

SF0038

Revisor's bill.

Sponsored by: Management Council

A BILL

for

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

7

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

9

10 **Section 1.** W.S. 1-2-102(a)(iv) and (xiv),
 11 5-3-112(a)(iii), 6-4-403(e), 6-4-405(c),
 12 7-13-421(b)(intro), 14-6-240(e) and (f), 14-6-419(b), (c)
 13 and (d), 15-5-201(a)(iii), 17-16-1003(a)(v), 18-10-213(a),
 14 21-15-117(d), 21-15-119(a)(iii), 27-14-102(a)(xxvii),
 15 31-19-103(b)(v), 31-19-104(a), 33-28-305(f)(ii) and (iii),
 16 33-40-106(b)(ii) and (iii), 35-1-105(a)(intro), (i), (iii)
 17 through (vii) and (b), 35-2-414(a), 35-2-912(f), 35-3-108,

1 35-7-1014 (d) (xxxv) , 37-9-205, 39-11-109 (c) (ii) ,
 2 39-15-101 (a) (xxxix) (R) , 39-16-101 (a) (xvii) (R) ,
 3 40-14-211 (a) (iii) (C) and 41-10-151 are amended to read:

4

5 **1-2-102. Officers authorized to administer.**

6

7 (a) The following officers are authorized to
 8 administer oaths:

9

10 (iv) Clerks of the Wyoming supreme court,
 11 Wyoming district courts and Wyoming ~~county~~circuit courts;

12

13 (xiv) Judges of the Wyoming ~~county~~circuit
 14 courts;

15

16 **5-3-112. Assignment to circuit court judge.**

17

18 (a) A judge of the district court may assign to a
 19 circuit court judge any case or proceeding within the
 20 jurisdiction of the district court subject only to the
 21 following restrictions:

22

23 (iii) Consent of each plaintiff and each
 24 defendant in a civil action wherein the amount in

1 controversy is greater than fifty thousand dollars
2 (\$50,000.00); ~~or greater;~~ and

3

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

7

8 (e) ~~Subsection Paragraph~~ (b)(ii) of this section does
9 not apply to crimes chargeable under W.S. 6-4-103(a)(i).
10 ~~Subsection Paragraph~~ (b)(iv) of this section does not apply
11 to crimes chargeable under W.S. 35-7-1036.

12

13 **6-4-405. Endangering children; controlled substances;**
14 **penalty.**

15

16 (c) Any person who violates any of the provisions of
17 ~~subsections~~ subsection (a) or (b) of this section is guilty
18 of endangering a child punishable by imprisonment for not
19 more than five (5) years, a fine of not more than five
20 thousand dollars (\$5,000.00), or both.

21

22 **7-13-421. Restitution as condition of parole.**

23

1 (b) The board shall provide for restitution in the
2 amount determined by the court pursuant to W.S. 7-9-103
3 unless the board finds the parolee is not reasonably
4 capable of making the payments, in which case the board may
5 modify the amount of restitution to be paid, taking into
6 account the factors enumerated in W.S. 7-9-106. ~~The board
7 may require payment of the following obligations as
8 conditions of parole if it finds the parolee is reasonably
9 capable of making the payments, taking into account the
10 factors enumerated in W.S. 7-9-106(a)(iii).~~

11

12 **14-6-240. Fingerprinting or photographing of child;
13 disclosure of child's records.**

14

15 (e) ~~To the extent disclosure is not otherwise
16 authorized under subsection (g) of this section,~~ The court
17 or the prosecuting attorney may release the name of the
18 minor, the legal records or disposition in any delinquency
19 proceeding filed in juvenile court to the minor's victim or
20 victims and the members of the immediate family of any
21 victim. The victim of a delinquent act constituting a
22 felony shall be provided additional information regarding
23 the delinquency proceeding in accordance with W.S. 14-6-501
24 through 14-6-509. Except as otherwise allowed under W.S.

1 14-6-203(g)(i) through (iv), legal records released by the
2 court under this subsection shall not include
3 predisposition studies and reports, social summaries,
4 medical or psychological reports, educational records or
5 transcripts of dispositional hearings.

6

7 (f) ~~To the extent disclosure is not otherwise~~
8 ~~authorized under subsection (g) of this section, and~~ Upon a
9 finding that a release of information will serve to protect
10 the public health or safety or that due to the nature or
11 severity of the offense in question the release of
12 information will serve to deter the minor or others
13 similarly situated from committing similar offenses, the
14 court may release the name of the minor, the legal records
15 or disposition in any delinquency proceeding filed in
16 juvenile court to the media or other members of the public
17 having a legitimate interest. Except as otherwise allowed
18 under W.S. 14-6-203, legal records released by the court
19 under this subsection shall not include predisposition
20 studies and reports, social summaries, medical or
21 psychological reports, educational records or transcripts
22 of dispositional hearings.

23

24 **14-6-419. Physical and mental examinations.**

1

2 (b) If a child has been committed to a medical
3 facility or institution for mental examination prior to
4 adjudication of the petition and if it appears to the court
5 from the mental examination that the child is competent to
6 participate in further proceedings and is not mentally ill
7 or intellectually disabled to a degree rendering the child
8 subject to involuntary commitment to the Wyoming state
9 hospital or the Wyoming ~~state training school~~ life resource
10 center, the court shall order the child returned to the
11 court without delay.

12

13 (c) If it appears to the court by mental examination
14 conducted before adjudication of the petition that a child
15 alleged to be in need of supervision is incompetent to
16 participate in further proceedings by reason of mental
17 illness or intellectual disability to a degree rendering
18 the child subject to involuntary commitment to the Wyoming
19 state hospital or the Wyoming ~~state training school~~ life
20 resource center, the court shall hold further proceedings
21 under this act in abeyance. The district attorney shall
22 then commence proceedings in the district court for
23 commitment of the child to the appropriate institution as
24 provided by law.

1

2 (d) The juvenile court shall retain jurisdiction of
3 the child on the petition pending final determination of
4 the commitment proceedings in the district court. If
5 proceedings in the district court commit the child to the
6 Wyoming state hospital, the Wyoming ~~state training school~~
7 life resource center or any other facility or institution
8 for treatment and care of people with mental illness or
9 intellectual disability, the petition shall be dismissed
10 and further proceedings under this act terminate. If
11 proceedings in the district court determine the child does
12 not have a mental illness or an intellectual disability to
13 a degree rendering him subject to involuntary commitment,
14 the court shall proceed to a final adjudication of the
15 petition and disposition of the child under the provisions
16 of this act.

17

18 **15-5-201. Definitions.**

19

20 (a) As used in this article:

21

22 (iii) "Compensation Act" means the Wyoming
23 Worker's Compensation Act, W.S. 27-14-101 through ~~27-14-307~~
24 27-14-806;

1

2 **17-16-1003. Amendment by board of directors and**
3 **shareholders.**

4

5 (a) If a corporation has issued shares, an amendment
6 to the articles of incorporation shall be adopted in the
7 following manner:

8

9 (v) Unless the articles of incorporation, or the
10 board of directors acting pursuant to ~~subsection (c)~~
11 paragraph (iii) of this ~~section~~ subsection require a
12 greater vote or a greater number of shares to be present,
13 approval of the amendment requires the approval of the
14 shareholders at a meeting at which a quorum exists, and, if
15 any class or series of shares is entitled to vote as a
16 separate group on the amendment, except as provided in W.S.
17 17-16-1004(c), the approval of each such separate voting
18 group at a meeting at which a quorum of the voting group
19 exists.

20

21 **18-10-213. Administration of finances; assessments**
22 **and taxation.**

23

1 (a) The board of trustees of special museum districts
2 shall administer the finances of the district according to
3 the provisions of the ~~Wyoming~~Uniform Municipal ~~Budget~~
4 Fiscal Procedures Act. Annually, each county assessor shall
5 provide the board of county commissioners with the total
6 assessed value of all taxable property within a special
7 museum district in his county.

