

ENROLLED ACT NO. 68, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

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

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

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

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

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

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

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

(d) All sums paid to the commission under this act except contributions from permittees to the breeder award fund, fines and penalties shall be credited to the pari-mutuel account within the earmarked revenue fund which shall be used by the commission for the payment of all expenses incurred in enforcing this act. All fines and penalties ~~assessed~~ collected under this act shall be ~~credited to the county public school fund paid to the state treasurer and credited as provided in W.S. 8-1-109.~~ The

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state treasurer shall pay out of the account all warrants drawn by the state auditor, upon vouchers issued and signed by the president, vice-president or executive secretary of the commission. The commission shall keep an accurate and true account of all funds received and all vouchers issued by the commission. All funds received and all vouchers issued by the commission shall be audited at least biennially by the director of the state department of audit or his designee and a copy of the audit shall be delivered within thirty (30) days after completion to the governor and the commission. The costs of the audit shall be borne by the commission. The members of the commission shall receive statutory per diem expenses and mileage as allowed state employees, and compensation of fifty dollars (\$50.00) for each day during which they are actually engaged in the discharge of their duties. The total expenses incurred by the commission shall not exceed the total amount in the pari-mutuel account.

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

(j) Any order imposing a civil penalty, assessing costs, requiring restitution or imposing any other monetary penalty shall be entered in accordance with the provisions of W.S. 17-4-124(f). Civil and monetary penalties other than costs and restitution shall be collected and paid to the state treasurer and credited as provided in W.S. 8-1-109.

20-6-218. Penalties.

(b) Payors shall pay in compliance with the instructions specified in the notice to payor and in accordance with the duties specified in W.S. 20-6-212. No

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payor shall use the existence of an income withholding order authorized by this act as grounds to discharge, discipline or otherwise penalize an obligor or as grounds to refuse to employ a person. Any payor who violates this subsection is subject to a civil penalty in an amount the court determines of not more than two hundred dollars (\$200.00). The penalty shall be collected from the violator, ~~and distributed by the court to the county public school fund~~ paid to the state treasurer and credited as provided in W.S. 8-1-109. Before the court imposes a civil penalty, the payor accused of a violation shall be notified, in writing, of the specific nature of the alleged violation and the time and place, at least ten (10) days from the date of the notice, when a hearing of the matter shall be held. After hearing or upon failure of the accused to appear at the hearing, the court shall determine the amount of the civil penalty to be imposed in accordance with the limitation in this subsection.

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

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

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

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

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

(a) Civil penalties collected under this act shall be paid to the state treasurer and credited as provided in W.S. 8-1-109. All other monies collected by the commission ~~or as civil penalties~~ under the provisions of this act shall be remitted to the state treasurer for deposit in an a separate account. ~~within the earmarked revenue fund.~~ Expenses incident to the administration of this act shall include expenses for capital construction and shall be paid out of the account. One half (1/2) of the money so collected may be expended as needed by the commission for capital construction purposes.

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

(a) Any person who violates any provision of this act or who after either actual or constructive notice thereof from the commission or its representative violates any rule, regulation, or order of the commission shall forfeit ~~to the Wyoming oil and gas conservation fund~~ an amount of not more than five hundred dollars (\$500.00) for each act of violation to be fixed and determined by the commission after notice and opportunity for hearing. Amounts collected under this subsection shall be paid to the state treasurer and credited as provided in W.S. 8-1-109. Any person who knowingly and wilfully violates any provision of this act or who after notice thereof from the commission or its representatives knowingly and willfully violates any rule, regulation, or order of the commission shall be subject to a civil penalty, ~~to be remitted and payable into the account of the Wyoming oil and gas conservation commission fund~~ upon order of the district court of the county in which the defendant resides, or in which any defendant resides if there be more than one defendant, or in the district court of any county in which the violation occurred, or in the district court of Laramie county, Wyoming, ~~which said~~ The civil penalty shall not exceed the sum of one thousand dollars (\$1,000.00) for each act of violation and for each day that such violation continues and shall be collected and paid to the state treasurer and credited as provided in W.S. 8-1-109.

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

(d) For the purpose of an investigation or for hearing a complaint, the board may hold a hearing in accordance with the Wyoming Administrative Procedure Act.

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The hearing may be conducted by a hearing examiner. The chairman may subpoena witnesses and books, records and documents relative to the inquiry. Witnesses may be required to testify under oath. If the board finds the licensee has violated the provisions of this act or the rules promulgated by the board, the licensee may be sanctioned by a civil penalty not to exceed one thousand dollars (\$1,000.00) or refusal to renew, suspension or revocation of his license or any combination thereof. Any civil penalties ~~assessed~~collected pursuant to this section shall be ~~credited to the common school land income account~~paid to the state treasurer and credited as provided in W.S. 8-1-109.

33-29-132. Revocation of certificate; censure; probation; hearing; notice of findings; appeal.

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

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

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

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

35-11-424. Deposit of fees and forfeitures.

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

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

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

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

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

37-12-213. Disposition of fines.

All fines, forfeitures and penalties collected under the provisions of this act shall be paid ~~into the general fund of the state~~ to the state treasurer and credited as

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provided in W.S. 8-1-109; and all penalties accruing under this act shall be cumulative of each other, and the suit for the recovery of one (1) penalty shall not be a bar to or affect the recovery of another penalty or forfeiture or be a bar to any criminal prosecution against any such public utility or any officer, director, agent or employee thereof.

39-15-111. Distribution.

(a) License fees, ~~penalties~~ and interest collected by the department pursuant to this article shall be transferred to the state treasurer who shall credit them to the general fund. All penalties collected by the department under this article shall be paid to the state treasurer and credited as provided in W.S. 8-1-109, except the total sum of penalties collected by the department and paid to the state treasurer shall be allocated based upon the ratio of each county's population to the population of the state.

39-16-111. Distribution.

(a) License fees, ~~penalties~~ and interest collected by the department pursuant to this article shall be transferred to the state treasurer who shall credit them to the general fund. All penalties collected by the department under this article shall be paid to the state treasurer and credited as provided in W.S. 8-1-109, except the total sum of penalties collected by the department and paid to the state treasurer shall be allocated based upon the ratio of each county's population to the population of the state.

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

(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