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92 LSO-1173_

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HOUSE BILL 2223.

TP HB0 203

AN ACT to amend W.S. 1-5-102, 1-22-201(a) (iii), 1-22-203(b), 2-1-301(a) (xvii) and (xxvi), 3-2-102, 3-3-102(a) (ii), 6-2-310(e), 6-4-103(b), 6-4-402(g), 7-13-101(a), 7-13-102, 8-1-102(a) (iii) (B), 9-2-2101(h) (iii) introductory paragraph, 9-3-203(a) (iii), 11-25-109(c), 12-4-103(a) (vii), 12-4-410(b), 12-5-203(a) introductory paragraph, (i) and (b), 14-1-101(a) and (e), 14-1-205(a), 14-3-105, 14-3-105(e), 14-3-202(a) (iii), 21-13-315(k), 23-2-201(b) (iv) and (v), 23-2-411(a) (i), 31-7-105(d) (iv) (G), 31-7-108(b) (vii), 31-7-126, 31-7-128(f) introductory paragraph, 32-1-101(b) (i), 35-4-131(a) and (c), 35-20-102(a) (vi) and 39-6-701(a) (iv); and to repeal W.S. 26-15-125 relating to age of majority; providing that persons who have attained the eighteenth anniversary of their birth have reached the age of majority and have acquired all rights and responsibilities granted to adults except as otherwise provided by law; amending definitions; conforming related statutes; providing for prospective operation; and providing for an effective date.

Introduced by: full coorfenough Men Andera

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	MOTION TO DIRODUCE AYES 39. NOES 23. EXCUSED 2. ABSENT O. FAUED TO BE INTRODUCED	MOTION TO DIRCOVER AYES 39 NOES 23 EXCUSED 2: ABSENT O. FAUED TO BE INTRODUCED

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9/13 203 Sotto fution Date

2/19/92

HOUSE ROLL CALL FIFTY-FIRST WYOMING LEGISLATURE

Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent	
/				ALDEN		/			MILLER
1				ANDERSON					OTOOLE
1				ARNOLD	1				PERKINS, D.
V				BEBOUT		/		-	PERKINS, J.
			Ś	BENSEL		V			PHELAN
	1		2	BLACKWELL					PLANT
~	05			BODINE	/				RANKINE
	1	4	1	BOWRON	/				RATLIFF
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1			Č.	CALL					RYCKMAN
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				CHOS	/				SHIPPY
1				CUBIN		/			SHREVE
1			1.1	DEWITT	~				SIMONS
1				DUNNUCK		1		, 	SULLIVAN
1				GAMS	~				TEMPEST
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1				GOODENOUGH				1	TIPPETS
V				GRANT	ン				TIPTON
-	1			HACKER	1				TYSDAL
1				HAGEMAN		-			VASEY
V				HANSEN	/				VLASTOS
1				HARRIS	V				WALLIS
	/			HARRISON, F.	-				WATSON
	1			HARRISON, R.	/				WOLD
	/			HINCHEY					WOLFLEY
1				HINES	Nese	1			WRIGHT
	1			HONAKER		~			ZUMBRUNNEN
1				HUMPHREY	レ				MR. SPEAKER
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2nd Reading Amd	2nd Reading Amd
3rd Reading Amd_Pass_Fail	3rd Reading AmdPassFail

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STATE OF WYOMING

92LSO-0173.01

HOUSE BILL NO. 0203

Age of majority.

Sponsored by: Representative(s) ANDERSON

A BILL

for

1	AN ACT to amend W.S. 1-6-102, 1-22-201(a)(iii),
2	1-22-203(b), 2-1-301(a)(xvii) and (xxvi), 3-2-102,
3	3-3-102(a)(ii), 6-2-310(e), 6-4-103(b), 6-4-402(g),
4	7-13-101(a), 7-13-102, 8-1-102(a)(iii)(B),
5	9-2-2101(h)(iii) introductory paragraph, 9-3-203(a)(iii),
6	11-25-109(c), 12-4-103(a)(vii), 12-4-410(b), 12-5-203(a)
7	introductory paragraph, (i) and (b), 14-1-101(a) and (e),
8	14-1-205(a), 14-3-105, 14-3-106(e), 14-3-202(a)(iii),
9	21-13-315(k), $23-2-201(b)(iv)$ and (v) , $23-2-411(a)(i)$,
10	31-7-105(d)(iv)(G), 31-7-108(b)(vii), 31-7-126,
11	31-7-128(f) introductory paragraph, 32-1-101(b)(i),
12	35-4-131(a) and (c), 35-20-102(a)(vi) and 39-6-701(a)(iv);
13	and to repeal W.S. 26-15-125 relating to age of majority;

