

HOUSE BILL NO. HB0030

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; repealing fully executed
3 or otherwise archaic and obsolete provisions; and providing
4 for an effective date.

5

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

7

8 **Section 1.** W.S. 12-1-101(a)(iii)(E), (iv), (ix) and
9 (xvii), 12-1-102(b), 12-2-201(a)(intro), (ii), (b) through
10 (e), (g)(intro) and (iii), 12-2-202(a)(intro), 12-2-203(g),
11 12-2-301(a), 12-2-302, 12-2-303(b), 12-2-304 through
12 12-2-306, 12-2-502, 12-2-504, 12-3-101(a), (d) and (e),
13 12-3-102, 12-4-101(c), 12-4-102(c), 12-4-103(c),
14 12-4-104(d), 12-4-301(b), 12-4-407(a) and (c),
15 12-4-412(b)(ii), 12-5-202, 12-5-402(c), 12-5-405,

1 12-6-101(a), 12-7-102, 12-7-103, 12-7-201(c) through (e),
2 12-9-110 and 35-1-627 are amended to read:

3

4 **12-1-101. Definitions.**

5

6 (a) As used in this title:

7

8 (iii) "Club" means any of the following
9 organizations:

10

11 (E) A social club with more than one
12 hundred (100) bona fide members who are residents of the
13 county in which it is located, owning, maintaining or
14 operating club quarters, incorporated and operating solely
15 as a nonprofit corporation under the laws of this state and
16 qualified as a tax exempt organization under the Internal
17 Revenue Service Code and having been continuously operating
18 for a period of not less than one (1) year. The club shall
19 have had during this one (1) year period a bona fide
20 membership paying dues of at least twenty-five dollars
21 (\$25.00) per year as recorded by the secretary of the club,
22 quarterly meetings and an actively engaged membership
23 carrying out the objects of the club. A social club shall,

1 upon applying for a license, file with the licensing
2 authority and the ~~commission~~division, a true copy of its
3 bylaws and shall further, upon applying for a renewal of
4 its license, file with the licensing authority and the
5 ~~commission~~division a detailed statement of its activities
6 during the preceding year which were undertaken or
7 furthered in pursuit of the objects of the club together
8 with an itemized statement of amounts expended for such
9 activities. Club members, at the time of application for a
10 limited retail liquor license pursuant to W.S. 12-4-301,
11 shall be in good standing by having paid at least one (1)
12 full year in dues;

13

14 (iv) ~~"Commission"~~"Division" means the Wyoming
15 liquor division within the department of revenue created
16 under W.S. 12-2-106;

17

18 (ix) "Licensing authority" means the governing
19 body of an incorporated city, town or county in Wyoming
20 with the responsibility to issue, control and administer a
21 particular license, or the ~~commission~~division;

22

1 (xvii) "Wholesaler" means any person except the
2 ~~commission~~division, who sells any alcoholic or malt
3 beverage to a retailer for resale;

4
5 **12-1-102. Application of provisions.**

6
7 (b) Nothing in this title prohibits a liquor supplier
8 operating under a governmental permit or tax license from
9 selling his product to the ~~commission~~division or
10 delivering products at points not within the state of
11 Wyoming after licenses are secured as required by the
12 ~~commission~~division.

13
14 **12-2-201. Wholesale license for sale of malt**
15 **beverages only; fee.**

16
17 (a) Except as otherwise provided in paragraph (ii) of
18 this subsection a wholesale license authorizing the sale of
19 malt beverages only may be granted by the ~~commission~~
20 division to microbreweries and malt beverage wholesalers
21 resident within this state. Wholesale licensees have the
22 exclusive right to sell malt beverages at wholesale. Any
23 qualified person desiring a wholesale license shall apply

1 to the ~~commission~~division on forms to be provided and pay
2 a license fee of two hundred fifty dollars (\$250.00)
3 annually in advance. A wholesale license issued under this
4 subsection shall be subject to the following:

