

SENATE FILE NO. SF0095

Election of state health officer.

Sponsored by: Senator(s) Bouchard, Driskill, French, James
and McKeown and Representative(s) Baker,
Bear, Burt, Fortner, Gray, Laursen, Styvar,
Wharff and Winter

A BILL

for

1 AN ACT relating to the state health officer; providing for
2 the election and recall of the state health officer;
3 amending distribution of department of health and state
4 health officer authority; conforming and repealing
5 provisions; providing rulemaking authority; and providing
6 for effective dates.

7

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

9

10 **Section 1.** W.S. 9-2-103.1 is created to read:

11

12 **9-2-103.1. State health officer election; recall.**

13

1 (a) Beginning with the general election in 2022, the
2 state health officer shall be elected in a statewide
3 election for a term of four (4) years. The elected state
4 health officer shall be licensed in Wyoming as a physician
5 and shall carry out assigned statutory duties.

6

7 (b) The state health officer elected under this
8 section may be removed at any time by the qualified
9 electors of the state in the following manner:

10

11 (i) A petition signed by at least ten percent
12 (10%) of all the registered electors and demanding an
13 election of a successor of the state health officer shall
14 be filed with the secretary of state. The petition shall
15 contain a general statement of the grounds for removal. The
16 signatures to the petition need not all be appended to one
17 (1) paper, but each signer shall include the signer's place
18 of residence, giving the street and number. One (1) of the
19 signers of each paper shall make oath before a competent
20 officer that the statements therein made are true as the
21 signer believes, and that each signature is the genuine
22 signature of the person whose name it purports to be;

23

1 (ii) Within ten (10) days from the date of
2 filing the petition the secretary of state shall determine
3 whether the petition is signed by the requisite number of
4 qualified electors. The secretary of state shall attach to
5 the petition a certificate, showing the result of the
6 examination. If the petition is insufficient, it shall be
7 returned to the person who filed it, without prejudice to
8 the filing of a new petition to the same effect. If the
9 petition is sufficient, the secretary of state shall then
10 fix a date for holding a special removal election, not less
11 than thirty (30) days nor more than forty (40) days from
12 the date of the secretary of state's certificate of
13 sufficiency. The secretary of state shall publish notice
14 and arrange for holding the election.

15

16 (c) The secretary of state shall promulgate rules to
17 govern the operation of the special removal election as
18 consistent as possible with the process for election of
19 state officers at general elections. In any special removal
20 election the candidate receiving the highest number of
21 votes is elected. The incumbent shall be removed from
22 office upon the qualification of the incumbent's successor,
23 who shall hold office during the unexpired portion of the

1 term for which the incumbent was elected. If the person who
2 receives the highest number of votes fails to qualify
3 within ten (10) days after receiving notification of
4 election, the office is vacant.

5

6 (d) This method of removal is in addition to any
7 other methods provided by law.

8

9 **Section** 2. W.S. 9-2-103(e)(intro),
10 22-2-105(a)(ii)(intro) and 22-6-117(a)(iv) are amended to
11 read:

12

13 **9-2-103. Division administrators; appointment;**
14 **qualifications; duties; salaries, tenure and removal**
15 **generally; necessary personnel.**

16

17 (e) This subsection shall be repealed January 2,
18 2023. Until the state health officer's term commences
19 following the 2022 general election, the director shall
20 appoint a state health officer who shall be licensed in
21 Wyoming as a physician and who shall carry out the
22 statutory duties and any other duties assigned to him by
23 the director. The state health officer shall:

1

2 **22-2-105. Terms of office and offices voted on at**
3 **general elections.**

4

5 (a) The terms of office and offices voted on at
6 general elections are as follows:

7

8 (ii) Four Year Term. - At the general election
9 in 1974 and in every fourth ~~(4th)~~ year thereafter, there
10 shall be elected the following officers: one (1) governor,
11 one (1) secretary of state, one (1) state treasurer, one
12 (1) state auditor, one (1) superintendent of public
13 instruction, one (1) state health officer, county clerks,
14 county treasurers, county assessors, county coroners,
15 county and prosecuting attorneys, district attorneys,
16 sheriffs, clerks of the district court. At every general
17 election there shall be elected the necessary member or
18 members of the Wyoming senate and county commissioners. The
19 question of retention of a circuit court judge or a
20 magistrate of the circuit court shall be submitted:

21

22 **22-6-117. Order of listing offices in partisan**
23 **elections.**

1

2 (a) The major party primary and general partisan
3 election ballots shall contain the offices to be voted on
4 in the following order:

5

6 (iv) Candidates for governor, secretary of
7 state, state auditor, state treasurer, ~~and~~ superintendent
8 of public instruction and state health officer;

9

10 **Section 3.** W.S. 8-1-102(a)(xii), 8-2-101(a)(vi),
11 9-1-101(b), 9-3-101(a) by creating a new paragraph (viii),
12 9-5-101(a), 9-13-102(a)(xvi), 9-13-108(a)(intro),
13 28-1-115(g)(ii), 35-1-240(a)(intro), (xi), (b)(intro) and
14 by creating a new subsection (c), 35-1-243(a)(intro) and
15 35-4-801(b)(i) are amended to read:

16

17 **8-1-102. Definitions.**

18

19 (a) As used in the statutes unless the legislature
20 clearly specifies a different meaning or interpretation or
21 the context clearly requires a different meaning:

22

1 (xii) "Elected state official" means the
2 governor, secretary of state, state auditor, state
3 treasurer, ~~and~~ superintendent of public instruction and
4 state health officer;

5

6 **8-2-101. Distribution of statutes, supplements and**
7 **session laws.**

8

9 (a) Statutes, supplements and session laws shall be
10 distributed as provided by contract with the publisher or
11 as directed by the management council, to the following,
12 without charge:

13

14 (vi) One (1) copy to each of the ~~five (5)~~ six
15 (6) elected state officers;

16

17 **9-1-101. Location of seat of government; residence of**
18 **state officials; deputies authorized; state superintendent**
19 **of public instruction physical office designation.**

20

21 (b) The governor, secretary of state, state
22 treasurer, state auditor, ~~and~~ state superintendent of

1 public instruction and state health officer shall reside
2 and maintain their offices at the seat of government.