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providing that persons who have attained the eighteenth anniversary of their birth have reached the age of majority and have acquired all rights and responsibilities granted to adults except as otherwise provided by law; amending definitions; conforming related statutes; providing for prospective operation; and providing for an effective date.

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

9 1. W.S. 1-6-102, 1-22-201(a)(iii), Section 10 1-22-203 (b), 2-1-301 (a) (xvii) and (xxvi), 3-2-102, 3-3-102(a)(ii), 6-2-310(e), 6-4-103(b), 6-4-402(g), 11 7-13-102, 12 7-13-101(a), 8-1-102(a)(iii)(B), 9-2-2101(h)(iii) introductory paragraph, 9-3-203(a)(iii), 13 11-25-109(c), 12-4-103(a)(vii), 12-4-410(b), 12-5-203(a) 14 introductory paragraph, (i) and (b), 14-1-101(a) and (e), 15 16 14-1-205(a), 14-3-105, 14-3-106(e), 14-3-202(a)(iii), 17 21-13-315(k), 23-2-201(b)(iv) and (v), 23-2-411(a)(i), 18 31-7-105(d)(iv)(G), 31-7-108(b)(vii), 31-7-126, 19 31-7-128(f) introductory paragraph, 32-1-101(b)(i), 20 35-4-131(a) and (c), 35-20-102(a)(vi) and 39-6-701(a)(iv) are amended to read: 21

22 1-6-102. Service of process when sheriff is an inter-

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1 <u>ested party.</u> When the sheriff is a party or is interested
2 in an action, process shall be directed to and executed
3 by a person over the age of nineteen--{19} EIGHTEEN (18)
4 years, not a party to the action, appointed for that pur5 pose by the court.

6 1-22-201. Definitions.

7 (a) As used in this act:

8 (iii) "Adult" means a person nineteen-(19) EIGH9 TEEN (18) years of age or older;

10 <u>1-22-203. Confidential intermediaries; confidential</u>
 11 <u>intermediary services.</u>

Any adult adoptee, adoptive parent, biological 12 (b) 13 parent, biological sibling or biological grandparent who is nineteen-(19) EIGHTEEN (18) years of age or older may 14 15 file a motion, with supporting affidavit, in the court 16 where the adoption took place or in the court in which 17 parental rights were terminated pursuant to W.S. 14-2-308 18 through 14-2-319, to appoint one (1) or more confidential 19 intermediaries for the purpose of determining the where-20 abouts of the unknown biological relative or relatives, except that no one shall seek to determine the whereabouts 21

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1 of a relative who is a minor. The court may rule on the 2 motion and affidavit without hearing and may appoint a 3 confidential intermediary. Costs related to the proceed-4 ing and investigation shall be the responsibility of the 5 party filing the motion for appointment and investigation.

6 2-1-301. Generally.

7 (a) When used in this code, unless otherwise required
8 by the context, the following words and phrases shall be
9 construed as follows:

10 (xvii) "Full age" means the state of legal 11 majority having attained the age of nineteen-{19} EIGHTEEN 12 (18) years;

13 (xxvi) "Minor" means a person who has not
14 attained the age of nineteen-{19} EIGHTEEN (18) years;

15 <u>3-2-102.</u> Notice; when required; governed by rules of 16 <u>civil procedure.</u> Except when a petition is filed under the 17 provision of W.S. 3-2-106, 3-3-107 or 3-3-101, or in cases 18 when the court determines there to be good cause shown for 19 no notice to be given when the proposed ward is under the 20 age of nineteen--(19) EIGHTEEN (18) years, notice of the 21 filing of the petition shall be served upon the proposed

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1	ward and his custodian, if any, and his parent, child, or
2	spouse who are known or who can be known with due dili-
3	gence. Notice shall be given in accordance with the
4	Wyoming Rules of Civil Procedure and may be by the most
5	expeditious manner reasonably calculated to give notice.
6	3-3-102. Notice; when required; governed by rules of
7	civil procedure.
8	(a) Notice of filing of a petition for appointment of
9	an involuntary conservator shall be served on the proposed
10	ward, his custodian, his parents, child and spouse who are
11	known or who can be discovered with due diligence, except:
12	(ii) When for good cause the court determines
13	that no notice is necessary when the proposed ward is
14	under the age of nineteen-{19} EIGHTEEN <u>(18)</u> years.
15	6-2-310. Names not to be released; restrictions on
16	disclosure or publication of information; violations; pen-
17	alties; effect of disclosure; "minor victim".
18	(e) As used in this section "minor victim" means a
19	person under the age of nineteen-(19) EIGHTEEN (18) years.
20	6-4-103. Promoting prostitution; penalties.

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The felony defined by this section is punishable 1 (b) 2 imprisonment for not more than three (3) years, a fine bv of not more than three thousand dollars (\$3,000.00), or 3 4 both. However, the crime is a felony punishable by impris-5 onment for not more than five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both, 6 7 under paragraph (i) of subsection (a) of this section if the person enticed or compelled is under mineteen--(19) 8 EIGHTEEN (18) years of age. 9

10 <u>6-4-402.</u> Incest; penalties; disclosure or publication 11 of identifying information; "minor victim."

(g) As used in this section, "minor victim" means a
 person under the age of nineteen-(19) EIGHTEEN (18) years.

14 <u>7-13-101. Sentencing of minors to boys' school upon</u>
 15 first conviction of felony; term; parole.

16 (a) Upon his first conviction of a felony, any male
17 offender under the age of nineteen--{19} EIGHTEEN (18)
18 years may be sentenced to imprisonment in the Wyoming
19 boys' school.

20 <u>7-13-102</u>. Transfer of minors from penitentiary to 21 <u>boys' school</u>. If satisfied that the public interest and

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1 the welfare of the prisoner would be better served, the 2 state board of parole may order that any convicted male felon under the age of nineteen-(19) EIGHTEEN (18) years 3 4 who has been sentenced to any state penal institution be 5 transferred to the Wyoming boys' school to serve the unexpired portion of his sentence or until returned to the 6 7 penitentiary pursuant to a transfer in accordance with W.S. 25-3-104. 8 9 8-1-102. Definitions. 10 (a) As used in the statutes unless the legislature 11 clearly specifies a different meaning or interpretation or the context clearly requires a different meaning: 12 13 (iii) When used in a context denoting age: 14 (B) "Minor" means a person who has not yet 15 reached the mineteenth EIGHTEENTH anniversary of his birth; 16 17 9-2-2101. Department of family services; duties and 18 responsibilities; state grants; authority to contract for 19 shelters; definitions; youth programs. 20 (h) As used in this section:

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"Shelter services" means residential 1 (iii) services for children through mineteen-{19} EIGHTEEN (18) 2 years of age which shall include: 3 4 9-3-203. Definitions. As used in this act: 5 (a) "Dependent" means an employee's spouse, 6 (iii) each unmarried child under the age of mineteen-(19) EIGH-7 8 TEEN (18), including adopted children, stepchildren and 9 foster children, and each unmarried child between the age of nineteen-(19) EIGHTEEN (18) and twenty-three (23) years 10 who is a full-time student in an accredited educational or 11 12 vocational institution, and for whom the employee is the major source of financial support; 13 11-25-109. Bribery, touting and betting by minors 14 prohibited. 15 16 No person under the age of nineteen-(19) EIGHTEEN (C) (18) years shall place or be allowed to place a bet. 17 18 12-4-103. Restrictions upon license or permit appli-19 cants and holders; license limitation per person.

20 (a) A license or permit authorized by this title

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1 shall not be held by, issued or transferred to:

2 (vii) A person under nineteen-(19) EIGHTEEN (18)
3 years of age;

<u>12-4-410. Sale of alcoholic beverages for off-</u>
<u>premises consumption prohibited; location, regulation and</u>
<u>restrictions on dispensing of liquor; prohibiting certain</u>
<u>activities.</u>

8 Alcoholic and malt beverages shall be dispensed (b) and prepared for consumption in one (1) room upon the 9 licensed premises separated from the dining area in which 10 alcoholic and malt beverages may be served. No consumption 11 12 of alcoholic or malt beverages shall be permitted within 13 the dispensing room, nor shall any person other than 14 employees over nineteen- (19) EIGHTEEN (18) years of age be 15 permitted to enter the dispensing room. If a restaurant 16 has a dispensing room separate from the dining area which 17 is licensed prior to February 1, 1979 for purposes of 18 alcoholic or malt beverage sales and consumption, the res-19 taurant may dispense alcoholic or malt beverages in the 20 separate dispensing room under a restaurant liquor 21 license, and any person over nineteen-(19) EIGHTEEN (18) 22 years of age is permitted to enter the separate dispensing

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1 room.
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2 <u>12-5-203. Minors restricted from dispensing room;</u>
3 exception; penalty.

4 (a) No licensee or agent, employee or servant thereof 5 shall knowingly permit any person under the age of mime-6 teen--(19) EIGHTEEN (18) years to enter or remain in the 7 licensed room or rooms where alcoholic or malt beverages 8 are dispensed. No person under the age of mimeteen-(19) 9 EIGHTEEN (18) years; shall enter or remain in the licensed 10 room or rooms where alcoholic beverages are sold unless:

(i) Accompanied by his parent or guardian who is
at least nineteen-(19) EIGHTEEN (18) years of age; and

(b) When the licensed room or rooms are not open for
the sale or dispensing of alcoholic or malt beverages,
employees of the licensee under the age of nineteen--(19)
EIGHTEEN (18) may be permitted in the course of their
employment to work in the room or rooms.

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14-1-101. Age of majority; rights on emancipation.

(a) Upon becoming nineteen-{19} EIGHTEEN (18) years
of age, an individual reaches the age of majority and as
an adult acquires all rights and responsibilities granted

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or imposed by statute or common law, except as otherwise
 provided by law.

3 (e) A person who is at least eighteen (18) years of
4 age may consent to donate and may donate blood. The con5 sent-given-under-this-subsection-is-not-subject-to--disaf6 firmance-by-reason-of-minority-

7 <u>14-1-205. Application to department of transportation</u>
8 for indication of emancipated status on driver's license
9 or identification card; fee.

(a) Upon application of an emancipated minor, the
department of transportation shall indicate the minor's
emancipated status on his Wyoming driver's license or if
under--eighteen--{18}--years--of-age-or without a driver's
license, on the minor's Wyoming identification card issued
under W.S. 31-8-101.

16 <u>14-3-105</u>. Immoral or indecent acts; penalty.

17 <u>(a)</u> Any person knowingly taking immodest, immoral or 18 indecent liberties with any child or knowingly causing or 19 encouraging any child to cause or encourage another child 20 to commit with him any immoral or indecent act is guilty 21 of a felony, and upon conviction shall be fined not less

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than one hundred dollars (\$100.00) nor more than one thou-1 2 sand dollars (\$1,000.00) or imprisoned in the penitentiary not more than ten (10) years, or both. 3 IN THIS SECTION, "CHILD" MEANS A PERSON 4 (b) AS USED 5 UNDER THE AGE OF EIGHTEEN (18) YEARS. 6 14-3-106. Names not to be released; restrictions on disclosures or publication of information; violations; 7 8 penalties. 9 (e) As used in this section "minor victim" means a person under the age of mineteen-(19) EIGHTEEN (18) years. 10 11 14-3-202. Definitions. (a) As used in W.S. 14-3-201 through 14-3-215: 12 13 (iii) "Child" means any person under the age of nineteen-(19) EIGHTEEN (18); 14 15 21-13-315. Costs of court ordered placement of chil-16 dren in private residential treatment facilities and 17 homes. 18 (k) This section applies to children ages WHO ARE AT LEAST six (6) through-nineteen-(19) YEARS OF AGE BUT WHO 19 ARE UNDER EIGHTEEN (18) YEARS OF AGE. 20

