

SENATE FILE NO. SF0070

Revisor's bill.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to the revision of statutes; correcting
2 statutory references and language resulting from
3 inadvertent errors and omissions in previously adopted
4 legislation; amending obsolete references; specifying
5 applicability; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 1-15-505(a) (intro), 3-1-111(b),
10 6-3-203(c) (v) and (vi), 6-4-403(f), 7-12-308,
11 7-13-105(b) (i), (ii) and (c) (ii), 9-2-123(q) (i),
12 9-2-1035(a) (v) (intro), 9-2-1036(b) (iii), 9-2-1037(a) (i) and
13 (iii), 9-2-1704(c), 9-17-119(g), 11-28-103(a),
14 11-31-301(m), 16-3-107(g), 17-29-203(a) (v),
15 18-8-101(a) (ii), 23-2-209, 31-2-206(h), 33-27-119(b),

1 35-7-1002(a)(i)(intro) and 40-10-122(a)(xviii)(B)(I) are
2 amended to read:

3

4 **1-15-505. Service of writ; notice to judgment debtor**
5 **in continuing garnishment; payment to clerk of court.**

6

7 (a) The judgment creditor shall serve two (2) copies
8 of the writ of continuing garnishment upon the garnishee,
9 one (1) copy of which the garnishee shall deliver to the
10 judgment debtor as provided in W.S. 1-15-506. The writ
11 shall be served on the garnishee in the same manner as a
12 summons under Rule 4(d) of the Wyoming Rules of Civil
13 Procedure or by certified mail sent to the garnishee at the
14 address of its principal place of business in accordance
15 with Rule ~~4(l)~~4(r) of the Wyoming Rules of Civil
16 Procedure. The writ shall include notice to the judgment
17 debtor of the formula used to calculate:

18

19 **3-1-111. Complaint against guardian or conservator.**

20

21 (b) The clerk shall immediately send a copy of the
22 complaint report to the guardian or conservator in the

1 manner provided for service of process under Rule ~~4(1)(2)~~
2 4(r)(2) of the Wyoming Rules of Civil Procedure.

3

4 **6-3-203. Cruelty to animals; penalties; limitation on**
5 **manner of destruction.**

6

7 (c) A person commits aggravated cruelty to animals if
8 he:

9

10 (v) Knowingly permits any act prohibited under
11 paragraphs (ii) or (iv) of this subsection on any premises
12 under his charge or control; ~~or~~

13

14 (vi) Promotes any act prohibited under
15 paragraphs (ii) or (iv) of this subsection; or

16

17 **6-4-403. Abandoning or endangering children;**
18 **penalties; "child"; disclosure or publication of**
19 **identifying information; "minor victim".**

20

21 (f) Prior to the filing of an information or
22 indictment charging a violation of W.S. 6-4-403(b)(ii),
23 (iii) or ~~(v)(D) or (E)~~ (vi)(D), neither the name of the

1 person accused or the victim nor any other information
2 reasonably likely to disclose the identity of the victim
3 shall be released or negligently allowed to be released to
4 the public by any public employee, except as authorized by
5 the judge with jurisdiction over the criminal charges. The
6 name of the person accused may be released to the public to
7 aid or facilitate an arrest.

8
9 **7-12-308. Right to counsel.**

10
11 A convicted person is entitled to counsel during a
12 proceeding under this act. Upon request of the person, the
13 court shall appoint counsel for the convicted person if the
14 court determines that the person is needy and the person
15 wishes to submit a motion under W.S. 7-12-303(c). Counsel
16 shall be appointed as provided in W.S. ~~7-6-104(c)(viii)~~
17 7-6-104(c)(vii).

