

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 AFFECTED BY COURT DECISIONS, OTHER THAN  
 12 HOLDINGS BASED UPON CONSTITUTIONAL GROUNDS]  
 13

14 **Section 101.** W.S. 9-5-203(a) and (b) is amended to  
 15 read:

16

17 **9-5-203. Recovery of escheated or forfeited property;**  
 18 **general procedure; proceedings where estate without known**  
 19 **heirs; unclaimed payments; disposition of property**  
 20 **obtained.**

21

22 (a) Whenever any property escheats or is forfeited to  
 23 the state for its use, the legal title vests in the state  
 24 from the time of the escheat or forfeiture. ~~An information~~

1 A complaint may be filed by the county attorney of the  
 2 proper county or by the attorney general in the name of the  
 3 state of Wyoming against the person or bank which possesses  
 4 the escheated or forfeited property, in the district court  
 5 of the proper county for the recovery of the property,  
 6 alleging the grounds on which the recovery is claimed, and  
 7 like proceedings in judgment shall be had as in a civil  
 8 action for the recovery of property. In any such action due  
 9 proof that any real or personal property has been unclaimed  
 10 for five (5) years immediately prior to the time of filing  
 11 the ~~information~~-complaint and that the name or whereabouts  
 12 of the owner of the property is unknown is prima facie  
 13 evidence of the failure of title to the property for want  
 14 of legal heirs.

15

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

32

33 [SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

34

34 [a. DUE TO EARLIER LEGISLATIVE ACTION AND SUBSEQUENT  
 35 IMPLEMENTATION]

35

36

36 [i. JUSTICES OF THE PEACE REFERENCES]

37

38

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

39

40

40 **5-6-301. Punishment of persons convicted before**  
 41 **judge; maximum penalty permitted; power to punish for**  
 42 **contempt.**

43

44

44 (b) The municipal judge shall punish for contempt in  
 45 the same manner as ~~justices of the peace~~ district court.

46

47

47 [SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

1 [a. DUE TO EARLIER LEGISLATIVE ACTION AND SUBSEQUENT  
2 IMPLEMENTATION]  
3 [ii. COUNTY COURTS]  
4

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

8 **7-20-102. Arrests without warrant.**  
9

10 (b) A peace officer, without a warrant, may arrest  
11 and take into custody a person if:  
12

13 (i) An order of protection has been issued by a  
14 ~~county~~-circuit or district court as authorized by W.S.  
15 35-21-104 or 35-21-105 stating on its face the period of  
16 time for which the order is valid and specifically  
17 restraining or enjoining a household member, as defined by  
18 W.S. 35-21-102(a)(iv), from entering onto premises, from  
19 physical abuse, threats of personal abuse or acts which  
20 unreasonably restrain the personal liberty of any household  
21 member, or from abducting, removing or concealing any child  
22 in the custody of another household member or from  
23 transferring, concealing, encumbering or otherwise  
24 disposing of petitioner's property or the joint property of  
25 the parties;  
26

27 **7-20-104. Notice to victim of services and legal**  
28 **rights and remedies.**  
29

30 At the time of arrest under W.S. 7-20-102 or as soon  
31 thereafter as is practicable, the peace officer shall  
32 advise the victim of the availability of a program that  
33 provides services to victims of battering in the community  
34 and give the victim notice of the legal rights and remedies  
35 available. The notice shall include furnishing the victim a  
36 copy of the following statement:  
37

38 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can  
39 ask the district attorney to file a criminal complaint. You  
40 also have the right to go to the ~~county~~-circuit or district  
41 court and file a petition requesting any of the following  
42 orders for relief: (a) An order restraining your attacker  
43 from abusing you; (b) An order directing your attacker to  
44 leave your household; (c) An order preventing your  
45 attacker from entering your residence, school, business or  
46 place of employment; (d) An order awarding you or the  
47 other parent custody of or visitation with a minor child or

1 children; (e) An order restraining your attacker from  
2 molesting or interfering with minor children in your  
3 custody; (f) An order directing the party not granted  
4 custody to pay support for minor children, or for support  
5 of the other party if that party has a legal obligation to  
6 do so.

7  
8 You also have the right to sue for losses suffered as  
9 a result of the abuse, including medical and moving  
10 expenses, loss of earnings or support and other out-of-  
11 pocket expenses for injuries sustained and damage to your  
12 property. This can be done without an attorney in small  
13 claims court if the total amount claimed is under \$....  
14 (Officer to insert current jurisdictional limit of small  
15 claims court).

16  
17 1. Name, address and phone number of local family  
18 violence program.

19  
20 2. Name, address and phone number of district  
21 attorney's office."