8

9 **21-15-117. Annual evaluation of school buildings and**
10 **facilities; remediation schedule; needs prioritization;**
11 **combining facilities; implementation of remedy.**

12

13 (d) In determining building and facility remedies
14 under subsection (b) of this section, in developing
15 criteria and procedures for site analysis under W.S.
16 21-15-114(a)(xii) and in approving district facility plans
17 under W.S. 21-15-116 and otherwise administering this act,
18 the commission shall adopt the remedy that is in the best
19 financial and educational interests of the state, taking
20 into consideration the recommendations of the department
21 and the most efficient and cost effective approach in order
22 to deliver quality educational services and address
23 building and facility need. Expenditures from the school
24 capital construction account shall be for necessary and

1 related costs to implement efficient and cost effective
2 building and facility remedies required to deliver quality
3 educational services. In making determinations under this
4 paragraph, the commission shall take into consideration the
5 effects of the proposed activity on the local community.
6 The commission shall implement this subsection in carrying
7 out building and facility remedies and shall, giving proper
8 consideration to the prevention of unnecessary delays in
9 ~~preceding~~proceeding with a remedy, establish a process to
10 work with other political subdivisions of the state in
11 implementing this subsection.

12

13 **21-15-119. Commission budget and funding**
14 **recommendations.**

15

16 (a) Notwithstanding W.S. 9-2-1012, the commission
17 shall annually, not later than September 1, develop and
18 submit a recommended budget for projects and school capital
19 construction financing to the governor, through the budget
20 division of the department of administration and
21 information and to the select committee on school
22 facilities. The department shall prepare and provide
23 information as requested by the commission. The commission
24 shall include with its recommended budget to the select

1 committee the comprehensive assessment specified in W.S.
2 21-15-115(b), the prioritized list of projects specified in
3 W.S. 21-15-117 including the amounts allocated to each
4 project and the annual building status report specified
5 under W.S. 21-15-121. The recommended budget submitted by
6 the commission shall include:

7

8 (iii) In odd-numbered years, the commission's
9 recommendation on ~~November~~September 1 shall be for
10 expenditures during the two (2) succeeding fiscal years.
11 The recommendation for the second year shall be based on
12 estimates of expenditures and payments. In even-numbered
13 years, the commission's recommendation on ~~November~~
14 September 1 shall be for expenditures during the succeeding
15 fiscal year. As it determines to be necessary in any year,
16 the commission's recommendation on ~~November~~September 1 may
17 contain a recommendation for revised expenditures during
18 the current fiscal year.

19

20 **27-14-102. Definitions.**

21

22 (a) As used in this act:

23

1 (xxvii) "This act" means W.S. 27-14-101 through
2 ~~27-14-805~~ 27-14-806;

3

4 **31-19-103. Established place of business.**

5

6 (b) The established place of business shall be a
7 permanent commercial building:

8

9 (v) At which shall be kept and maintained,
10 physically or electronically, the books, records and files
11 as required by W.S. ~~31-19-106(e)~~ 31-19-105(e) as necessary
12 to conduct the business.

13

14 **31-19-104. Registration of rental vehicles.**

15

16 (a) All rental vehicles shall be registered pursuant
17 to chapter 2, article 2 of this title, subject to the
18 exemption provisions set forth in W.S. ~~31-2-201(d)(xi) and~~
19 ~~(xi)~~ 31-2-224(a)(x) and (xi).

20

21 **33-28-305. Intermediary.**

22

23 (f) An intermediary may do the following without
24 breaching any obligation or responsibility:

1

2 (ii) List competing properties for sale or
3 lease; and

4

5 (iii) Show properties in which the buyer is
6 interested to other prospective buyers. ~~;~~ ~~and~~

7

8 **33-40-106. Requirements for licensure; continuing**
9 **education.**

10

11 (b) The board may establish continuing education
12 requirements for an active license provided that:

13

14 (ii) Continuing education taken any time in the
15 three (3) years preceding the annual license renewal may be
16 counted toward fulfilling the requirement but it shall not
17 be counted more than once; and

18

19 (iii) The board may allow other means of
20 continuing education in place of formal instruction. ~~;~~ ~~and~~

