

SENATE FILE NO. SF0028

Revisor's bill.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to the revision of errors in legislation;
2 correcting statutory references and language resulting from
3 inadvertent errors and omissions in previously adopted
4 legislation; specifying applicability; and providing for an
5 effective date.

6

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

8

9 **Section 1.** W.S. 1-1-125(a)(iii), 5-3-206(a)(x),
10 6-2-510(c), 6-2-511(c), 9-3-426(c)(intro), 14-2-501(b)(v),
11 14-6-102 Article VI(b), 15-5-202(d), 15-5-419(b),
12 21-13-309(m)(vi)(intro), 21-16-703(b)(iii),
13 26-19-307(j)(vii), 31-2-107(d), 31-2-218(a),
14 31-7-404(c)(iii), 33-30-211(b), 35-1-105(a)(i), (v) and
15 (vii), 35-25-102(a)(v), 35-25-104, 35-25-105(c),

1 35-25-106(a), 35-25-108(a)(i) and 42-2-401(a)(ii) are
2 amended to read:

3

4 **1-1-125. Immunity for volunteers; volunteer**
5 **firefighters.**

6

7 (a) As used in this section:

8

9 (iii) "Volunteer" means an officer, director,
10 trustee or other person who performs services for a
11 nonprofit organization but does not receive compensation,
12 either directly or indirectly, for those services, or a
13 volunteer firefighter who performs services for a volunteer
14 fire department under W.S. ~~35-9-601(h)~~ 35-9-616(a)(ix)
15 whether or not he receives compensation or a pension.

16

17 **5-3-206. Fees.**

18

19 (a) For all civil matters filed or commenced, the
20 clerk of each district court shall charge the following
21 fees:

22

1 (x) For docketing and in payment of clerk's fee
2 after docketing incident to any appeal or bill of exception
3 from a ~~justice's~~ circuit court, forty dollars (\$40.00), and
4 for docketing any transcript of judgment from ~~justice's~~
5 circuit court upon the judgment and execution dockets,
6 thirty dollars (\$30.00), which amount shall be paid by
7 appellant, or by judgment holder to the clerk at time of
8 docketing. Ten dollars (\$10.00) of any fee imposed under
9 this paragraph shall be for court automation, ten dollars
10 (\$10.00) shall be for indigent civil legal services and
11 both shall be remitted as provided in W.S. 5-3-205.

12

13 **6-2-510. Domestic assault.**

14

15 (c) If a person sentenced under paragraph (b)(ii) of
16 this section is placed on probation, the court may,
17 notwithstanding any other provision of law, impose a term
18 of probation exceeding the maximum six (6) months
19 imprisonment, provided the term ~~or~~ of probation, including
20 extensions, shall not exceed one (1) year.

21

22 **6-2-511. Domestic battery.**

23

1 (c) If a person sentenced under paragraph (b)(ii) of
2 this section is placed on probation, the court may,
3 notwithstanding any other provision of law, impose a term
4 of probation exceeding the maximum imprisonment of one (1)
5 year, provided the term ~~or~~of probation, including
6 extensions, shall not exceed two (2) years.

7

8 **9-3-426. Benefits, allowances and contents of account**
9 **exempt from taxation and not subject to execution or**
10 **attachment; assignment limited; qualified domestic**
11 **relations order; system assets.**

12

13 (c) The retirement system including the Wyoming state
14 highway patrol, game and fish warden and criminal
15 investigator retirement program, any paid firemen's pension
16 plan established under the firemen's pension account
17 created by W.S. 15-5-202 and any plan through the volunteer
18 ~~firemen's~~firefighter and EMT pension ~~fund~~ account
19 established under W.S. ~~35-9-602~~35-9-617, shall pay
20 retirement benefits in accordance with any qualified
21 domestic relations order for the payment of a specified
22 percentage of a member's benefits or account to an
23 alternate payee, for a specified number of payments or

1 period of time and from a specified retirement plan. Upon
2 request of the alternate payee, a lump sum refund of the
3 alternate payee's percentage of the member's account shall
4 be paid pursuant to the qualified domestic relations order.
5 Acceptance by the alternate payee of the lump sum refund
6 terminates his right to any further payment or benefit
7 provided by the retirement system. Notwithstanding any
8 other provision of law, the retirement system is exempt
9 from the qualified order unless:

10

11 **14-2-501. Establishment of parent-child relationship.**

12

13 (b) The father-child relationship is established
14 between a man and a child by:

15

16 (v) The man's having consented to assisted
17 reproduction by his wife under article ~~8~~9 of this act
18 which resulted in the birth of the child.

19

20 **14-6-102. Interstate Compact for Juveniles; compact**
21 **provisions generally.**

22

23

ARTICLE VI

1 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

2

3 (b) Rulemaking shall occur pursuant to the criteria
4 set forth in this article and the bylaws and rules adopted
5 pursuant thereto. The rulemaking shall substantially
6 conform to the principles of the "Model State
7 Administrative Procedures Act," 1981 Act, Uniform Laws
8 Annotated, Vol. 15, p.1 (2000), or another administrative
9 procedures act, as the interstate commission deems
10 appropriate consistent with due process requirements under
11 the ~~Unites~~United States Constitution as now or hereafter
12 interpreted by the United States Supreme Court. All rules
13 and amendments shall become binding as of the date
14 specified, as published with the final version of the rule
15 as approved by the commission.

16

17 **15-5-202. Pension account; creation; administration;**
18 **donations; investment; dual participation prohibited.**

19

20 (d) No paid fireman shall participate as a member of
21 the firemen's pension account established under this
22 article and as a member of the volunteer ~~firemen's~~
23 firefighter and EMT pension account established under W.S.

1 ~~35-9-601~~ 35-9-616 through ~~35-9-615~~ 35-9-628 if
2 participation is based upon covered service with the same
3 fire department.

4

5 **15-5-419. Dual membership prohibited.**

6

7 (b) No paid employee shall participate as a member of
8 the firemen's pension system established under this article
9 and as a member of the volunteer ~~firemen's~~ firefighter and
10 EMT pension ~~fund~~ account established under W.S. ~~35-9-601~~
11 35-9-616 through ~~35-9-615~~ 35-9-628 if participation is
12 based upon covered service with the same fire department.

13

14 **21-13-309. Determination of amount to be included in**
15 **foundation program for each district.**

16

17 (m) In determining the amount to be included in the
18 foundation program for each district, the state
19 superintendent shall:

20

21 (vi) Except for charter schools established
22 under W.S. 21-3-301 through 21-3-314 and alternative
23 schools approved under subdivision (v)(B)(IV) of this

1 subsection, any alteration of the configuration of grades
2 within a district, school or school facility which differs
3 from the configuration of grades during the immediately
4 preceding school year as reported under paragraph (iv) of
5 this subsection shall be considered a reconfiguration and
6 shall be documented by the district and reported to the
7 state superintendent and the director of the state
8 construction department. Following review and evaluation,
9 the ~~director of the department of education~~ state
10 superintendent and the director of the state construction
11 department shall, each acting independently, approve or
12 deny the reconfiguration for purposes of application to the
13 education resource block grant model and the determination
14 of school facility needs and remedies. The following shall
15 apply:

16

17 **21-16-703. Wyoming higher education assistance**
18 **authority; creation; termination; board of directors;**
19 **composition; compensation; meetings; surety bonds; personal**
20 **liability; fiscal control.**

21

22 (b) The board of directors of the authority is
23 created and shall consist of nine (9) directors as follows:

1

2 (iii) Seven (7) directors appointed by the
3 governor with the advice and consent of the senate, not
4 more than seventy-five percent (75%) of whom shall be of
5 the same political party.