5
6 (ii) The ~~commission~~division may issue a
7 temporary wholesale license under this subsection to a
8 brewery or malt beverage importer if a current licensee who
9 has been granted distribution rights for a brand in a
10 designated sales territory is unable to service the
11 territory as a result of the loss of his license,
12 bankruptcy or insolvency, and the loss of license,
13 bankruptcy or insolvency is not the result of action by the
14 brewery or malt beverage importer that is prohibited under
15 the franchise agreement. A temporary license under this
16 paragraph may be issued for a period not to exceed one (1)
17 year and shall be limited to the sale of products in the
18 designated territory;

19
20 (b) Each applicant shall submit to the ~~commission~~
21 division a statement under oath designating clearly the
22 geographical territory within which the applicant will sell
23 and deliver malt beverages to qualified retail liquor and

1 malt beverage licensees or permittees only. The territory
2 is to be that designated by the brewer or brewer's
3 authorized agent whose product the applicant sells. The
4 application shall state that malt beverages sold by the
5 applicant may be purchased by all retail liquor licensees
6 or malt beverage permittees, and that the applicant will
7 maintain a warehouse and delivery facilities within the
8 territory designated. This subsection does not apply to a
9 licensed malt beverage wholesaler when there has been no
10 territorial designation of a brand by a brewer or the
11 brewer's authorized agent to another licensed wholesaler.
12 The ~~commission~~division may authorize a licensed wholesaler
13 to annually purchase not more than one hundred fifteen
14 (115) gallons of any unassigned brand. A retail liquor
15 licensee or malt beverage permittee shall purchase all malt
16 beverages for retail sale only from a Wyoming wholesale
17 malt beverage licensee.

18

19 (c) A malt beverage wholesaler may sell to or
20 purchase from another malt beverage wholesaler only those
21 products the purchasing wholesaler is licensed to sell
22 within his designated territory. A copy of the invoice of
23 the transaction shall be submitted to the ~~Wyoming liquor~~

1 ~~commission~~division by the seller. State excise tax shall
2 be reported and paid by the licensed malt beverage
3 wholesaler who has imported the products into the state.

4

5 (d) The ~~commission~~division may grant the number of
6 licenses it deems appropriate and at points within the
7 state as it may select.

8

9 (e) All Wyoming breweries and all malt beverage
10 wholesalers shall be under the direct supervision of the
11 ~~commission~~division and subject to all the provisions of
12 this title and the rules and regulations of the department.

13

14 (g) Notwithstanding W.S. 12-2-203, the ~~commission~~
15 division:

16

17 (iii) The ~~commission~~division shall not grant a
18 license for a brewery and a microbrewery to the same
19 producer.

20

21 **12-2-202. Sales by railroads and chartered**
22 **transportation services; limited transportation liquor**
23 **license; fees; chartered transportation services defined.**

1

2 (a) The ~~commission~~division may authorize sales by
3 railroads and by any charter transportation service. Under
4 the authority of a limited transportation liquor license,
5 railroads and chartered transportation services may sell
6 alcoholic liquor or malt beverages when moved into and
7 through the state in dining cars, club cars, observation
8 cars and pullman cars attached to trains or in the
9 passenger compartment of a chartered transportation
10 vehicle. Upon application, the ~~commission~~division may
11 issue a limited transportation liquor license for each
12 scheduled train or chartered transportation vehicle upon
13 which alcoholic liquor or malt beverages are to be sold,
14 subject to the following terms and maximum fees:

15

16 **12-2-203. Manufacturing and rectifying; importing and**
17 **industry representatives; licensing; fees.**

18

19 (g) The local licensing authority may issue to the
20 holder of a manufacturer's license under subsection (a) of
21 this section who is a federally licensed distiller or
22 rectifier, a satellite manufacturer's permit which allows
23 the permittee to sell its manufactured product at not more

1 than one (1) satellite location within Wyoming separate
2 from its manufacturing site under the original permit. All
3 products sold at a manufacturer's satellite location shall
4 be obtained through the ~~commission~~division. The satellite
5 manufacturer's permit may be issued on application to the
6 appropriate licensing authority. The local licensing
7 authority may require a public hearing and the payment of
8 an additional permit fee not to exceed one hundred dollars
9 (\$100.00). The satellite manufacturer's permit shall be
10 subject to the terms and conditions of W.S. 12-4-106, the
11 schedule of operating hours provided in W.S. 12-5-101 and
12 the dispensing room provisions pursuant to W.S. 12-5-201.

13

14 **12-2-301. Generally.**

15

16 (a) The ~~commission~~division is the exclusive
17 wholesale distributor and seller of alcoholic liquor within
18 Wyoming. It is granted the sole right to sell alcoholic
19 liquors at wholesale, and no licensee or permittee who is
20 granted the right to sell, distribute or receive alcoholic
21 liquors at retail shall purchase any alcoholic liquors from
22 any source other than the ~~commission~~division, unless
23 otherwise expressly authorized by state law. Any

1 out-of-state shipment of alcoholic liquor or malt beverage
2 into this state is prohibited unless otherwise expressly
3 authorized by state law.

4

5 **12-2-302. Collection of excise taxes; disposition of**
6 **revenue and fees.**

7

8 (a) The ~~commission~~division shall collect all excise
9 taxes provided by this title relating to alcoholic and malt
10 beverages for deposit into the general fund.

11

12 (b) All other revenue and fees collected by the
13 ~~commission~~division shall be deposited into the state
14 treasury to the credit of the enterprise fund except as
15 otherwise provided by law. The legislature shall authorize
16 expenditures as necessary to defray the administrative
17 expenses of the ~~commission~~division, including salaries,
18 office expenses and general expenses for the enforcement of
19 their duties and sufficient funds to defray the cost of
20 alcoholic liquor purchases and attendant expenses as
21 provided by W.S. 9-4-205(d).

22

1 **12-2-303. Purchase and sale of alcoholic liquors;**
2 **shortages.**

3
4 (b) In the case of a shortage in the supply of any
5 alcoholic liquor, the ~~commission~~division may apportion its
6 available supply among the licensees in an equitable
7 manner.

8
9 **12-2-304. Inspections and examinations; failure to**
10 **permit entry.**

11
12 (a) The ~~commission~~division, through its employees or
13 agents, may enter and inspect at any time every place of
14 business wherein malt or alcoholic beverages are being
15 sold, stored or kept by any licensee or permittee.

16
17 (b) The ~~commission~~division, through its employees or
18 agents, may examine the records, books of account and stock
19 of malt and alcoholic beverages of retailers, wholesalers
20 and licensees.

21
22 (c) If any licensee refuses to permit the entry of an
23 agent of the ~~commission~~division to his place of business

1 or storage place for the purpose of inspection, his license
2 may be revoked as provided by law. Entry for purposes of
3 inspection is authorized only during open business hours
4 unless it is in the presence of the licensee or his duly
5 authorized representative or unless the officer making
6 entry does so under court order or has reasonable grounds
7 to believe that evidence of any violation of this title is
8 within the place to be entered.

9

10 **12-2-305. Sales to violators prohibited; hearing and**
11 **review.**

12

13 Whenever any licensee is convicted of willfully violating
14 any provision of this title, upon satisfactory proof of the
15 conviction, the ~~commission~~division may, after notice and
16 hearing, refuse to sell alcoholic beverages to the
17 licensee. The administrative proceeding shall be conducted
18 as a contested case before a hearing examiner of the office
19 of administrative hearings, who shall recommend a decision
20 to the ~~commission~~division. Judicial review, if any, shall
21 be from the decision of the ~~commission~~division and in
22 accordance with the provisions of the Wyoming
23 Administrative Procedure Act.

1

2 **12-2-306. Sales to licensees failing to pay sales tax**
3 **prohibited; hearing and review.**

4

5 Upon certification by the department of revenue that any
6 licensee is sixty (60) or more days delinquent in paying
7 sales taxes, the ~~liquor commission~~division shall not sell
8 alcoholic beverages to the licensee or its operator until
9 the department of revenue certifies that the licensee has
10 paid all sales taxes owed. Upon receipt of certification,
11 the ~~commission~~division shall notify the issuing licensing
12 authority of the delinquency. The licensee shall be
13 allowed a hearing before the state board of equalization as
14 provided by the Wyoming Administrative Procedure Act if the
15 licensee feels aggrieved by any action taken under this
16 section.

17

18 **12-2-502. Sale of beer kegs.**

19

20 No licensee shall sell beer kegs unless that licensee
21 affixes an identification label or tag to each beer keg.
22 An identification label or tag provided by the ~~commission~~
23 division shall consist of paper, plastic, metal or another

1 durable material that is not easily damaged or destroyed.
2 Identification labels may contain a nonpermanent adhesive
3 material in order to apply the label directly to an outside
4 surface of a beer keg at the time of sale. Identification
5 tags shall be attached to beer kegs at the time of sale
6 with nylon ties or cording, wire ties or other metal
7 attachment devices, or another durable means of tying or
8 attaching the tag to the beer keg. The identification
9 information contained on the label or tag shall include the
10 licensee's name, address and telephone number, and a unique
11 beer keg number assigned by the licensee. A prominently
12 visible warning that intentional removal or alteration of
13 the label or tag is a criminal offense shall be placed on
14 the tag. Upon return of a beer keg to the licensee that
15 sold the beer keg and attached the identification label or
16 tag, the licensee shall be responsible for the complete and
17 thorough removal of the entire identification label or tag,
18 and any adhesive or attachment devices on the label or tag.
19 The identification label or tag shall be kept on file with
20 the licensee for not less than ninety (90) days after the
21 date of return.

22

23 **12-2-504. Access to records.**

1

2 A licensee required to retain records under W.S. 12-2-502
3 or 12-2-503(b) shall make the records available during
4 regular business hours for inspection by a peace officer or
5 the ~~commission~~division.

6

7 **12-3-101. Excise tax to be paid; limitation on liquor**
8 **or malt beverage importation; penalties.**

9

10 (a) An excise tax is assessed and shall be collected
11 by the ~~commission~~division equal to three-fourths of one
12 cent (\$.0075) per one hundred (100) milliliters (3.4
13 ounces) or fraction thereof on wine, two and one-half cents
14 (\$.025) per one hundred (100) milliliters (3.4 ounces) or
15 fraction thereof on spirituous liquors and one-half cent
16 (\$.005) per liter (33.8 ounces) or fraction thereof on malt
17 beverages. The appropriate excise tax shall be collected on
18 all alcoholic or malt beverages sold, offered for sale or
19 use in this state.

20

21 (d) No person shall, without authorization from the
22 ~~commission~~division or by law, personally transport
23 alcoholic liquor or malt beverages into Wyoming for sale,

1 use or consumption in the state when the applicable state
2 excise tax has not been paid. No person shall import or
3 transport at any given time more than three (3) liters of
4 alcoholic liquor excluding wine, nine (9) liters of wine or
5 five (5) gallons of malt beverage for the personal use of
6 the possessor into Wyoming if the applicable state taxes
7 have not been paid. This subsection shall not apply to a
8 person importing manufactured wine in accordance with the
9 provisions of W.S. 12-2-204.

10

11 (e) Any person importing or transporting alcoholic
12 liquor in violation of subsection (d) of this section is
13 guilty of a misdemeanor. All alcoholic liquor or malt
14 beverages illegally imported or transported shall be
15 forfeited and delivered to the ~~commission~~division for
16 disposition as inventory stock.

17

18 **12-3-102. Confiscation authorized; disposition; when**
19 **seizure permitted.**

20

21 (a) When an authorized inspector discovers alcoholic
22 liquors or malt beverages upon which excise taxes have not
23 been paid in the possession of a licensee, he shall take

1 possession of and hold the alcoholic liquors or malt
2 beverages as evidence against the offender. If the offender
3 is convicted of a violation of W.S. 12-3-101, the court
4 shall order that the untaxed liquor or beverage be
5 delivered to the ~~commission~~division, if merchantable,
6 where it will be added to its stock and sold in the usual
7 course of business. If the liquors or beverages are
8 determined to be nonmerchantable, the court shall order
9 their destruction.

