

SENATE FILE NO. SF0171

Fines and penalties-disposition.

Sponsored by: Senator(s) Hawks and Representative(s)
Edwards

A BILL

for

1 AN ACT relating to fines and penalties; providing for the
2 disposition of fines and penalties as specified; and
3 providing for an effective date.

4

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

6

7 **Section 1.** W.S. 8-1-109 is created to read:

8

9 **8-1-109. Payment of fines and penalties.**

10

11 Unless otherwise specifically provided by law, all civil or
12 administrative fines or penalties collected under the
13 Wyoming statutes shall be paid over to the state treasurer
14 to be credited to the public school fund of the county in
15 which the violation for which the fine or penalty was
16 imposed occurred.

1

2 **Section 2.** W.S. 11-25-105(d), 17-4-106(j),
3 20-6-218(b), 22-25-102(e), 26-1-107(b), 30-5-116(a),
4 30-5-119(a), 33-11-112(d), 33-29-132(a)(iii), 33-39-126(c),
5 35-11-424(c), 35-11-903(a), 35-12-118(e), 37-12-213,
6 39-15-111(a) and 39-16-111(a) are amended to read:

7

8 **11-25-105. Pari-mutuel permits; fees and reports;**
9 **disposition of funds; enforcement of provisions.**

10

11 (d) All sums paid to the commission under this act
12 except contributions from permittees to the breeder award
13 fund, fines and penalties shall be credited to the
14 pari-mutuel account within the earmarked revenue fund which
15 shall be used by the commission for the payment of all
16 expenses incurred in enforcing this act. All fines and
17 penalties ~~assessed~~ collected under this act shall be
18 ~~credited to the county public school fund~~ paid to the state
19 treasurer and credited as provided in W.S. 8-1-109. The
20 state treasurer shall pay out of the account all warrants
21 drawn by the state auditor, upon vouchers issued and signed
22 by the president, vice-president or executive secretary of
23 the commission. The commission shall keep an accurate and
24 true account of all funds received and all vouchers issued

1 by the commission. All funds received and all vouchers
2 issued by the commission shall be audited at least
3 biennially by the director of the state department of audit
4 or his designee and a copy of the audit shall be delivered
5 within thirty (30) days after completion to the governor
6 and the commission. The costs of the audit shall be borne
7 by the commission. The members of the commission shall
8 receive statutory per diem expenses and mileage as allowed
9 state employees, and compensation of fifty dollars (\$50.00)
10 for each day during which they are actually engaged in the
11 discharge of their duties. The total expenses incurred by
12 the commission shall not exceed the total amount in the
13 pari-mutuel account.

14

15 **17-4-106. Broker-dealers and agents; denial,**
16 **revocation, suspension, cancellation or withdrawal of**
17 **registration.**

18

19 (j) Any order imposing a civil penalty, assessing
20 costs, requiring restitution or imposing any other monetary
21 penalty shall be entered in accordance with the provisions
22 of W.S. 17-4-124(f). Civil and monetary penalties other
23 than costs and restitution shall be collected and paid to

1 the state treasurer and credited as provided in W.S.
2 8-1-109.

3
4 **20-6-218. Penalties.**

5
6 (b) Payors shall pay in compliance with the
7 instructions specified in the notice to payor and in
8 accordance with the duties specified in W.S. 20-6-212. No
9 payor shall use the existence of an income withholding
10 order authorized by this act as grounds to discharge,
11 discipline or otherwise penalize an obligor or as grounds
12 to refuse to employ a person. Any payor who violates this
13 subsection is subject to a civil penalty in an amount the
14 court determines of not more than two hundred dollars
15 (\$200.00). The penalty shall be collected from the
16 violator, ~~and distributed by the court to the county public~~
17 ~~school fund~~ paid to the state treasurer and credited as
18 provided in W.S. 8-1-109. Before the court imposes a civil
19 penalty, the payor accused of a violation shall be
20 notified, in writing, of the specific nature of the alleged
21 violation and the time and place, at least ten (10) days
22 from the date of the notice, when a hearing of the matter
23 shall be held. After hearing or upon failure of the
24 accused to appear at the hearing, the court shall determine

1 the amount of the civil penalty to be imposed in accordance
2 with the limitation in this subsection.