6

7 **26-19-307. Small employer carrier reinsurance**
8 **program.**

9

10 (j) A participating carrier may reinsure with the
11 program as provided for in this subsection:

12

13 (vii) Premium rates charged for reinsurance by
14 the program to a health maintenance organization which is
15 federally qualified under 42 U.S.C. § 300 e(c)(2)(A) or a
16 similar section subsequently enacted, and as such is
17 subject to requirements that limit the amount of risk that
18 may be ceded to the program that is more restrictive than
19 paragraph ~~(iii)~~(v) of this subsection, shall be reduced to
20 reflect that portion of the risk above the amount set forth
21 in paragraph ~~(iii)~~(v) of this subsection that shall not be
22 ceded to the program, if any;

23

1 **31-2-107. Titles for damaged vehicles; return of**
2 **certificate of title and registration for damaged vehicle;**
3 **replacement title and registration.**

4
5 (d) This section shall not apply to motor vehicles
6 with more than eight (8) years of service except any
7 vehicle that was previously issued a title from any state
8 that bore any word or symbol signifying that the vehicle
9 was "salvage", "unrebuildable", "parts only", "scrap",
10 "junk", "nonrepairable", "reconstructed", "rebuilt" or any
11 other symbol or word of like kind, or that it has been
12 damaged by flood, shall obtain a Wyoming title with the
13 prior brand or any other information concerning the motor
14 vehicle status, carried forward on any subsequent Wyoming
15 title ~~irregardless~~regardless of years of service.

16
17 **31-2-218. Firefighter's license plates.**

18
19 (a) A firefighter employed by a city, county, state
20 or duly created fire protection district, a volunteer
21 firefighter as defined by W.S. ~~35-9-601~~35-9-616(a)(x) or a
22 firefighter retired from his department with at least ten
23 (10) years of service may apply for distinctive license

1 plates for any motor vehicle that is not a commercial
2 vehicle or multipurpose vehicle owned or leased by him upon
3 registration of the vehicle. If the firefighter became a
4 member of a bona fide fire department after January 1,
5 1995, he shall have a minimum of one (1) year service with
6 the fire department and be firefighter one certified or
7 engine boss wildfire certified in order to apply for the
8 license plate. The fire chief or his designated assistant
9 shall sign a written statement that the applicant is
10 eligible to obtain the license plate. A written statement
11 of eligibility for a retired firefighter shall be signed
12 only by the fire chief. License plates issued under this
13 section shall be displayed upon the vehicle for which they
14 are issued. The license plates shall bear a distinctive
15 symbol and letters identifying the registrant as a
16 firefighter.

17

18 **31-7-404. Driving without interlock device.**

19

20 (c) A person holding a restricted license under this
21 article who violates subsection (a) or (b) of this section
22 is guilty of a misdemeanor and shall:

23

1 (iii) ~~Shall~~Be considered to have been convicted
2 under W.S. 31-5-233 for the purposes of the ignition
3 interlock device requirements of W.S. 31-5-233(f)(ii)
4 through (v).

5

6 **33-30-211. Expiration and renewal of licenses; fees;**
7 **veterinarians on active duty with armed services; duplicate**
8 **licenses; continuing education.**

9

10 (b) Any person who shall practice veterinary medicine
11 after the expiration of his license and ~~wilfully~~willfully
12 or by neglect fail to renew such license shall be
13 practicing in violation of this act. The board may, by rule
14 establish a grace period for license renewal not to exceed
15 sixty (60) days and establish a late fee for license
16 renewal which shall not exceed the annual renewal fee. At
17 the discretion of the board, any person not practicing in
18 the state may renew an expired license within five (5)
19 years of the date of its expiration by making written
20 application for renewal and paying the current renewal fee
21 plus a late fee and all delinquent renewal fees. After five
22 (5) years have elapsed since the date of the expiration, a

1 license may not be renewed, but the holder must make
2 application for a new license.

