

HOUSE BILL NO. HB0031

Obsolete laws.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to the general revision of laws; amending
2 archaic and obsolete provisions; correcting and updating
3 references; conforming provisions to previous enactments;
4 repealing provisions held to be unconstitutional; repealing
5 fully executed and otherwise archaic or obsolete
6 provisions; and providing for an effective date.

7

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

9

10 [SECTION 1. PROVISIONS WHICH ARE OBSOLETE]

11 [a. FULLY EXECUTED]

12

13 **Section 101.** W.S. 35-7-1049(j) and 37-2-107(a) are
14 amended to read:

15

16 **35-7-1049. Forfeitures and seizures generally;**
17 **property subject to forfeiture.**

1

2 (j) Any law enforcement agency of this state may
3 accept, receive, dispose of and expend the property or
4 proceeds from any property forfeited to the federal
5 government or any state and allocated to the agency by the
6 United States attorney general pursuant to 21 U.S.C. 881(e)
7 or any law of another state. The property or proceeds shall
8 be in addition to funds appropriated to the law enforcement
9 agency by the state legislature or any unit of local
10 government. The property or proceeds may be credited to
11 any lawfully created fund or account designated to receive
12 proceeds of forfeitures. ~~For the period beginning July 1,~~
13 ~~1996, and ending June 30, 1998, the division shall provide~~
14 ~~to the joint appropriations interim committee of the~~
15 ~~legislature a quarterly audit of the assets forfeiture~~
16 ~~account detailing the collection and distribution of all~~
17 ~~seized assets.~~

18

19 **37-2-107. Uniform assessment regarding**
20 **telecommunications, gas, electric, water and pipeline**
21 **service; assessment generally.**

22

23 (a) ~~Except as provided in subsection (b) of this~~
24 ~~section,~~ On or before the first day of July of each year

1 the director of revenue shall, by requiring special reports
2 or otherwise, determine the total aggregate amount of the
3 gross Wyoming intrastate retail revenues of all public
4 utilities, entities utilizing public utility facilities in
5 the state to furnish retail utility commodities or services
6 to the public, and providers of telecommunication services,
7 except motor carriers, and those utilities exempted under
8 W.S. 37-2-108, for the preceding calendar year. He shall
9 then determine the ratio that one-half ($1/2$) of the total
10 authorized budgeted amount for the biennium is to the total
11 aggregate gross retail Wyoming intrastate operating
12 revenues. The resulting percentage factor shall then be
13 applied to the annual intrastate gross retail operating
14 revenues of each of such persons for the preceding calendar
15 year and the result shall be the assessment of each such
16 person for the ensuing budget fiscal year. However, the
17 assessment rate against the persons for any one (1) year
18 shall not exceed .0030 of the gross Wyoming intrastate
19 retail revenues of the persons. By the first day of August
20 the director of the revenue department shall assess the
21 persons, and one-half ($1/2$) the assessed fees shall be paid
22 to him by the persons on or before the first day of October
23 and one-half ($1/2$) of the fees shall be paid to him by the
24 persons on or before the first day of April in the ensuing

1 year. The director of the revenue department, in computing
2 the percentage upon which fees for the first fiscal year of
3 the ensuing biennium shall be based, shall deduct any
4 unexpended balance in the commission's account, less an
5 amount equal to the total of all properly authorized
6 outstanding accounts payable, from one-half (1/2) the total
7 authorized budgeted amount for the biennium, and the
8 resultant figure shall be used instead of the one-half
9 (1/2) of the total authorized budgeted amount for the
10 biennium, as above provided. Any unexpended balance in the
11 commission's account shall not lapse at the end of the
12 fiscal period. "Intrastate gross retail operating revenues"
13 as used in this section shall mean intrastate gross
14 revenues derived from the provision of telecommunications,
15 gas, electric, water and pipeline service offered for final
16 consumption and not for resale.

17

18 **Section 102.** W.S. 37-2-107(b), 39-14-108(b)(ii),
19 39-14-208(b)(ii), 39-14-308(b)(ii), 39-14-408(b)(ii),
20 39-14-508(b)(ii), 39-14-608(b)(ii) and 39-14-708(b)(ii) are
21 repealed.

22

23 [SECTION 1. PROVISIONS WHICH ARE OBSOLETE]

24

[b. OTHER ARCHAIC REFERENCES]

1

2 **Section 103.** W.S. 35-4-202, 37-2-114(a), 37-2-128,
3 37-2-203(c), (d) and (f), 37-3-109, 37-3-110,
4 37-5-103(a)(xi) and 37-9-1301(h)(i) are amended to read:

5

6 **35-4-202. Contamination of streams by sawmills,**
7 **mining operations, or other manufacturing or industrial**
8 **works prohibited; penalty; exceptions; special permits.**

9

10 Any owner or owners of any sawmill, reduction works,
11 smelter, milling, refining or concentration works, or other
12 manufacturing or industrial works, or any agent, servant or
13 employee thereof, or any person or persons whomsoever, who
14 shall throw or deposit in, or in any way permit to pass
15 into any natural stream or lake within the state, wherein
16 are living fish, any sawdust, chemicals, mill-tailing, or
17 other refuse matter of deleterious substance or poisons of
18 any kind or character whatsoever, that will or may tend to
19 the destruction or driving away from such waters any fish,
20 or kill or destroy any fish therein, or that will or may
21 tend to pollute, contaminate, render impure or unfit for
22 domestic, irrigation, stock or other purposes for which
23 appropriated and used, the waters of any such natural
24 streams or lake, or that will or may tend to obstruct, fill

1 in or otherwise interfere with the flow, channel or
2 condition of such streams, lake or waters, shall be deemed
3 guilty of a misdemeanor and upon conviction thereof shall
4 be fined not less than fifty dollars (\$50.00) or more than
5 one hundred dollars (\$100.00) or shall be imprisoned in the
6 county jail for not less than thirty (30) days nor more
7 than six (6) months, or by both such fine and imprisonment
8 for each offense; and where any of the foregoing unlawful
9 acts are committed continuously, each of the days upon
10 which committed shall be treated and considered as a
11 separate and distinct offense; provided, that nothing in
12 this section or W.S. 23-3-204 shall apply to the slag from
13 smelter furnaces; provided further, that nothing in this
14 section nor in any of the other laws of this state shall
15 prevent the owner or owners of any mill, concentration
16 works, reduction works or tailings pond or basin used in
17 connection therewith, in this state, now or hereafter to be
18 located upon any natural stream, or lake, from operating
19 said mill, concentration works, reduction works or tailings
20 pond or basin used in connection therewith, where the said
21 owner or owners thereof shall build or cause to be built a
22 dam or dams for settling purposes; provided however that
23 before any dam or dams shall be built for any such
24 purposes, the director of the state department of health,

1 the director of the state game and fish ~~commissioner~~
2 department and the state engineer, acting as a joint
3 committee and each member casting a vote of his department,
4 shall review such plans and according to their findings
5 shall approve or disapprove such plans for preventing any
6 deleterious substances from entering any waters beyond the
7 project area; provided, that whenever a majority of the
8 landowners on any irrigation stream shall petition the
9 director of the state game and fish ~~commissioner~~department
10 to allow sawdust to be put in any stream that does not
11 reach a main body of water or living stream he shall have
12 the power to grant such permits.

13

14 **37-2-114. Authority to confer with other state and**
15 **federal commissions; expenses.**

16

17 (a) The commission may confer in person, by attending
18 conventions or otherwise, with the members of railroad or
19 other public utility commissions of other states and with
20 the ~~interstate commerce commission~~surface transportation
21 board on any matters relating to public utilities, and
22 shall be allowed actual traveling expenses when engaged in
23 such work.

24

1 37-2-128. Civil penalty for violation of federal
2 Pipeline Safety, Regulatory Certainty, and Job Creation Act
3 of 2011; generally.

4
5 Where the commission has exercised authority under the
6 provisions of the federal ~~Pipeline Inspection, Protection,~~
7 ~~Enforcement, and Safety Act of 2006~~ Pipeline Safety,
8 Regulatory Certainty and Job Creation Act of 2011, 49
9 U.S.C. § 60101, et seq., and amendments thereto, to
10 regulate gas safety in the state of Wyoming, any person or
11 persons as defined in that act who hereafter violate any
12 provision of that act as made applicable to jurisdictional
13 activities within the state of Wyoming may be subject to a
14 civil penalty not to exceed one hundred thousand dollars
15 (\$100,000.00) for violation for each day that the violation
16 persists. However, the maximum civil penalty shall not
17 exceed one million dollars (\$1,000,000.00) for any related
18 series of violations.

19
20 37-2-203. Separate hearings; hearings to be open;
21 representation by attorney; reports, investigations.

