

HOUSE BILL NO. HB0057

Armed forces-amendments.

Sponsored by: Representative(s) Brown, Crago, Knapp,
Niemiec, Oakley and Pendergraft and
Senator(s) Baldwin, Barlow and Salazar

A BILL

for

1 AN ACT relating to defense forces and affairs; adopting
2 uniform definitions of armed forces and uniformed services
3 to align with federal law; expanding uniformed service
4 members entitled to participate in programs under state
5 law; making conforming amendments; and providing for an
6 effective date.

7

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

9

10 **Section 1.** W.S. 8-1-102(a) by creating new paragraphs
11 (xxi) and (xxii), 19-11-103(a)(xi), 19-11-108(a), (b) and
12 (e), 19-11-112(b), 19-11-122(a), 19-11-202,
13 19-13-102(a)(ii), 19-14-106(a)(i), (ii)(A) and (B),
14 19-14-111(d)(ii), 20-2-205(f)(iv), 21-17-105(f),
15 21-17-122(d), 21-24-102(a)(xviii), 23-1-705(e)(iii),

1 33-1-116(a)(ii), 33-1-117(a)(v), 33-36-103(g),
2 33-47-103(a)(iii), 35-9-621(k), 39-13-105(a)(ii) through
3 (iv), (vi), (d) and (f) and 42-4-120(n)(intro) are amended
4 to read:

5

6 **8-1-102. Definitions.**

7

8 (a) As used in the statutes unless the legislature
9 clearly specifies a different meaning or interpretation or
10 the context clearly requires a different meaning:

11

12 (xxi) "Armed forces" means the army, navy, air
13 force, marine corps, space force and coast guard;

14

15 (xxii) "Uniformed services" means all of the
16 following:

17

18 (A) The armed forces;

19

20 (B) The army national guard, the air
21 national guard and any reserve or auxiliary component
22 thereof of any state;

23

1 (C) The commissioned corps of the national
2 oceanic and atmospheric administration;

3
4 (D) The commissioned corps of the public
5 health service;

6
7 (E) Any other category of persons
8 designated by the president of the United States in time of
9 war or emergency.

10
11 **19-11-103. Definitions.**

12
13 (a) As used in this article, unless the context
14 clearly requires otherwise:

15
16 (xi) "Uniformed services" means ~~the—armed~~
17 ~~forces, the army national guard and the air national guard~~
18 ~~of any state, the commissioned corps of the public health~~
19 ~~service and any other category of persons designated by the~~
20 ~~president in time of war or emergency~~ as defined in W.S.
21 8-1-102(a)(xxii);

22

1 **19-11-108. Leave of absence for state, city or county**
2 **officers and employees; training programs.**

3
4 (a) Any member of the national guard of any state or
5 United States ~~military~~armed forces reserve who is an
6 officer or employee of this state or any political
7 subdivision, municipal corporation or any public agency or
8 entity of the state, including community colleges, shall
9 be given a military leave of absence with pay at the
10 regular salary or wage which the employee normally
11 receives, not to exceed fifteen (15) calendar days in any
12 one (1) calendar year to perform service in the uniformed
13 services in addition to any other leave or vacation time to
14 which the person is otherwise entitled.

15
16 (b) Subject to the conditions prescribed in
17 paragraphs (c)(i) through (v) of this section, any officer
18 or employee of the state or any political subdivision,
19 municipal corporation or public agency of the state who has
20 been employed for one (1) year and who is a member of the
21 national guard of any state or any other component of the
22 military forces of a state, a member of the reserve armed
23 forces of the United States or who is inducted into the

1 ~~military service~~ armed forces of the United States, is
2 entitled to leave of absence from his public office or
3 employment without pay but without loss of seniority,
4 status, efficiency rating, vacation, sick leave or other
5 benefits while he is engaged in active military training or
6 service ordered or authorized by proper authority pursuant
7 to law exceeding fifteen (15) days in any calendar year.
8 Such leave is in addition to any other military leave or
9 vacation time to which the officer or employee may be
10 entitled by law if the required military service is
11 satisfactorily performed, which is presumed unless the
12 contrary is established.

13

14 (e) This section shall be liberally construed in
15 favor of the member of the national guard of any state or
16 United States ~~military~~ armed forces who is an officer or
17 employee of this state or any political subdivision,
18 municipal corporation or any public agency of this state.

19

20 **19-11-112. Retirement credit.**

21

22 (b) No employee shall receive more than a total of
23 five (5) years of ~~military service~~ uniformed services

1 credit in the retirement system, pension fund or employee
2 benefit plan applicable to his employment credited under
3 this section.

4

5 **19-11-122. Servicemembers Civil Relief Act;**
6 **application to national guard; penalty for violation of**
7 **rights; enforcement; preferences.**

8

9 (a) Members of the Wyoming national guard ordered to
10 active state service by the state or federal government for
11 a period of more than thirty (30) consecutive days shall
12 have all protections afforded to persons in the ~~military~~
13 ~~service—~~armed forces of the United States under the
14 Servicemembers Civil Relief Act, Public Law 108-189.
15 Except as provided in subsection (b) of this section,
16 nothing in this subsection shall be construed to authorize
17 the imposition of any penalty under the Servicemembers
18 Civil Relief Act for violation of the protections afforded
19 to members of the Wyoming national guard pursuant to this
20 subsection. As used in this subsection, "active state
21 service" means as defined in W.S. 19-7-101(a)(v).

22

1 **19-11-202. Acknowledgment of instrument by members of**
2 **armed forces and their dependents before commissioned**
3 **officer; form of certificate.**

4

5 In addition to the acknowledgment of instruments in the
6 manner and form otherwise authorized by law, persons who
7 perform service in the uniformed services or their
8 dependents, wherever located, may acknowledge the
9 instruments before any commissioned officer who performs
10 service in the uniformed services with the rank of second
11 lieutenant or higher in the army, air force, ~~or~~ marine
12 corps, or space force or ensign or higher in the navy or
13 coast guard. The instrument is not invalid for failure to
14 state therein the place of execution or acknowledgment. No
15 authentication of the officer's certificate of
16 acknowledgment is required, but the officer taking the
17 acknowledgment shall endorse thereon or attach thereto a
18 certificate substantially in the following form:

19

20 On this day of, (year), before me,, the
21 undersigned officer, personally appeared, Serial No.
22 (If any), known to me (or satisfactorily proven) to be
23 performing service in the uniformed services (A dependent

1 of, Serial No. (If any), a person performing
 2 service in the uniformed services) and to be the person
 3 whose name is subscribed to the within instrument and
 4 acknowledged that he executed the same for the
 5 purposes therein contained, and the undersigned does
 6 further certify that he is, at the date of this
 7 certificate, a commissioned officer of the rank stated
 8 below and is performing service in the uniformed services.

9

10 (Signature of the officer)

11

12 (Rank and Serial No. of officer)

13

14 and command to which attached.

15

16 **19-13-102. Definitions.**

17

18 (a) As used in this act:

19

20 (ii) "Homeland security" means the preparation
 21 for and the carrying out of all emergency functions
 22 essential to the recovery and restoration of the economy by
 23 supply and resupply of resources to meet urgent survival

1 and military needs, other than functions for which military
2 armed forces are primarily responsible, necessary to deal
3 with disasters caused by enemy attack, sabotage, terrorism,
4 civil disorder or other hostile action, or by fire, flood,
5 earthquake, other natural causes and other technological,
6 industrial, civil and political events. These functions
7 include without limitation the coordination of
8 fire-fighting services, police services, medical and health
9 services, rescue, engineering, attack warning services,
10 communications, radiological events, evacuation of persons
11 from stricken areas, emergency welfare services (civilian
12 war aid), emergency transportation, existing or properly
13 assigned functions of plant protection, temporary
14 restoration of public utility services, mitigation
15 activities in areas threatened by natural or technological
16 hazards, and other functions related to civilian
17 protection, together with all other activities necessary or
18 incidental to the preparation for any carrying out of the
19 foregoing functions;

20

21 **19-14-106. Free tuition for education of war orphans**
22 **and veterans; definitions.**

23

1 (a) As used in this section:

2

3 (i) "Eligible person" includes the surviving
4 spouse and dependent of any person who was a resident of
5 Wyoming at the time of entering into active state service
6 or active service with the ~~military~~armed forces of the
7 United States ~~;~~; ~~and~~

8

9 (A) Whose death was service connected, as
10 defined in 81 Stat. 181, 38 U.S.C. 101, or is listed
11 officially in the military records of the United States as
12 being a prisoner of war or missing in action as a result of
13 active state service or active service with the ~~military~~
14 armed forces of the United States; or

15

16 (B) Who was honorably discharged from the
17 ~~military~~armed forces of the United States and thereafter
18 died of an injury or disease incurred while in active state
19 service or active service with such ~~military~~armed forces,
20 being a resident at the time of death.