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1	23-2-201. Fees; restrictions; verification of resi-
2	dency required.
3	(b) The following licenses may be purchased for the
4	fee indicated and subject to the limitations provided:
5	(iv) Resident youth fishing
6	license (between their 14th and 19th <u>18th</u>
7	birthdays) 3.00
8	(v) Nonresident tourist youth,
9	ten (10) day fishing license (children
10	under nineteen-(19) EIGHTEEN <u>(18)</u> years of
11	age) 10.00
12	23-2-411. Outfitter qualifications for licensure;
13	licensed outfitter may act as professional guide; required
14	reporting of criminal history.
15	(a) An applicant for an outfitter's license shall in
16	addition to any other criteria imposed by rule and regula-
17	tion of the board, possess the following qualifications:
18	(i) At least nineteen-{19} EIGHTEEN <u>(18)</u> years
19	of age;
20	31-7-105. Office of hearing examiners.

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Before suspending, revoking, canceling or denying 1 (d) 2 the license or driving privilege of any person under this act or disgualifying a person from driving a commercial 3 4 motor vehicle pursuant to W.S. 31-17-111 and 31-17-113, the division shall immediately notify the licensee in 5 writing. The licensee has twenty (20) days from the date 6 the division denies the license or gives the notice of 7 8 intent to suspend, revoke or cancel the license or dis-9 qualify the licensee from driving a commercial motor vehicle within which to request a hearing or the opportunity 10 11 for a hearing is waived. If the request for a hearing is 12 timely, the division shall forward the request to the 13 hearing examiner who shall schedule a hearing within forty-five (45) days after receipt of the request at a time 14 15 and place specified by the hearing examiner. The hearing examiner shall provide the licensee notice of the hearing 16 17 least ten (10) days in advance of the hearing. If the at 18 hearing examiner fails to schedule the hearing within for-19 ty-five (45) days of the request, other than at the 20 request of the licensee, the licensee, as his sole remedy, 21 shall be given credit against any action upheld at the 22 hearing for the time between the expiration of the forty-23 five (45) day period and the date the hearing was first 24 scheduled. The hearing examiner may administer oaths,

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subpoena and compel the attendance of witnesses or the 1 2 production of relevant books, papers and other evidence reasonably necessary to resolve the matters under consid-3 4 eration in accordance with W.S. 16-3-101 through 16-3-115 and may require reexamination of the licensee. The hearing 5 6 examiner shall issue subpoenas upon his own motion or upon the request of any party to the proceedings in compliance 7 with the Wyoming Rules of Civil Procedure. Upon hearing, 8 9 the hearing examiner shall either rescind or uphold the 10 denial or order of suspension, revocation or cancellation 11 or disgualification from driving a commercial motor vehicle or, good cause appearing therefor, may continue or 12 modify a suspension of the license. The discretion to con-13 tinue or modify any order of suspension so as to allow 14 driving privileges is limited as follows: 15

16 (iv) It shall not be granted in cases of:

(G) A licensee under nineteen-{19} EIGHTEEN (G) A licensee under nineteen-{19} EIGHTEEN (18) years of age who has had his license suspended under W.S. 31-7-128(f) unless at least one-third (1/3) of the total license suspension period has elapsed and the licensee has complied with or is complying with all requirements or conditions imposed by the court resulting from the conviction.

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<u>31-7-108. Persons not to be licensed; investigation</u>
 <u>by the division.</u>

3 (b) The division shall not issue or renew any4 driver's license to any person:

5 (vii) Who is under nineteen-(19) EIGHTEEN (18) 6 years of age and who has been convicted of any offense 7 regarding the possession, delivery, manufacture or use of 8 a controlled substance or alcohol within the preceding 9 twelve (12) months.

10 31-7-126. Reporting of convictions and failure to appear by courts. Every court having jurisdiction under 11 12 any statute of this state or a municipal ordinance adopted by local authority regulating the driving of motor vehi-13 cles, shall forward to the division within ten (10) work-14 15 ing days from the date of conviction a record of the conviction of any person in the court for a violation of any 16 17 of those laws or ordinances, other than those regulating standing or parking of a motor vehicle. Each court in this 18 state shall also forward to the division within ten (10) 19 working days from the date of conviction a record of the 20 21 conviction of any person under nineteen-{19} EIGHTEEN (18) years of age in the court for a violation of any law 22

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regarding the possession, delivery, manufacture or use of 1 2 a controlled substance or alcohol. The court shall also forward to the division a report of any violation by any 3 person of a written promise to appear in court as given to 4 5 the arresting officer upon the issuance of a traffic cita-6 tion and any failure to appear in court at the time speci-7 fied by the court. Failure of a court to forward a record of conviction or violation under this section within the 8 9 time specified in this section from the date of conviction 10 or violation shall not affect the division's authority 11 under this act.

<u>31-7-128. Mandatory suspension of license or nonresi-</u>
 <u>dent operating privilege for certain violations; suspen-</u>
 <u>sion of registration.</u>

(f) Upon receiving a record of the conviction of a driver who is under nineteen-(19) EIGHTEEN (18) years of age for violating any law regarding the possession, delivery, manufacture or use of a controlled substance or alcohol, the division shall suspend the license or nonresident operating privilege for:

21 <u>32-1-101.</u> Qualifications; application; term.

(b) To be qualified for a notarial commission a per-

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22

1 son shall:

2 (i) Be at least nineteen--(19) EIGHTEEN (18)
3 years of age;

4 <u>35-4-131.</u> Consent of person under 18 to treatment for 5 <u>sexually transmitted disease; health care providers to</u> 6 <u>treat infected or exposed persons; immunity from liability</u> 7 for assault.

8 (a) Persons under mineteen-{19} EIGHTEEN (18) years 9 of age may give legal consent for examination and treat-10 ment for any sexually transmitted disease infection.

(c) Physical examination and treatment by a licensed physician or other qualified health care provider of a person under mineteen-{19} EIGHTEEN (18) years of age consenting to examination or treatment is not an assault or an assault and battery upon that person.

16 <u>35-20-102</u>. Definitions.

17 (a) As used in this act:

(vi) "Disabled adult" means any person nineteen
(19) EIGHTEEN (18) years of age or older who is unable
unassisted to properly manage and take care of himself or

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his property as a result of the infirmities of advanced age, physical or mental disability, or the use of alcohol or controlled substances;

- 4 <u>39-6-701</u>. Definitions.
- 5 (a) As used in this article:

(iv) "Totally disabled" means a person nineteen
(19) EIGHTEEN (18) years of age or older whose physical or
mental condition permanently prevents the person from performing any substantial gainful employment;

10 Section 2. W.S. 26-15-125 is repealed.

Section 3. This act shall operate prospectively only
and shall not apply to existing court decrees, trusts,
wills, contracts or other written documents.

14 Section 4. This act is effective July 1, 1992.

15 (END)

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Age of majority.

92LSO-0173.L1

	FISCAL NOTE		
Anticipated REVENUE to:	<u>FY 1993</u>	<u>FY 1994</u>	<u>FY 1995</u>
TOTAL ESTIMATED REVENUE _			
Anticipated COST to:	<u>FY 1993</u>	<u>FY 1994</u>	<u>FY 1995</u>
TOTAL ESTIMATED COST			
Anticipated SAVINGS to:		<u>FY 1994</u>	<u>FY 1995</u>
TOTAL ESTIMATED SAVINGS _			
		: = = = = = = = = = = = = = = = = = = =	
Anticipated Change in Personnel:	<u>FY 1993</u>	FY 1994	<u>FY 1995</u>
Full-Time Part-Time Temporary Time-Limited, Other			
TOTAL PERSONNEL IMPACT _			
			==========================
1. According to a spokes and the County Courts, th			

2. According to a spokesman for the Wyoming Game & Fish Department there would not be any significant fiscal impact.

3. According to a spokesman for the Department of Health the potential exists for loss of federal funding, but the amount is unknown.

4. According to a spokesman for the Department of Family Services, in testimony at prior legislative hearings, the change of the age of majority could result in significant savings to the state.