

ENROLLED ACT NO. 64, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

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

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

Section 1. W.S. 1-15-505(a) (intro), 3-1-111(b), 6-3-203(c) (v) and (vi), 6-4-403(f), 7-12-308, 7-13-105(b) (i), (ii) and (c) (ii), 9-2-123(q) (i), 9-2-1035(a) (v) (intro), 9-2-1036(b) (iii), 9-2-1037(a) (i) and (iii), 9-2-1704(c), 9-17-119(g), 11-28-103(a), 11-31-301(m), 16-3-107(g), 17-29-203(a) (v), 18-8-101(a) (ii), 23-2-209, 26-3-122(b), 31-2-206(h), 33-27-119(b), 35-7-1002(a) (i) (intro) and 40-10-122(a) (xviii) (B) (I) are amended to read:

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

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

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

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(b) The clerk shall immediately send a copy of the complaint report to the guardian or conservator in the manner provided for service of process under Rule ~~4(1)(2)~~ 4(r)(2) of the Wyoming Rules of Civil Procedure.

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

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

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

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

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

(f) Prior to the filing of an information or indictment charging a violation of W.S. 6-4-403(b)(ii), (iii) or ~~(v)(D) or (E)~~ (vi)(D), neither the name of the person accused or the victim nor any other information reasonably likely to disclose the identity of the victim shall be released or negligently allowed to be released to the public by any public employee, except as authorized by the judge with jurisdiction over the criminal charges. The name of the person accused may be released to the public to aid or facilitate an arrest.

7-12-308. Right to counsel.

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

7-13-105. Certificate of restoration of rights; procedure for restoration in general; procedure for restoration of voting rights for nonviolent felonies; filing requirements.

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

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

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

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

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

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

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

(i) If the recipient is enrolled in a master's nursing degree program, the recipient shall perform qualified work for not less ~~that~~ than one (1) year following completion of the education program;

9-2-1035. Definitions.

(a) As used in this act:

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

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9-2-1036. Wyoming public finance and expenditure of funds website.

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

(iii) Allow the public to search public financial information on the Wyoming public finance and expenditure of funds website using criteria established by the department;

9-2-1037. Rulemaking authority.

(a) The department shall adopt rules to:

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

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

9-2-1704. Reorganization plan; structure; time frame.

(c) ~~Notwithstanding subsection (b) of this section,~~ The legislature may establish temporary agencies for periods not exceeding four (4) years which are not within a department or the office of an official specified in subsection (a) of this section. At the expiration of four

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(4) years, the agency and all its programs and functions shall either terminate or be assigned within an established department.

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

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

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

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

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

(m) Except as provided in subsection (e) of this section regarding impounding an animal to determine disease status, nothing in this section shall apply to any livestock guarding animal which is actively engaged in protecting livestock. Except in the case of gross or willful negligence, no liability shall accrue to the owner, or his agent, of any livestock guarding animal for any injury to any person or animal received from any livestock guarding animal which was actively engaged in protecting livestock. ~~As used in this subsection, "animal" means as defined in W.S. 11-29-101(a)(i).~~

16-3-107. Contested cases; general procedure.

(g) In all contested cases the taking of depositions and discovery shall be available to the parties in accordance with the provisions of Rules 26, 28 through 37 (excepting Rule 37(b)(1) and ~~37(b)(2)(D)~~ 37(b)(2)(A)(vii) therefrom) of the Wyoming Rules of Civil Procedure in effect on the date of the enactment of this act and any subsequent rule amendments thereto. All references therein to the "court" shall be deemed to refer to the appropriate "agency"; all references to the use of the subpoena power shall be references to subsection (c) of this section; all references to "trial" shall be deemed references to "hearing"; all references to "plaintiff" shall be deemed references to "a party". If a party or other witness refuses to be sworn or refuses to answer any question after being directed to do so by the agency in which the action is pending, the refusal to obey the agency order shall be enforced in the same manner as is provided in subsection (c) of this section.

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

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

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

18-8-101. Definitions.

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

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

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

The commission may annually designate not more than one (1) day each calendar year as a free sport fishing day. Residents and nonresidents may during the designated free sport fishing day, without payment of any fee and without acquiring a license pursuant to W.S. 23-2-201 or a conservation stamp under W.S. ~~23-3-306~~ 23-2-306, exercise

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the privileges of sport fishing licensees subject to limitations imposed upon licensees by law and commission rule and regulation.

26-3-122. Service of process; service generally.

(b) In case the process is issued by ~~a justice of the peace or other~~an inferior court, it may be directed to and served in duplicate by an officer authorized to serve process in the city or county of the commissioner's office, at least fifteen (15) days before the return day thereof, and that service confers jurisdiction.

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

(h) If a county treasurer with the approval of the board of county commissioners elects to register vehicles under this subsection, the annual registration month for all vehicles shall be December and except for vehicles registered during calendar year 1992 and each year thereafter, the license plates or stickers issued for any calendar year under this subsection shall only be used for the vehicle for which issued through the last day of March of the succeeding calendar year. For vehicles registered during calendar year 1992 and each year thereafter, the license plates or stickers issued for any calendar year under this subsection shall only be issued for use through the last day of February of the succeeding calendar year. W.S. 31-1-101(a)(xxx)(A) and (B) do not apply if an election is made under this subsection. A county treasurer with the approval of the board of county commissioners may subsequently elect to follow the procedure in ~~subsections (e) through~~subsection (g) of this section for any succeeding calendar year by notifying the department not

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later than April 1 of the year preceding the year for which the election is made and providing adequate publicity to county residents about the election. If any election is made to follow the procedure in ~~subsections (e) through~~ subsection (g) of this section, credit shall be given for registration fees paid through December 31 of the year for which the election is made. If a county treasurer follows the procedure under ~~subsections (e) through~~ subsection (g) of this section, no subsequent election shall be made. No election under this subsection shall be made for a calendar year in which new license plates shall be issued.

33-27-119. Practice without license.

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

35-7-1002. Definitions.

(a) As used in this act:

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

40-10-122. Powers and duties of the director.

(a) The director shall:

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

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

(I) Employ recognized procedures, as adopted by the National Conference on Weights and Measures and published in the ~~Untied~~-United States Department of Commerce National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations, Examination Procedures for Price Verification"; and

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

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

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

Section 3. W.S. 5-9-104 and 9-2-1016(h)(iii) are repealed.

ORIGINAL SENATE
FILE NO. SF0070

ENGROSSED

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Section 4. Any other act adopted by the Wyoming legislature during the same session in which this act is adopted shall be given precedence and shall prevail over the amendments in this act to the extent that such acts are in conflict with this act.

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

(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