18
19 **7-13-105. Certificate of restoration of rights;**
20 **procedure for restoration in general; procedure for**
21 **restoration of voting rights for nonviolent felonies;**
22 **filing requirements.**
23

1 (b) The department of corrections shall issue a
2 certificate of restoration of voting rights as provided in
3 this subsection and subsection (c) of this section. Upon
4 issuance of a certificate, voting rights lost pursuant to
5 W.S. 6-10-106 shall be deemed restored. The department of
6 corrections shall automatically issue a person convicted of
7 a nonviolent felony or nonviolent felonies arising out of
8 the same occurrence or related course of events a
9 certificate of restoration of voting rights if:

10
11 (i) The person has not been convicted of any
12 other felony other than convictions arising out of the same
13 occurrence or related course of events for which
14 restoration of rights is certified; and

15
16 (ii) The person has completed all of his
17 sentence, including probation or parole. ~~and~~

18
19 (c) The department of corrections shall issue a
20 certificate of restoration of voting rights to eligible
21 persons as follows:

1 (ii) For persons convicted outside of Wyoming or
2 under federal law of a nonviolent felony or nonviolent
3 felonies arising out of the same occurrence or related
4 course of events, the department shall ~~require an~~ issue
5 each eligible person a certificate of restoration of voting
6 rights upon receipt of a written request on a form
7 prescribed by the department and following a determination
8 that the person has completed his sentence, including
9 probation and parole.

10
11 **9-2-123. Wyoming investment in nursing loan and grant**
12 **program; eligibility criteria; procedures.**

13
14 (q) A recipient of a WYIN loan under this section and
15 attending a master's or doctorate nursing level program may
16 begin loan repayment through qualified work as authorized
17 under subsections (e) and (f) of this section concurrently
18 with enrollment in the nursing education program, subject
19 to the following:

20
21 (i) If the recipient is enrolled in a master's
22 nursing degree program, the recipient shall perform

1 qualified work for not less ~~that~~ than one (1) year
2 following completion of the education program;

3
4 **9-2-1035. Definitions.**

5
6 (a) As used in this act:

7
8 (v) "Public financial information" means
9 official public records as defined in W.S.
10 16-4-201(a)(vi)(A) that are required to be made available
11 on the Wyoming public finance and expenditure of funds
12 website as required by this act, but shall not include any
13 information:

14
15 **9-2-1036. Wyoming public finance and expenditure of**
16 **funds website.**

17
18 (b) The purpose of the Wyoming public finance and
19 expenditure of funds website is to:

20
21 (iii) Allow the public to search public
22 financial information on the Wyoming public finance and

1 expenditure of funds website using criteria established by
2 the department;

3
4 **9-2-1037. Rulemaking authority.**

5
6 (a) The department shall adopt rules to:

7
8 (i) Require participating state entities to
9 provide public financial information for inclusion on the
10 Wyoming public finance and expenditure of funds website
11 provided legislative appropriations are available to permit
12 entities to generate the information;

13
14 (iii) Establish procedures for obtaining,
15 submitting, reporting, storing and providing public
16 financial information on the Wyoming public finance and
17 expenditure of funds website which may include a specified
18 reporting frequency and form.

19
20 **9-2-1704. Reorganization plan; structure; time frame.**

21
22 (c) ~~Notwithstanding subsection (b) of this section,~~
23 The legislature may establish temporary agencies for

1 periods not exceeding four (4) years which are not within a
2 department or the office of an official specified in
3 subsection (a) of this section. At the expiration of four
4 (4) years, the agency and all its programs and functions
5 shall either terminate or be assigned within an established
6 department.

7
8 **9-17-119. Prize proceeds subject to attachments,**
9 **garnishments or executions; validation of winning tickets;**
10 **prohibited purchases; money dispensing machines; unclaimed**
11 **prize money.**

12
13 (g) Unclaimed prize money shall not constitute net
14 ~~lottery~~ proceeds. A portion of unclaimed prize money, not
15 to exceed two hundred thousand dollars (\$200,000.00)
16 annually, shall be used by the corporation to develop, in
17 consultation with the department of health programs for the
18 treatment of compulsive gambling disorder and educational
19 programs related to the disorder. In addition, unclaimed
20 prize money may be added to the pool from which future
21 prizes are to be awarded or used for special prize
22 promotions.

