

HOUSE BILL NO. HB0291

Disabled or deceased peace officers.

Sponsored by: Representative(s) Walsh, Davison, Esquibel,
F., Gentile, Quarberg and White and
Senator(s) Barrasso, Fecht and Job

A BILL

for

1 AN ACT relating to peace officers; providing that
2 dependents of peace officers totally disabled while in the
3 scope of duty shall receive free university or community
4 college tuition and fees as specified; providing that
5 surviving spouses and minor dependents of peace officers
6 killed or totally disabled while in the scope of duty shall
7 remain eligible for employer provided health insurance as
8 specified; amending and providing definitions; and
9 providing for an effective date.

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

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

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1 **7-2-108. Survivors of deceased peace officers and**
2 **dependents of totally disabled peace officers; free tuition**
3 **and fees; continuation of health insurance.**

4
5 (a) The University of Wyoming for up to ten (10)
6 semesters and each community college for up to a total of
7 six (6) semesters of study at the community college level
8 shall provide free tuition and fees for any person who is a
9 surviving dependent of a peace officer who has qualified
10 pursuant to W.S. 9-1-701 through 9-1-709 and who died or
11 was disabled to such an extent that he was unable to
12 continue in the performance of his duties as a peace
13 officer, while acting within the scope of his duties in the
14 service of a law enforcement agency in the state. If the
15 surviving dependent first enrolls in a community college
16 and then transfers to another community college or the
17 University of Wyoming, the free tuition and fees shall
18 continue until the dependent has completed a cumulative
19 total of ten (10) semesters at the community college level
20 and the university, not to exceed six (6) semesters at the
21 community college level.

22
23 (b) In order to qualify for the benefit under this
24 section, a person claiming eligibility for free tuition and

1 fees under subsection (a) of this section shall be under
2 twenty-two (22) years of age at the time of the death or
3 qualifying disability of the parent or other person
4 responsible for the support of the applicant. Upon
5 application by a person claiming eligibility for free
6 tuition and fees under this section because of the death or
7 qualifying disability of a parent or legal guardian, the
8 university or community college where the person applied
9 for enrollment shall:

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

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15 (ii) Determine whether the ~~decedent~~ peace
16 officer died or became disabled while acting within the
17 scope of his duties; and

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

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1 (d) For purposes of paragraph (b)(ii) and subsection
2 (e) of this section, it shall be conclusively presumed:

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4 (i) That the ~~decedent~~ peace officer died while
5 acting within the scope of duties if death benefits were
6 paid as a result of the peace officer's death in the scope
7 of employment to any person pursuant to W.S. 9-3-432(j),
8 9-3-613 or 15-5-309 or the Wyoming Worker's Compensation
9 Act;
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11 (ii) That the peace officer became disabled to
12 such an extent that he was unable to continue in the
13 performance of his duties as a peace officer if the officer
14 is receiving retirement benefits for partial or total
15 disability incurred in the scope of employment pursuant to
16 W.S. 9-3-432(h)(i), 9-3-611(a) or 15-5-308(a) or the
17 Wyoming Worker's Compensation Act.

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19 (f) The employer at the date of a peace officer's
20 death or qualifying disability shall continue to offer
21 health insurance to the officer's surviving spouse and
22 minor dependents, subject to the following:

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1 (i) The officer has qualified pursuant to W.S.
2 9-1-701 through 9-1-709;

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4 (ii) The officer died or became disabled to such
5 an extent that he was unable to continue in the performance
6 of his duties as a peace officer, while acting within the
7 scope of duties in the service of a law enforcement agency
8 in the state;

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10 (iii) The health insurance shall be offered on
11 the same terms and at the same cost as is offered to
12 spouses and minor dependents of peace officers currently
13 employed by the employer;

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15 (iv) The employer shall continue to offer health
16 insurance as provided in this subsection:

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18 (A) To a surviving spouse until the spouse
19 remarries or becomes eligible for group health insurance or
20 a group health insurance arrangement provided in connection
21 with a policy, plan or program sponsored by an employer and
22 subject to regulation as a group health plan under federal
23 or state law, even though the employer coverage is
24 declined;

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(B) To a surviving minor dependent until the age of majority or until the age of twenty-three (23) if the surviving minor dependent is attending a university, college or community college on a full-time basis.

Section 2. This act is effective July 1, 2007.

(END)