3

4 **9-3-101. Salaries; amount; date of payment.**

5

6 (a) Salaries for clerk of the supreme court and
7 district court reporters shall be determined by the supreme
8 court as authorized by legislative appropriations. Subject
9 to constitutional limitations the following state officers
10 and members of the judiciary shall receive the salaries
11 indicated by the figures following their respective titles:

12

13 (viii) State health officer \$92,000.00

14

15 **9-5-101. State building commission; composition;**
16 **general powers and duties; conflicts of interest.**

17

18 (a) The ~~five (5) elected state officers~~ governor,
19 secretary of state, state auditor, state treasurer and
20 state superintendent of public instruction shall constitute
21 the state building commission. The governor shall be
22 chairman of the commission, but in his absence from any
23 meeting, one (1) of the members may act as chairman, and

1 shall preside at the meeting. All votes taken to decide the
2 commission's final action on any matter shall be recorded.

3

4 **9-13-102. Definitions.**

5

6 (a) As used in this article:

7

8 (xvi) "State office" means the state offices of
9 governor, treasurer, superintendent of public instruction,
10 auditor, secretary of state, state health officer and
11 member of the state legislature;

12

13 **9-13-108. Disclosure required.**

14

15 (a) Not later than January 31 annually, each of the
16 state's ~~five (5)~~ six (6) elected officials and each member
17 of the Wyoming legislature shall file a financial
18 disclosure form with the secretary of state. The form shall
19 be signed by the elected official or legislator filing it
20 and under a certification that it is accurate. Except as
21 otherwise provided in this subsection, the financial
22 disclosure form shall contain the following information
23 current as of January 15 of that year:

1

2 **28-1-115. Submission of state agency plans to**
3 **legislature; contents; purposes.**

4

5 (g) For purposes of this section and W.S. 28-1-116,
6 "state agency" means:

7

8 (ii) Offices of the ~~five (5) elected state~~
9 ~~officials and the attorney general~~ governor, secretary of
10 state, state auditor, state treasurer and state
11 superintendent of public instruction; and

12

13 **35-1-240. Powers and duties.**

14

15 (a) ~~The department of health, through~~ The state
16 health officer, or under his direction and supervision,
17 through the other employees of the department of health,
18 shall have and exercise the following powers and duties:

19

20 (xi) To purchase and to distribute to licensed
21 physicians, with or without charge, ~~as the department may~~
22 ~~determine~~, or to administer such vaccines, serums, toxoids

1 and other approved biological or therapeutic products as
2 may be necessary for the protection of the public health;

3

4 (b) To assist the state health officer in carrying
5 out duties prescribed under paragraphs (a)(ii) and (vii) of
6 this section, the department shall:

7

8 (c) The department shall have and exercise the
9 following powers and duties:

10

11 (i) To exercise all the rights and powers and
12 perform all the duties vested in or imposed by law upon the
13 state department of health, its officers and employees, as
14 constituted before this act, becomes effective; to hold
15 hearings, administer oaths, subpoena witnesses and take
16 testimony in all matters relating to the exercise and
17 performances of the powers and duties vested in or imposed
18 upon the department;

19

20 (ii) To operate a public health nursing program
21 which may include, but is not limited to, provision of
22 immunizations, evaluation of the need of individuals for
23 nursing home admission or services and the operation of an

1 infant public health nurse home visitation subprogram. The
2 public health nursing program may, where and to the extent
3 appropriate, be administered through or in conjunction with
4 county, municipal or district health departments;

5
6 (iii) To administer the Wyoming physician
7 recruitment grant program provided in W.S. 35-1-1101;

8
9 (iv) If the duty is not assigned to another
10 entity pursuant to W.S. 35-1-1202, to develop initiatives
11 and provide information to the public regarding palliative
12 care as provided in W.S. 35-1-1203.

13
14 **35-1-243. Public health nursing.**

15
16 (a) In exercising its powers and duties under W.S.
17 ~~35-1-240(a)(xx)~~35-1-240(c)(ii), the department of health
18 may enter into memoranda of understanding with the several
19 counties separately for the organization, management,
20 delivery and financing of public health nursing and related
21 functions. The county commissioners of each county shall
22 have at least the following choices for organizing public
23 health nursing and related functions:

1

2 **35-4-801. Screening required for detection of genetic**
3 **and metabolic diseases and hearing defects in newborn**
4 **children; conduct of screening; exceptions; fees.**

5

6 (b) The specific tests to be done shall be determined
7 by a committee consisting of the following:

8

9 (i) The state health officer; ~~in the department~~
10 ~~of health;~~

11

12 **Section 4.** W.S. 9-2-103(d), 21-4-309(d)(i) and
13 35-1-240(a)(xviii), (xx), (xxii) and (xxiii) are repealed.

14

15 **Section 5.**

16

17 (a) Except as provided in subsection (b) of this
18 section, this act is effective July 1, 2021.

19

20 (b) Sections 3 and 4 of this act are effective
21 January 2, 2023.

22

23

(END)