1 **11-28-103. Constructing of unlawful wire fence;**
2 **liability and penalty; reconstruction required; penalty for**
3 **failure.**

4
5 (a) Any person who constructs or maintains any
6 unlawful wire fence contrary to this ~~act~~chapter, is liable
7 in a civil action for all damages to animals that may occur
8 by reason of the unlawful enclosure. The owner of any
9 unlawful wire fence is guilty of a misdemeanor and shall be
10 fined not less than five dollars (\$5.00) nor more than
11 twenty-five dollars (\$25.00), and for each subsequent
12 offense the fine shall not be less than twenty-five dollars
13 (\$25.00) nor more than one hundred dollars (\$100.00).

14
15 **11-31-301. Public nuisance; notice; penalties; rules**
16 **and regulations; animal control districts and officers.**

17
18 (m) Except as provided in subsection (e) of this
19 section regarding impounding an animal to determine disease
20 status, nothing in this section shall apply to any
21 livestock guarding animal which is actively engaged in
22 protecting livestock. Except in the case of gross or
23 willful negligence, no liability shall accrue to the owner,

1 or his agent, of any livestock guarding animal for any
2 injury to any person or animal received from any livestock
3 guarding animal which was actively engaged in protecting
4 livestock. ~~As used in this subsection, "animal" means as~~
5 ~~defined in W.S. 11-29-101(a)(i).~~

6
7 **16-3-107. Contested cases; general procedure.**

8
9 (g) In all contested cases the taking of depositions
10 and discovery shall be available to the parties in
11 accordance with the provisions of Rules 26, 28 through 37
12 (excepting Rule 37(b)(1) and ~~37(b)(2)(D)~~ 37(b)(2)(A)(vii)
13 therefrom) of the Wyoming Rules of Civil Procedure in
14 effect on the date of the enactment of this act and any
15 subsequent rule amendments thereto. All references therein
16 to the "court" shall be deemed to refer to the appropriate
17 "agency"; all references to the use of the subpoena power
18 shall be references to subsection (c) of this section; all
19 references to "trial" shall be deemed references to
20 "hearing"; all references to "plaintiff" shall be deemed
21 references to "a party". If a party or other witness
22 refuses to be sworn or refuses to answer any question after
23 being directed to do so by the agency in which the action

1 is pending, the refusal to obey the agency order shall be
2 enforced in the same manner as is provided in subsection
3 (c) of this section.

4

5 **17-29-203. Signing of records to be delivered for**
6 **filing to secretary of state.**

7

8 (a) A record delivered to the secretary of state for
9 filing pursuant to this chapter shall be signed as follows:

10

11 (v) A statement of cancellation under W.S.
12 ~~17-29-201(d)(ii)~~ 17-29-201(e)(ii) shall be signed by each
13 organizer that signed the initial articles of organization,
14 but a personal representative of a deceased or incompetent
15 organizer may sign in the place of the decedent or
16 incompetent;

17

18 **18-8-101. Definitions.**

19

20 (a) As used in W.S. 18-8-102 through 18-8-109 the
21 words:

22

1 (ii) "Medical facilities" includes but is not
2 limited to diagnostic or treatment centers, rehabilitation
3 facilities and nursing homes, as those terms are defined in
4 the federal act Public Law 482, 83 congress, July 12, 1954,
5 (C. 471, sec. 4(c)-(f), 68 Stat. 465-466); ~~(42 U.S.C., §~~
6 ~~291i);~~

7

8 **23-2-209. Wyoming sport fishing day; fishing exempt**
9 **from licensure.**

10

11 The commission may annually designate not more than one (1)
12 day each calendar year as a free sport fishing day.
13 Residents and nonresidents may during the designated free
14 sport fishing day, without payment of any fee and without
15 acquiring a license pursuant to W.S. 23-2-201 or a
16 conservation stamp under W.S. ~~23-3-306~~ 23-2-306, exercise
17 the privileges of sport fishing licensees subject to
18 limitations imposed upon licensees by law and commission
19 rule and regulation.

