

## HOUSE BILL NO. HB0040

Revisor's bill.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to a revision of inadvertent errors;  
 2 correcting statutory references and language that were  
 3 erroneously made to the statutes as a result of legislation  
 4 previously adopted by the legislature; providing for  
 5 application as specified; and providing for an effective  
 6 date.

7

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

9

10 **Section 1.** W.S. 9-3-415(a) (intro), 14-3-412(b) (iii)  
 11 and (iv), 21-17-404(a) (xiv) (A) (X), 23-6-108(b),  
 12 30-5-110(g), (h), (q), (r) (intro), (i) and (s),  
 13 31-7-305(a) (v), 35-7-1002(a) (xiv) and 42-4-207(j) are  
 14 amended to read:

15

16 **9-3-415. When retirement permitted; service credit.**

17

1 (a) Except as provided under ~~subsection (f) of this~~  
2 ~~section,~~ W.S. 9-3-431 and 9-3-432, normal retirement  
3 benefits under the system are payable to a member who:  
4

5 **14-3-412. Commencement of proceedings; contents of**  
6 **petition.**  
7

8 (b) The petition shall set forth all jurisdictional  
9 facts, including but not limited to:  
10

11 (iii) Whether the child is being held in shelter  
12 care and if so, the name and address of the facility and  
13 the time shelter care commenced; ~~and~~

14  
15 (iv) A statement setting forth with  
16 particularity the facts which bring the child within the  
17 provisions of this act; and  
18

19 **21-17-404. Definitions.**  
20

21 (a) As used in W.S. 21-17-402 through 21-17-450:  
22

23 (xiv) (A) "Pledged revenues" means the monies  
24 pledged wholly or in part for the payment of bonds or other

1 securities issued hereunder, and, subject to any existing  
2 pledges or other contractual limitations, may include at  
3 the board's discretion, income or monies derived from one  
4 (1), all or any combination of the following revenue  
5 sources, including without limitation student fees and  
6 other fees, rates and charges appertaining thereto:

7  
8 (X) The board's proportion for the  
9 benefit of the university ~~of not less than nine percent~~  
10 ~~(9%)~~ of the monies remitted by the United States to the  
11 state and accounted for as provided by law pursuant to W.S.  
12 ~~9-577, 9-578 and 9-579~~ 9-4-601.

13  
14 **23-6-108. Record of game and fish cases; report of**  
15 **convictions to department.**

16  
17 (b) Within thirty (30) days after the conviction or  
18 forfeiture of bail of a person upon a charge of violating  
19 any provision of this act, the judge or clerk of the court  
20 in which the conviction was had or bail was forfeited,  
21 shall forward to the department a certified abstract of the  
22 record of the court covering the case in which the person  
23 was convicted or forfeited bail. The abstract shall be made  
24 upon a form furnished by the department and shall include

1 the name and address of the party charged, the number of  
2 his game or fish license, if any, the nature of the  
3 offense, the date of hearing, the plea, the judgment, or  
4 whether bail was forfeited, and the amount of fine,  
5 forfeiture or penalty imposed.

6

7 **30-5-110. Agreements for waterflooding or other**  
8 **recovery operations, repressuring or pressure-maintenance**  
9 **operations, cycling or recycling operations; operation as a**  
10 **unit of 1 or more pools or parts thereof and pooling of**  
11 **interests in oil and gas therein.**

12

13 (g) From and after the effective date of an order of  
14 the commission entered under the provisions of this [act](#)  
15 [section](#), the operation of any well producing from the unit  
16 area defined in the order by persons other than the unit  
17 operator or persons acting under the unit operator's  
18 authority, or except in the manner and to the extent  
19 provided in the plan of unitization approved by such order,  
20 shall be unlawful and is hereby prohibited.

21

22 (h) An order entered by the commission under this [act](#)  
23 [section](#) may be amended in the same manner and subject to  
24 the same conditions as an original order: provided, (i) if

1 such an amendment affects only the rights of owners, then  
2 consent to such amendment by those persons who will be  
3 credited with unit production or proceeds thereof free of  
4 cost shall not be required; and (ii) no amendatory order  
5 shall change the percentage for the allocation of oil and  
6 gas as established by the original order for any separately  
7 owned tract, except with the written consent of all persons  
8 owning oil and gas rights in such tracts, nor change the  
9 percentage for the allocation of costs as established for  
10 any separately owned tract by the original order, except  
11 with the written consent of all owners in such tracts.

12

13 (q) Notwithstanding any other provisions in this ~~act~~  
14 section to the contrary, any person who owns an interest in  
15 oil or gas within the unit area which is not subject to an  
16 oil and gas lease or similar contract, shall, with respect  
17 to seven-eighths of such interest, be deemed to be an owner  
18 obligated to pay all costs of unit operations attributable  
19 to such interest and shall be deemed to be a royalty owner  
20 to the extent of one-eighth of such interest free from such  
21 costs.