10

11 (b) Whenever an inspector, agent or employee of the
12 ~~commission~~division or any peace officer of the state
13 lawfully discovers alcoholic liquors or malt beverages
14 which have been unlawfully imported or transported, he may
15 seize the alcoholic liquor or malt beverage and packages in
16 which they are contained for use as evidence and shall not
17 be removed from state control upon writ of replevin or
18 other like process.

19

20 **12-4-101. Authority of cities, towns and counties;**
21 **population figures; number of available licenses and**
22 **permits; assessment and payment of fees.**

23

1 (c) Population figures and estimates required by
2 subsection (b) of this section shall be furnished to the
3 appropriate licensing authorities within the state by the
4 department of administration and information using
5 population estimates from the United States bureau of the
6 census. The maximum number of licenses and permits
7 available for issuance by a licensing authority pursuant to
8 the population formula provided by W.S. 12-4-201 and
9 12-4-413, shall be certified and distributed by the
10 ~~commission~~ division.

11
12 **12-4-102. Application for licenses and permits;**
13 **contents; signature and verification.**

14
15 (c) Corporate and limited liability company licensees
16 and permittees shall advise the licensing authority within
17 thirty (30) days in writing of any change in the
18 information in the application required by ~~paragraphs~~
19 paragraph (a)(iv) or (v) of this section. The licensing
20 authority shall provide the ~~commission~~ division a copy of a
21 notification of change.

22

1 **12-4-103. Restrictions upon license or permit**
2 **applicants and holders; license limitation per person.**

3
4 (c) Except as provided in subsection (d) of this
5 section, a license or permit authorized by this title shall
6 not be renewed if the licensee or permittee did not, during
7 the previous one (1) year term of the license or permit,
8 purchase at least five hundred dollars (\$500.00) of
9 alcoholic or malt beverages or a combination thereof from
10 the ~~commission~~division or any authorized malt beverage
11 wholesaler. A retail liquor license shall not be renewed if
12 the licensee did not, during the previous one (1) year term
13 of the license, purchase at least two thousand dollars
14 (\$2,000.00) of alcoholic or malt beverages or a combination
15 thereof from the ~~commission~~division or any authorized malt
16 beverage wholesaler.

17
18 **12-4-104. Publication of notice; grant or denial;**
19 **renewal preference; copy of application and notice to**
20 **division; judicial review.**

21
22 (d) When any application is filed with a licensing
23 authority, the licensing authority shall immediately

1 forward a copy of the application to the ~~commission~~
2 division. No licensing authority shall approve or deny an
3 application until the ~~commission~~division has certified the
4 application is complete pursuant to this subsection. All
5 applications shall be deemed to be certified unless
6 objection is made by the ~~commission~~division within ten
7 (10) working days after receipt of the application. Upon
8 approval or denial of an application, the licensing
9 authority shall promptly notify the ~~commission~~division.

10
11 **12-4-301. Sales by clubs; license fees; petition;**
12 **license restrictions.**

13
14 (b) At least fifty-one percent (51%) of the
15 membership of a social club as defined by W.S.
16 12-1-101(a)(iii)(E) shall sign a petition indicating a
17 desire to secure a limited retail liquor license. The form
18 of the petition shall be prescribed by the ~~commission~~
19 division and shall include the residence address of each
20 member signing the petition.

21
22 **12-4-407. Restaurant liquor license; authorized.**

23

1 (a) Restaurants as defined by W.S. 12-1-101(a)(xiv)
2 may be licensed by the appropriate licensing authority in
3 counties, cities and towns under a restaurant liquor
4 license. In addition to the application requirements
5 required by this title, the license applicant shall submit
6 a valid food service permit upon application. When the
7 total dollar amount of wholesale purchases from the ~~liquor~~
8 ~~commission~~-division of liquor in a county is greater than
9 fifty (50) times the county population, then population
10 formulas have no application to issuance of restaurant
11 liquor licenses within the county.

