enforcement**
9 **officers.**

10
11 The said book, and the entries therein, shall at all times
12 be open to the inspection of the sheriff of the county and
13 his deputies, or any member of the police force of any city
14 or town, ~~or any constable,~~ in the county in which said junk
15 dealers do business.

16
17 **Section 208.** W.S. 9-12-304(b)(iv), and 18-3-109 are
18 repealed.

19
20 [SECTION 3. INCORRECT CITATIONS OR FAILURE TO UPDATE CROSS
21 REFERENCED PROVISIONS]

22 [a. WYOMING OR INTERNAL CITATIONS]

23
24 **Section 301.** W.S. 1-15-107(b)(v) and (ix),
25 1-17-102(b)(v) and (ix), 7-3-401 Article II(a) by creating
26 a new paragraph (vi), 7-3-504(b), 9-6-210(a), 15-1-709,
27 15-5-112(a) and (b) and 19-7-103(b) are amended to read:

28
29 **1-15-107. Notice of exemptions; right to a hearing;**
30 **procedures.**

31
32 (b) The notice required by this section shall inform
33 the person of his right to request a hearing. The notice
34 shall inform him that certain benefits and property cannot
35 be taken to pay a debt and shall list the exempted benefits
36 and property set forth in paragraphs (i) through (x) of
37 this subsection. The notice shall also include a form for
38 requesting a hearing and instructions that if the person
39 believes he is entitled to retain or recover the property
40 because it is exempt, or for any other reason, he should
41 sign the form requesting a hearing and return or mail the
42 form to the office of the clerk of court within ten (10)
43 days after the date the notice was mailed to him. The
44 request for hearing form shall set forth the following
45 exemptions and provide a place for the person to designate
46 which exemptions he claims:

47

1 (v) Federal civil service and state retirement
 2 system benefits as provided in 5 U.S.C. 8346 and W.S.
 3 9-3-426, and 9-3-620, 9-3-712 and 15-5-313;
 4

5 (ix) Homestead, personal articles and articles
 6 used for carrying on a trade or business to the extent
 7 provided by W.S. 1-20-101 through ~~1-20-109~~ 1-20-111;
 8

9 **1-17-102. Request for hearing when property seized**
 10 **under execution.**
 11

12 (b) Except where the judgment is solely against
 13 corporate entities, the court shall attach to every money
 14 judgment a notice containing the following information:
 15

16 "You are informed that since the judgment is entered
 17 the prevailing party may proceed to seize your property,
 18 funds or wages by execution or garnishment. In that event
 19 you may be entitled to the following exemptions:
 20

21 (v) Federal civil service and state retirement
 22 system benefits as provided in 5 U.S.C. 8346 and W.S.
 23 9-3-426, and 9-3-620, 9-3-712 and 15-5-313;
 24

25 (ix) Homestead, personal articles and articles
 26 used for carrying on a trade or business to the extent
 27 provided by W.S. 1-20-101 through ~~1-20-109~~ 1-20-111;
 28

29 **7-3-401. Western Interstate Corrections Compact.**
 30

31 The Western Interstate Corrections Compact as contained
 32 herein is hereby enacted into law and entered into on
 33 behalf of this state with any and all other states legally
 34 joining therein in a form substantially as follows:
 35

36 WESTERN INTERSTATE CORRECTIONS COMPACT
 37 ARTICLE II
 38 Definitions
 39

40 (a) As used in this compact, unless the context
 41 clearly requires otherwise:
 42

43 (vi) "This compact" means W.S. 7-3-401.
 44

45 **7-3-504. Judgment against complainant; defects in**
 46 **complaint.**
 47

1 (b) A proceeding to prevent an offense under this
2 ~~section~~article shall not be dismissed because of any
3 informality or insufficiency of the complaint or other
4 document in the proceeding. The complaint may be amended by
5 the judge to conform to the evidence in the case.

6
7 **9-6-210. Administration.**

8
9 (a) The environmental quality council may promulgate
10 rules necessary to administer this state's rights and
11 responsibilities under the Northwest Interstate Compact on
12 Low-Level Waste Management. Enforcement shall be pursuant
13 to article 9 of chapter 11 of the Wyoming Environmental
14 Quality Act, with the right of judicial review as provided
15 for in W.S. 35-11-1001.

16
17 **15-1-709. Advice and information.**

18
19 The executive director of the ~~department of economic~~
20 ~~planning and development~~Wyoming business council and the
21 University of Wyoming shall furnish advice and information
22 in connection with a project when requested to do so by a
23 county or municipality.

24
25 **15-5-112. Retention of positions; discharge; grounds**
26 **and procedure; retirement of firemen.**

27
28 (a) All persons occupying positions affected by this
29 article may retain their positions until discharged or
30 reduced in grade under its provisions.

