

ENROLLED ACT NO. 28, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

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

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

**Section 1.** W.S. 8-1-102(a) by creating new paragraphs (xxi) and (xxii), 19-11-103(a)(xi), 19-11-108(a), (b) and (e), 19-11-112(b), 19-11-122(a), 19-11-202, 19-13-102(a)(ii), 19-14-106(a)(i), (ii)(A) and (B), 19-14-111(d)(ii), 20-2-205(f)(iv), 21-17-105(f), 21-17-122(d), 21-24-102(a)(xviii), 23-1-705(e)(iii), 33-1-116(a)(ii), 33-1-117(a)(v), 33-36-103(g), 33-47-103(a)(iii), 35-9-621(k), 39-13-105(a)(ii) through (iv), (vi), (d) and (f) and 42-4-120(n)(intro) are amended to read:

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

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

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

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

(A) The armed forces;

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(B) The commissioned corps of the national oceanic and atmospheric administration;

(C) The commissioned corps of the public health service;

(D) Any other category of persons designated by the president of the United States in time of war or emergency.

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

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

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

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

(a) Any member of the national guard of any state or United States ~~military—armed~~ forces reserve who is an officer or employee of this state or any political subdivision, municipal corporation or any public agency or entity of the state, including community colleges, shall be given a military leave of absence with pay at the regular salary or wage which the employee normally receives, not to exceed fifteen (15) calendar days in any one (1) calendar year to perform service in the uniformed

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services in addition to any other leave or vacation time to which the person is otherwise entitled.

(b) Subject to the conditions prescribed in paragraphs (c)(i) through (v) of this section, any officer or employee of the state or any political subdivision, municipal corporation or public agency of the state who has been employed for one (1) year and who is a member of the national guard of any state or any other component of the military forces of a state, a member of the reserve armed forces of the United States or who is inducted into the ~~military service~~ armed forces of the United States, is entitled to leave of absence from his public office or employment without pay but without loss of seniority, status, efficiency rating, vacation, sick leave or other benefits while he is engaged in active military training or service ordered or authorized by proper authority pursuant to law exceeding fifteen (15) days in any calendar year. Such leave is in addition to any other military leave or vacation time to which the officer or employee may be entitled by law if the required military service is satisfactorily performed, which is presumed unless the contrary is established.

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

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

(b) No employee shall receive more than a total of five (5) years of ~~military service~~ uniformed services credit in the retirement system, pension fund or employee

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benefit plan applicable to his employment credited under this section.

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

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

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

In addition to the acknowledgment of instruments in the manner and form otherwise authorized by law, persons who perform service in the uniformed services or their dependents, wherever located, may acknowledge the instruments before any commissioned officer who performs service in the uniformed services with the rank of second lieutenant or higher in the army, air force, ~~or~~or space force marine corps, or ensign or higher in the navy or coast guard. The instrument is not invalid for failure to state therein the place of execution or acknowledgment. No

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authentication of the officer's certificate of acknowledgment is required, but the officer taking the acknowledgment shall endorse thereon or attach thereto a certificate substantially in the following form:

On this .... day of ....., (year), before me, ....., the undersigned officer, personally appeared ....., Serial No. (If any) ....., known to me (or satisfactorily proven) to be performing service in the uniformed services (A dependent of ....., Serial No. (If any) ....., a person performing service in the uniformed services) and to be the person whose name is subscribed to the within instrument and acknowledged that .... he .... executed the same for the purposes therein contained, and the undersigned does further certify that he is, at the date of this certificate, a commissioned officer of the rank stated below and is performing service in the uniformed services.

.... (Signature of the officer)

.... (Rank and Serial No. of officer)

and command to which attached.

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

(a) As used in this act:

(ii) "Homeland security" means the preparation for and the carrying out of all emergency functions essential to the recovery and restoration of the economy by supply and resupply of resources to meet urgent survival and military needs, other than functions for which military armed forces are primarily responsible, necessary to deal with disasters caused by enemy attack, sabotage, terrorism,

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civil disorder or other hostile action, or by fire, flood, earthquake, other natural causes and other technological, industrial, civil and political events. These functions include without limitation the coordination of fire-fighting services, police services, medical and health services, rescue, engineering, attack warning services, communications, radiological events, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, mitigation activities in areas threatened by natural or technological hazards, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for any carrying out of the foregoing functions;

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

(a) As used in this section:

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

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

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

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

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

(B) Received a discharge from the ~~military~~-armed forces of the United States other than dishonorably; and

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

(d) As used in this section:

(ii) "Veteran" means a member of the ~~military~~-armed forces of the United States whose written evidence of separation from the ~~military~~-armed forces shows an honorable discharge or the rendition of honorable military service.

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

(f) As used in this section:

(iv) "Service member" means a ~~uniformed~~-member of the ~~United States army, navy, air force, marine corps,~~

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~~coast guard, United States public health service  
commissioned corps, national oceanic and atmospheric  
administration commissioned corp, national guard or any  
reserve or auxiliary component thereof~~ uniformed services  
as defined in W.S. 8-1-102(a)(xxii);

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

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

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

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

**21-24-102. Definitions.**

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



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

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

(e) The department shall issue:

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

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

(a) As used in this section:

(ii) "Military service" means service in the ~~United States army, navy, air force, marine corps, coast~~

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~~guard, United States public health service commissioned corps, national oceanic and atmospheric administration commissioned corps, national guard or any reserve or auxiliary component of any of these services~~ uniformed services as defined in W.S. 8-1-102(a)(xxii);

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

(a) As used in this section:

(v) "Military service member" means an active ~~uniformed member of the United States army, navy, air force, marine corps, coast guard, United States public health service commissioned corps, national oceanic and atmospheric administration commissioned corps, national guard or any reserve or auxiliary component thereof~~ member of the uniformed services as defined in W.S. 8-1-102(a)(xxii);

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

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

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

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

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(iii) A dietitian who is serving in the armed forces or the commissioned corps of the public health service of the United States, who is employed by the veterans administration or a Wyoming department of health nutritional services program under the supervision of a licensed dietitian, while engaged in the practice of dietetics provided the practice is related to that service or employment;

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

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

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

(a) The following persons who are bona fide Wyoming residents for at least three (3) years at the time of claiming the exemption are entitled to receive the tax exemption provided by W.S. 39-11-105(a)(xxiv):

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

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

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

(vi) An honorably discharged veteran who served in the ~~military-service-armed forces~~ of the United States, who was awarded the armed forces expeditionary medal or other authorized service or campaign medal indicating service for the United States in any armed conflict in a foreign country;

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

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

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

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(n) For purposes of this ~~subsection~~section, "military service member" means any person serving in the ~~United States army, navy, air force, marine corps, coast guard, United States public health service commissioned corps, national oceanic and atmospheric administration commissioned corps, national guard or any reserve or auxiliary component of any of these services~~ uniformed services as defined in W.S. 8-1-102(a)(xxii). Military service members shall have the following benefits if they meet the qualifications listed:

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk