

PS LSO 0722

HOUSE BILL 0395

AN ACT to amend W.S. 1-20-103, 1-20-107, 2-3-301, 2-3-602(a)(iii), 7-5-103, 7-13-901, 7-13-916, 19-2-102(a), 19-2-505, 19-3-105(c) and 23-1-404(b); and to repeal W.S. 34-1-108 through 34-1-110 relating to gender designation; providing for neutral references to gender; repealing statutes relating to a woman's right to convey property; amending archaic or duplicative language; and providing for an effective date.

Introduced by: Margaret Brown Philip W. Robertson Mary Oddie
Louise Ryckman Della Herpst
Helen A. Quigley Ed. Hanson Alice Brown
Matthew Hanson

[illegible]

CONTINUED ON BACK

House of Intro				Second House			
_____	To Com. No.	_____	_____	_____	To Com No.	_____	_____
_____	Stand Report	Do _____	Amd _____	Not _____	_____	Stand Report	Do _____
_____	Com Whole	Do _____	Amd _____	Not _____	_____	Com Whole	Do _____
_____	2nd Reading	Amd _____			_____	2nd Reading	Amd _____
_____	3rd Reading	Amd _____	Pass _____	Fail _____	_____	3rd Reading	Amd _____
							Pass _____
							Fail _____

INTRODUCED

1985

STATE OF WYOMING

85LSO-0797.01

HOUSE BILL NO. 0395

Gender designation.

Sponsored by: Representative(s) BROWN, HANSEN, HARRISON,
MURPHY, ODDE and STRAND

A BILL

for

1 AN ACT to amend W.S. 1-20-103, 1-20-107, 2-3-301,
2 2-3-602(a)(iii), 7-5-103, 7-13-901, 7-13-916, 19-2-102(a),
3 19-2-505, 19-3-105(c) and 23-1-404(b); and to repeal W.S.
4 34-1-108 through 34-1-110 relating to gender designation;
5 providing for neutral references to gender; repealing
6 statutes relating to a woman's right to convey property;
7 amending archaic or duplicative language; and providing
8 for an effective date.

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

10 Section 1. W.S. 1-20-103, 1-20-107, 2-3-301,

- 1 -

NO SIGNIFICANT FISCAL IMPACT

HB 395

1 2-3-602(a)(iii), 7-5-103, 7-13-901, 7-13-916, 19-2-102(a),
2 19-2-505, 19-3-105(c) and 23-1-404(b) are amended to read:

3 1-20-103. Homestead exemptions; right of family sur-
4 vivors. When any person dies seized of a homestead leaving
5 as survivor a ~~widow, husband~~ SPOUSE or minor children, the
6 survivor is entitled to the homestead. If there is no such
7 survivor, the homestead is liable for the debts of the
8 deceased.

9 1-20-107. Exemptions when head of family dies, etc.
10 Whenever the head of a family dies, deserts, or ceases to
11 reside with the family, the family is entitled to all the
12 benefits and privileges conferred upon the head of a fam-
13 ily residing with the same, and the family, or any member
14 thereof, may select the property claimed as exempt. Where
15 ~~the--exempt--property--is--the--sole--and--separate--property--of~~
16 ~~the--wife,--it--is,--to--the--same--extent--and--for--all--purposes,~~
17 ~~exempt--for--the--debts--of--the--wife.~~

18 2-3-301. Standard for fiduciaries; authority to
19 acquire and retain property and investments. In acquiring,
20 investing, reinvesting, exchanging, retaining, selling and
21 managing property for the benefit of another, a fiduciary
22 shall exercise the judgment and care under the circum-
23 stances then prevailing, which ~~men~~ PERSON'S of prudence,

1 discretion and intelligence exercise in the management of
2 their own affairs, not in regard to speculation but in
3 regard to the permanent disposition of their funds, con-
4 sidering the probable income as well as the probable
5 safety of their capital. Within the limitations of the
6 foregoing standard, a fiduciary is authorized to acquire
7 and retain every kind of property real, personal or mixed,
8 and every kind of investment, specifically including but
9 not by way of limitation, bonds, debentures and other cor-
10 porate obligations, and stocks, preferred or common, which
11 ~~men~~ PERSON'S of prudence, discretion and intelligence
12 acquire or retain for their own account, and within the
13 limitations of the foregoing standard, a fiduciary may
14 retain property properly acquired, without limitation as
15 to time and without regard to its suitability for original
16 purchase.