21

22 (ii) "Vietnam veteran" means any person who:

23

1 (A) Was in active service with the military
2 armed forces of the United States and received a Vietnam
3 service medal between August 5, 1964 to May 7, 1975; ~~and~~

4

5 (B) Received a discharge from the military
6 armed forces of the United States other than dishonorably;
7 and

8

9 **19-14-111. Employment; permissive preference in**
10 **private employment.**

11

12 (d) As used in this section:

13

14 (ii) "Veteran" means a member of the military
15 armed forces of the United States whose written evidence of
16 separation from the military—armed forces shows an
17 honorable discharge or the rendition of honorable military
18 service.

19

20 **20-2-205. Temporary military duty; definitions;**
21 **modification of orders; visitation assignment; electronic**
22 **evidence.**

23

1 (f) As used in this section:

2

3 (iv) "Service member" means a ~~uniformed~~ member
4 of the ~~United States army, navy, air force, marine corps,~~
5 ~~coast guard, United States public health service~~
6 ~~commissioned corps, national oceanic and atmospheric~~
7 ~~administration commissioned corp, national guard or any~~
8 ~~reserve or auxiliary component thereof~~ uniformed services
9 as defined in W.S. 8-1-102(a)(xxii);

10

11 **21-17-105. Tuition to be as nearly free as possible;**
12 **number, qualifications and selection of students for**
13 **reduced tuition; tuition for veterans, their spouses and**
14 **children; reciprocal residency.**

15

16 (f) For purposes of subsection (e) of this section,
17 "uniformed services of the United States" means ~~service in~~
18 ~~the United States army, navy, air force, marine corps,~~
19 ~~coast guard, United States public health service~~
20 ~~commissioned corps, national oceanic and atmospheric~~
21 ~~administration commissioned corps, national guard or any~~
22 ~~reserve or auxiliary component thereof~~ as defined in W.S.
23 8-1-102(a)(xxii).

1

2 21-17-122. Accelerated baccalaureate degree in
3 nursing for students with other baccalaureate degrees;
4 contracts with students; repayment of funds expended;
5 deposit of repayments.

6

7 (d) Loan repayment options under this section may be
8 deferred for a period not to exceed five (5) years while a
9 loan recipient is serving on full-time active duty with any
10 branch of the ~~military services~~ uniformed services of the
11 United States as defined in W.S. 8-1-102(a)(xxii).

12

13 21-24-102. Definitions.

14

15 (a) As used in this compact, unless the context
16 clearly requires a different construction:

17

18 (xviii) "Uniformed service" means the army,
19 navy, air force, marine corps, space force and coast guard
20 including the commissioned corps of the national oceanic
21 and atmospheric administration and public health services;

22

1 23-1-705. Complimentary licenses; pioneer licenses;
2 antelope hunt licenses; gunpowder and buckskin hunt
3 licenses; gratuitous licenses; donated licenses.

4

5 (e) The department shall issue:

6

7 (iii) Without charge a resident elk or deer
8 license in any hunt area not subject to prescribed means of
9 competitive public issuance, a resident game bird and a
10 resident small game license to any resident who is on
11 active duty in the United States ~~military~~armed forces
12 deployed to a combat zone who is home on leave during the
13 applicable hunting season. Application under this section
14 shall include proof of residency required under W.S.
15 23-2-101(a), certification of the applicant's active duty
16 deployment to a combat zone and other information required
17 by rule and regulation of the commission. For purposes of
18 this paragraph, a combat zone is any area which the
19 president of the United States designates by executive
20 order as an area in which the armed forces of the United
21 States are engaged in combat;

22

1 **33-1-116. Professional and occupational licensure of**
2 **military service members.**

3
4 (a) As used in this section:

5
6 (ii) "Military service" means service in the
7 ~~United States army, navy, air force, marine corps, coast~~
8 ~~guard, United States public health service commissioned~~
9 ~~corps, national oceanic and atmospheric administration~~
10 ~~commissioned corps, national guard or any reserve or~~
11 ~~auxiliary component of any of these services~~ uniformed
12 services as defined in W.S. 8-1-102(a)(xxii);

13

14 **33-1-117. Temporary permits for military spouses.**

15

16 (a) As used in this section:

17

18 (v) "Military service member" means an active
19 ~~uniformed member of the United States army, navy, air~~
20 ~~force, marine corps, coast guard, United States public~~
21 ~~health service commissioned corps, national oceanic and~~
22 ~~atmospheric administration commissioned corps, national~~
23 ~~guard or any reserve or auxiliary component thereof~~ member

1 of the uniformed services as defined in W.S.
2 8-1-102(a)(xxii);

3

4 **33-36-103. Rules and regulations; procedure;**
5 **initiation of proceedings.**

6

7 (g) The division shall consider and process licenses
8 for veterans of ~~military service~~ uniformed services,
9 ~~military service~~ uniformed services members and the spouses
10 of ~~military service~~ uniformed services members pursuant to
11 the requirements of the Recognition of Emergency Medical
12 Services Personnel Licensure Interstate Compact Act, W.S.
13 33-36-202.

14

15 **33-47-103. Exemptions; persons and practices not**
16 **affected.**

17

18 (a) The following shall not be considered to be
19 practicing dietetics under this act:

20

21 (iii) A dietitian who is serving in the armed
22 forces or the commissioned corps of the public health
23 service of the United States, who is employed by the

1 veterans administration or a Wyoming department of health
2 nutritional services program under the supervision of a
3 licensed dietitian, while engaged in the practice of
4 dietetics provided the practice is related to that service
5 or employment;

6

7 **35-9-621. Benefits enumerated; death of participant**
8 **or spouse; amount and payment of contributions; death**
9 **benefits; withdrawal from pension account.**

10

11 (k) The board shall adopt rules to allow service for
12 any period of time, after commencement of participation
13 under this article, which a participating member spends in
14 active ~~military or other emergency~~ uniformed service of the
15 United States as required by the Uniformed Services
16 Employment and Reemployment Rights Act, 38 U.S.C. 4301 et
17 seq. to count towards a member's years of active
18 participation.

19

20 **39-13-105. Exemptions.**

21

22 (a) The following persons who are bona fide Wyoming
23 residents for at least three (3) years at the time of

1 claiming the exemption are entitled to receive the tax
2 exemption provided by W.S. 39-11-105(a)(xxiv):

3

4 (ii) An honorably discharged veteran of the
5 Second World War, who served in the ~~military service~~ armed
6 forces of the United States between December 7, 1941 and
7 December 31, 1946;

8

9 (iii) An honorably discharged veteran of the
10 Korean War emergency, who served in the ~~military service~~
11 armed forces of the United States between June 27, 1950 and
12 January 31, 1955;

13

14 (iv) An honorably discharged veteran of the
15 Vietnam War emergency, who served in the ~~military service~~
16 armed forces of the United States between February 28, 1961
17 and May 7, 1975;

18

19 (vi) An honorably discharged veteran who served
20 in the ~~military service~~ armed forces of the United States,
21 who was awarded the armed forces expeditionary medal or
22 other authorized service or campaign medal indicating

1 service for the United States in any armed conflict in a
2 foreign country;

3

4 (d) Any claimant who is honorably discharged from
5 ~~military service~~ armed forces and files a claim after the
6 fourth Monday in May is entitled to receive the exemption
7 for that taxable year in addition to the exemption allowed
8 during the ensuing tax year if a claim is filed on or
9 before the fourth Monday in May of the ensuing calendar
10 year.

11

12 (f) As used in this section "honorably discharged
13 veteran" means a member of the ~~military~~ armed forces of the
14 United States whose written evidence of separation from the
15 ~~military~~ armed forces shows an honorable discharge or the
16 rendition of honorable military service.

17

18 **42-4-120. Contracts for waiver services; authority of**
19 **department; emergency case services; cost based payments;**
20 **training and certification of specialists.**

21

22 (n) For purposes of this ~~subsection~~ section,
23 "military service member" means any person serving in the

1 ~~United States army, navy, air force, marine corps, coast~~
2 ~~guard, United States public health service commissioned~~
3 ~~corps, national oceanic and atmospheric administration~~
4 ~~commissioned corps, national guard or any reserve or~~
5 ~~auxiliary component of any of these services~~ uniformed
6 services as defined in W.S. 8-1-102(a)(xxii). Military
7 service members shall have the following benefits if they
8 meet the qualifications listed:

9

10 **Section 2.** This act is effective July 1, 2023.

11

12

(END)