21

22 **35-1-105. Prohibited acts; penalty for violations.**

23

1 (a) ~~Any~~No person, corporation or other organization
2 ~~and each~~nor representative thereof,~~who~~ shall:

3

4 (i) ~~Shall~~Wilfully violate, disobey or disregard
5 the provisions of the public health laws of Wyoming or the
6 terms of any lawful notice, order, rule or regulation
7 issued pursuant thereto;~~or~~

8

9 (iii) Being a person charged by law or rule of
10 the department of health with the duty of reporting the
11 existence of disease or other facts and statistics relating
12 to the public health, ~~shall~~ fail to make or file such
13 reports as required by law or requirement of the
14 department;~~or who,~~

15

16 (iv) ~~Conducting~~Conduct a business or activity
17 ~~ever~~for which the department ~~shall possess the power of~~
18 ~~certification and regulations, and who shall be required to~~
19 ~~have~~requires a certificate or permit ~~therefor, shall~~
20 ~~conduct such business or activity~~ without such a
21 certificate or permit;~~or~~

22

1 (v) ~~Shall~~Wilfully and falsely make or alter any
2 certificate or certified copy thereof issued pursuant to
3 public health laws of Wyoming;~~or~~

4
5 (vi) ~~Shall~~Knowingly transport or accept for
6 transportation, interment or other disposition a dead human
7 body without an accompanying permit issued in accordance
8 with the public health laws of Wyoming or the rules of the
9 department; or~~who,~~

10

11 (vii) Being the owner or occupant of private
12 property upon which there shall exist a nuisance, source of
13 filth or cause of sickness, ~~shall~~ wilfully fail to remove
14 the same at his own expense within forty-eight (48) hours
15 after being ordered to do so by health authorities.

16

17 (b) Upon conviction of any of the offenses prohibited
18 in subsection (a) of this section, the violator shall be
19 fined not to exceed one hundred dollars (\$100.00) or
20 imprisonment not to exceed six (6) months, or ~~shall be~~
21 both, ~~so fined and imprisoned,~~ and ~~in addition to such fine~~
22 ~~and imprisonment~~ shall be liable for all expense incurred
23 by health authorities in removing ~~any such~~ the nuisance,
24 source of filth~~,~~ or cause of sickness. No conviction under

1 the penalty provisions of this act or of any other public
2 health laws shall relieve any person from an action in
3 damages for injury resulting from violation of public
4 health laws.

5

6 **35-2-414. Administration of finances; assessment and**
7 **levy of tax.**

8

9 (a) The board of trustees of special hospital
10 districts shall administer the finances of such districts
11 according to the provisions of the ~~Wyoming~~ Uniform
12 Municipal ~~Budget~~ Fiscal Procedures Act. The assessor shall
13 at the time of making the annual assessment of his district
14 also assess the property of each special hospital district
15 in his county and return to the county assessor at the time
16 of returning the assessment schedules, separate schedules
17 listing the property of each such district assessed by him.
18 Said separate schedules shall be compiled by the county
19 assessor, footed and returned to the board of county
20 commissioners as provided for other assessment schedules.

21

22 **35-3-108. Administration of finances.**

23

1 The board of trustees of sanitary and improvement districts
2 shall administer the finances of such districts according
3 to provisions of the ~~Wyoming—Uniform~~ Municipal ~~Budget~~
4 Fiscal Procedures Act.

5

6 **35-7-1014. Substances included in Schedule I.**

7

8 (d) Hallucinogenic substances. - Unless specifically
9 excepted or unless listed in another schedule, any
10 material, compound, mixture or preparation which contains
11 any quantity of the following hallucinogenic substances,
12 their salts, isomers and salts of isomers whenever the
13 existence of these salts, isomers and salts of isomers is
14 possible within the specific chemical designation (for
15 purposes of this paragraph only, the term "isomer" includes
16 the optical, position and geometric isomers):

17

18 (xxxv) ~~Salvinorum A~~ Salvinorin A;

19

20 **37-9-205. Plats of survey to be filed.**

21

22 The secretary of state is hereby authorized to transfer to
23 the office of the director all plats of survey which may
24 have been filed in the office of the secretary of state

1 under the provisions of W.S. ~~37-9-201,~~ 37-9-203 and
2 37-9-204, and from and after the passage of this section
3 all plats of survey required to be filed under the
4 provisions of the sections aforesaid shall be filed with
5 the director instead of with the secretary of state.