17 2-3-602. Administration of trusts.

18 (a) A trust shall be administered with regard to the
19 respective interests of income beneficiaries and remain-
20 dermen. A trust is so administered with respect to the
21 allocation of receipts and expenditures if a receipt is
22 credited or an expenditure is charged to income or princi-
23 pal or partly to each:

1 (iii) If neither of the preceding rules of
2 administration is applicable, in accordance with what is
3 reasonable and equitable in view of the interests of those
4 entitled to income as well as those entitled to principal,
5 and in view of the manner in which ~~men~~ PERSONS of ordinary
6 prudence, discretion and judgment would act in the manage-
7 ment of their own affairs.

8 7-5-103. Composition; qualifications; summoned upon
9 open venire. When so ordered and summoned, the grand jury
10 shall consist of twelve (12) ~~men~~ PERSONS who shall possess
11 the qualifications of petit jurors of and in the district
12 courts of the state, and the grand jury when so ordered
13 by the court shall be summoned from the body of the county
14 by and upon an open venire directed to the sheriff of the
15 county.

16 7-13-901. Insane convicts; inquest to be held if
17 convict appears insane; notice; summoning jury, etc. If
18 any ~~convict~~ PERSON sentenced to ~~the--punishment-of~~ death,
19 ~~shall-appear~~ APPEARS to be insane, the sheriff OF THE
20 COUNTY IN WHICH THE PERSON IS BEING HELD IN CUSTODY shall
21 ~~forthwith-give-notice-thereof-to~~ NOTIFY a judge of the
22 district court ~~of--the--judicial--district--and~~ FOR THE
23 COUNTY, WHO shall summon a jury of twelve (12) impartial

1 ~~men~~ PERSONS to inquire into ~~such-insanity~~; THE MENTAL CON-
2 DITION OF THE PERSON at a time and place to be fixed by
3 the ~~judge~~ COURT, and shall give immediate notice ~~thereof~~
4 OF THE INQUIRY to the district attorney.

5 7-13-916. Inquiry concerning pregnancy of female
6 prisoner; procedure generally; summoning jury, etc. If a
7 ~~female-prisoner-sentenced-to-death-appears-to-be-pregnant,~~
8 ~~and--the~~ physician ~~of-the--penitentiary-shall-certify-that~~
9 ~~in-his-opinion-such~~ CERTIFIES A female prisoner SENTENCED
10 TO DEATH is pregnant, the warden PERSON IN CHARGE OF HER
11 CUSTODY shall ~~forthwith-give-notice--thereof-to-the~~ IMME-
12 DIATELY NOTIFY A judge of the district court for the
13 county ~~wherein-the-said--penitentiary~~ IN WHICH SHE is
14 ~~located,~~ BEING HELD IN CUSTODY together with a copy of
15 the ~~prison~~ physician's certificate. ~~7--and-said--judge~~ THE
16 COURT shall thereupon ~~appoint~~ ESTABLISH a time AND PLACE
17 at which an inquiry shall be ~~had-at--the---state--peniten-~~
18 ~~tiary--in~~ CONDUCTED REGARDING the ~~matter-of-such-alleged~~
19 pregnancy; and direct the sheriff of ~~said~~ THE county to
20 summon a jury of six (6) impartial ~~men~~ PERSONS to attend
21 and determine such inquiry. ~~Thereupon--said~~ THE sheriff
22 shall summon a jury as directed ~~to-meet-at-the-peniten-~~
23 ~~tiary-at-the-appointed-time,~~ and shall also give immediate
24 notice to the district OR COUNTY AND PROSECUTING attorney

1 for the county and ~~also~~ to the attorney general ~~of the~~
2 ~~state~~ of the time and place of ~~such~~ THE inquiry.

