

HOUSE BILL NO. HB0040

Revisor's bill.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to a revision of inadvertent errors;
2 correcting statutory references and language that were
3 erroneously made to the statutes as a result of legislation
4 previously adopted by the legislature; providing for
5 application as specified; and providing for an effective
6 date.

7

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

9

10 **Section 1.** W.S. 9-3-415(a)(intro), 9-4-1202(b)(ii),
11 14-3-412(b)(iii) and (iv), 21-17-404(a)(xiv)(A)(X),
12 23-6-108(b), 30-5-110(g), (h), (q), (r)(intro), (i) and
13 (s), 31-7-305(a)(v), 35-7-1002(a)(xiv),
14 39-16-203(a)(i)(F)(intro) and 42-4-207(j) are amended to
15 read:

16

17 **9-3-415. When retirement permitted; service credit.**

1

2 (a) Except as provided under ~~subsection (f) of this~~
3 ~~section,~~ W.S. 9-3-431 and 9-3-432, normal retirement
4 benefits under the system are payable to a member who:

5

6 **9-4-1202. Requirements.**

7

8 (b) A tobacco product manufacturer that places funds
9 into escrow pursuant to paragraph (a)(ii) of this section
10 shall receive the interest or other appreciation on such
11 funds as earned. Such funds themselves shall be released
12 from escrow only under the following circumstances:

13

14 (ii) To the extent that a tobacco product
15 manufacturer establishes that the amount it was required to
16 place into escrow on account of units sold in the state in
17 a particular year was greater than the master settlement
18 agreement payments, as determined pursuant to section ~~IX(i)~~
19 IX(i) of that agreement including after final determination
20 of all adjustments, that such manufacturer would have been
21 required to make on account of such units sold had it been
22 a participating manufacturer, the excess shall be released
23 from escrow and revert back to such tobacco product
24 manufacturer; or

1

2 **14-3-412. Commencement of proceedings; contents of**
3 **petition.**

4

5 (b) The petition shall set forth all jurisdictional
6 facts, including but not limited to:

7

8 (iii) Whether the child is being held in shelter
9 care and if so, the name and address of the facility and
10 the time shelter care commenced; ~~and~~

11

12 (iv) A statement setting forth with
13 particularity the facts which bring the child within the
14 provisions of this act; and

15

16 **21-17-404. Definitions.**

17

18 (a) As used in W.S. 21-17-402 through 21-17-450:

19

20 (xiv) (A) "Pledged revenues" means the monies
21 pledged wholly or in part for the payment of bonds or other
22 securities issued hereunder, and, subject to any existing
23 pledges or other contractual limitations, may include at
24 the board's discretion, income or monies derived from one

1 (1), all or any combination of the following revenue
2 sources, including without limitation student fees and
3 other fees, rates and charges appertaining thereto:

4
5 (X) The board's proportion for the
6 benefit of the university ~~of not less than nine percent~~
7 ~~(9%)~~ of the monies remitted by the United States to the
8 state and accounted for as provided by law pursuant to W.S.
9 ~~9-577, 9-578 and 9-579~~ 9-4-601.

10

11 **23-6-108. Record of game and fish cases; report of**
12 **convictions to department.**

13

14 (b) Within thirty (30) days after the conviction or
15 forfeiture of bail of a person upon a charge of violating
16 any provision of this act, the judge or clerk of the court
17 in which the conviction was had or bail was forfeited,
18 shall forward to the department a certified abstract of the
19 record of the court covering the case in which the person
20 was convicted or forfeited bail. The abstract shall be made
21 upon a form furnished by the department and shall include
22 the name and address of the party charged, the number of
23 his game or fish license, if any, the nature of the
24 offense, the date of hearing, the plea, the judgment, or

1 whether bail was forfeited, and the amount of fine,
2 forfeiture or penalty imposed.

3

4 **30-5-110. Agreements for waterflooding or other**
5 **recovery operations, repressuring or pressure-maintenance**
6 **operations, cycling or recycling operations; operation as a**
7 **unit of 1 or more pools or parts thereof and pooling of**
8 **interests in oil and gas therein.**

9

10 (g) From and after the effective date of an order of
11 the commission entered under the provisions of this ~~act~~
12 section, the operation of any well producing from the unit
13 area defined in the order by persons other than the unit
14 operator or persons acting under the unit operator's
15 authority, or except in the manner and to the extent
16 provided in the plan of unitization approved by ~~such~~the
17 order, shall be unlawful and is hereby prohibited.

18

19 (h) An order entered by the commission under this ~~act~~
20 section may be amended in the same manner and subject to
21 the same conditions as an original order: provided, (i) if
22 ~~such~~anthe amendment affects only the rights of owners,
23 then consent to ~~such~~the amendment by those persons who
24 will be credited with unit production or proceeds thereof

1 free of cost shall not be required; and (ii) no amendatory
2 order shall change the percentage for the allocation of oil
3 and gas as established by the original order for any
4 separately owned tract, except with the written consent of
5 all persons owning oil and gas rights in ~~such~~the tracts,
6 nor change the percentage for the allocation of costs as
7 established for any separately owned tract by the original
8 order, except with the written consent of all owners in
9 ~~such~~the tracts.