3

4 **35-1-105. Prohibited acts; penalty for violations.**

5

6 (a) No person, corporation or other organization nor
7 representative thereof shall:

8

9 (i) ~~Wilfully~~Willfully violate, disobey or
10 disregard the provisions of the public health laws of
11 Wyoming or the terms of any lawful notice, order, rule or
12 regulation issued pursuant thereto;

13

14 (v) ~~Wilfully~~Willfully and falsely make or alter
15 any certificate or certified copy thereof issued pursuant
16 to public health laws of Wyoming;

17

18 (vii) Being the owner or occupant of private
19 property upon which there shall exist a nuisance, source of
20 filth or cause of sickness, ~~wilfully~~willfully fail to
21 remove the same at his own expense within forty-eight (48)
22 hours after being ordered to do so by health authorities.

23

1 **35-25-102. Definitions.**

2

3 (a) As used in this act:

4

5 (v) "State plan" means the state plan required
6 by ~~Public Law 105-33-42~~ U.S.C. 1397aa et seq. to be
7 submitted by the state to the United States secretary of
8 health and human services to receive federal funding for a
9 child health insurance program;

10

11 **35-25-104. Private insurance program benefits.**

12

13 A child eligible for services under this act shall receive
14 benefits developed by the health benefits committee
15 established under W.S. 35-25-105 that include cost sharing
16 factors, not to exceed the maximum allowable under ~~Public~~
17 ~~Law 105-33-42~~ U.S.C. 1397aa et seq., exclusions and
18 limitations. The benefit package shall include, at a
19 minimum, inpatient and outpatient hospital services,
20 physician services, laboratory and x-ray services,
21 well-baby and well-child care including age appropriate
22 immunizations and the additional services of prescription
23 drug coverage, vision coverage and dental coverage which

1 will include preventive and basic services developed by the
2 health benefits committee.

3

4 **35-25-105. Health benefits plan committee.**

5

6 (c) The committee shall develop a package of benefits
7 as allowed by ~~section 2103(a)(4) of Public Law 105-33-42~~
8 U.S.C. 1397cc(a)(4), including cost sharing factors,
9 exclusions and limitations.

10

11 **35-25-106. Private health insurance plan request for**
12 **proposals.**

13

14 (a) The department shall publish notice of a request
15 for proposals from qualified insurers to provide a health
16 insurance plan for children insured under W.S. 35-25-103 of
17 this act. The department shall award the contract for this
18 service to an insurer based on price, the provision of
19 benchmark services determined pursuant to W.S.
20 35-25-105(c), and other factors listed in the department's
21 request. The contract for health insurance awarded under
22 this section shall contain provisions with respect to
23 exclusions from coverage for preexisting conditions that

1 are no more restrictive than those described in ~~section~~
2 ~~2102 (b) (1) (B) (ii) of Public Law 105-33-42 U.S.C.~~
3 1397bb(b) (1) (B) (ii). The contract shall include provisions
4 for changes in terms and conditions and for rebidding in
5 case major changes are needed. The department shall have
6 the right to rebid the contract after two (2) years.

7

8 **35-25-108. Implementation; duties; restrictions on**
9 **the department of health.**

10

11 (a) The department shall:

12

13 (i) Administer this act within the fiscal
14 constraints of ~~Public Law 105-33-42 U.S.C. 1397aa et seq.~~
15 and subsequent federal enactments governing this program
16 and the state budget as enacted by the legislature;

17

18 **42-2-401. Definitions.**

19

20 (a) For purposes of this article:

21

22 (ii) "Income" means "income" as defined under ~~42~~
23 ~~U.S.C. 1396p(e) (2)-42 U.S.C. 1396p(h) (2)~~;

1

2 **Section 2.** Any other act adopted by the Wyoming
3 legislature during the same session in which this act is
4 adopted shall be given precedence and shall prevail over
5 the amendments in this act to the extent that such acts are
6 in conflict with this act.

7

8 **Section 3.** This act is effective July 1, 2017.

9

10

(END)