20

21 **31-2-206. Annual renewal; delivery of license plates**
22 **and stickers; staggered registration.**

23

1 (h) If a county treasurer with the approval of the
2 board of county commissioners elects to register vehicles
3 under this subsection, the annual registration month for
4 all vehicles shall be December and except for vehicles
5 registered during calendar year 1992 and each year
6 thereafter, the license plates or stickers issued for any
7 calendar year under this subsection shall only be used for
8 the vehicle for which issued through the last day of March
9 of the succeeding calendar year. For vehicles registered
10 during calendar year 1992 and each year thereafter, the
11 license plates or stickers issued for any calendar year
12 under this subsection shall only be issued for use through
13 the last day of February of the succeeding calendar year.
14 W.S. 31-1-101(a)(xxx)(A) and (B) do not apply if an
15 election is made under this subsection. A county treasurer
16 with the approval of the board of county commissioners may
17 subsequently elect to follow the procedure in ~~subsections~~
18 ~~(e) through~~ subsection (g) of this section for any
19 succeeding calendar year by notifying the department not
20 later than April 1 of the year preceding the year for which
21 the election is made and providing adequate publicity to
22 county residents about the election. If any election is
23 made to follow the procedure in ~~subsections (e) through~~

1 subsection (g) of this section, credit shall be given for
2 registration fees paid through December 31 of the year for
3 which the election is made. If a county treasurer follows
4 the procedure under ~~subsections (e) through~~ subsection (g)
5 of this section, no subsequent election shall be made. No
6 election under this subsection shall be made for a calendar
7 year in which new license plates shall be issued.

8
9 **33-27-119. Practice without license.**

10
11 (b) Unless exempt under W.S. 33-27-114, any person
12 who represents himself as a psychologist and who engages in
13 the practice of psychology in violation of this act, is
14 guilty of a misdemeanor punishable by a fine of not more
15 ~~that~~ than seven hundred fifty dollars (\$750.00),
16 imprisonment for not more than six (6) months, or both.
17 Each violation shall constitute a separate offense.

18
19 **35-7-1002. Definitions.**

20
21 (a) As used in this act:
22

1 (i) "Administer" means ~~the direct application of~~
2 directly applying a controlled substance, whether by
3 injection, inhalation, ingestion, or any other means, to
4 the body of a patient or research subject by:

5
6 **40-10-122. Powers and duties of the director.**

7
8 (a) The director shall:

9
10 (xviii) Verify advertised prices, price
11 representations and point-of-sale systems, as necessary to
12 determine:

13
14 (B) The accuracy of prices printed or
15 recalled from a database in systems utilizing scanning or
16 coding means in lieu of manual entry. In carrying out the
17 provisions of this paragraph, the director shall:

18
19 (I) Employ recognized procedures, as
20 adopted by the National Conference on Weights and Measures
21 and published in the ~~Untied~~-United States Department of
22 Commerce National Institute of Standards and Technology

1 Handbook 130, "Uniform Laws and Regulations, Examination
2 Procedures for Price Verification"; and

3

4 **Section 2.** W.S. 35-7-2104(b) as created by 2017
5 Wyoming Session Laws, Chapter 212, Section 1 is amended to
6 read:

7

8 **35-7-2104. Industrial hemp seed certification; power**
9 **of department to examine seeds; purchase of samples;**
10 **authority to make rules; fees and disposition thereof.**

11

12 (b) The department shall certify varieties of seeds
13 and shall promulgate rules and regulations necessary to
14 ensure the production of certified seed of high quality
15 that complies with the requirements of this act. The
16 department may charge reasonable fees for certification and
17 shall use the funds received to defray the cost of
18 conducting the certification program.

19

20 **Section 3.** W.S. 9-2-1016(h)(iii) is repealed.

21

22 **Section 4.** Any other act adopted by the Wyoming
23 legislature during the same session in which this act is

1 adopted shall be given precedence and shall prevail over
2 the amendments in this act to the extent that such acts are
3 in conflict with this act.

4

5 **Section 5.** This act is effective July 1, 2018.

6

7

(END)