10
11 (q) Notwithstanding any other provisions in this ~~act~~
12 section to the contrary, any person who owns an interest in
13 oil or gas within the unit area which is not subject to an
14 oil and gas lease or similar contract, shall, with respect
15 to seven-eighths of ~~such~~the interest, be deemed to be an
16 owner obligated to pay all costs of unit operations
17 attributable to ~~such~~the interest and shall be deemed to be
18 a royalty owner to the extent of one-eighth of ~~such~~the
19 interest free from ~~such~~the costs.

20
21 (r) The provisions of ~~section (2) through (15)~~
22 subsections (b) through (q) of this ~~act~~section shall never
23 be applicable for the purpose of:

24

1 (i) Changing the terms of unit agreements under
2 which waterflooding or other recovery operations involving
3 the introduction of extraneous forms of energy into a pool
4 have been conducted prior to the effective date of this ~~act~~
5 section or changing the rights of either any person who has
6 executed or ratified ~~such~~ a preexisting unit agreement or
7 any person who, being qualified to become a party to ~~such~~ a
8 preexisting unit agreement and having received an
9 opportunity to become a party thereto, has failed or
10 refused to execute or ratify ~~such~~ the agreement; or

11

12 (s) A certified copy of any order of the commission
13 entered under the provisions of this ~~act~~ section shall be
14 entitled to be recorded in the office of the register of
15 deeds for the counties where all or any portion of the unit
16 area is located, and such recordation shall constitute
17 notice thereof to all persons.

18

19 **31-7-305. Disqualification and cancellation; right to**
20 **a hearing.**

21

22 (a) Any person is disqualified from driving a
23 commercial motor vehicle for a period of not less than one

1 (1) year if convicted of a first violation arising from
2 separate incidents of:

3

4 (v) Refusal to submit to a test to determine the
5 driver's alcohol concentration while driving or in actual
6 physical control of a motor vehicle;~~or~~

7

8 **35-7-1002. Definitions.**

9

10 (a) As used in this act:

11

12 (xiv) "Marihuana" means all parts of the plant
13 of the genus Cannabis, whether growing or not; the seed
14 thereof; the resin extracted from any part of the plant;
15 and every compound, manufacture, salt, derivative, mixture
16 or preparation of the plant, its seeds or resin. It does
17 not include the mature stalks of the plant, fiber produced
18 from the stalks, oil or cake made from the seeds of the
19 plant, any other compound, manufacture, salt, derivative,
20 mixture or preparation of the mature stalks (except the
21 resin extracted therefrom), fiber, oil or cake, or the
22 sterilized seed ~~or~~of the plant which is incapable of
23 germination;

24

1 **39-16-203. Imposition.**

2

3 (a) Taxable event. The following shall apply:

4

5 (i) The following provisions apply to imposition
6 of the general purpose excise tax under W.S.
7 39-16-204(a)(i):

8

9 (F) In lieu of the requirements of
10 subparagraph (C) of this paragraph providing for the
11 submission of the proposition at subsequent elections, the
12 tax authorized under W.S. ~~39-15-204(a)(i)~~ 39-16-204(a)(i)
13 may be continued subject to the following terms and
14 conditions:

15

16 **42-4-207. Recovery of incorrect payments; recovery of**
17 **correct payments; liens.**

18

19 (j) The department may file a lien against the
20 property of any estate, as defined in W.S. ~~42-4-206(h)~~
21 42-4-206(g), of a deceased recipient for the amount of
22 medical assistance provided while the recipient was fifty-
23 five (55) years of age or older or while the recipient was
24 an inpatient in a nursing facility, intermediate care

1 facility for the mentally retarded or other medical
2 institution. The department shall perfect this lien by
3 filing a notice in the county in which the real property
4 exists. The department may file an amended lien prior to
5 the entry of the final order closing the estate.

6

7 **Section 2.** 2004 Wyoming Session Laws, Chapter 95,
8 Section 309 is amended to read:

9

10 [CHIEF INFORMATION OFFICER]

11

12 **Section 309.**

13

14 The governor is authorized to employ a chief
15 information officer. The chief information
16 officer shall develop a plan for the organization
17 of information technology activities for all
18 executive and judicial branch agencies including
19 the department of transportation and the game and
20 fish department. The plan shall categorize each
21 information technology structure into an
22 enterprise framework by function. The plan shall
23 also include the development of a system for
24 creating common information technology

1 architecture and standards, which lead to an
2 efficient and effective use of funds. All
3 executive branch agencies including the
4 department of transportation and the game and
5 fish department and all judicial branch agencies
6 shall assist in developing the plan and provide
7 any information requested by the chief
8 information officer. The chief information
9 officer shall submit the plan to the governor for
10 approval and to the joint appropriations interim
11 committee for review. Notwithstanding W.S.
12 9-2-1005(a)(xii), 9-2-1018, 9-2-1026.1 and
13 ~~9-2-2051~~ 9-2-2501, for the period beginning July
14 1, 2004 and ending June 30, 2006 for all
15 executive branch agencies except the department
16 of transportation and the game and fish
17 department, the chief information officer's
18 written approval shall be required prior to
19 acquisition of any information technology
20 software, hardware or services.

21

22 **Section 3.** Any other act adopted by the Wyoming
23 legislature during the same session in which this act is
24 adopted shall be given precedence and shall prevail over

1 the amendments in this act to the extent that such acts are
2 in conflict with this act.

3

4 **Section 4.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9

(END)