

ORIGINAL HOUSE
BILL NO. 0119

ENROLLED ACT NO. 112, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2013 GENERAL SESSION

AN ACT relating to the department of family services; repealing obsolete provisions related to transportation of children and payments to facilities; amending the Juvenile Justice Act, the Children in Need of Supervision Act and Wyoming boys' school statutes to delete references to placement at the Wyoming State Hospital and Wyoming Life Resource Center; updating references to the food stamp program with references to the supplemental nutrition assistance program (SNAP); and providing for an effective date.

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

Section 1. W.S. 9-2-2018(c)(xi), 14-6-247(a)(ii), 14-6-419(b) through (d), 20-2-303(a)(ii), 20-2-307(d), 20-2-311(a), 25-3-104(a), 27-3-321(a), (b)(intro), (ii) and (iii), 27-3-607(a)(v) and (b), 31-7-401(b)(vii), 39-15-105(a)(ii)(E), 42-2-102(a)(ii) through (iv), (vi) and (vii)(intro), 42-2-103(b)(xiii) and (e)(v), 42-2-109(b), 42-2-112(a) through (g), (k)(i) and (ii) and 42-2-202(a)(intro) and (b) are amended to read:

9-2-2018. Department of workforce services created; director appointed; structure.

(c) The department reorganization plan shall consider whether the following functions or programs are assigned from or to the agency or department specified under a Type 2 transfer:

PROGRAM; FROM; TO

(xi) ~~Food stamp~~ Supplemental nutrition assistance employment program; Family services; Workforce services

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14-6-247. Sanctions common to all levels.

(a) For a child at any sanction level, the juvenile court may:

(ii) Commit the child to a suitable certified hospital willing to accept the child, ~~or the Wyoming state hospital,~~ for not more than ninety (90) days for treatment for substance abuse or for specialized treatment and rehabilitation programs conducted especially for juveniles;

14-6-419. Physical and mental examinations.

(b) If a child has been committed to a medical facility or institution for mental examination prior to adjudication of the petition and if it appears to the court from the mental examination that the child is competent to participate in further proceedings and is not mentally ill or intellectually disabled to a degree rendering the child subject to involuntary commitment to ~~the Wyoming state hospital or the Wyoming life resource center~~ a residential treatment facility, the court shall order the child returned to the court without delay.

(c) If it appears to the court by mental examination conducted before adjudication of the petition that a child alleged to be in need of supervision is incompetent to participate in further proceedings by reason of mental illness or intellectual disability to a degree rendering the child subject to involuntary commitment to ~~the Wyoming state hospital or the Wyoming life resource center~~ a residential treatment facility, the court shall hold further proceedings under this act in abeyance. The district attorney shall then commence proceedings in the district court for commitment of the child to the appropriate institution as provided by law.

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(d) The juvenile court shall retain jurisdiction of the child on the petition pending final determination of the commitment proceedings in the district court. If proceedings in the district court commit the child to ~~the Wyoming state hospital, the Wyoming life resource center or any other~~ a facility or institution for treatment and care of people with mental illness or intellectual disability, the petition shall be dismissed and further proceedings under this act terminate. If proceedings in the district court determine the child does not have a mental illness or an intellectual disability to a degree rendering him subject to involuntary commitment, the court shall proceed to a final adjudication of the petition and disposition of the child under the provisions of this act.

20-2-303. Definitions.

(a) As used in this article:

(ii) "Income" means any form of payment or return in money or in kind to an individual, regardless of source. Income includes, but is not limited to wages, earnings, salary, commission, compensation as an independent contractor, temporary total disability, permanent partial disability and permanent total disability worker's compensation payments, unemployment compensation, disability, annuity and retirement benefits, and any other payments made by any payor, but shall not include any earnings derived from overtime work unless the court, after considering all overtime earnings derived in the preceding twenty-four (24) month period, determines the overtime earnings can reasonably be expected to continue on a consistent basis. In determining income, all reasonable unreimbursed legitimate business expenses shall be deducted. Means tested sources of income such as Pell

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grants, aid under the personal opportunities with employment responsibilities (POWER) program, ~~food-stamps~~ supplemental nutrition assistance program and supplemental security income (SSI) shall not be considered as income. Gross income also means potential income of parents who are voluntarily unemployed or underemployed;

20-2-307. Presumptive child support to be followed; deviations by court.