22  
23 [SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

24 [b. FULLY EXECUTED]  
25

26 **Section 203.** W.S. 5-1-102(a), 5-6-112(a), 5-6-113(a),  
27 9-4-601(b)(i), (iv)(A) and (B), 9-4-602(a)(intro),  
28 11-18-101(c), 11-19-405(a), 11-20-115(b), 11-20-408(b),  
29 11-40-102(a) and (b), 11-40-105(h), 11-40-109(b),  
30 12-4-201(d)(intro), 12-4-407(c), 13-1-205(a)(i)(B),  
31 13-1-402(a), 14-4-104(e), 15-5-202(a), 15-5-203(e),  
32 15-5-306(e)(ii), 15-5-420(b), 15-5-421, 15-9-204(a),  
33 16-1-109(d)(intro), 16-1-305(e), 18-3-201(d), 18-3-303(a),  
34 18-3-703(b) and (c), 18-5-305 and 18-6-310(b) are amended  
35 to read:

36  
37 **5-1-102. Terms of judicial nominating commission**  
38 **members; expenses; removal.**  
39

40 (a) The terms of the elected and appointed voting  
41 members of the judicial nominating commission created by  
42 Article 5, Section 4, Wyoming Constitution, shall be four  
43 (4) years except the initial term for one (1) attorney and  
44 one (1) elector shall be two (2) years and the initial term  
45 for one (1) attorney and one (1) elector shall be three (3)  
46 years. The members of the Wyoming state bar initially  
47 elected to the commission shall draw lots to determine the

1 term each shall serve. The governor shall designate whether  
2 the length of the term of electors he initially appoints to  
3 the commission shall be two (2), three (3) or four (4)  
4 years. ~~The terms of all initial elected and appointed~~  
5 ~~members shall begin on March 1, 1973.~~ The governor may  
6 remove any member he appoints as provided in W.S. 9-1-202.

7  
8 **5-6-112. Detention of juvenile offenders.**

9  
10 (a) ~~Effective July 1, 1995,~~ No minor charged with  
11 violating a municipal ordinance defined as a status offense  
12 under subsection (b) of this section shall be detained in a  
13 jail.

14  
15 **5-6-113. Incarceration of juvenile offenders.**

16  
17 (a) ~~Effective July 1, 1995,~~ No minor convicted of a  
18 status offense shall be sentenced to a term of  
19 imprisonment.

20  
21 **9-4-601. Distribution and use; funds, accounts,**  
22 **cities and towns benefited; exception for bonus payments.**

23  
24 (b) The state treasurer shall ascertain and withhold  
25 all bonus payments received from the federal government  
26 attributable to coal, oil shale or geothermal leases of  
27 federal land within Wyoming and shall distribute it as  
28 follows:

29  
30 (i) Fifty percent (50%), the first seven million  
31 five hundred thousand dollars (\$7,500,000.00) of which  
32 shall be distributed as follows, ~~but for the fiscal years~~  
33 ~~beginning July 1, 2004 and July 1, 2005 any amount in~~  
34 ~~excess of seven million five hundred thousand dollars~~  
35 ~~(\$7,500,000.00) shall be deposited in accordance with~~  
36 ~~paragraph (v) of this subsection, and thereafter~~ any amount  
37 in excess of seven million five hundred thousand dollars  
38 (\$7,500,000.00) per year shall be deposited into the school  
39 capital construction account established under W.S.  
40 21-15-111(a)(i):

41  
42 (iv) And:

43  
44 (A) Ten percent (10%) but not to exceed one  
45 million six hundred thousand dollars (\$1,600,000.00) per  
46 year, to a separate account which may be expended by the  
47 community college commission in accordance with and in

1 addition to appropriations available under W.S.  
 2 21-18-205(c). ~~For the fiscal years beginning July 1, 2004~~  
 3 ~~and July 1, 2005, any amount in excess of one million six~~  
 4 ~~hundred thousand dollars (\$1,600,000.00) shall be deposited~~  
 5 ~~in accordance with paragraph (v) of this subsection.~~  
 6 ~~Thereafter~~ Any amount in excess of one million six hundred  
 7 thousand dollars (\$1,600,000.00) together with any  
 8 unexpended revenues within the account at the end of any  
 9 biennial budget period shall be credited to the school  
 10 capital construction account established under W.S.  
 11 21-15-111(a)(i);

12  
 13 (B) ~~For the fiscal years beginning July 1,~~  
 14 ~~2004 and July 1, 2005, F~~orty percent (40%) to be deposited  
 15 ~~in accordance with paragraph (v) of this subsection and~~  
 16 ~~thereafter~~ to the school capital construction account  
 17 established under W.S. 21-15-111(a)(i).

18  
 19 **9-4-602. Distribution and use; state treasurer's duty.**

20  
 21 (a) Except as hereafter provided, distribution under  
 22 W.S. 9-4-601 shall be made by the state treasurer within  
 23 thirty (30) days after the receipt of the government  
 24 royalty funds for the preceding period. Federal mineral  
 25 royalties received by the state on a continuing monthly  
 26 basis shall be distributed under W.S. 9-4-601 by the state  
 27 treasurer, subject to the following: ~~and except as~~  
 28 ~~otherwise provided by law for fiscal year 1994:~~

29  
 30 **11-18-101. Livestock board; creation; composition;**  
 31 **qualifications; appointment and term of members; removal;**  
 32 **vacancies; name defined.**

33  
 34 (c) ~~Effective July 1, 1979, A~~ppointments and terms  
 35 under this section shall be in accordance with W.S.  
 36 28-12-101 through 28-12-103.

