

ORIGINAL SENATE
FILE NO. 0053

ENROLLED ACT NO. 23, SENATE

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING
2010 BUDGET SESSION

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

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

[SECTION 1. PROVISIONS AFFECTED BY COURT DECISIONS]
[a. PROVISIONS AFFECTED BY COURT DECISIONS, OTHER THAN
HOLDINGS BASED UPON CONSTITUTIONAL GROUNDS]

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

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

(a) Whenever any property escheats or is forfeited to the state for its use, the legal title vests in the state from the time of the escheat or forfeiture. ~~An information~~ A complaint may be filed by the county attorney of the proper county or by the attorney general in the name of the state of Wyoming against the person or bank which possesses the escheated or forfeited property, in the district court of the proper county for the recovery of the property, alleging the grounds on which the recovery is claimed, and like proceedings in judgment shall be had as in a civil action for the recovery of property. In any such action due proof that any real or personal property has been unclaimed for five (5) years immediately prior to the time of filing the ~~information-complaint~~ complaint and that the name or whereabouts

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of the owner of the property is unknown is prima facie evidence of the failure of title to the property for want of legal heirs.

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

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

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

[i. JUSTICES OF THE PEACE REFERENCES]

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

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

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

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

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- [a. DUE TO EARLIER LEGISLATIVE ACTION AND SUBSEQUENT
IMPLEMENTATION]
[ii. COUNTY COURTS]

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

7-20-102. Arrests without warrant.

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

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

7-20-104. Notice to victim of services and legal rights and remedies.

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

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

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

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

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

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]
[b. FULLY EXECUTED]

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

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

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

5-6-112. Detention of juvenile offenders.

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

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5-6-113. Incarceration of juvenile offenders.

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

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

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

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

(iv) And:

(A) Ten percent (10%) but not to exceed one million six hundred thousand dollars (\$1,600,000.00) per year, to a separate account which may be expended by the community college commission in accordance with and in addition to appropriations available under W.S. 21-18-205(c). ~~For the fiscal years beginning July 1, 2004 and July 1, 2005, any amount in excess of one million six~~

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~~hundred thousand dollars (\$1,600,000.00) shall be deposited in accordance with paragraph (v) of this subsection. Thereafter~~ Any amount in excess of one million six hundred thousand dollars (\$1,600,000.00) together with any unexpended revenues within the account at the end of any biennial budget period shall be credited to the school capital construction account established under W.S. 21-15-111(a)(i);

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

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

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

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

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

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

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

11-20-115. Rerecording; when required; notice; abandonment.

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

11-20-408. Examination of agency records; report.

(b) The board shall adopt an annual fiscal year budget for the brand registration and inspection program. The budget shall include any deficit amount from the prior year and may include an operating reserve not to exceed one (1) year for that portion of the program to be funded by user fees. Based on the budget adopted under this subsection, the board shall set the user fees for all activities under the program at no less than the minimum fees provided for in this chapter. Each fee may be adjusted not more than

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one (1) time per fiscal year and by not more than twenty percent (20%) in any one (1) fiscal year. ~~Beginning November 1, 2008,~~ Beginning ~~The~~ board shall report annually by November 1 to the joint agriculture, state and public lands and water resources interim committee with respect to the budget adopted and fees set under this subsection.

11-40-102. Creation of committee; composition; administrative support; compensation; officers; conflict of interest.

(a) There is created the Wyoming lean beef committee. The initial membership of the committee shall consist of eleven (11) members of whom five (5) shall be members of the faculty of the University of Wyoming, one (1) shall be a person with professional training and experience related to human health and diet, designated by the president of the University of Wyoming, five (5) shall be appointed by the governor of whom three (3) shall be producers of beef cattle, one (1) shall be a person with training and experience in finance, one (1) shall be a person with training and experience in marketing and one (1) shall be the director of the department of agriculture or his designee serving ex officio. The members appointed by the governor shall serve three (3) year terms. The members designated by the president of the university shall serve at his pleasure. ~~Beginning April 1, 1989 the number of members designated by the president of the University of Wyoming shall be reduced by one (1) each year and the number appointed by the governor shall be increased by one (1) each year until the number of university members is reduced to two (2).~~

(b) ~~Until July 1, 1990~~ A administrative support for the committee shall be provided by and budgeted for by the

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University of Wyoming and thereafter it shall be the responsibility of the department of agriculture.

11-40-105. Licensing; use of trademark; royalty.

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

11-40-109. Termination of existence of committee.

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

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

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

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

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

13-1-205. Financial institutions; consumer reports; encumbrance of assets; immunity.

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

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

(B) ~~By July 1, 1997,~~ Each financial institution shall have an agreement with the department setting a time schedule for developing an agreement for providing the information required pursuant to this

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~~section. The agreements shall be completed by January 1, 1998, and shall go into effect no later March 31, 1998.~~

13-1-402. Disclosure of date when account opened; exception; penalty.

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

14-4-104. Certification; application; standards; notification to certify or refuse; term.