(d) Agreements regarding child support may be submitted to the court. All such agreements shall be accompanied by a financial affidavit as required by W.S. 20-2-308. The court shall use the presumed child support amounts to review the adequacy of child support agreements negotiated by the parties. If the agreed amount departs from the presumed child support, the parties shall furnish statements of explanation which shall be included with the forms and shall be filed with the court. The court shall review the agreement and inform the parties whether or not additional or corrected information is needed, or that the agreement is approved or disapproved. No agreement which is less than the presumed child support amount shall be approved if means tested sources of income such as aid under the personal opportunities with employment responsibilities (POWER) program, health care benefits under Title XIX of the Social Security Act, ~~food-stamps~~ supplemental nutrition assistance program, supplemental security income (SSI) or other similar benefits are being paid on behalf of any of the children.

20-2-311. Adjustment of child support orders.

(a) Any party, or the department of family services in the case of child support orders being enforced by the department, may petition for a review and adjustment of any

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child support order that was entered more than six (6) months prior to the petition or which has not been adjusted within six (6) months from the date of filing of the petition for review and adjustment. The petition shall allege that, in applying the presumptive child support established by this article, the support amount will change by twenty percent (20%) or more per month from the amount of the existing order. The court shall require the parents to complete a verified financial statement on forms approved by the Wyoming supreme court, and shall apply the presumptive child support set out in this article in conducting the review and adjustment. If, upon applying the presumptive child support to the circumstances of the parents or child at the time of the review, the court finds that the support amount would change by twenty percent (20%) or more per month from the amount of the existing order, the court shall consider there to be a change of circumstances sufficient to justify the modification of the support order. The provisions of this section do not preclude a party or assignee from bringing an action for modification of a support order, based upon a substantial change of circumstances, at any time. Every three (3) years, upon the request of either parent or, if there is a current assignment of support rights in effect, upon the request of the department, the court, with respect to a support order being enforced under this article and taking into account the best interests of the child involved, shall review and, if appropriate, adjust the order in accordance with the guidelines established pursuant to this article. Any adjustment under the three (3) year cycle shall be made without a requirement for a showing of a change in circumstances. The commencement of aid under the personal opportunities with employment responsibilities (POWER) program, medical benefits under Title XIX of the Social Security Act, ~~food stamps~~ supplemental nutrition assistance program and supplemental security income (SSI)

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shall be considered a substantial change of circumstances requiring modification of child support.

25-3-104. Transfer of residents to state hospital; rules and regulations governing residents.

(a) The department of family services may, with the approval of the department of health, transfer any resident who becomes mentally incompetent to ~~the Wyoming state hospital~~ any appropriate acute placement facility based on a psychiatric evaluation.

27-3-321. Disclosure of supplemental nutrition assistance program overissuance required; notification; amount withheld; payment; applicability of provisions.

(a) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not he owes an uncollected overissuance of ~~food stamp coupons~~ supplemental nutrition assistance program benefits as defined in section 13(c)(1) of the ~~Food Stamp Act of 1977~~ Food and Nutrition Act of 2008. The department shall notify the department of family services of any individual who discloses that he owes an uncollected overissuance and who is determined to be eligible for unemployment compensation.

(b) The department shall deduct and withhold from any unemployment compensation payable to an individual who owes an uncollected overissuance of ~~food stamps~~ supplemental nutrition assistance benefits:

(ii) The amount determined pursuant to an agreement under section 13(c)(3)(A) of the ~~Food Stamp Act of 1977~~ Food and Nutrition Act of 2008 and submitted to the department of family services; or

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(iii) Any amount otherwise required to be deducted and withheld from unemployment compensation pursuant to section 13(c)(3)(B) of the ~~Food Stamp Act of 1977~~ Food and Nutrition Act of 2008, whichever is greater.

27-3-607. Cooperation by department with federal, state and local agencies; disclosure and submission of specified information; limitations.