3 19-2-102. Composition of state militia; age limits;
4 physical and mental qualifications.

5 (a) Except as provided by subsection (b) of this
6 section the militia of the state ~~includes~~ CONSISTS OF all
7 able-bodied ~~male~~ citizens of the state between the ages of
8 eighteen (18) and forty-five (45) years, and ~~such~~ other
9 ~~applicants-as-may--be~~ PERSONS enrolled or commissioned
10 therein. ~~7--and-in-the-case-of~~ The organized militia, CON-
11 SISTS OF ALL PERSONS who are within the age limits and
12 possess the physical and mental qualifications prescribed
13 by law or regulations for the reserve components of the
14 armed forces of the United States.

15 19-2-505. Discrimination, etc., by employer prohib-
16 ited. No person shall discriminate against any officer or
17 enlisted ~~man~~ PERSON of the national guard or military
18 reserves of the United States because of his membership
19 therein. No employer shall discharge any person from
20 employment because of being a member of the military
21 forces of the state, or hinder or prevent him from per-
22 forming any military service he may be called upon to per-
23 form by proper authority.

1 19-3-105. Oath; term of enlistment; eligibility;
2 appointment of officers; employees of state or political
3 subdivisions.

4 (c) All able-bodied ~~male~~ citizens of Wyoming between
5 sixteen (16) and sixty (60) years of age and of good moral
6 character are eligible for membership in the Wyoming state
7 guard.

8 23-1-404. Chief game and fish wardens; division
9 chiefs.

10 (b) The chief game warden, chief fish warden, and
11 division chiefs shall ~~be men of~~ HAVE knowledge and experi-
12 ence in the fields administered by their respective divi-
13 sions, shall be the administrative head of their respec-
14 tive divisions, shall have administrative supervision of
15 all activities and personnel of their respective divisions
16 subject to the approval of the director, and shall devote
17 their entire time to the service of the state in discharge
18 of their official duties as provided by law and as pre-
19 scribed by the commission. They are removable as provided
20 by law.

21 Section 2. W.S. 34-1-108 through 34-1-110 are
22 repealed.

1 Section 3. This act is effective May 23, 1985.

2 (END)

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

H B 0395 H S 1

Cheyenne, January 24, 1985, 19.....

Mr. Speaker:

Your Committee No. on JUDICIARY

to whom was referred No. 0395

respectfully reports same back to the House with the recommendation that

HB0395 DO PASS with the following amendments:

- Page 1 - line 1 After "1-20-103," delete balance of line.
- Page 1 - line 2 Delete line through "7-13-216,".
- Page 1 - line 3 After "A" delete balance of line.
- Page 1 - line 4 Delete through "34-1-110".
- Page 1 - line 5 Delete "regarding".
- Page 1 - line 6 Delete entirely.
- Page 1 - line 10 After "1-20-103," delete balance of line.
- Page 2 - line 1 Delete line through "7-13-216,".
- Page 2 - line 6 Strike "each".
- Page 2 - lines 9 through 23 Delete entirely.
- Pages 3 through 5 Delete entirely.
- Page 6 - lines 1 and 2 Delete entirely.
- Page 6 - line 10 Strike "therein" insert "IN THIS STATE".
- Page 6 - line 17 Strike "of" insert "MEMBER OF HIS MEMBERSHIP IN".
- Page 6 - line 18 After "States" delete "and" delete balance of line.
- Page 6 - line 19 Strike "therein".
- Page 7 - line 13 Strike "each" insert "HARDS".
- Page 7 - lines 21 through 23 Delete entirely.

Rep. AYES
Hansen
Harrison
Robertson
Ryckman
Tate
Tipton
Wolfley

After "A" NOES
Rep. Crowley

REMOVED
Rep. Lunnis
Ozde

Ellen Crowley
Chairman

Handwritten signature