3

4 **22-25-102. Contribution of funds or election**
5 **assistance restricted; limitation on contributions; right**
6 **to communicate; civil penalty.**

7

8 (e) Any corporation, person or organization violating
9 the provisions of subsection (a), (b) or (c) of this
10 section is subject to a civil penalty up to ten thousand
11 dollars (\$10,000.00) and costs including a reasonable
12 attorney's fee. The amount of penalty imposed shall be in
13 such amount as will deter future actions of a similar
14 nature. An action to impose the civil penalty may be
15 prosecuted by and in the name of any candidate adversely
16 affected by the transgression, any political party, any
17 county attorney, any district attorney or the attorney
18 general. Proceeds of the penalty ~~imposed~~ collected shall be
19 ~~credited to the state general fund~~ paid to the state
20 treasurer and credited as provided in W.S. 8-1-109.

21

22 **26-1-107. General criminal and civil penalties.**

23

1 (b) Any person who violates any provision of this
2 code, any lawful rule or final order of the commissioner or
3 any final judgment or decree made by any court, upon the
4 commissioner's application, shall pay a civil penalty in an
5 amount the commissioner determines of not more than two
6 thousand five hundred dollars (\$2,500.00) for each offense,
7 or twenty-five thousand dollars (\$25,000.00) in the
8 aggregate for all such offenses within any three (3) month
9 period. In the case of individual agents or adjusters, the
10 civil penalty shall be not more than five hundred dollars
11 (\$500.00) for each offense or five thousand dollars
12 (\$5,000.00) in the aggregate for all such offenses within
13 any three (3) month period. The penalty shall be collected
14 from the violator and paid by the commissioner, or the
15 appropriate court, to the state treasurer ~~to the credit of~~
16 ~~the general fund~~ and credited as provided in W.S. 8-1-109.

17

18 **30-5-116. Disposition of monies; payment of expenses;**
19 **charge assessed on value of oil or gas produced.**

20

21 (a) Civil penalties collected under this act shall be
22 paid to the state treasurer and credited as provided in
23 W.S. 8-1-109. All other monies collected by the commission
24 ~~or as civil penalties~~ under the provisions of this act

1 shall be remitted to the state treasurer for deposit in ~~an~~
2 a separate account. ~~within the earmarked revenue fund.~~
3 Expenses incident to the administration of this act shall
4 include expenses for capital construction and shall be paid
5 out of the account. One half (1/2) of the money so
6 collected may be expended as needed by the commission for
7 capital construction purposes.

8

9 **30-5-119. Penalties for violation of act, orders of**
10 **commission; penalties cumulative.**

11

12 (a) Any person who violates any provision of this act
13 or who after either actual or constructive notice thereof
14 from the commission or its representative violates any
15 rule, regulation, or order of the commission shall forfeit
16 ~~to the Wyoming oil and gas conservation fund~~ an amount of
17 not more than five hundred dollars (\$500.00) for each act
18 of violation to be fixed and determined by the commission
19 after notice and opportunity for hearing. Amounts collected
20 under this subsection shall be paid to the state treasurer
21 and credited as provided in W.S. 8-1-109. Any person who
22 knowingly and wilfully violates any provision of this act
23 or who after notice thereof from the commission or its
24 representatives knowingly and willfully violates any rule,

1 regulation, or order of the commission shall be subject to
2 a civil penalty, ~~to be remitted and payable into the~~
3 ~~account of the Wyoming oil and gas conservation commission~~
4 ~~fund~~ upon order of the district court of the county in
5 which the defendant resides, or in which any defendant
6 resides if there be more than one defendant, or in the
7 district court of any county in which the violation
8 occurred, or in the district court of Laramie county,
9 Wyoming, ~~which said~~ The civil penalty shall not exceed the
10 sum of one thousand dollars (\$1,000.00) for each act of
11 violation and for each day that such violation continues
12 and shall be collected and paid to the state treasurer and
13 credited as provided in W.S. 8-1-109.

