

ENROLLED ACT NO. 27, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to courts; amending terms of court for district courts; amending duties of court commissioners as specified; amending provisions in the Code of Civil Procedure, the Probate Code and drainage district laws related to terms of court and court actions in vacation; repealing provisions related to terms of court; and providing for an effective date.

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

Section 1. W.S. 1-8-101, 1-8-103, 2-2-104, 2-2-106, 2-2-108, 2-2-109, 2-2-201(c)(intro), (i), (d)(i) and (ii), 2-2-202(a)(intro) and (c), 2-4-203(a)(iii), 2-6-119(b), 5-3-101(a)(intro), (i), (ii)(intro), (iii)(intro), (iv)(intro), (v)(intro), (vi)(intro), (vii), (viii)(intro), (ix)(intro) and by creating a new subsection (b), 5-3-106 and 41-9-270 are amended to read:

1-8-101. Trial docket.

The clerk shall make a trial docket ~~on the first day of each term,~~ on which shall appear all cases in which the issues have been joined. The cases shall be set for trial in the order in which they stand on the appearance docket. The clerk shall not place upon the trial docket any case in which nothing remains to be done except to execute an order for the sale of real or personal property, and to distribute the proceeds as directed by the order, but if it becomes necessary, the case may be redocketed upon the application of either party, whereupon it shall stand in all respects as if it had remained on the docket.

1-8-103. Copy of docket for bar.

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The clerk shall make a copy of the trial docket for the use of the bar. ~~before the first day of the term.~~

2-2-104. Court to remain open.

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

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

The court commissioner of each district court shall, ~~upon the order of the court in vacation, or~~ upon a general order made for that purpose, examine the bonds filed by the personal representatives, with a view to ascertaining their sufficiency, and may approve the same. He may examine any inventory, sale bill, account current, except final accounts and vouchers filed therewith, or examine into the condition of an estate generally. Upon a specific order of the court, the commissioner may make orders for the sale of personal property at public or private auction, for the compounding of debts, for the settlement of an estate as insolvent, for the approval of bonds and all other orders of an ex parte nature as may facilitate the settlement of estates. The orders shall be in writing, signed by the judge or commissioner issuing the same, and shall be filed and recorded.

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

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

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

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

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

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

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

(d) The court commissioner is bound to furnish:

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

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

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

(a) ~~Not less than ten (10) days before the first day of
the term of the district court~~ At least once every six (6)
months, the clerk of the district court in each county of the
state shall make a docket of all estates of deceased persons
pending in his county which shall include:

(c) The judge of the district court in each county
shall, ~~upon the call of the docket after the first day of a
regular term of court~~ at least once every six (6) months,
read the probate docket in open court and shall make an order
in each estate as he deems necessary to expedite the progress
and closing thereof.

2-4-203. Persons incompetent to administer.

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

(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

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

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

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

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

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

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

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

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

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

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

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

The judges of the several district courts shall hold courts for each other, when from any cause, any judge of a district court is unable to act or to hear, try or determine any cause, ~~or to hold any term or portion of a term of any district court~~ in his district; and in such event the judge so disqualified or unable to act shall call upon one (1) of the other judges of the district court to hear, try and determine such cause, ~~or to hold such term or portion of a term of court,~~ and the said judge so called upon, shall try, hear or determine said cause, ~~or hold such term or portion of a term,~~ with all the

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jurisdiction, power and authority possessed by the judge of the district court of the district whereto he is called to act as judge.

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

The commissioners shall file their said report and assessments in court. The court shall by order require said owners to show cause at a time and place therein fixed, not less than twenty (20) days after the service of said order, why said report and assessments should not be confirmed. And on the hearing on said order to show cause if a jury trial is demanded the court shall frame issues on benefits and damages and empanel a jury or adjourn the hearing thereon until ~~some term of court when~~ a jury is in attendance and take the verdict of a jury on such issues. All other issues arising on said report shall be tried by the court. The court shall order all necessary amendments of said report and make written findings of fact and when said report is amended shall by order confirm the same.

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

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

ORIGINAL SENATE
FILE NO. SF0008

ENGROSSED

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk