

ENROLLED ACT NO. 47, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

AN ACT relating to peace officers; providing that dependents of peace officers who suffer a qualifying disability while in the scope of duty shall receive free university or community college tuition and fees as specified; providing for contingent conforming amendments; and providing for contingent effective dates.

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

Section 1. W.S. 7-2-108(a), (b), (d) and by creating a new subsection (f) is amended to read:

7-2-108. Free tuition and fees for education of survivors of deceased peace officers and dependents of totally disabled peace officers.

(a) The University of Wyoming for up to ten (10) semesters and each community college for up to a total of six (6) semesters of study at the community college level shall provide free tuition and fees for any person who is a surviving dependent of a peace officer who has qualified pursuant to W.S. 9-1-701 through 9-1-709 and who died or suffered a qualifying disability while acting within the scope of ~~his~~ duties in the service of a law enforcement agency in the state. If the surviving dependent first enrolls in a community college and then transfers to another community college or the University of Wyoming, the free tuition and fees shall continue until the dependent has completed a cumulative total of ten (10) semesters at the community college level and the university, not to exceed six (6) semesters at the community college level.

(b) In order to qualify for the benefit under this section, a person claiming eligibility for free tuition and fees under this section shall be under twenty-two (22)

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years of age at the time of the death or qualifying disability of the parent or other person responsible for the support of the applicant. Upon application by a person claiming eligibility for free tuition and fees under this section because of the death or qualifying disability of a parent or legal guardian, the university or community college where the person applied for enrollment shall:

(i) Determine whether the ~~decedent~~deceased or disabled peace officer was an individual specified in subsection (a) of this section;

(ii) Determine whether the ~~decedent~~peace officer died or suffered a qualifying disability while acting within the scope of his duties; and

(iii) Certify whether the person claiming eligibility for free tuition and fees under subsection (a) of this section is qualified to receive free tuition and fees under this section.

(d) For purposes of paragraph (b)(ii) of this section, it shall be conclusively presumed:

(i) That the ~~decedent~~peace officer died while acting within the scope of duties if death benefits were paid as a result of the peace officer's death to any person pursuant to W.S. 9-3-432(j), 9-3-613 or 15-5-309 or the Wyoming Worker's Compensation Act; and

(ii) That the peace officer suffered a qualifying disability if:

(A) The peace officer's disability was caused by a specific injury or disease which results primarily from a specific act or occurrence determinable by

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a definite time or place, from a physical or mental trauma which arises from the nature and in the course of the peace officer's scope of employment;

(B) The disabled peace officer is unable to continue in the performance of his duties as a peace officer; and

(C) The peace officer is receiving retirement benefits for partial or total disability incurred in the scope of employment pursuant to W.S. 9-3-432(h)(i), 9-3-611(a) or 15-5-308(a) or the Wyoming Worker's Compensation Act.

(f) Free tuition and fees authorized under this section shall not be provided to a person claiming eligibility for such benefits if the free tuition or fees would cause a reduction in any benefits the person would otherwise receive under federal law.

Section 2. W.S. 21-16-1501 as created by 2007 House Bill 112, by creating a new subsection (h) is amended to read:

21-16-1501. Free tuition and fees for education of survivors of deceased peace officers, firefighters and emergency medical technicians.

(h) The benefits provided in subsections (a) through (g) of this section shall be provided to the dependents of a peace officer who has qualified pursuant to W.S. 9-1-701 through 9-1-709 and who suffered a qualifying disability while acting within the scope of his duties in the service of a law enforcement agency in the state. Limitations on benefits under subsections (a) through (g) of this section shall be applicable to benefits under this subsection and

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references to the decedent's death shall be construed as references to the qualifying disability. For purposes of this subsection it shall be conclusively presumed that a peace officer suffered a qualifying disability if:

(i) The peace officer's disability was caused by a specific injury or disease which results primarily from a specific act or occurrence determinable by a definite time or place, from a physical or mental trauma which arises from the nature and in the course of the peace officer's scope of employment;

(ii) The disabled peace officer is unable to continue in the performance of his duties as a peace officer; and

(iii) The peace officer is receiving retirement benefits for partial or total disability incurred in the scope of employment pursuant to W.S. 9-3-432(h)(i), 9-3-611(a) or 15-5-308(a) or the Wyoming Worker's Compensation Act.

Section 3.

(a) Section 1 of this act is effective only if 2007 House Bill 112 is not enacted into law. If section 1 of this act becomes effective it shall be effective as of July 1, 2007.

(b) Section 2 of this act is effective only if 2007 House Bill 112 is enacted into law. If section 2 of this act becomes effective it shall be effective upon the effective date of this act as provided in section 4 of this act.

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Section 4. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(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