(a) The department shall:

(v) Upon request, pursuant to contract and on a reimbursable basis, disclose to officers and employees of the United States department of agriculture and any state ~~food stamp~~ supplemental nutrition assistance program agency defined under 7 U.S.C. § 2012(n)(1), any wage information obtained under this act for an identified individual, any record of application for or receipt of benefits and the amount received, his most recent home address and any refusal of an offer of employment and a description of this employment;

(b) A requesting agency shall agree that information obtained under paragraph (a)(iv) of this section be used only for establishing and collecting child support obligations from and locating individuals owing obligations enforced pursuant to a plan described under 42 U.S.C. § 654, and that information obtained under paragraph (a)(v) of this section be used only for determining the applicant's eligibility for benefits or the amount of benefits under the ~~food stamp~~ supplemental nutrition assistance program. The agency shall also reimburse the department for the cost of furnishing this information. Requirements for confidentiality of information under this act and the penalties for improper disclosure apply to the

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use of this information by officers and employees of any child support or ~~food-stamp~~ supplemental nutrition assistance program agency and the United States department of agriculture.

31-7-401. Ignition interlock licenses; definitions; administration and enforcement.

(b) The department shall prescribe reasonable rules and regulations for the certification of ignition interlock devices and ignition interlock service providers and for the calibration and maintenance of ignition interlock devices, which calibration and maintenance shall be the responsibility of an ignition interlock service provider. In addition to other matters necessary for the administration of this article, the rules and regulations shall:

(vii) Establish procedures under which indigent persons who are required to operate only vehicles equipped with an ignition interlock device may have one-half (1/2) the costs of obtaining and using such device paid from funds made available by the state. A person shall be considered indigent if they are able to produce evidence that they are eligible and qualified to participate in the federal ~~food-stamp~~ supplemental nutrition assistance program.

39-15-105. Exemptions.

(a) The following sales or leases are exempt from the excise tax imposed by this article:

(ii) For the purpose of exempting sales of services and tangible personal property protected by federal law, the following are exempt:

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(E) To comply with the ~~Food Security Act of 1985~~ Food and Nutrition Act of 2008, sales of food purchased with ~~food stamps~~ supplemental nutrition assistance benefits.

42-2-102. Definitions.

(a) Except as otherwise specifically provided, as used in this article:

(ii) "Coupon" means any coupon, stamp or other type of certificate provided for the purchase of eligible food as defined by the ~~food stamp~~ supplemental nutrition assistance program;

(iii) "Electronic benefit transfer" means a system for the ~~food stamp~~ supplemental nutrition assistance program as an alternative to issuing ~~food stamp coupons~~ a supplemental nutrition assistance program card. An electronic benefit transfer system is a computer-based system in which the benefit authorization is received through a point of sale terminal. Eligible households utilize plastic cards in lieu of ~~food stamp~~ supplemental nutrition assistance program coupons to purchase food items at authorized food retailers. This type of benefit may also be used to issue other types of public welfare benefits;

(iv) "~~Food stamp~~ Supplemental nutrition assistance program benefit" means assistance provided by the ~~food stamp~~ supplemental nutrition assistance program to eligible households in the form of coupons, electronic benefit transfers or cash that are redeemable at federally approved food retailers;

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(vi) "Public assistance" means financial assistance in the form of a performance payment, vendor payment, ~~food stamps~~ supplemental nutrition assistance program benefits or a payment under the minimum medical program;

(vii) "Public welfare benefit" means financial assistance provided to eligible persons in the form of a performance payment, vendor payment, ~~food stamp coupon~~ supplemental nutrition assistance program benefit, electronic benefit transfer or cash. These benefits may be received from several state or federal welfare programs including:

42-2-103. Provision of assistance and services; duties of department; burial assistance; state supplemental security income program.