(e) The department is authorized to establish pursuant to rules and regulations full and provisional certificate fees and fees for continuation of a full certificate. Fees for continuation of a full certificate shall be due on the anniversary date of the original certificate. Fees collected by the department under this section shall be deposited in the general fund to offset the cost of administration of the board. ~~For the balance of the biennium that began July 1, 1998, the governor may add the~~

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~~fees collected under this section to the department's budget through the B 11 process.~~

15-5-202. Pension account; creation; administration; donations; investment; dual participation prohibited.

(a) There is created a firemen's pension account for the purpose of paying the awards, benefits and pensions under the provisions of this article. ~~and article 2 of this chapter.~~ The account shall be administered by the board through the director. The board has full custody and control of the account with full power over its administration. The director of the state department of audit or his designee shall make a biennial audit of the account and the receipts thereto and disbursements therefrom and report his findings to the governor and the legislature. The account shall be administered without liability on the part of the state beyond the amount of the funds. All expenses of administration shall be paid from 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.

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(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 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.

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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.

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

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16-1-305. Authorized projects; authorized financial assistance.

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

18-3-201. Qualifications; certification and education.

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

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

(a) Each county attorney and their deputies shall receive such fees, salary or both as allowed by the board of county commissioners. When counties have consolidated the office of county and prosecuting attorney pursuant to W.S. 18-3-301(b) the salary of county and prosecuting

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

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

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

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

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

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

18-6-310. Juvenile prisoners.

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

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

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

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

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

(a) All monies received by the state of Wyoming from the secretary of the treasury of the United States under the provisions of the act of congress of February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, or from lessees or authorized mine operators and all monies received by the state from its sale of production from federal mineral leases subject to the act of congress of February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191) as amended, except as provided by subsection (b) of

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this section, shall be deposited into an account and the first two hundred million dollars (\$200,000,000.00) of revenues received in any fiscal year shall be distributed by the state treasurer as provided in this subsection. One percent (1%) of these revenues shall be credited to the general fund as an administrative fee, and the remainder shall be distributed as follows:

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

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

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]
[c. ARCHAIC REFERENCES]
[ii. OTHER ARCHAIC USES]

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

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

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

2-2-306. Citations; used to give personal notice.

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

2-2-307. Citations; when to be served.

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

2-2-311. Payment of costs.

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

6-1-101. Short title; applicability of provisions; conflicting penalties.

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

6-1-104. Definitions.

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

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

6-10-301. Life imprisonment without parole.

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

7-12-101. Manner of appeal.

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

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

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

11-5-301. Authorization of program.

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

11-6-210. Creation of predator management district fund; predator management fees; donations; appropriation by county commissioners.

(g) ~~After January 1, 1992~~ Each predator management district board shall annually allocate five percent (5%) of all predator management fee collections to be used for refunds, in whole or in part. If a refund is requested the board shall pay the refund within one hundred eighty (180)

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days of application. Refunds under this subsection shall be subject to the following:

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

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

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

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

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

(b) Any survey ~~or perambulation~~ made and recorded as provided in subsection (a) of this section is presumptive of the boundaries of the city or town, and any copy thereof

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certified by the county clerk shall be received in evidence in any court of this state.

21-17-205. Report.

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

21-17-301. Supervision and management of farms and stations; director of experiments.

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

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

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

33-18-104. Records; inspection by law enforcement officers.

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

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

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

[a. WYOMING OR INTERNAL CITATIONS]

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

1-15-107. Notice of exemptions; right to a hearing; procedures.

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

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

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

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

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

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

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

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

7-3-401. Western Interstate Corrections Compact.

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

WESTERN INTERSTATE CORRECTIONS COMPACT
ARTICLE II
Definitions

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

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

7-3-504. Judgment against complainant; defects in complaint.

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

9-6-210. Administration.

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

15-1-709. Advice and information.

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

15-5-112. Retention of positions; discharge; grounds and procedure; retirement of firemen.

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

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

19-7-103. Adjutant general; appointment; rank; removal; duties and qualifications.

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

(x) He may purchase for cash or upon contract or otherwise acquire lands within Wyoming for use by the national guard or for the use of other elements of the armed forces as an artillery and target range and training and maneuvering area. He may acquire lands for such

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purposes by eminent domain when the state ~~land~~-board of land commissioners gives its written approval or consent;

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

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

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

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

15-9-112. Provisions not applicable for disaster area.

Notwithstanding any other provisions of this chapter, if a local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, tornado, earthquake, storm or other catastrophe for

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which the governor of the state has certified the need for disaster assistance under ~~Public Law 875, eighty first congress~~ 42 U.S.C. 5121 et seq., or other federal law, the local governing body may approve an urban renewal plan and an urban renewal project for that area without regard to the provisions of W.S. 15-9-109 and the provisions of this act requiring a general plan for the municipality and a public hearing on the urban renewal project.

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

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

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

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

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

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

(i) All actions taken pursuant to this section;

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

(iii) The purpose of each expenditure.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk