

SENATE FILE NO. SF0008

Court procedure amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to courts; amending terms of court for  
2 district courts; amending duties of court commissioners as  
3 specified; amending provisions in the Probate Code and  
4 drainage district laws related to terms of court and court  
5 actions in vacation; repealing provisions related to terms of  
6 court; and providing for an effective date.

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

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10 **Section 1.** W.S. 2-2-104, 2-2-106, 2-2-108, 2-2-109,  
11 2-2-201(c) (intro), (i), (d) (i) and (ii), 2-2-202(a) (intro)  
12 and (c), 2-4-203(a) (iii), 2-6-119(b), 5-3-101(a) (intro), (i),  
13 (ii) (intro), (iii) (intro), (iv) (intro), (v) (intro),  
14 (vi) (intro), (vii), (viii) (intro), (ix) (intro) and by  
15 creating a new subsection (b), 5-3-106 and 41-9-270 are  
16 amended to read:

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2           **2-2-104. Court to remain open.**

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4 For the purpose of granting probate of wills, issuing letters  
5 testamentary and of administration, filing reports, accounts  
6 and petitions of personal representatives, filing claims  
7 against the estate and issuing process and notices required  
8 by the Probate Code, the court shall ~~be kept open in the~~  
9 ~~vacation period, and the business pertaining thereto done by~~  
10 ~~the court commissioner and the clerk, shall be subject to the~~  
11 ~~supervision of the court at the next ensuing term~~ operate  
12 under the same term of court as specified in W.S. 5-3-101(b).

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14           **2-2-106. Powers and duties of court commissioners;**  
15 **generally.**

16

17 The court commissioner of each district court shall, ~~upon the~~  
18 ~~order of the court in vacation, or~~ upon a general order made  
19 for that purpose, examine the bonds filed by the personal  
20 representatives, with a view to ascertaining their  
21 sufficiency, and may approve the same. He may examine any  
22 inventory, sale bill, account current, except final accounts  
23 and vouchers filed therewith, or examine into the condition

1 of an estate generally. Upon a specific order of the court,  
2 the commissioner may make orders for the sale of personal  
3 property at public or private auction, for the compounding of  
4 debts, for the settlement of an estate as insolvent, for the  
5 approval of bonds and all other orders of an ex parte nature  
6 as may facilitate the settlement of estates. The orders shall  
7 be in writing, signed by the judge or commissioner issuing  
8 the same, and shall be filed and recorded.

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10 **2-2-108. Powers and duties of court commissioners;**  
11 **compelling attendance of witnesses; failure to appear or**  
12 **testify.**

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14 Any person refusing to appear or testify ~~in vacation, before~~  
15 a commissioner may be cited for contempt and held to bail to  
16 answer to the alleged contempt ~~at the next term of court as~~  
17 soon as reasonably possible. The commissioner shall report  
18 his findings upon the matter in writing, to the court for its  
19 action. Exception may be filed to the report which shall be  
20 heard and determined as in other cases.

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22 **2-2-109. Authority of other judges to act when district**  
23 **judge sick.**

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2 Whenever any judge of the district court is absent from the  
3 state, sick or otherwise unable to attend to the duties of  
4 his office, any other district judge ~~may, upon application,~~  
5 shall have the same powers as the original judge, including  
6 the power to examine into all matters, make all orders, and  
7 direct the affairs of the administration of estates. ~~that are~~  
8 ~~required to be performed by judges in vacation, and shall~~  
9 ~~have the same powers as the original judge would have.~~

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11 **2-2-201. Records required to be kept; probate docket;**  
12 **reports to be made by commissioner.**

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14 (c) The clerk of court shall prepare for the use of the  
15 court ~~at each term~~ a probate docket containing:

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17 (i) All appointments made ~~; in vacation;~~

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19 (d) The court commissioner is bound to furnish:

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21 (i) The record of all reports and accounts filed ~~;~~  
22 ~~in vacation;~~

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1           (ii) All claims against the estate pending for  
2 trial; ~~at each term of court;~~

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4           **2-2-202. Preparation and contents of probate docket;  
5 distribution of copies; call of docket.**

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7           (a) ~~Not less than ten (10) days before the first day of~~  
8 ~~the term of the district court~~ On at least a monthly basis,  
9 the clerk of the district court in each county of the state  
10 shall make a docket of all estates of deceased persons pending  
11 in his county which shall include:

12  
13           (c) The judge of the district court in each county  
14 shall, ~~upon the call of the docket after the first day of a~~  
15 ~~regular term of court~~ on at least a monthly basis, read the  
16 probate docket in open court and shall make an order in each  
17 estate as he deems necessary to expedite the progress and  
18 closing thereof.

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20           **2-4-203. Persons incompetent to administer.**

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22           (a) No person is competent or entitled to serve as  
23 administrator, who is:

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(iii) Adjudged by the court, or commissioner ~~in vacation,~~ incompetent to execute the duties of the trust.

**2-6-119. Duty of custodian to deliver will; failure to comply; order to third persons.**

(b) If it is brought to the attention of the court that any will is in the possession of a third person, and the court or the commissioner ~~in vacation~~ is satisfied that the information is correct, an order shall be issued and served upon the person having possession of the will, and if he neglects or refuses to produce it in obedience to the order he may be punished by the court for contempt.

**5-3-101. Judicial districts enumerated; terms of court.**

(a) The state of Wyoming is divided into judicial districts as follows: ~~with terms as designated:~~

(i) The county of Laramie is the first judicial district; ~~Regular terms of the district court shall be held in Laramie county one (1) term beginning on the fourth Monday~~

1 ~~in March, and one (1) term beginning on the first Monday in~~  
2 ~~October;~~

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4 (ii) The counties of Albany and Carbon are the  
5 second judicial district; ~~Regular terms of the district~~  
6 ~~court in each county shall be held:~~

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8 (iii) The counties of Sweetwater, Lincoln and  
9 Uinta are the third judicial district; ~~Regular terms of the~~  
10 ~~district court in each county shall be held:~~

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12 (iv) The counties of Johnson and Sheridan are the  
13 fourth judicial district; ~~Regular terms of the district~~  
14 ~~court in each county shall be held:~~

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16 (v) The counties of Big Horn, Hot Springs, Park  
17 and Washakie are the fifth judicial district; ~~Regular terms~~  
18 ~~of the district court in each county shall be held:~~

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20 (vi) The counties of Campbell, Crook and Weston  
21 are the sixth judicial district; ~~Regular terms of the~~  
22 ~~district court in each county shall be held:~~

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1           (vii) Natrona county is the seventh judicial  
2 district;~~Regular terms of district court shall be held, one~~  
3 ~~(1) term beginning on the first Tuesday in March, and one (1)~~  
4 ~~term beginning on the first Tuesday in September;~~

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6           (viii) The counties of Converse, Platte, Goshen  
7 and Niobrara are the eighth judicial district;~~Regular terms~~  
8 ~~of the district court in each county shall be held:~~

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10           (ix) The counties of Fremont, Teton and Sublette  
11 are the ninth judicial district.~~Regular terms of the district~~  
12 ~~court in each county shall be held:~~

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14           (b) Notwithstanding any other provision of law, there  
15 shall be one (1) continuous term of court for the district  
16 courts of the state. The continuous term of court shall in no  
17 way affect the power of a court to take action in any cause  
18 or matter.

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20           **5-3-106. Judges to hold court for each other.**

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22           The judges of the several district courts shall hold courts  
23 for each other, when from any cause, any judge of a district



1 court is unable to act or to hear, try or determine any cause,  
2 ~~or to hold any term or portion of a term of any district court~~  
3 in his district; and in such event the judge so disqualified  
4 or unable to act shall call upon one (1) of the other judges  
5 of the district court to hear, try and determine such cause,  
6 ~~or to hold such term or portion of a term of court,~~ and the  
7 said judge so called upon, shall try, hear or determine said  
8 cause, ~~or hold such term or portion of a term,~~ with all the  
9 jurisdiction, power and authority possessed by the judge of  
10 the district court of the district whereto he is called to  
11 act as judge.

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13 **41-9-270. Drained lands outside of district; filing of**  
14 **commissioners' assessment report; hearing; trial; amendment**  
15 **or confirmation of report.**

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17 The commissioners shall file their said report and  
18 assessments in court. The court shall by order require said  
19 owners to show cause at a time and place therein fixed, not  
20 less than twenty (20) days after the service of said order,  
21 why said report and assessments should not be confirmed. And  
22 on the hearing on said order to show cause if a jury trial is  
23 demanded the court shall frame issues on benefits and damages

1 and empanel a jury or adjourn the hearing thereon until ~~some~~  
2 ~~term of court when~~ a jury is in attendance and take the  
3 verdict of a jury on such issues. All other issues arising on  
4 said report shall be tried by the court. The court shall order  
5 all necessary amendments of said report and make written  
6 findings of fact and when said report is amended shall by  
7 order confirm the same.

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9       **Section 2.** W.S. 2-2-105, 5-3-101(a)(ii)(A) and (B),  
10 (iii)(A) through (C), (iv)(A) and (B), (v)(A) through (D),  
11 (vi)(A) through (C), (viii)(A) through (D) and (ix)(A)  
12 through (C), 5-3-103, 5-3-104 and 5-3-105 are repealed.

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14       **Section 3.** Any term of court existing at the time of  
15 the effective date of this act shall continue under the  
16 provisions of W.S. 5-3-101(b), as created by this act.

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18       **Section 4.** This act is effective July 1, 2019.

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(END)