22
23 (c) The commission shall, within its jurisdiction,
24 have power, in its discretion, to prescribe uniform methods

1 of keeping accounts, records and books, to be observed by
2 all public utilities operating within the state. It may
3 also in its discretion prescribe by order, forms of
4 accounts, records and memoranda to be kept by such public
5 utilities. Notice of alterations by the commission in the
6 required method or form of keeping a system of accounts
7 shall be given to such public utility by the commission at
8 least six (6) months before the same shall take effect. Any
9 other and additional forms of accounts, records and
10 memoranda kept by such public utility shall be subject to
11 examination by the commission. The system of accounts,
12 established by the commission and the forms of accounts,
13 records and memoranda prescribed by it shall in the case of
14 interstate public utilities conform as nearly as may be to
15 those prescribed by the ~~interstate commerce commission~~
16 surface transportation board under the act of congress,
17 entitled "An act to regulate commerce", and the acts
18 amendatory thereof and supplementary thereto.

19

20 (d) Every public utility shall report to the
21 commission, under rules and regulations prescribed by the
22 commission and harmonizing insofar as practicable with
23 those of the ~~interstate commerce commission~~ surface
24 transportation board, and of any other department of this

1 state, every accident occurring upon the property of any
2 public utility or directly or indirectly arising from or
3 connected with the maintenance or operation of the plant,
4 equipment, appliances, apparatus, property or facilities of
5 such public utility resulting in loss of life or injury to
6 person or property; provided, that whenever any accident
7 occasions the loss of life or limb to any person, such
8 public utility shall straightway advise the commission of
9 the fact by the speediest available means of communication.

10
11 (f) Nothing in this act in relation to service
12 regulation or in relation to reports or the methods of
13 keeping accounts, records or books shall apply to any
14 common carrier engaged in interstate commerce; provided,
15 that, the department of transportation may, upon proper
16 notice, require any common carrier to furnish to the
17 department of transportation copies of any reports as it
18 may designate which any common carrier may have filed with
19 the ~~interstate commerce commission~~ surface transportation
20 board.

21
22 **37-3-109. Investigation of interstate rates;**
23 **application for relief.**
24

1 The commission may investigate all existing or proposed
2 interstate rates, where any act under such rate shall or
3 may take place within this state. When such rates are, in
4 the opinion of the commission, unjust, unreasonable,
5 unjustly discriminatory, unduly preferential or otherwise,
6 or in any respect in violation of the provisions of the act
7 to regulate commerce or of any other act of congress or in
8 conflict with the rules and orders of the ~~interstate~~
9 ~~commerce commission~~ surface transportation board or any
10 other department of the federal government, the commission
11 may apply for relief by petition or otherwise to the
12 ~~interstate commerce commission~~ surface transportation board
13 or to any other department of the federal government or to
14 any court of competent jurisdiction.

15

16 37-3-110. Schedules of rates to be filed and
17 available to public; forms prescribed to conform to federal
18 forms.

19

20 Within a time to be fixed by the commission, every public
21 utility shall file with the commission, and keep open to
22 public inspection as this commission may direct, schedules
23 showing all rates for every service rendered or to be
24 rendered by it. The commission may determine and prescribe

1 the form of the schedules required by this act to be filed
2 with the commission and kept open to public inspection and
3 all changes therein, and change the form from time to time
4 if it shall be found expedient; provided, however, that in
5 respect to public utilities subject to act of congress to
6 regulate commerce and any amendments thereof, the
7 commission shall have such form or forms prescribed by it
8 conform to any similar form prescribed by the ~~interstate~~
9 ~~commerce commission~~ surface transportation board.

10

11 **37-5-103. Powers of the authority.**

12

13 (a) In exercising the rights and powers granted to
14 it, the authority shall be vested with authority to:

15

16 (xi) Work in consultation and coordination with,
17 but not limited to, ~~the Wyoming energy commission and~~ the
18 Wyoming business council to develop, promote and identify
19 markets for natural gas and associated natural resource and
20 facilitate the aggregation of supply for those markets;

21

22 **37-9-1301. Environmental inventory and cleanup after**
23 **cessation of rail service.**

24

1 (h) For purposes of this section:

2

3 (i) A rail common carrier "ceases service" when
4 the United States ~~Interstate Commerce Commission~~ surface
5 transportation board, or any successor agency, finds or has
6 found that the rail common carrier may abandon any part of
7 its railroad lines or discontinue the operation of all rail
8 transportation over any part of its railroad lines, or when
9 the railroad line is actually abandoned or service actually
10 discontinued, if the abandonment or discontinuance is
11 exempt from such a finding under the rules of the
12 ~~Interstate Commerce Commission~~ surface transportation
13 board, or any successor agency;

14

15 **Section 104.** W.S. 35-4-401 through 35-4-403,
16 37-1-101(a)(vi)(A) and (F) and 37-3-105 are repealed.

17

18 [SECTION 2. INCORRECT CITATIONS OR FAILURE TO UPDATE CROSS
19 REFERENCED PROVISIONS]

20 [a. WYOMING OR INTERNAL CITATIONS]

21

22 **Section 201.** W.S. 9-2-1005(o), 33-33-304, 37-2-201,
23 37-2-203(b) and 37-9-204 are amended to read:

24

1 9-2-1005. Payment of warrants; budget powers of
2 governor; agency budgets; federal funds; new employees.

3
4 (o) The governor shall report monthly to the
5 legislature on the use of the flex authority authorized
6 under ~~subsections (k) and (m) of~~ this section or any
7 legislative appropriation act during each biennium. The
8 report shall specify appropriations and authorized
9 positions transferred during the biennium, including
10 transfers between expenditure series, programs and agencies
11 with a detailed written description of the transfer.

12
13 33-33-304. Issuance of license.

14
15 The board shall issue a license to any person who meets the
16 requirements of this act and who pays to the board the
17 initial application and licensing fee prescribed in W.S.
18 ~~33-402~~ 33-33-307.

19
20 37-2-201. Fixing time and place of public hearing;
21 notice and conduct.

22
23 Whenever the commission shall determine to conduct an
24 investigation of any matter provided for in ~~chapter 64,~~

1 ~~Wyoming Compiled Statutes, 1945~~ W.S. 37-1-101 through
2 37-3-114 and 37-12-201 through 37-12-213, either with or
3 without complaint as in such chapter provided for, it shall
4 fix a time and place for a public hearing of the matters
5 under investigation, and shall notify, by registered letter
6 requiring receipt, the complainant, the persons complained
7 of and such other persons, as it may deem proper, of such
8 time and place of hearing, at least twenty (20) days in
9 advance thereof. At the hearing held pursuant to such
10 notice, the commission, commissioner or commission employee
11 authorized by order of the commission to conduct such
12 hearing, may take such testimony as may be offered, or as
13 they may desire, and may make such other and further
14 investigation as in its opinion, is desirable.

15

16 **37-2-203. Separate hearings; hearings to be open;**
17 **representation by attorney; reports, investigations.**

18

19 (b) Within a time to be fixed by the commission,
20 every public utility under the jurisdiction of this
21 commission shall file an annual report with the commission,
22 verified by the oath of the president, treasurer or general
23 manager or receiver, if any, of such public utility, or by
24 the person required to file the same. The verification

1 shall be made by said official holding office, at the time
2 of the filing of said report, and, if not made upon the
3 knowledge of the person verifying the same, shall set forth
4 the source of his information and the grounds of his
5 beliefs as to any matters not stated to be verified upon
6 his knowledge. The commission shall prescribe the form of
7 such reports and the character of the information to be
8 contained therein, and may from time to time make such
9 changes and such additions in regard to form and contents
10 thereof as it may deem proper and each year shall furnish a
11 blank form for such annual reports to every such public
12 utility. Such report shall also cover the period, and be
13 filed at the time prescribed by the commission. The
14 contents of such report and the form thereof shall conform
15 in the case of interstate public utilities as nearly as may
16 be to that required of interstate public utilities under
17 the act of congress entitled "An act to regulate commerce",
18 approved February fourth, eighteen hundred and eighty-seven
19 [1887], and the acts amendatory thereof and supplemental
20 thereto. The originals of said reports subscribed and sworn
21 to as prescribed by law, shall be filed in the office of
22 the commission. The commission may require, by order of any
23 public utility or person, specific answers to questions
24 upon which the commission may need information. If any

1 public utility shall fail to make and file its annual
2 report within the time ordered, or the time extended by the
3 commission, it shall be subject to the penalty as provided
4 for under ~~section 68 of this act~~ W.S. 37-12-204.

5
6 **37-9-204. Rights-of-way for oil and gas companies.**

7
8 ~~The last two (2) preceding sections~~ W.S. 37-9-202 and
9 37-9-203 shall also apply to all gas and petroleum oil
10 corporations, companies and individuals, for the right-of-
11 way ten (10) feet wide, through the school and other lands,
12 over which the state has control, for the purpose of
13 carrying gas or oil through pipes, also land for pump
14 stations, tanks, and other buildings, necessary to conduct
15 the oil or gas product of the wells of Wyoming.

16
17 **Section 301.** Other than 2012 SF0038, any other act
18 adopted by the Wyoming legislature during the same session
19 in which this act is adopted shall be given precedence and
20 shall prevail over the amendments in this act to the extent
21 that such acts are in conflict with this act.

1 **Section 401.** This act is effective July 1, 2012.

2

3 (END)