31
32 (b) Discharge from a department, or reduction in
33 grade or compensation, or both, may be made for any cause,
34 not political or religious, which will promote the
35 efficiency of the service, on written notice and
36 specifications filed with the commission and served upon
37 the person affected by the authority requesting the
38 discharge or reduction. The person whose discharge or
39 reduction is sought is allowed a reasonable time to answer
40 the charges in writing and demand a hearing. The
41 commission, after hearing or investigation, shall determine
42 whether the reason for discharge or reduction is sufficient
43 and established. Except as otherwise provided in
44 subsection (c) of this section no person may be discharged
45 or reduced in pay or rank without consent of the commission
46 after a hearing, unless the action is pursuant to a
47 classification program under W.S. 15-5-106. A copy of the

1 specifications, notice, answer, consent and order of
 2 discharge or reduction are a part of the public records of
 3 the commission.

4
 5 **19-7-103. Adjutant general; appointment; rank;**
 6 **removal; duties and qualifications.**

7
 8 (b) The adjutant general of Wyoming shall have powers
 9 and duties and be paid a salary as follows:

10
 11 (x) He may purchase for cash or upon contract or
 12 otherwise acquire lands within Wyoming for use by the
 13 national guard or for the use of other elements of the
 14 armed forces as an artillery and target range and training
 15 and maneuvering area. He may acquire lands for such
 16 purposes by eminent domain when the state ~~land~~-board of
 17 land commissioners gives its written approval or consent;

18
 19 [SECTION 3. INCORRECT CITATIONS OR FAILURE TO UPDATE CROSS
 20 REFERENCED PROVISIONS]
 21 [b. FEDERAL CITATIONS]

22
 23 **Section 302.** W.S. 2-10-106(e), 15-9-112 and 15-9-118
 24 are amended to read:

25
 26 **2-10-106. Allowances for exemptions or deductions and**
 27 **credits.**

28
 29 (e) To the extent that property passing to or in
 30 trust for a surviving spouse or any charitable, public or
 31 similar gift or bequest does not constitute an allowable
 32 deduction for purposes of the tax solely by reason of an
 33 inheritance tax or other death tax imposed upon and
 34 deductible from the property, the property shall not be
 35 included in the computation provided for in W.S. 2-10-103
 36 and to that extent no apportionment shall be made against
 37 the property. The sentence immediately preceding shall not
 38 apply to any case where the result will be to deprive the
 39 estate of a deduction otherwise allowable under ~~section~~
 40 ~~2053 (d) of the Internal Revenue Code of 1954 of the United~~
 41 ~~States~~ applicable gift and estate laws, relating to
 42 deduction for state death taxes on transfers for public,
 43 charitable or religious uses.

44
 45 **15-9-112. Provisions not applicable for disaster**
 46 **area.**

47

1 Notwithstanding any other provisions of this chapter, if a
 2 local governing body certifies that an area is in need of
 3 redevelopment or rehabilitation as a result of a flood,
 4 fire, tornado, earthquake, storm or other catastrophe for
 5 which the governor of the state has certified the need for
 6 disaster assistance under ~~Public Law 875, eighty first~~
 7 ~~congress~~ 42 U.S.C. 5121 et seq., or other federal law, the
 8 local governing body may approve an urban renewal plan and
 9 an urban renewal project for that area without regard to
 10 the provisions of W.S. 15-9-109 and the provisions of this
 11 act requiring a general plan for the municipality and a
 12 public hearing on the urban renewal project.

13

14 **15-9-118. Property acquired in project; disposition**
 15 **when area designated under federal provisions.**

16

17 Notwithstanding any other provisions of this chapter, if
 18 the municipality is situated in an area designated as a
 19 redevelopment area under the Federal Area Redevelopment Act
 20 ~~(Public Law 87-27)~~ 42 U.S.C. 3161 et seq., land in an urban
 21 renewal project area designated under the urban renewal
 22 plan for industrial or commercial uses may be disposed of
 23 to any public body or nonprofit corporation for subsequent
 24 disposition as promptly as practicable by the public body
 25 or corporation for redevelopment in accordance with the
 26 urban renewal plan. Only the purchaser from or lessee of
 27 the public body or corporation, and their assignees, are
 28 required to assume the obligation of beginning the building
 29 of improvements within a reasonable time. Any disposition
 30 of land to a public body or corporation under this section
 31 shall be made at its fair value for uses in accordance with
 32 the urban renewal plan.

33

34 [SECTION 4. PROVISIONS TO CODIFY NONCODIFIED
 35 SUBSTANTIVE SECTIONS OF EARLIER LEGISLATION]

36

37 **Section 401.** W.S. 9-4-218 by creating a new subsection
 38 (c) is amended to read:

39

40 **9-4-218. Federal natural resource policy account**
 41 **created; purposes.**

42

43 (c) The governor shall report to the joint
 44 appropriations interim committee not later than December 1,
 45 of each year:

46

47 (i) All actions taken pursuant to this section;

1
2
3
4
5
6
7
8
9

(ii) All expenditures from the federal natural resource policy account;

(iii) The purpose of each expenditure.

Section 501. This act is effective July 1, 2010.

(END)