12

13 (c) After the maximum number of appropriate licenses
14 has been certified by the ~~commission~~-division, the number
15 of restaurant liquor licenses issued shall not exceed fifty
16 percent (50%) of the number of retail liquor licenses
17 allowable under W.S. 12-4-201(d), or two (2), whichever is
18 greater.

19

20 **12-4-412. Microbrewery and winery permits;**
21 **authorized; conditions; dual permits and licenses;**
22 **satellite winery permits; direct shipment of wine; fees.**

23

1 (b) The local licensing authority:

2

3 (ii) May allow the sale of other wines under a
4 winery permit for on-premises consumption when obtained
5 from the ~~commission~~division;

6

7 **12-5-202. Storage outside licensed premises**
8 **prohibited; exception.**

9

10 A retail licensee shall not store alcoholic liquor or malt
11 beverages outside of the licensed premises unless he files
12 with the ~~commission~~division a written statement that he
13 stores alcoholic liquors or malt beverages in a place other
14 than his place of business and states the exact location of
15 the storage place.

16

17 **12-5-402. Furnishing of money and products; payment**
18 **in full for malt beverages; credit for alcoholic liquor;**
19 **credit deficiencies.**

20

21 (c) The ~~commission~~division may grant credit to
22 retailers when purchasing alcoholic liquor for a period not
23 to exceed four (4) days from date of shipment. Payments by

1 mail for credit shipments shall be postmarked within
2 twenty-four (24) hours of the receipt of the shipment by
3 the retailer. The ~~commission~~division may seize and sell
4 all stocks of liquor of the retailer to satisfy any credit
5 balance. Any deficiency constitutes a lien on any proceeds
6 received through transfer of the license or permit. If a
7 retailer defaults in payment for a shipment under this
8 section, no further shipments shall be made to him for a
9 period of one (1) year except on a C.O.D. basis.

10

11 **12-5-405. Sale of alcoholic liquor.**

12

13 Industry representatives shall not sell or attempt to sell
14 any alcoholic liquor within Wyoming, except to the
15 ~~commission~~division. Any violation of this section is a
16 misdemeanor.

17

18 **12-6-101. Sale or possession prohibited; when**
19 **possession unlawful; public drunkenness; falsification of**
20 **identification; penalty; prima facie identification as**
21 **defense.**

22

1 (a) Any person who sells, furnishes, gives or causes
2 to be sold, furnished or given away any alcoholic liquor or
3 malt beverage to any person under the age of twenty-one
4 (21) years, who is not his legal ward, medical patient or
5 member of his own immediate family, is guilty of a
6 misdemeanor. This subsection does not apply to sales by
7 the ~~commission~~division or a wholesaler to a licensee under
8 this title.

9

10 **12-7-102. Suspension of license when revocation**
11 **inadvisable.**

12

13 In a proceeding for revocation of a liquor license and when
14 a licensee is found guilty of violating W.S. 12-1-101
15 through 12-8-301, the district court or the ~~commission~~
16 division may, if it appears inadvisable to revoke the
17 license, suspend the license for a period not to exceed the
18 balance of the term for which the license was issued and
19 the suspension shall not, of itself, disqualify the license
20 holder for renewal at the end of the license term.

21

22 **12-7-103. Suspension of license by licensing**
23 **authorities for failure to pay sales tax.**

1

2 A local licensing authority may suspend any license issued
3 under this title if the licensee fails to pay sales taxes
4 and the ~~commission~~division has ceased sales of alcoholic
5 liquor to the licensee pursuant to W.S. 12-2-306. The
6 licensee may appeal license suspension to the district
7 court in the manner specified under W.S. 12-4-104(f) and
8 the appeal proceedings shall be in accordance with the
9 Wyoming Rules of Appellate Procedure. The suspension shall
10 remain in effect pending a decision by the appellate court.