22

1           (r) The provisions of ~~section (2) through (15)~~  
2 subsections (b) through (q) of this ~~act~~ section shall never  
3 be applicable for the purpose of:

4  
5           (i) Changing the terms of unit agreements under  
6 which waterflooding or other recovery operations involving  
7 the introduction of extraneous forms of energy into a pool  
8 have been conducted prior to the effective date of this ~~act~~  
9 section or changing the rights of either any person who has  
10 executed or ratified such a preexisting unit agreement or  
11 any person who, being qualified to become a party to such a  
12 preexisting unit agreement and having received an  
13 opportunity to become a party thereto, has failed or  
14 refused to execute or ratify such agreement; or

15  
16           (s) A certified copy of any order of the commission  
17 entered under the provisions of this ~~act~~ section shall be  
18 entitled to be recorded in the office of the register of  
19 deeds for the counties where all or any portion of the unit  
20 area is located, and such recordation shall constitute  
21 notice thereof to all persons.

22  
23           **31-7-305. Disqualification and cancellation; right to**  
24 **a hearing.**

1

2 (a) Any person is disqualified from driving a  
3 commercial motor vehicle for a period of not less than one  
4 (1) year if convicted of a first violation arising from  
5 separate incidents of:

6

7 (v) Refusal to submit to a test to determine the  
8 driver's alcohol concentration while driving or in actual  
9 physical control of a motor vehicle;~~or~~

10

11 **35-7-1002. Definitions.**

12

13 (a) As used in this act:

14

15 (xiv) "Marihuana" means all parts of the plant  
16 of the genus Cannabis, whether growing or not; the seed  
17 thereof; the resin extracted from any part of the plant;  
18 and every compound, manufacture, salt, derivative, mixture  
19 or preparation of the plant, its seeds or resin. It does  
20 not include the mature stalks of the plant, fiber produced  
21 from the stalks, oil or cake made from the seeds of the  
22 plant, any other compound, manufacture, salt, derivative,  
23 mixture or preparation of the mature stalks (except the  
24 resin extracted therefrom), fiber, oil or cake, or the

1 sterilized seed ~~er~~of the plant which is incapable of  
2 germination;

3

4 **42-4-207. Recovery of incorrect payments; recovery of**  
5 **correct payments; liens.**

6

7 (j) The department may file a lien against the  
8 property of any estate, as defined in W.S. ~~42-4-206(h)~~  
9 42-4-206(g), of a deceased recipient for the amount of  
10 medical assistance provided while the recipient was fifty-  
11 five (55) years of age or older or while the recipient was  
12 an inpatient in a nursing facility, intermediate care  
13 facility for the mentally retarded or other medical  
14 institution. The department shall perfect this lien by  
15 filing a notice in the county in which the real property  
16 exists. The department may file an amended lien prior to  
17 the entry of the final order closing the estate.

18

19 **Section 2.** 2004 Wyoming Session Laws, Chapter 95,  
20 Section 309 is amended to read:

21

22 [CHIEF INFORMATION OFFICER]

23

24 **Section 309.**

1  
2 The governor is authorized to employ a chief  
3 information officer. The chief information  
4 officer shall develop a plan for the organization  
5 of information technology activities for all  
6 executive and judicial branch agencies including  
7 the department of transportation and the game and  
8 fish department. The plan shall categorize each  
9 information technology structure into an  
10 enterprise framework by function. The plan shall  
11 also include the development of a system for  
12 creating common information technology  
13 architecture and standards, which lead to an  
14 efficient and effective use of funds. All  
15 executive branch agencies including the  
16 department of transportation and the game and  
17 fish department and all judicial branch agencies  
18 shall assist in developing the plan and provide  
19 any information requested by the chief  
20 information officer. The chief information  
21 officer shall submit the plan to the governor for  
22 approval and to the joint appropriations interim  
23 committee for review. Notwithstanding W.S.  
24 9-2-1005(a)(xii), 9-2-1018, 9-2-1026.1 and

1       ~~9-2-2051~~9-2-2501, for the period beginning July  
2       1, 2004 and ending June 30, 2006 for all  
3       executive branch agencies except the department  
4       of transportation and the game and fish  
5       department, the chief information officer's  
6       written approval shall be required prior to  
7       acquisition of any information technology  
8       software, hardware or services.

9  
10       **Section 3.** Any other act adopted by the Wyoming  
11       legislature during the same session in which this act is  
12       adopted shall be given precedence and shall prevail over  
13       the amendments in this act to the extent that such acts are  
14       in conflict with this act.

15  
16       **Section 4.** This act is effective immediately upon  
17       completion of all acts necessary for a bill to become law  
18       as provided by Article 4, Section 8 of the Wyoming  
19       Constitution.

20

21

(END)