6

7 **39-11-109. Taxpayer remedies.**

8

9 (c) Refunds. The following shall apply:

10

11 (ii) Wyoming residents meeting asset eligibility
12 requirements under paragraph (vii) of this subsection who
13 are sixty-five (65) years of age and older or who are
14 eighteen (18) years of age and older and are totally
15 disabled during the one (1) year period immediately
16 preceding the date of application for a refund under this
17 subsection and are not residents of any state funded
18 institution, are qualified for an exemption and refund of
19 state taxes as provided in this subsection. The application
20 shall indicate whether the applicant has applied for or
21 received any refund under this section, a property tax
22 exemption under W.S. 39-13-105, a property tax refund under
23 W.S. ~~39-13-109(c)(iii)~~ 33-13-109(c)(iv) or a property tax
24 credit under W.S. 39-13-109(d) for the same calendar year.

1 A qualified single person whose actual income is less than
2 seventeen thousand five hundred dollars (\$17,500.00) shall
3 receive eight hundred dollars (\$800.00) reduced by the
4 percentage that his actual income exceeds ten thousand
5 dollars (\$10,000.00) per year and qualified married
6 persons, at least one (1) of whom is at least sixty-five
7 (65) years of age or totally disabled, whose actual income
8 is less than twenty-eight thousand five hundred dollars
9 (\$28,500.00) shall receive nine hundred dollars (\$900.00)
10 reduced by the percentage that their actual income exceeds
11 sixteen thousand dollars (\$16,000.00) per year. Until
12 remarriage a person sixty (60) years or older once
13 qualified through marriage remains eligible individually
14 for single person benefits, subject to income limitations,
15 after the death of his spouse;

16

17 **39-15-101. Definitions.**

18

19 (a) As used in this article:

20

21 (xxxix) Telecommunications definitions:

22

23 (R) "Prepaid wireless calling service"

24 means a telecommunications service that provides the right

1 to utilize mobile wireless service as well as other
2 nontelecommunications services including the download of
3 digital products delivered electronically, content and
4 ancillary services, which require advance payment that is
5 sold in predetermined units ~~of~~or dollars of which the
6 number declines with use in a known amount;

7

8 **39-16-101. Definitions.**

9

10 (a) As used in this article:

11

12 (xvii) Telecommunications definitions:

13

14 (R) "Prepaid wireless calling service"
15 means a telecommunications service that provides the right
16 to utilize mobile wireless service as well as other
17 nontelecommunications services including the download of
18 digital products delivered electronically, content and
19 ancillary services, which require advance payment that is
20 sold in predetermined units ~~of~~or dollars of which the
21 number declines with use in a known amount;

22

23 **40-14-211. Definition of "amount financed".**

24

1 (a) "Amount financed" means the total of the
2 following items to the extent that payment is deferred:

3

4 (iii) If not included in the cash price:

5

6 (C) Additional charges permitted by ~~this~~
7 ~~article (section 2-202)~~ W.S. 40-14-213.

8

9 **41-10-151. Finances administered according to the**
10 **Uniform Municipal Fiscal Procedures Act.**

11

12 The board of directors of the water and sewer districts
13 shall administer the finances of such districts according
14 to the provisions of the ~~Wyoming~~ Uniform Municipal ~~Budget~~
15 Fiscal Procedures Act.

16

17 **Section 2.** W.S. 18-6-310(a), 31-2-218(e), 31-2-219(f)
18 and 40-14-142(a)(xviii) and (xix) are repealed.

19

20 **Section 3.** Any other act adopted by the Wyoming
21 legislature during the same session in which this act is
22 adopted shall be given precedence and shall prevail over
23 the amendments in this act to the extent that such acts are
24 in conflict with this act.

1

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

6

7

(END)