(b) In carrying out subsection (a) of this section and except as provided under the Wyoming Medical Assistance and Services Act, the department shall:

(xiii) Exempt individuals domiciled in Wyoming from the application of section 115, subsection (a) of P.L. 104-193 allowing payment of benefits under the personal opportunities with employment responsibilities program (POWER) and the ~~food stamp~~ supplemental nutrition assistance program;

(e) In administering this section and in addition to other requirements imposed under this chapter and the Wyoming Medical Assistance and Services Act and federal rule and regulation, the department shall by rule and regulation:

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(v) In accordance with guidelines and criteria prescribed by rule and regulation of the department and unless otherwise qualifying for a good cause exemption pursuant to rule and regulation of the department, require the development of and adherence to a self-sufficiency plan with guidelines and assistance provided by the department, as a condition for benefit eligibility under the personal opportunities with employment responsibilities (POWER) program. A self sufficiency plan including timely completion of an approved educational program complying with W.S. 42-2-109(a) shall be deemed to meet the requirements of this subsection if adhered to. Any person not qualifying for a good cause exemption and failing to comply with this paragraph shall be sanctioned, to include disqualification under the personal opportunities with employment responsibilities (POWER) program and be disqualified from receiving benefits under the ~~food-stamp~~ supplemental nutrition assistance and medical assistance programs. The sanction shall be established at a level which would continue to assure children in a noncompliance household would be eligible for ~~food-stamps~~ supplemental nutrition assistance program benefits and Medicaid. Subject to procedure prescribed by department regulation, any recipient may at any time request a good cause exemption from the requirements of this section;

42-2-109. Review of assistance and services; termination or modification; notice to department of change in resources.

(b) Upon gaining possession of any property, income or other resources after receiving any public assistance and social services under this article, a recipient shall immediately notify the department as he becomes aware of the change in circumstances. The amount of public assistance and social services provided to the recipient

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shall be accordingly terminated or modified pursuant to rule and regulation of the department. The department shall allow the exclusion of one (1) duly registered and licensed motor vehicle from personal resources in determining eligibility for any household under the personal opportunities with employment responsibilities (POWER) and ~~food stamp~~ supplemental nutrition assistance programs. Married couples shall be allowed a second duly registered and licensed motor vehicle.

42-2-112. Misrepresentation; penalties; recovery, termination or modification of assistance and services.

(a) No person shall knowingly make a false statement or misrepresentation, fail to disclose a material fact, aid, abet or conspire with any other person in obtaining any form of ~~food stamp~~ supplemental nutrition assistance benefit under the ~~food stamp~~ supplemental nutrition assistance program.

(b) No person shall knowingly make a false statement or misrepresentation, fail to disclose a material fact, aid, abet or conspire with any other person in obtaining any commodity under the ~~food stamp~~ supplemental nutrition assistance program.

(c) No person shall knowingly trade or otherwise dispose of any ~~food stamp~~ supplemental nutrition assistance benefit received under the ~~food stamp~~ supplemental nutrition assistance program, except to a federally authorized food retailer.

(d) No person shall knowingly sell any form of ~~food stamp~~ supplemental nutrition assistance benefit to any other person.

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(e) No person shall knowingly give, sell, trade or otherwise dispose of any commodity obtained under the ~~food stamp~~ supplemental nutrition assistance program to any other person.

(f) No person shall knowingly buy, trade or otherwise obtain any form of ~~food stamp~~ supplemental nutrition assistance benefit from any other person, except as authorized by law.

(g) No person shall knowingly buy, trade or otherwise obtain any commodity under the ~~food stamp~~ supplemental nutrition assistance program from any other person, except as authorized by law.

(k) Any person violating this section is guilty of:

(i) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both, if the value of the commodity, ~~food stamp~~ supplemental nutrition assistance benefit or other public welfare benefit under this article is five hundred dollars (\$500.00) or more; or

(ii) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if the value of the commodity, ~~food stamp~~ supplemental nutrition assistance benefit or other public welfare benefit under this article is less than five hundred dollars (\$500.00).

42-2-202. Participation required; exemptions; disqualification of benefits.

(a) If available within the county of his residence, any person receiving benefits from the department under the

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~~food stamp~~ supplemental nutrition assistance or personal opportunities with employment responsibilities (POWER) programs shall as a condition of receiving any benefits, participate in the employment and training program unless he:

(b) Any person not exempt under this section and failing to participate in the program as required under this article may be disqualified from receiving benefits under the ~~food stamp~~ supplemental nutrition assistance or personal opportunities with employment responsibilities (POWER) programs. A good cause exemption may be requested at any time by a benefit recipient.

Section 2. W.S. 14-4-101(a)(vi)(H), 14-4-114, 14-6-304(a)(v) and 14-6-305 are repealed.

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Section 3. This act is effective July 1, 2013.

(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