11

12 **12-7-201. Civil action; administrative and judicial**
13 **proceedings; disposition of liquors.**

14

15 (c) The provisions of this section are cumulative and
16 shall not be construed as preventing the ~~commission~~
17 division from revoking a liquor license in any case
18 authorized by law.

19

20 (d) The ~~commission~~division may revoke any license or
21 permit issued under this title for violation of any of the
22 rules and regulations promulgated by the department
23 pursuant to this title or for violation of any of the

1 provisions of this title. Revocation proceedings initiated
2 by the ~~commission~~division shall be conducted as a
3 contested case under the Wyoming Administrative Procedure
4 Act before a hearing examiner of the office of
5 administrative hearings, who shall recommend a decision to
6 the ~~commission~~division. The decision of the ~~commission~~
7 division shall be subject to judicial review under W.S.
8 16-3-114 except that the review shall not operate to stay a
9 revocation order of the ~~commission~~division during the
10 pendency of the district court proceeding or during a later
11 appeal to the supreme court. Should the license of a
12 defendant expire during the pendency of an appeal in any of
13 the courts of this state, no new or renewal license shall
14 be granted by the licensing authority to the defendant or
15 any other person pending the outcome of the appeal.

16

17 (e) Upon the revocation of a liquor license or
18 permit, all alcoholic liquors in the possession of the
19 license holder and which are in merchantable condition
20 shall be delivered to the ~~commission~~division which shall
21 reimburse the license holder for the value thereof at its
22 then regular wholesale prices. All malt beverages and

1 nonmerchantable alcoholic liquors shall be disposed of at
2 the direction of the ~~commission~~division.

3

4 **12-9-110. Discontinuance of production or**
5 **distribution.**

6

7 Notwithstanding W.S. 12-9-105, 12-9-108 and 12-9-109, a
8 manufacturer may terminate, cancel, not renew or
9 discontinue an agreement upon not less than thirty (30)
10 days prior written notice if the supplier discontinues
11 production or discontinues distribution throughout this
12 state of all the brands sold by the manufacturer to the
13 distributor. Nothing in this act shall prohibit a
14 manufacturer, upon not less than thirty (30) days notice,
15 to completely discontinue the distribution throughout this
16 state of any particular brand or package of malt beverage.
17 This section does not prohibit a manufacturer from
18 conducting test marketing of a new brand of malt beverage
19 or from conducting the test marketing of a brand of malt
20 beverage which is not currently being sold in this state,
21 provided that the manufacturer has notified the ~~commission~~
22 division in writing of its plans to test market. The
23 notice shall describe the market area in which the test

1 shall be conducted, the name or names of the distributors
2 who will be selling the malt beverage, the name or names of
3 the brand of malt beverage being tested, and the period of
4 time during which the testing will take place. A market
5 testing period shall not exceed eighteen (18) months.

6

7 **35-1-627. Examination of accounts.**

8

9 The governing body of any entity receiving state funds
10 under this act shall not less than every two (2) years
11 cause to be made an audit or other oversight of the
12 financial affairs and transactions of all funds and
13 activities of the entity in accordance with W.S.
14 16-4-121(b) and (c) and 16-4-122. Costs of the audit or
15 other oversight shall be borne by the entity. Copies of
16 audit reports or other reports shall be submitted to the
17 division ~~and the director of the state department of audit~~
18 upon completion. The director of the state department of
19 audit ~~shall adopt rules for audits and~~ may examine the
20 accounts of any entity receiving state funds under this
21 act. The legislative service office may audit the accounts
22 of any entity. These accounts shall be maintained in a
23 manner to guarantee confidentiality of the patient's

1 identity. The state auditor and treasurer shall not
2 disburse any state money to any entity refusing access to
3 its accounts and records for the purposes of this section.

4

5 **Section 2.** W.S. 28-5-101(c) is repealed.

6

7 **Section 3.** This act is effective July 1, 2016.

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9

(END)