

ORIGINAL SENATE
FILE NO. SF0028

ENROLLED ACT NO. 58, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

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

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

Section 1. W.S. 1-1-125(a)(iii), 5-3-206(a)(x), 6-2-510(c), 6-2-511(c), 9-3-426(c)(intro), 14-2-501(b)(v), 14-6-102 Article VI(b), 15-5-202(d), 15-5-419(b), 21-13-309(m)(vi)(intro), 21-16-703(b)(iii), 26-19-307(j)(vii), 31-2-107(d), 31-2-218(a), 31-7-404(c)(iii), 33-30-211(b), 35-1-105(a)(i), (v) and (vii), 35-25-102(a)(v), 35-25-104, 35-25-105(c), 35-25-106(a), 35-25-108(a)(i) and 42-2-401(a)(ii) are amended to read:

1-1-125. Immunity for volunteers; volunteer firefighters.

(a) As used in this section:

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

5-3-206. Fees.

ORIGINAL SENATE
FILE NO. SF0028

ENROLLED ACT NO. 58, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

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

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

6-2-510. Domestic assault.

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

6-2-511. Domestic battery.

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

ORIGINAL SENATE
FILE NO. SF0028

ENROLLED ACT NO. 58, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

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

(c) The retirement system including the Wyoming state highway patrol, game and fish warden and criminal investigator retirement program, any paid firemen's pension plan established under the firemen's pension account created by W.S. 15-5-202 and any plan through the volunteer ~~firemen's~~ firefighter and EMT pension ~~fund~~ account established under W.S. ~~35-9-602~~ 35-9-617, shall pay retirement benefits in accordance with any qualified domestic relations order for the payment of a specified percentage of a member's benefits or account to an alternate payee, for a specified number of payments or period of time and from a specified retirement plan. Upon request of the alternate payee, a lump sum refund of the alternate payee's percentage of the member's account shall be paid pursuant to the qualified domestic relations order. Acceptance by the alternate payee of the lump sum refund terminates his right to any further payment or benefit provided by the retirement system. Notwithstanding any other provision of law, the retirement system is exempt from the qualified order unless:

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

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

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

ORIGINAL SENATE
FILE NO. SF0028

ENROLLED ACT NO. 58, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

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

ARTICLE VI
RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

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

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

15-5-419. Dual membership prohibited.

(b) No paid employee shall participate as a member of the firemen's pension system established under this article

ORIGINAL SENATE
FILE NO. SF0028

ENROLLED ACT NO. 58, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

and as a member of the volunteer ~~firemen's~~ firefighter and EMT pension ~~fund~~ account established under W.S. ~~35-9-601~~ 35-9-616 through ~~35-9-615~~ 35-9-628 if participation is based upon covered service with the same fire department.

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

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

(vi) Except for charter schools established under W.S. 21-3-301 through 21-3-314 and alternative schools approved under subdivision (v)(B)(IV) of this subsection, any alteration of the configuration of grades within a district, school or school facility which differs from the configuration of grades during the immediately preceding school year as reported under paragraph (iv) of this subsection shall be considered a reconfiguration and shall be documented by the district and reported to the state superintendent and the director of the state construction department. Following review and evaluation, the ~~director of the department of education~~ state superintendent and the director of the state construction department shall, each acting independently, approve or deny the reconfiguration for purposes of application to the education resource block grant model and the determination of school facility needs and remedies. The following shall apply:

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

ORIGINAL SENATE
FILE NO. SF0028

ENROLLED ACT NO. 58, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

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

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

26-19-307. Small employer carrier reinsurance program.

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

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

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

(d) This section shall not apply to motor vehicles with more than eight (8) years of service except any vehicle that was previously issued a title from any state that bore any word or symbol signifying that the vehicle was "salvage", "unrebuildable", "parts only", "scrap",

ORIGINAL SENATE
FILE NO. SF0028

ENROLLED ACT NO. 58, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

"junk", "nonrepairable", "reconstructed", "rebuilt" or any other symbol or word of like kind, or that it has been damaged by flood, shall obtain a Wyoming title with the prior brand or any other information concerning the motor vehicle status, carried forward on any subsequent Wyoming title ~~irregardless~~ regardless of years of service.

31-2-218. Firefighter's license plates.

(a) A firefighter employed by a city, county, state or duly created fire protection district, a volunteer firefighter as defined by W.S. ~~35-9-601~~ 35-9-616(a)(x) or a firefighter retired from his department with at least ten (10) years of service may apply for distinctive license plates for any motor vehicle that is not a commercial vehicle or multipurpose vehicle owned or leased by him upon registration of the vehicle. If the firefighter became a member of a bona fide fire department after January 1, 1995, he shall have a minimum of one (1) year service with the fire department and be firefighter one certified or engine boss wildfire certified in order to apply for the license plate. The fire chief or his designated assistant shall sign a written statement that the applicant is eligible to obtain the license plate. A written statement of eligibility for a retired firefighter shall be signed only by the fire chief. License plates issued under this section shall be displayed upon the vehicle for which they are issued. The license plates shall bear a distinctive symbol and letters identifying the registrant as a firefighter.

31-7-404. Driving without interlock device.

ORIGINAL SENATE
FILE NO. SF0028

ENROLLED ACT NO. 58, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

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

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

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

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

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

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

ORIGINAL SENATE
FILE NO. SF0028

ENROLLED ACT NO. 58, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

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

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

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

35-25-102. Definitions.

(a) As used in this act:

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

35-25-104. Private insurance program benefits.

A child eligible for services under this act shall receive benefits developed by the health benefits committee established under W.S. 35-25-105 that include cost sharing factors, not to exceed the maximum allowable under ~~Public Law 105-33-42~~U.S.C. 1397aa et seq., exclusions and limitations. The benefit package shall include, at a minimum, inpatient and outpatient hospital services, physician services, laboratory and x-ray services,

ORIGINAL SENATE
FILE NO. SF0028

ENROLLED ACT NO. 58, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

well-baby and well-child care including age appropriate immunizations and the additional services of prescription drug coverage, vision coverage and dental coverage which will include preventive and basic services developed by the health benefits committee.

35-25-105. Health benefits plan committee.

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

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

(a) The department shall publish notice of a request for proposals from qualified insurers to provide a health insurance plan for children insured under W.S. 35-25-103 of this act. The department shall award the contract for this service to an insurer based on price, the provision of benchmark services determined pursuant to W.S. 35-25-105(c), and other factors listed in the department's request. The contract for health insurance awarded under this section shall contain provisions with respect to exclusions from coverage for preexisting conditions that are no more restrictive than those described in ~~section 2102 (b)(1)(B)(ii) of Public Law 105-33-42~~ U.S.C. 1397bb(b)(1)(B)(ii). The contract shall include provisions for changes in terms and conditions and for rebidding in case major changes are needed. The department shall have the right to rebid the contract after two (2) years.

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

ORIGINAL SENATE
FILE NO. SF0028

ENROLLED ACT NO. 58, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

(a) The department shall:

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

42-2-401. Definitions.

(a) For purposes of this article:

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

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

ORIGINAL SENATE
FILE NO. SF0028

ENROLLED ACT NO. 58, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

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

(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