37  
 38 **11-19-405. Control of brucellosis; governor authorized**  
 39 **to negotiate with federal agencies.**

40  
 41 (a) In order to preserve the brucellosis-free status  
 42 of this state, the governor shall enter into negotiations  
 43 with any relevant parties including appropriate federal  
 44 agencies on steps necessary to ensure brucellosis is not  
 45 passed from wildlife to livestock. ~~If adequate progress is~~  
 46 ~~not made by September 1, 1996, in the negotiations or if~~  
 47 ~~the appropriate federal agencies are unwilling to act to~~

1 ~~control brucellosis or are obstructing necessary efforts to~~  
 2 ~~control brucellosis, the governor is authorized to direct~~  
 3 ~~the attorney general to bring appropriate legal action.~~

4  
 5 **11-20-115. Rerecording; when required; notice;**  
 6 **abandonment.**

7  
 8 (b) ~~Effective January 1, 2005,~~ Every owner of a brand  
 9 shall rerecord the brand. The term of the rerecording  
 10 period shall not exceed the term established by this  
 11 section and the method of renewal shall be established by  
 12 the board. The renewal fee shall be as established by W.S.  
 13 11-20-116 and shall be prorated by the board for any  
 14 renewal less than ten (10) years. The board shall  
 15 promulgate rules and regulations necessary to carry out the  
 16 provisions of this section.

17  
 18 **11-20-408. Examination of agency records; report.**

19  
 20 (b) The board shall adopt an annual fiscal year budget  
 21 for the brand registration and inspection program. The  
 22 budget shall include any deficit amount from the prior year  
 23 and may include an operating reserve not to exceed one (1)  
 24 year for that portion of the program to be funded by user  
 25 fees. Based on the budget adopted under this subsection,  
 26 the board shall set the user fees for all activities under  
 27 the program at no less than the minimum fees provided for  
 28 in this chapter. Each fee may be adjusted not more than  
 29 one (1) time per fiscal year and by not more than twenty  
 30 percent (20%) in any one (1) fiscal year. ~~Beginning~~  
 31 ~~November 1, 2008,~~ The board shall report annually by  
 32 November 1 to the joint agriculture, state and public lands  
 33 and water resources interim committee with respect to the  
 34 budget adopted and fees set under this subsection.

35  
 36 **11-40-102. Creation of committee; composition;**  
 37 **administrative support; compensation; officers; conflict of**  
 38 **interest.**

39  
 40 (a) There is created the Wyoming lean beef committee.  
 41 The initial membership of the committee shall consist of  
 42 eleven (11) members of whom five (5) shall be members of  
 43 the faculty of the University of Wyoming, one (1) shall be  
 44 a person with professional training and experience related  
 45 to human health and diet, designated by the president of  
 46 the University of Wyoming, five (5) shall be appointed by  
 47 the governor of whom three (3) shall be producers of beef

1 cattle, one (1) shall be a person with training and  
2 experience in finance, one (1) shall be a person with  
3 training and experience in marketing and one (1) shall be  
4 the director of the department of agriculture or his  
5 designee serving ex officio. The members appointed by the  
6 governor shall serve three (3) year terms. The members  
7 designated by the president of the university shall serve  
8 at his pleasure. ~~Beginning April 1, 1989 the number of~~  
9 ~~members designated by the president of the University of~~  
10 ~~Wyoming shall be reduced by one (1) each year and the~~  
11 ~~number appointed by the governor shall be increased by one~~  
12 ~~(1) each year until the number of university members is~~  
13 ~~reduced to two (2).~~

14  
15 (b) ~~Until July 1, 1990~~ Administrative support for the  
16 committee shall be provided by and budgeted for by the  
17 University of Wyoming and thereafter it shall be the  
18 responsibility of the department of agriculture.

19  
20 **11-40-105. Licensing; use of trademark; royalty.**

21  
22 (h) ~~Until January 1, 1992 licensees shall pay to the~~  
23 ~~state an annual royalty of one dollar (\$1.00) per head.~~  
24 ~~Thereafter~~ The committee shall annually set the royalty to  
25 be paid by licensees which shall be not less than fifty  
26 cents (\$.50) per head and not more than five dollars  
27 (\$5.00) per head and shall be designed to defray the  
28 expenses of the committee, the expenses of the inspection  
29 and enforcement program and give the state of Wyoming a  
30 return of eight percent (8%) per annum on the monies  
31 appropriated for the marketing of Wyoming lean beef by  
32 Chapter 199, Wyoming Session Laws 1985 and by any other  
33 legislative appropriation and spent by the University of  
34 Wyoming on the 1985 San Francisco simulated market test.  
35 The royalties shall be deposited in the general fund of the  
36 state except that fifty percent (50%) of any royalties in  
37 excess of the amount budgeted for the expenses of the  
38 committee, the inspection and enforcement program and  
39 repayment to the state shall be deposited in the University  
40 of Wyoming fund to the credit of the agricultural  
41 experiment station account.

42  
43 **11-40-109. Termination of existence of committee.**

44  
45 (b) If ~~the existence of the committee does not~~  
46 ~~terminate as provided by subsection (a) of this section but~~  
47 ~~thereafter~~ the sales volume falls below one million dollars



1 (\$1,000,000.00) for three (3) successive years, the  
2 existence of the committee shall terminate on July 1 of the  
3 fourth ~~(4th)~~ year.

4  
5 **12-4-201. Retail liquor licenses and malt beverage**  
6 **permits; population formulas; fees.**

7  
8 (d) ~~Effective January 1, 1986,~~ The number of retail  
9 liquor licenses issued shall be based on the following  
10 population formula:

11  
12 **12-4-407. Restaurant liquor license; authorized.**

13  
14 (c) After ~~the 1980 census has been completed and~~ the  
15 maximum number of appropriate licenses has been certified  
16 by the commission, the number of restaurant liquor licenses  
17 issued shall not exceed fifty percent (50%) of the number  
18 of retail liquor licenses allowable under W.S. 12-4-201(d),  
19 or two (2), whichever is greater.

20  
21 **13-1-205. Financial institutions; consumer reports;**  
22 **encumbrance of assets; immunity.**

23  
24 (a) Any financial institution as defined in W.S.  
25 13-1-101(a)(ix), national chartered credit union, benefit  
26 association, insurance company, safe deposit company, money  
27 market mutual fund or similar entity authorized to do  
28 business in the state shall:

29  
30 (i) Enter into an agreement with the department  
31 of family services to provide identifying information for  
32 each noncustodial parent who maintains an account at the  
33 institution and who the department of family services  
34 identifies as owing past due child support, provided:

35  
36 (B) ~~By July 1, 1997,~~ Each financial  
37 institution shall have an agreement with the department  
38 setting a time schedule for developing an agreement for  
39 providing the information required pursuant to this  
40 section. ~~The agreements shall be completed by January 1,~~  
41 ~~1998, and shall go into effect no later March 31, 1998.~~

42  
43 **13-1-402. Disclosure of date when account opened;**  
44 **exception; penalty.**

45  
46 (a) All checks, drafts or similar negotiable or  
47 nonnegotiable instruments or orders of withdrawal which are

1 drawn against funds held by a financial institution located  
 2 in Wyoming in a consumer deposit account ~~opened after July~~  
 3 ~~1, 1983,~~ shall, for a period of not less than twelve (12)  
 4 months, clearly display on the face thereof the month and  
 5 year in which the account was opened. This section does not  
 6 apply to temporary checks, drafts or similar negotiable or  
 7 nonnegotiable instruments or orders of withdrawal, or to a  
 8 consumer deposit account where the applicant either  
 9 demonstrates through the production of monthly statements  
 10 or represents in a writing, certified under sworn oath or  
 11 affirmation, that for twelve (12) months immediately  
 12 preceding his application he has had an account at the same  
 13 or another financial institution. A written representation  
 14 made to avoid this section is subject to W.S. 6-5-303.

15  
 16 **14-4-104. Certification; application; standards;**  
 17 **notification to certify or refuse; term.**

18  
 19 (e) The department is authorized to establish pursuant  
 20 to rules and regulations full and provisional certificate  
 21 fees and fees for continuation of a full certificate. Fees  
 22 for continuation of a full certificate shall be due on the  
 23 anniversary date of the original certificate. Fees  
 24 collected by the department under this section shall be  
 25 deposited in the general fund to offset the cost of  
 26 administration of the board. ~~For the balance of the~~  
 27 ~~biennium that began July 1, 1998, the governor may add the~~  
 28 ~~fees collected under this section to the department's~~  
 29 ~~budget through the B 11 process.~~

30  
 31 **15-5-202. Pension account; creation; administration;**  
 32 **donations; investment; dual participation prohibited.**

33  
 34 (a) There is created a firemen's pension account for  
 35 the purpose of paying the awards, benefits and pensions  
 36 under the provisions of this article. ~~and article 2 of this~~  
 37 ~~chapter.~~ The account shall be administered by the board  
 38 through the director. The board has full custody and  
 39 control of the account with full power over its  
 40 administration. The director of the state department of  
 41 audit or his designee shall make a biennial audit of the  
 42 account and the receipts thereto and disbursements  
 43 therefrom and report his findings to the governor and the  
 44 legislature. The account shall be administered without  
 45 liability on the part of the state beyond the amount of the  
 46 funds. All expenses of administration shall be paid from  
 47 the account. ~~Effective July 1, 1981 the firemen's~~

~~contingency account is abolished and all monies in that account as of that date shall be credited to the firemen's pension account.~~

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

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

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

(e) The board shall:

(ii) ~~Commencing in 1983 and~~ At least every two (2) years ~~thereafter~~ cause an actuarial investigation of all the experience under the accounts within the fund to be made;

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

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

**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

1 salary payment required to amortize the actuarial liability  
2 over a period of forty (40) years from January 1, 1983,  
3 calculated on the basis of an acceptable actuarial reserve  
4 funding method approved by the board.  
5

6 **15-9-204. Organizational procedure.**  
7

8 (a) Upon petition of twenty-five percent (25%) of the  
9 persons owning nonresidential property within the proposed  
10 district and following a public hearing, if the governing  
11 body of a municipality determines it is necessary to  
12 establish a downtown development authority for the public  
13 health, safety, prosperity, security and welfare and to  
14 carry out the purposes of an authority as stated in W.S.  
15 15-9-201, it may by ordinance establish a downtown  
16 development authority. In the ordinance, the governing body  
17 shall state the boundaries of the downtown development  
18 district, as set forth in the original petition requesting  
19 the establishment of a downtown development authority  
20 within which the authority shall exercise its powers. Upon  
21 request of the governing body, the petitioners may submit  
22 an amended petition which modifies the boundaries of the  
23 district. The boundaries of the downtown development  
24 authority shall be certified to the county assessor of the  
25 county in which the municipality is located within sixty  
26 (60) days after formation of the district. ~~or in the case  
27 of an existing district, by April 15, 1987.~~  
28

29 **16-1-109. State loan and investment board loans;  
30 amount; interest; security; conditions.**  
31

32 ~~(d) For all loans made prior to July 1, 1979, all  
33 tangible personal and real property pledged for the  
34 repayment of loans under this section, excluding pledges of  
35 revenue or property generating user fees to repay the  
36 loans, is released as security for any loans under this  
37 section and the state loan and investment board shall have  
38 prepared, execute and have filed all necessary instruments  
39 to carry out this provision. Effective July 1, 1979, Loans  
40 under this section shall be made only under the following  
41 conditions:~~  
42

43 **16-1-305. Authorized projects; authorized financial  
44 assistance.**  
45

46 ~~(e) Funding set asides and loan subsidies as allowed  
47 by the Safe Drinking Water Act for federal fiscal years~~

1 ~~1997, 1998 and 1999 shall be limited to those provided for~~  
 2 ~~in subsections (c) and (d) of this section.~~ The board may  
 3 consider the use of an amount of the allowable percentage  
 4 of the capitalization grant for all of the established set-  
 5 asides provided for by the Safe Drinking Water Act. ~~in all~~  
 6 ~~following federal fiscal years starting in the year 2000.~~

7  
 8 **18-3-201. Qualifications; certification and education.**

9  
 10 (d) No individual shall perform the duties or exercise  
 11 the authority of a property tax appraiser unless the person  
 12 is certified by the department of revenue. No certificate  
 13 shall be issued to any individual who has not demonstrated  
 14 to the department of revenue that the individual is  
 15 competent to perform the necessary work or administer the  
 16 necessary operation of an assessor's office. An individual  
 17 may serve as county assessor without certification for one  
 18 (1) elected term and the remainder of any unexpired term to  
 19 which appointed. ~~Individuals occupying the position of~~  
 20 ~~county assessor as of the effective date of this act shall~~  
 21 ~~be deemed certified until January 1, 1991.~~

22  
 23 **18-3-303. Fees or salary; restriction upon employment;**  
 24 **failure to perform official duties.**

25  
 26 (a) Each county attorney and their deputies shall  
 27 receive such fees, salary or both as allowed by the board  
 28 of county commissioners. When counties have consolidated  
 29 the office of county and prosecuting attorney pursuant to  
 30 W.S. 18-3-301(b) the salary of county and prosecuting  
 31 attorneys shall be apportioned between the counties by  
 32 agreement of the boards of county commissioners, but a  
 33 county which has consolidated may independently employ a  
 34 deputy county and prosecuting attorney. The boards of  
 35 county commissioners of each county which have consolidated  
 36 shall meet ~~not later than June 1, 1978, and each~~ once every  
 37 four (4) years ~~thereafter~~ to set such salaries.

38  
 39 **18-3-703. Records to be kept; copies to be furnished**  
 40 **upon request; duty to file plats, maps and records of**  
 41 **surveys made for county with county clerk; penalty for**  
 42 **failure to file such records; authority of county**  
 43 **commissioners to purchase records of private surveys.**

44  
 45 (b) ~~Not later than June 1, 1965,~~ Each county surveyor  
 46 shall file with the county clerk of the county wherein the  
 47 land surveyed is located all plats, maps and survey records

1 of surveys made by him in behalf of the county, and shall  
 2 make such filings continuously ~~thereafter~~ as surveys are  
 3 completed. The county clerk and the county commissioners  
 4 may invoke the aid of any district court in the state to  
 5 secure possession of such documents as are in the custody  
 6 of the county surveyors which are the property of the  
 7 county.

8  
 9 (c) It is unlawful for any county surveyor to fail to  
 10 file plats, maps and survey records of surveys made as  
 11 provided herein, ~~or to file such plats, maps and survey~~  
 12 ~~records of surveys made after June 1, 1965,~~ within thirty  
 13 (30) days of the completion of the survey. Violators of  
 14 this section are guilty of a misdemeanor and may be fined  
 15 not more than one hundred dollars (\$100.00) or imprisoned  
 16 in the county jail not more than thirty (30) days, or both.

17  
 18 **18-5-305. Enforcement; rules and regulations.**

19  
 20 Each board shall enforce this article and in accordance  
 21 with the Wyoming Administrative Procedure Act shall ~~within~~  
 22 ~~six (6) months after March 10, 1975,~~ adopt such rules and  
 23 regulations as necessary to implement the provisions of and  
 24 to insure compliance with the intent and purposes of this  
 25 article.

26  
 27 **18-6-310. Juvenile prisoners.**

28  
 29 (b) ~~Effective July 1, 1997,~~ Juvenile prisoners shall  
 30 be kept separate from adult prisoners.

31  
 32 **Section 204.** W.S. 9-4-601(b)(v), 9-12-104(a)(xx),  
 33 11-20-103(c), 11-20-116(f), 11-20-212(c), 11-20-223(c),  
 34 11-20-401(b), 11-20-402(b), 11-20-405(c), 11-34-123(b),  
 35 11-40-109(a), 15-5-302(c) and (d), 15-7-515, 16-1-305(d),  
 36 18-3-402(a)(xvi)(Y) are repealed.

