

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 imposed under the Wyoming  
13 statutes shall be paid over to the state treasurer to be  
14 credited to the public school fund of the county in which  
15 the violation for which the fine or penalty was imposed  
16 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 than  
23 costs and restitution shall be collected and paid to the  
24 state treasurer and credited as provided in W.S. 8-1-109.

1

2       **20-6-218. Penalties.**

3

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

1

2       **22-25-102. Contribution of funds or election**  
3 **assistance restricted; limitation on contributions; right**  
4 **to communicate; civil penalty.**

5

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

19

20       **26-1-107. General criminal and civil penalties.**

21

22       (b) Any person who violates any provision of this  
23 code, any lawful rule or final order of the commissioner or  
24 any final judgment or decree made by any court, upon the

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

14

15 **30-5-116. Disposition of monies; payment of expenses;**  
16 **charge assessed on value of oil or gas produced.**

17

18 (a) Civil penalties imposed under this act shall be  
19 paid to the state treasurer and credited as provided in  
20 W.S. 8-1-109. All other monies collected by the commission  
21 ~~or as civil penalties~~ under the provisions of this act  
22 shall be remitted to the state treasurer for deposit in ~~an~~  
23 a separate account. ~~within the earmarked revenue fund.~~  
24 Expenses incident to the administration of this act shall

1 include expenses for capital construction and shall be paid  
2 out of the account. One half (1/2) of the money so  
3 collected may be expended as needed by the commission for  
4 capital construction purposes.

5  
6 **30-5-119. Penalties for violation of act, orders of**  
7 **commission; penalties cumulative.**

8  
9 (a) Any person who violates any provision of this act  
10 or who after either actual or constructive notice thereof  
11 from the commission or its representative violates any  
12 rule, regulation, or order of the commission shall forfeit  
13 to the Wyoming oil and gas conservation fund an amount of  
14 not more than five hundred dollars (\$500.00) for each act  
15 of violation to be fixed and determined by the commission  
16 after notice and opportunity for hearing. Amounts forfeited

17 under this subsection shall be paid to the state treasurer  
18 and credited as provided in W.S. 8-1-109. Any person who

19 knowingly and wilfully violates any provision of this act  
20 or who after notice thereof from the commission or its  
21 representatives knowingly and willfully violates any rule,  
22 regulation, or order of the commission shall be subject to

23 a civil penalty, ~~to be remitted and payable into the~~  
24 ~~account of the Wyoming oil and gas conservation commission~~

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

11  
12 **33-11-112. Action upon complaints; records of**  
13 **proceedings.**

14  
15 (d) For the purpose of an investigation or for  
16 hearing a complaint, the board may hold a hearing in  
17 accordance with the Wyoming Administrative Procedure Act.  
18 The hearing may be conducted by a hearing examiner. The  
19 chairman may subpoena witnesses and books, records and  
20 documents relative to the inquiry. Witnesses may be  
21 required to testify under oath. If the board finds the  
22 licensee has violated the provisions of this act or the  
23 rules promulgated by the board, the licensee may be  
24 sanctioned by a civil penalty not to exceed one thousand



1 dollars (\$1,000.00) or refusal to renew, suspension or  
2 revocation of his license or any combination thereof. Any  
3 civil penalties assessed pursuant to this section shall be  
4 ~~credited to the common school land income account~~ paid to  
5 the state treasurer and credited as provided in W.S.  
6 8-1-109.

7  
8 **33-29-132. Revocation of certificate; censure;**  
9 **probation; hearing; notice of findings; appeal.**

10  
11 (a) The board may take the following disciplinary  
12 actions, in combination or alternatively:

13  
14 (iii) Imposition of an administrative penalty in  
15 an amount not to exceed two thousand dollars (\$2,000.00)  
16 for each violation of this act or rules promulgated under  
17 this act to be ~~credited to the general fund~~ collected, paid  
18 to the state treasurer and credited as provided in W.S.  
19 8-1-109;

20  
21 **33-39-126. Certified real estate appraiser education**  
22 **account created; initial monies; fees.**

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

5  
6 **35-11-424. Deposit of fees and forfeitures.**

7  
8 (c) ~~For the period commencing July 1, 1992 and ending~~  
9 ~~June 30, 1993 only,~~ All fines and penalties collected under  
10 this act shall be ~~transferred by the department to the~~  
11 ~~county treasurer of the county in which the violation~~  
12 ~~occurred. Upon receipt, the county treasurer shall deposit~~  
13 ~~the transferred collections into the county school fund for~~  
14 ~~apportionment among school districts within the county in~~  
15 ~~accordance with W.S. 21-13-207~~ paid to the state treasurer  
16 and credited as provided in W.S. 8-1-109.

17  
18 **35-11-903. Violations of provisions of act causing**  
19 **damage to wildlife; recoveries; causes of action.**

20  
21 (a) Any person who violates this act, or any rule or  
22 regulation promulgated thereunder, and thereby causes the  
23 death of fish, aquatic life or game or bird life is, in  
24 addition to other penalties provided by this act, liable to

1 pay to the state, an additional sum for the reasonable  
2 value of the fish, aquatic life, game or bird life  
3 destroyed. Any monies so recovered shall be placed in the  
4 ~~general~~game and fish fund.

5  
6 **35-12-118. Penalties for violations; civil action by**  
7 **attorney general.**

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

13  
14 **37-12-213. Disposition of fines.**

15  
16 All fines, forfeitures and penalties collected under the  
17 provisions of this act shall be paid ~~into the general fund~~  
18 ~~of the state~~to the state treasurer and credited as  
19 provided in W.S. 8-1-109; and all penalties accruing under  
20 this act shall be cumulative of each other, and the suit  
21 for the recovery of one (1) penalty shall not be a bar to  
22 or affect the recovery of another penalty or forfeiture or  
23 be a bar to any criminal prosecution against any such

1 public utility or any officer, director, agent or employee  
2 thereof.

3  
4 **39-15-111. Distribution.**

5  
6 (a) License fees, ~~penalties~~ and interest collected by  
7 the department pursuant to this article shall be  
8 transferred to the state treasurer who shall credit them to  
9 the general fund. All penalties collected by the department  
10 under this article shall be paid to the state treasurer and  
11 credited as provided in W.S. 8-1-109.

12  
13 **39-16-111. Distribution.**

14  
15 (a) License fees, ~~penalties~~ and interest collected by  
16 the department pursuant to this article shall be  
17 transferred to the state treasurer who shall credit them to  
18 the general fund. All penalties collected by the department  
19 under this article shall be paid to the state treasurer and  
20 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)