14

15 **33-11-112. Action upon complaints; records of**
16 **proceedings.**

17

18 (d) For the purpose of an investigation or for
19 hearing a complaint, the board may hold a hearing in
20 accordance with the Wyoming Administrative Procedure Act.
21 The hearing may be conducted by a hearing examiner. The
22 chairman may subpoena witnesses and books, records and
23 documents relative to the inquiry. Witnesses may be
24 required to testify under oath. If the board finds the

1 licensee has violated the provisions of this act or the
2 rules promulgated by the board, the licensee may be
3 sanctioned by a civil penalty not to exceed one thousand
4 dollars (\$1,000.00) or refusal to renew, suspension or
5 revocation of his license or any combination thereof. Any
6 civil penalties ~~assessed~~collected pursuant to this section
7 shall be ~~credited to the common school land income account~~
8 paid to the state treasurer and credited as provided in
9 W.S. 8-1-109.

10
11 **33-29-132. Revocation of certificate; censure;**
12 **probation; hearing; notice of findings; appeal.**

13
14 (a) The board may take the following disciplinary
15 actions, in combination or alternatively:

16
17 (iii) Imposition of an administrative penalty in
18 an amount not to exceed two thousand dollars (\$2,000.00)
19 for each violation of this act or rules promulgated under
20 this act to be ~~credited to the general fund~~collected, paid
21 to the state treasurer and credited as provided in W.S.
22 8-1-109;

23

1 **33-39-126. Certified real estate appraiser education**
2 **account created; initial monies; fees.**

3
4 (c) All civil penalties levied under this act shall
5 be ~~deposited in the education account~~ collected, paid to
6 the state treasurer and credited as provided in W.S.
7 8-1-109.

8
9 **35-11-424. Deposit of fees and forfeitures.**

10
11 (c) ~~For the period commencing July 1, 1992 and ending~~
12 ~~June 30, 1993 only,~~ All fines and penalties collected under
13 this act shall be ~~transferred by the department to the~~
14 ~~county treasurer of the county in which the violation~~
15 ~~occurred. Upon receipt, the county treasurer shall deposit~~
16 ~~the transferred collections into the county school fund for~~
17 ~~apportionment among school districts within the county in~~
18 ~~accordance with W.S. 21-13-207~~ paid to the state treasurer
19 and credited as provided in W.S. 8-1-109.

20
21 **35-11-903. Violations of provisions of act causing**
22 **damage to wildlife; recoveries; causes of action.**

23

1 (a) Any person who violates this act, or any rule or
2 regulation promulgated thereunder, and thereby causes the
3 death of fish, aquatic life or game or bird life is, in
4 addition to other penalties provided by this act, liable to
5 pay to the state, an additional sum for the reasonable
6 value of the fish, aquatic life, game or bird life
7 destroyed. Any monies so recovered shall be placed in the
8 ~~general~~game and fish fund.

9

10 **35-12-118. Penalties for violations; civil action by**
11 **attorney general.**

12

13 (e) All fines collected pursuant to subsection (b) of
14 this section shall be ~~deposited in the state general fund~~
15 paid to the state treasurer and credited as provided in
16 W.S. 8-1-109.

17

18 **37-12-213. Disposition of fines.**

19

20 All fines, forfeitures and penalties collected under the
21 provisions of this act shall be paid ~~into the general fund~~
22 of the state to the state treasurer and credited as
23 provided in W.S. 8-1-109; and all penalties accruing under
24 this act shall be cumulative of each other, and the suit

1 for the recovery of one (1) penalty shall not be a bar to
2 or affect the recovery of another penalty or forfeiture or
3 be a bar to any criminal prosecution against any such
4 public utility or any officer, director, agent or employee
5 thereof.

6
7 **39-15-111. Distribution.**

8
9 (a) License fees, ~~penalties~~ and interest collected by
10 the department pursuant to this article shall be
11 transferred to the state treasurer who shall credit them to
12 the general fund. All penalties collected by the department
13 under this article shall be paid to the state treasurer and
14 credited as provided in W.S. 8-1-109.

15
16 **39-16-111. Distribution.**

17
18 (a) License fees, ~~penalties~~ and interest collected by
19 the department pursuant to this article shall be
20 transferred to the state treasurer who shall credit them to
21 the general fund. All penalties collected by the department
22 under this article shall be paid to the state treasurer and
23 credited as provided in W.S. 8-1-109.

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

5

6

(END)