37  
 38 [SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

39 [c. ARCHAIC REFERENCES]

40 [i. GOVERNMENT ROYALTY REVENUE]

41  
 42 **Section 205.** W.S. 9-4-601(a)(iii) is amended to read:

43  
 44 **9-4-601. Distribution and use; funds, accounts, cities**  
 45 **and towns benefited; exception for bonus payments.**

46

1 (a) All monies received by the state of Wyoming from  
 2 the secretary of the treasury of the United States under  
 3 the provisions of the act of congress of February 25, 1920  
 4 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, or  
 5 from lessees or authorized mine operators and all monies  
 6 received by the state from its sale of production from  
 7 federal mineral leases subject to the act of congress of  
 8 February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181,  
 9 191) as amended, except as provided by subsection (b) of  
 10 this section, shall be deposited into an account and the  
 11 first two hundred million dollars (\$200,000,000.00) of  
 12 revenues received in any fiscal year shall be distributed  
 13 by the state treasurer as provided in this subsection. One  
 14 percent (1%) of these revenues shall be credited to the  
 15 general fund as an administrative fee, and the remainder  
 16 shall be distributed as follows:

17  
 18 (iii) Except as provided by W.S. 9-4-605(a),  
 19 twenty-six and one-quarter percent (26 1/4%) to the highway  
 20 fund subject to allocations under W.S. ~~9-4-606 and~~ 9-4-607;  
 21

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

23  
 24 [SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

25 [c. ARCHAIC REFERENCES]

26 [ii. OTHER ARCHAIC USES]

27  
 28 **Section 207.** W.S. 1-17-102(c), 2-2-306, 2-2-307,  
 29 2-2-311, 6-1-101(a), 6-1-104(a)(intro) and by creating a  
 30 new paragraph (xiv), 6-10-301(a), 7-12-101, 11-2-102(h),  
 31 11-5-301, 11-6-210(g)(intro), 11-6-305(a), 11-7-405(a),  
 32 15-1-413(b), 21-17-205, 21-17-301(c), 33-16-311 and  
 33 33-18-104 are amended to read:

34  
 35 **1-17-102. Request for hearing when property seized**  
 36 **under execution.**

37  
 38 (c) ~~As to any judgment entered prior to June 11,~~  
 39 ~~1986,~~ The notice provided in this section shall be sent to  
 40 the last known address of the judgment debtor by the clerk  
 41 of court upon the request of any person before any property  
 42 of the judgment debtor is seized by execution or  
 43 garnishment.

44  
 45 **2-2-306. Citations; used to give personal notice.**  
 46

1 When a personal notice is required, and no mode of giving  
2 it is prescribed in this ~~act~~ chapter, it shall be given by  
3 citation.

4  
5 **2-2-307. Citations; when to be served.**

6  
7 When no other time is specially prescribed in this ~~act~~  
8 chapter, citations shall be served at least five (5) days  
9 before the return day thereof.

10  
11 **2-2-311. Payment of costs.**

12  
13 When it is not otherwise prescribed in this ~~act~~ chapter,  
14 the district court, or the supreme court on appeal, may  
15 order costs to be paid by any party to the proceedings, or  
16 out of the assets of the estate. Execution for the costs  
17 may issue out of the court.

18  
19 **6-1-101. Short title; applicability of provisions;  
20 conflicting penalties.**

21  
22 (a) This act may be cited as the Wyoming Criminal  
23 Code. ~~of 1982.~~

24  
25 **6-1-104. Definitions.**

26  
27 (a) As used in ~~W.S. 6-1-101 through 6-10-203~~ this  
28 act, unless otherwise defined:

29  
30 (xiv) "This act" means title 6 of the Wyoming  
31 statutes.

32  
33 **6-10-301. Life imprisonment without parole.**

34  
35 (a) Pursuant to article 3, section 53 of the Wyoming  
36 constitution, a sentence of life imprisonment without  
37 parole is created for specified crimes designated in the  
38 Wyoming Criminal Code. ~~of 1982.~~

39  
40 **7-12-101. Manner of appeal.**

41  
42 A defendant may appeal his conviction in any criminal case  
43 in the manner provided by the Wyoming Rules of Appellate  
44 Procedure. ~~and the Wyoming Rules of Appellate Procedure for~~  
45 ~~Courts of Limited Jurisdiction.~~

46



1           **11-2-102. Composition; qualifications; appointment and**  
2 **removal of members; quorum.**

3  
4           (h) ~~Effective July 1, 1979,~~ Appointments and terms  
5 shall be in accordance with W.S. 28-12-101 through  
6 28-12-103.

7  
8           **11-5-301. Authorization of program.**

9  
10 ~~Effective July 1, 1990,~~ A weed and pest special management  
11 program may be carried out as provided by this article and  
12 legislative appropriation acts. All state and local  
13 governmental entities shall comply with the program.

14  
15           **11-6-210. Creation of predator management district**  
16 **fund; predator management fees; donations; appropriation by**  
17 **county commissioners.**

18  
19           (g) ~~After January 1, 1992~~ Each predator management  
20 district board shall annually allocate five percent (5%) of  
21 all predator management fee collections to be used for  
22 refunds, in whole or in part. If a refund is requested the  
23 board shall pay the refund within one hundred eighty (180)  
24 days of application. Refunds under this subsection shall  
25 be subject to the following:

26  
27           **11-6-305. Wyoming animal damage management board**  
28 **funding; sources; methods of collection.**

29  
30           (a) ~~Effective January 1, 2000,~~ There is created a  
31 "wildlife damage management" stamp. The stamp, issued at  
32 licensed selling agents as designated by the Wyoming game  
33 and fish commission may be purchased voluntarily. Proceeds  
34 from the sale of the stamp, excluding fifty cents (\$.50)  
35 which the agent shall retain for each stamp sold, shall be  
36 deposited by the state treasurer into the animal damage  
37 management account created by W.S. 11-6-306. The Wyoming  
38 game and fish commission shall retain the fees related to  
39 those administrative costs which are required to design and  
40 print stamps, and collect, account for and disburse these  
41 funds to the ADMB. The Wyoming game and fish commission  
42 shall annually provide to the ADMB a complete and detailed  
43 accounting of all administrative costs and fees.

