

## HOUSE BILL NO. HB0310

Law enforcement retirees-excess earnings.

Sponsored by: Representative(s) McOmie and Landon and  
Senator(s) Job

A BILL

for

1 AN ACT relating to law enforcement retirement; amending  
2 reporting requirements for law enforcement retirees who  
3 receive a disability allowance as specified; eliminating  
4 the requirement for members who receive duty-connected  
5 disability allowances to report annually to the retirement  
6 board and providing for an effective date.

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

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10 **Section 1.** W.S. 9-3-423(d), 9-3-432(h) (intro) and  
11 9-3-612(b) are amended to read:

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13 **9-3-423. Disability; medical and other examinations,**  
14 **tests and evaluations subsequent to retirement; failure to**  
15 **submit to examinations, tests and evaluations; restoration**  
16 **to service; deduction from benefit for excess earnings.**

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2 (d) Any member receiving a nonduty-connected total or  
3 partial disability benefit who has not reached age sixty  
4 (60) shall annually report to the board in a form  
5 prescribed by the board, his total earnings for the  
6 preceding calendar year from any gainful employment for  
7 wages and any worker's compensation benefits. Fifty percent  
8 (50%) of the excess of any earnings or benefits over the  
9 base pay for the position held at the time of disability  
10 shall be deducted, in a manner the board determines, from  
11 his disability benefit beginning ninety (90) days following  
12 the day the report is due. If any member received a  
13 disability benefit for less than twelve (12) months in a  
14 calendar year for which earnings were reported, the  
15 deduction, if any, shall be determined on a pro rata basis.

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17 **9-3-432. Law enforcement officers; contributions;**  
18 **benefit eligibility; service and disability benefits; death**  
19 **benefits; benefit options.**

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21 (h) Notwithstanding W.S. 9-3-422, any law enforcement  
22 officer in service for which contributions have been paid  
23 because of illness or injury in the scope of employment, or  
24 except as otherwise provided under this subsection, any law

1 enforcement officer with ten (10) years of service credit  
2 under this article because of illness or injury outside of  
3 the scope of employment, may retire on account of a total  
4 or partial disability in accordance with rules and  
5 regulations adopted by the board. Any law enforcement  
6 officer previously covered under W.S. 15-5-301 through  
7 15-5-314 and transferred under this article may because of  
8 illness or injury outside the scope of employment and  
9 regardless of the number of years of service credit under  
10 this article, retire on account of total or partial  
11 disability. The board shall determine mental or physical  
12 incapacitation for disability retirement under this section  
13 in accordance with W.S. 9-3-422(a) and rules and regulation  
14 of the board, and the cost of any required examination or  
15 test shall be paid as provided by W.S. 9-3-422 and rule and  
16 regulation of the board. Any law enforcement officer  
17 receiving a nonduty-connected disability benefit under this  
18 section is subject to reporting, evaluation and excess  
19 earnings deduction requirements imposed under W.S. 9-3-423  
20 and rule and regulation of the board. Upon retirement for a  
21 disability as determined and for which a member qualifies  
22 under this section, a law enforcement officer shall for the  
23 life of the officer or until the officer is no longer  
24 disabled, receive:

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2       **9-3-612. Payment of disability allowance.**

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4       (b) Any employee receiving a nonduty-connected  
5 disability allowance who has not reached age fifty (50)  
6 shall report to the board annually, in a form the board  
7 prescribes, his total earnings for the preceding calendar  
8 year from any gainful employment for wages and any worker's  
9 compensation benefits. One-half (1/2) of the excess of such  
10 earnings or benefits, or both, over the base pay of the  
11 rank held at the time of disability shall be deducted, in a  
12 manner the board determines, from that employee's  
13 disability allowance beginning ninety (90) days following  
14 the day the report is due. If any member received a  
15 disability allowance for less than twelve (12) months in  
16 the calendar year for which earnings are reported, the  
17 deduction, if any, shall be determined on a pro rata basis.

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19       **Section 2.** This act is effective immediately upon  
20 completion of all acts necessary for a bill to become law  
21 as provided by Article 4, Section 8 of the Wyoming  
22 Constitution.

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(END)