44  
45           **11-7-405. Restrictions on rearing, moving and trapping**  
46 **bees; permits; fees.**

47

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

5  
6 **15-1-413. Survey of boundaries; when and how to be**  
7 **made; presumption once recorded.**

8  
9 (b) Any survey ~~or perambulation~~ made and recorded as  
10 provided in subsection (a) of this section is presumptive  
11 of the boundaries of the city or town, and any copy thereof  
12 certified by the county clerk shall be received in evidence  
13 in any court of this state.

14  
15 **21-17-205. Report.**

16  
17 The trustees of the University of Wyoming, through their  
18 president, shall report to the governor as required by W.S.  
19 9-2-1014 respecting the progress, condition and wants of  
20 the university and of each school or department thereof,  
21 the course of study in each, the number of professors and  
22 students, the nature, costs and results of important  
23 investigations, and such other information as they deem  
24 important or as may be required by any law of this state,  
25 or of the United States. The secretary and treasurer of  
26 the board of trustees shall prepare an itemized report ~~to~~  
27 ~~accompany the report~~ showing the receipts and disbursements  
28 for the year, the appropriation resolution for that year,  
29 the purposes for which the revenue was expended, and the  
30 amount of revenue expended upon each school or department  
31 of work, including the experiment station. ~~The reports are~~  
32 ~~to be printed and not less than one hundred (100) copies~~  
33 ~~filed with the secretary of state for distribution among~~  
34 ~~the members of the legislature and other public officers.~~

35  
36 **21-17-301. Supervision and management of farms and**  
37 **stations; director of experiments.**

38  
39 (c) The director of the experiments shall carefully  
40 record, preserve and compile the results of all experiments  
41 and demonstrations and, ~~as required by W.S. 9-2-1014,~~  
42 report ~~to the governor~~ the results publicly on a regular  
43 basis. ~~He shall further furnish information to the people~~  
44 ~~of the state as to the results of demonstrations and~~  
45 ~~experiments conducted.~~

46

1           **33-16-311. Petition for revocation or suspension of**  
 2 **license; notice for hearing; order of suspension or**  
 3 **revocation.**

4  
 5 A petition for the revocation or suspension of a license  
 6 may be filed by the attorney general or by the county  
 7 attorney of the county in which the licensee resides or has  
 8 practiced, or by any citizen residing in this state. Said  
 9 petition shall be filed with the Wyoming state board of  
 10 embalming and shall be entitled, "In the Matter of the  
 11 Revocation (or Suspension) of the License of (name of  
 12 licensee) to Practice Funeral Directing", and shall state  
 13 the charges against the licensee with reasonable  
 14 definiteness. Upon the presentation of the petition to said  
 15 board, the board shall make an order fixing a time and  
 16 place of hearing thereon which shall not be less than ten  
 17 (10) days nor more than thirty (30) days thereafter. Notice  
 18 of filing of such petition and the time and place of  
 19 hearing shall be served upon the licensee at least ten (10)  
 20 days before said hearing. Said notice may be served by any  
 21 sheriff ~~or constable~~ or by any person especially appointed  
 22 by the board. Order of revocation or suspension of licenses  
 23 shall be entered of record and the name of said licensee  
 24 stricken from the roster of licentiates and the licensee  
 25 may not engage in the practice of funeral directing after  
 26 revocation of license or during the time for which it is  
 27 suspended.

28  
 29           **33-18-104. Records; inspection by law enforcement**  
 30 **officers.**

31  
 32 The said book, and the entries therein, shall at all times  
 33 be open to the inspection of the sheriff of the county and  
 34 his deputies, or any member of the police force of any city  
 35 or town, ~~or any constable,~~ in the county in which said junk  
 36 dealers do business.

37  
 38           **Section 208.** W.S. 9-12-304(b)(iv), and 18-3-109 are  
 39 repealed.

40  
 41 [SECTION 3. INCORRECT CITATIONS OR FAILURE TO UPDATE CROSS  
 42 REFERENCED PROVISIONS]

43 [a. WYOMING OR INTERNAL CITATIONS]

44  
 45           **Section 301.** W.S. 1-15-107(b)(v) and (ix),  
 46 1-17-102(b)(v) and (ix), 7-3-401 Article II(a) by creating

1 a new paragraph (vi), 7-3-504(b), 9-6-210(a), 15-1-709,  
2 15-5-112(a) and (b) and 19-7-103(b) are amended to read:

3  
4 **1-15-107. Notice of exemptions; right to a hearing;**  
5 **procedures.**

6  
7 (b) The notice required by this section shall inform  
8 the person of his right to request a hearing. The notice  
9 shall inform him that certain benefits and property cannot  
10 be taken to pay a debt and shall list the exempted benefits  
11 and property set forth in paragraphs (i) through (x) of  
12 this subsection. The notice shall also include a form for  
13 requesting a hearing and instructions that if the person  
14 believes he is entitled to retain or recover the property  
15 because it is exempt, or for any other reason, he should  
16 sign the form requesting a hearing and return or mail the  
17 form to the office of the clerk of court within ten (10)  
18 days after the date the notice was mailed to him. The  
19 request for hearing form shall set forth the following  
20 exemptions and provide a place for the person to designate  
21 which exemptions he claims:

22  
23 (v) Federal civil service and state retirement  
24 system benefits as provided in 5 U.S.C. 8346 and W.S.  
25 9-3-426, ~~and 9-3-620,~~ 9-3-712 and 15-5-313;

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

30  
31 **1-17-102. Request for hearing when property seized**  
32 **under execution.**

33  
34 (b) Except where the judgment is solely against  
35 corporate entities, the court shall attach to every money  
36 judgment a notice containing the following information:

37  
38 "You are informed that since the judgment is entered  
39 the prevailing party may proceed to seize your property,  
40 funds or wages by execution or garnishment. In that event  
41 you may be entitled to the following exemptions:

42  
43 (v) Federal civil service and state retirement  
44 system benefits as provided in 5 U.S.C. 8346 and W.S.  
45 9-3-426, ~~and 9-3-620,~~ 9-3-712 and 15-5-313;

46

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

4  
 5 **7-3-401. Western Interstate Corrections Compact.**

6  
 7 The Western Interstate Corrections Compact as contained  
 8 herein is hereby enacted into law and entered into on  
 9 behalf of this state with any and all other states legally  
 10 joining therein in a form substantially as follows:

11  
 12 WESTERN INTERSTATE CORRECTIONS COMPACT  
 13 ARTICLE II  
 14 Definitions

15  
 16 (a) As used in this compact, unless the context  
 17 clearly requires otherwise:

18  
 19 (vi) "This compact" means W.S. 7-3-401.

20  
 21 **7-3-504. Judgment against complainant; defects in**  
 22 **complaint.**

23  
 24 (b) A proceeding to prevent an offense under this  
 25 ~~section~~ article shall not be dismissed because of any  
 26 informality or insufficiency of the complaint or other  
 27 document in the proceeding. The complaint may be amended by  
 28 the judge to conform to the evidence in the case.

29  
 30 **9-6-210. Administration.**

31  
 32 (a) The environmental quality council may promulgate  
 33 rules necessary to administer this state's rights and  
 34 responsibilities under the Northwest Interstate Compact on  
 35 Low-Level Waste Management. Enforcement shall be pursuant  
 36 to article 9 of chapter 11 of the Wyoming Environmental  
 37 Quality Act, with the right of judicial review as provided  
 38 for in W.S. 35-11-1001.

39  
 40 **15-1-709. Advice and information.**

41  
 42 The executive director of the ~~department of economic~~  
 43 ~~planning and development~~ Wyoming business council and the  
 44 University of Wyoming shall furnish advice and information  
 45 in connection with a project when requested to do so by a  
 46 county or municipality.

47



1  
2 **2-10-106. Allowances for exemptions or deductions and**  
3 **credits.**

4  
5 (e) To the extent that property passing to or in  
6 trust for a surviving spouse or any charitable, public or  
7 similar gift or bequest does not constitute an allowable  
8 deduction for purposes of the tax solely by reason of an  
9 inheritance tax or other death tax imposed upon and  
10 deductible from the property, the property shall not be  
11 included in the computation provided for in W.S. 2-10-103  
12 and to that extent no apportionment shall be made against  
13 the property. The sentence immediately preceding shall not  
14 apply to any case where the result will be to deprive the  
15 estate of a deduction otherwise allowable under section  
16 2053 (d) of the Internal Revenue Code of 1954 of the United  
17 States—applicable gift and estate laws, relating to  
18 deduction for state death taxes on transfers for public,  
19 charitable or religious uses.

20  
21 **15-9-112. Provisions not applicable for disaster**  
22 **area.**

23  
24 Notwithstanding any other provisions of this chapter, if a  
25 local governing body certifies that an area is in need of  
26 redevelopment or rehabilitation as a result of a flood,  
27 fire, tornado, earthquake, storm or other catastrophe for  
28 which the governor of the state has certified the need for  
29 disaster assistance under Public Law 875, eighty first  
30 congress—42 U.S.C. 5121 et seq., or other federal law, the  
31 local governing body may approve an urban renewal plan and  
32 an urban renewal project for that area without regard to  
33 the provisions of W.S. 15-9-109 and the provisions of this  
34 act requiring a general plan for the municipality and a  
35 public hearing on the urban renewal project.

36  
37 **15-9-118. Property acquired in project; disposition**  
38 **when area designated under federal provisions.**

39  
40 Notwithstanding any other provisions of this chapter, if  
41 the municipality is situated in an area designated as a  
42 redevelopment area under the Federal Area Redevelopment Act  
43 (Public Law 87-27)—42 U.S.C. 3161 et seq., land in an urban  
44 renewal project area designated under the urban renewal  
45 plan for industrial or commercial uses may be disposed of  
46 to any public body or nonprofit corporation for subsequent  
47 disposition as promptly as practicable by the public body

1 or corporation for redevelopment in accordance with the  
2 urban renewal plan. Only the purchaser from or lessee of  
3 the public body or corporation, and their assignees, are  
4 required to assume the obligation of beginning the building  
5 of improvements within a reasonable time. Any disposition  
6 of land to a public body or corporation under this section  
7 shall be made at its fair value for uses in accordance with  
8 the urban renewal plan.

9

10

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

11

12

13

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

15

16

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

18

19

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

22

23

(i) All actions taken pursuant to this section;

24

25

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

27

28

(iii) The purpose of each expenditure.

29

30

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

31

32

(END)