

SENATE FILE NO. SF0165

Public employee retirement-health premiums assistance.

Sponsored by: Joint Appropriations Interim Committee

A BILL

for

1 AN ACT relating to administration of government; providing  
2 for additional public employee retirement contributions;  
3 providing for corresponding additional retirement benefits;  
4 providing an appropriation; providing a statement of  
5 legislative intent; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 9-3-412(a), 9-3-413, 9-3-418 by  
10 creating a new subsection (f), 9-3-431 by creating a new  
11 subsection (h), 9-3-432(a), (b) and by creating a new  
12 subsection (n), 9-3-604(a), 9-3-605, 9-3-610 by creating a  
13 new subsection (f), 9-3-704(a), 9-3-705, 9-3-707 by  
14 creating a new subsection (d), 15-5-203(a) and (d),  
15 15-5-204 by creating a new subsection (h), 15-5-409 by  
16 creating a new subsection (c), 15-5-420(a) and 15-5-421 are  
17 amended to read:

1

2           **9-3-412. Members' contributions; payroll deductions;**  
3 **employer authorized to pay employee's share.**

4

5           (a) Except as otherwise provided in this section and  
6 W.S. 9-3-431 and 9-3-432, every member covered under this  
7 article and firefighter members, shall pay into the account  
8 five and fifty-seven hundredths percent (5.57%) of his  
9 salary. Payments shall be deducted each pay period from  
10 each member's salary by the chief fiscal officer of each  
11 participating employer. In addition to the five and fifty-  
12 seven hundredths percent (5.57%) specified by this  
13 introductory subsection:

14

15           (i) Every member and firefighter members  
16 employed by participating employers shall pay into the  
17 account one-half percent (.50%) of his salary. This  
18 contribution shall be accounted for separately from other  
19 contributions by the member in order to calculate a  
20 retirement benefit as provided in W.S. 9-3-418(f).

21

22           **9-3-413. Employer's contributions; payable monthly;**  
23 **transfer to account; interest imposed upon delinquent**  
24 **contributions; recovery.**

1

2       (a) Except as provided by W.S.  
3 9-2-1022(a)(xi)(F)(III) or (IV), 9-3-431 and 9-3-432, each  
4 employer including employers of firefighter members, shall  
5 on a monthly basis, pay into the account a contribution  
6 equal to five and sixty-eight hundredths percent (5.68%) of  
7 the salary paid to each of its members covered under this  
8 article and may on a monthly basis, pay into the account  
9 any amount of the members' share of retirement  
10 contributions. Employer contributions for any month,  
11 together with the members' contributions for that month, if  
12 any, shall be transferred to the board not later than the  
13 twelfth day of the following month. These contributions  
14 shall be credited to the account in a manner as directed by  
15 the board. Any employer failing to transfer contributions  
16 under this section in sufficient time for the board to  
17 receive the contributions by the twenty-fifth day of the  
18 month due shall be assessed interest at the rate of eight  
19 percent (8%) per annum. Interest imposed under this section  
20 shall be payable not later than the twelfth day of the next  
21 succeeding month. If the contributions and any interest  
22 imposed under this section are not transferred to the board  
23 when due, they may be recovered, together with court costs,  
24 in an action brought for that purpose in the first judicial

1 district court in Laramie County, Wyoming. In addition to  
2 the five and sixty-eighth hundredths percent (5.68%)  
3 specified by this introductory subsection:

4  
5 (i) Each participating employer including  
6 participating employers of firefighter members shall, on a  
7 monthly basis, pay into the account a contribution equal to  
8 one-half percent (.50%) of the salary paid to each of its  
9 members covered under this article. This contribution  
10 shall be accounted for separately from other contributions  
11 on behalf of the member in order to calculate a retirement  
12 benefit as provided in W.S. 9-3-418(f).

13

14 **9-3-418. Amount of service retirement benefit;**  
15 **firefighter members excluded.**

16

17 (f) In addition to the other retirement benefits  
18 provided under this section each eligible retired member  
19 shall receive a benefit of an amount equal to the  
20 contributions for that member under W.S. 9-3-412(a)(i) and  
21 9-3-413(a)(i) plus regular interest as determined by the  
22 board.

23

1           **9-3-431. Firefighter members; contributions; benefit**  
2 **eligibility; service and disability retirement benefits;**  
3 **termination of benefits upon failure to make timely**  
4 **contribution payments.**

5  
6           (h) In addition to the other retirement benefits  
7 provided under this section each eligible retired  
8 firefighter member shall receive a benefit of an amount  
9 equal to contributions for that member under W.S.  
10 9-3-412(a)(i) and 9-3-413(a)(i) plus regular interest as  
11 determined by the board.

12  
13           **9-3-432. Law enforcement officers; contributions;**  
14 **benefit eligibility; service and disability benefits; death**  
15 **benefits; benefit options.**

16  
17           (a) Each law enforcement officer shall pay into the  
18 account eight and six-tenths percent (8.6%) of his salary  
19 to fund benefits provided to law enforcement officers. Any  
20 contribution required under this subsection or subsection  
21 (b) of this section shall be paid by the employer from the  
22 source of funds used to pay officer salaries in order to be  
23 treated as employer contributions for the sole purpose of  
24 determining tax treatment under the United States Internal

1 Revenue Code, § 414(h). These payments by the employer are  
2 subject to W.S. 9-3-412(c). In addition to the eight and  
3 six-tenths percent (8.6%) specified by this introductory  
4 subsection:

5  
6 (i) Every law enforcement member employed by a  
7 participating employer shall pay into the account one-half  
8 percent (.50%) of his salary. This contribution shall be  
9 accounted for separately from other contributions by the  
10 member in order to calculate a retirement benefit as  
11 provided in subsection (n) of this section.

12  
13 (b) Each employer of a law enforcement officer  
14 covered under this article shall pay into the account a  
15 contribution equal to eight and six-tenths percent (8.6%)  
16 of the salary paid to each of its law enforcement officers  
17 covered under this article and may pay into the account any  
18 amount of the officer's share of contributions under  
19 subsection (a) of this section. Payments under this  
20 subsection shall be made monthly to the account in  
21 accordance with W.S. 9-3-413 and are subject to the  
22 penalties imposed under W.S. 9-3-413 for delinquent  
23 contributions. No additional contribution shall be imposed  
24 upon the state, any city, town or county for benefits

1 provided law enforcement officers under this article. In  
2 addition to the eight and six-tenths percent (8.6%)  
3 specified by this introductory subsection:

4  
5 (i) Each participating employer of a law  
6 enforcement officer covered under this article, shall on a  
7 monthly basis, pay into the account a contribution equal to  
8 one-half percent (.50%) of the salary paid to each of its  
9 officer members covered under this article. This  
10 contribution shall be accounted for separately from other  
11 contributions on behalf of the member in order to calculate  
12 a retirement benefit as provided in subsection (n) of this  
13 section.

14  
15 (n) In addition to the other retirement benefits  
16 provided under this section each eligible retired law  
17 enforcement officer member shall receive a benefit of an  
18 amount equal to the contributions for that member under  
19 paragraphs (a)(i) and (b)(i) of this section plus regular  
20 interest as determined by the board.

21

22 **9-3-604. Employee contributions.**

23

1 (a) Except as otherwise provided in this section,  
2 every employee covered by this article shall pay into the  
3 fund eleven and two one-hundredths percent (11.02%) of his  
4 salary. This payment shall be deducted each pay period from  
5 employees' salaries by the respective chief fiscal officers  
6 of the employers. In addition to the eleven and two one-  
7 hundredths percent (11.02%) specified by this introductory  
8 subsection:

9  
10 (i) Every employee of a participating employer  
11 covered by this article shall pay into the account one-half  
12 percent (.50%) of his salary. This contribution shall be  
13 accounted for separately from other contributions by the  
14 member in order to calculate a retirement benefit as  
15 provided in W.S. 9-3-610(f).

16  
17 **9-3-605. Employer contributions.**

18  
19 (a) Each employer subject to this article shall pay  
20 into the fund a contribution equal to eleven and thirty-  
21 three one-hundredths percent (11.33%) of all salaries paid  
22 to its employees and may pay into the fund any amount of  
23 the employees' share of retirement contributions. These  
24 contributions, together with the employees' contributions,



1 if any, shall be transferred and credited to the retirement  
2 program in a manner the board directs. In addition to the  
3 eleven and thirty-three one-hundredths percent (11.33%)  
4 specified by this introductory subsection:

5  
6 (i) Each participating employer subject to this  
7 article, shall on a monthly basis, pay into the account a  
8 contribution equal to one-half percent (.50%) of the salary  
9 paid to each of its employees covered under this article.  
10 This contribution shall be accounted for separately from  
11 other contributions on behalf of the employee in order to  
12 calculate a retirement benefit as provided in W.S.  
13 9-3-610(f).

14  
15 **9-3-610. Amount of benefit.**

16  
17 (f) In addition to the other retirement benefits  
18 provided under this article each eligible retired member  
19 shall receive a benefit of an amount equal to the  
20 contributions for that member under W.S. 9-3-604(a)(i) and  
21 9-3-605(a)(i) plus regular interest as determined by the  
22 board.

23  
24 **9-3-704. Employee contributions.**

1

2 (a) Except as otherwise provided in this section,  
3 every employee covered by this article shall pay into the  
4 account nine and twenty-two one-hundredths percent (9.22%)  
5 of his salary. This payment shall be deducted each pay  
6 period from employees' salaries by the respective fiscal  
7 officers of the employers. In addition to the nine and  
8 twenty-two one-hundredths percent (9.22%) specified by this  
9 introductory subsection:

10

11 (i) Every employee of a participating employer  
12 covered by this article shall pay into the account one-half  
13 percent (.50%) of his salary. This contribution shall be  
14 accounted for separately from other contributions by the  
15 employee in order to calculate a retirement benefit as  
16 provided in W.S. 9-3-707(d).

17

18 **9-3-705. Employer contributions.**

19

20 (a) Each employer subject to this act shall pay into  
21 the account a contribution equal to eight and seventy-eight  
22 hundredths percent (8.78%) of the salary paid to each  
23 employee covered by this act. These contributions, together  
24 with the employees' contributions shall be transferred and

1 credited to the retirement program in a manner the board  
2 directs. In addition to the eight and seventy-eight  
3 hundredths percent (8.78%) specified by this introductory  
4 subsection:

5  
6 (i) Each participating employer subject to this  
7 act, shall pay into the account a contribution equal to  
8 one-half percent (.50%) of the salary paid to each of its  
9 employees covered under this article. This contribution  
10 shall be accounted for separately from other contributions  
11 on behalf of the employee in order to calculate a  
12 retirement benefit as provided in W.S. 9-3-707(d).

13

14 **9-3-707. Amount of benefit; adjustments.**

15

16 (d) In addition to the other retirement benefits  
17 provided under this act each eligible retired employee  
18 shall receive a benefit of an amount equal to the  
19 contributions for that employee under W.S. 9-3-704(a)(i)  
20 and 9-3-705(a)(i) plus regular interest as determined by  
21 the board.

22

1           **15-5-203. Firemen and employer contributions;**  
2 **imposition at discretion of board; amounts; how and when**  
3 **collected, suspended and reinstated.**

4  
5           (a) In addition to the amount appropriated to the  
6 firemen's pension account by W.S. 15-5-202, every paid  
7 fireman may, at the discretion of the board, be assessed  
8 not more than eight percent (8%) of his gross monthly  
9 salary for the use and benefit of the account, up to the  
10 maximum monthly salary of a fireman first class. Any  
11 salary assessment imposed under this subsection shall be  
12 withheld monthly from his salary by the treasurer or other  
13 disbursing officer of the city, town or county. In  
14 addition to the eight percent (8%) specified by this  
15 introductory subsection:

16  
17           (i) Every paid fireman employed by a  
18 participating employer shall pay into the account one-half  
19 percent (.50%) of his salary. This contribution shall be  
20 accounted for separately from other contributions by the  
21 member in order to calculate a retirement benefit as  
22 provided in W.S. 15-5-204(h).

23

1           (d) Upon a determination by the board in accordance  
2 with subsection (g) of this section, every employer shall  
3 pay into the account for each paid fireman it employs an  
4 amount not to exceed twenty-one percent (21%) of the salary  
5 of a fireman first class. Any contributions imposed under  
6 this subsection, together with the paid firemen's  
7 contributions, shall be transferred and credited to the  
8 account in a manner as the board directs. If the  
9 contributions are not transferred to the board when due,  
10 they may be recovered, together with interest at the rate  
11 of ten percent (10%) per annum in an action brought for  
12 that purpose in the district court for the county in which  
13 the employer has its principal office. In addition to the  
14 twenty-one percent (21%) specified by this introductory  
15 subsection:

16  
17           (i) Every participating employer shall on a  
18 monthly basis pay into the account a contribution equal to  
19 one-half percent (.50%) of the salary paid to each paid  
20 fireman it employs who is covered under this article. This  
21 contribution shall be accounted for separately from other  
22 contributions by the member in order to calculate a  
23 retirement benefit as provided in W.S. 15-5-204(h).

24

1           **15-5-204. Pensions; amounts; qualifications; when**  
2 **paid; disability benefits; disqualifications; examinations;**  
3 **disallowance; actions; adjustment.**

4  
5           (h) In addition to the other retirement benefits  
6 provided under this section, each eligible retired member  
7 shall receive a benefit of an amount equal to the  
8 contributions for that member under W.S. 15-5-203(a)(i) and  
9 (d)(i) plus regular interest as determined by the board.

10  
11           **15-5-409. Amount of service pension.**

12  
13           (c) In addition to the other retirement benefits  
14 provided under this section, each eligible retired member  
15 shall receive a benefit of an amount equal to the  
16 contributions for that member under W.S. 15-5-420(a)(i) and  
17 15-5-421(a)(i) plus regular interest as determined by the  
18 board.

19  
20           **15-5-420. Member contributions.**

21  
22           (a) Each employer shall deduct monthly from the  
23 compensation of each member participating in the account a  
24 sum equal to six percent (6%) of such compensation, and

1 that amount shall be paid by the employer to the account.

2 In addition to the six percent (6%) specified by this  
3 introductory subsection:

4  
5 (i) Every member employed by a participating  
6 employer shall pay into the account one-half percent (.50%)  
7 of his salary. This contribution shall be accounted for  
8 separately from other contributions by the member in order  
9 to calculate a retirement benefit as provided in W.S.  
10 15-5-409(c).

11

12 **15-5-421. Contribution by employer.**

13

14 (a) Until January 1, 1983 each employer shall pay  
15 into the account an amount equal to twenty-one percent  
16 (21%) of the compensation paid all members of the account.  
17 Beginning January 1, 1983, each employer shall make monthly  
18 contributions to the account in an amount equal to the  
19 percentage contribution rate multiplied by the salaries  
20 paid to members of the account. The contribution rate,  
21 expressed as a percentage, shall be based on the results of  
22 actuarial valuations made at least every three (3) years,  
23 with the first such actuarial valuation to be made as of  
24 January 1, 1982. The city's contribution rate shall be

1 comprised of the normal cost plus the level percentage of  
2 salary payment required to amortize the actuarial liability  
3 over a period of forty (40) years from January 1, 1983,  
4 calculated on the basis of an acceptable actuarial reserve  
5 funding method approved by the board. Effective July 1,  
6 2007, in addition to the employer contributions otherwise  
7 required under this subsection:

8  
9 (i) Each participating employer shall on a  
10 monthly basis pay into the account a contribution equal to  
11 one-half percent (.50%) of the compensation paid to all  
12 members of the account under this article. This  
13 contribution shall be accounted for separately from other  
14 contributions by the member in order to calculate a  
15 retirement benefit as provided in W.S. 15-5-409(c).

16  
17 **Section 2.** It is the intent of this act that  
18 increased public employee retirement benefits may serve to  
19 lessen the burden on those employees upon retirement as  
20 they attempt to retain adequate health insurance coverage.  
21 The increased retirement benefits resulting from this act  
22 are intended to allow public retirees to pay health  
23 insurance premium increases as they occur during their  
24 retirement period. If the health care system should change



1 so that retirees no longer have to pay health insurance  
2 premiums, it is the intent of this act that these  
3 retirement benefits shall be used for other purposes which  
4 benefit the public retirees.

5

6 **Section 3.**

7

8 (a) There is appropriated one million two hundred  
9 sixty-six thousand dollars (\$1,266,000.00) from the general  
10 fund to the state auditor for the fiscal year beginning  
11 July 1, 2007 and ending June 30, 2008. The state auditor  
12 shall distribute the funds provided under this subsection,  
13 based on the determination of the budget division of the  
14 department of administration and information that the  
15 agencies' budgets do not provide adequate funding to state  
16 agencies for purposes of adjustments to employee retirement  
17 contributions provided under this act. The budget division  
18 shall include amounts necessary to continue funding the  
19 provisions of this act in agencies' 2009-2010 biennial  
20 standard budget requests.

21

22 (b) Provided funds are available, employees whose  
23 benefits are paid from nongeneral fund sources shall

1 receive the same benefits as provided in subsection (a) of  
2 this section.

3

4 (c) There is appropriated from the school foundation  
5 program account to the state auditor three million three  
6 hundred ninety-five thousand six hundred seventy-three  
7 dollars (\$3,395,673.00) for the fiscal year beginning July  
8 1, 2007 and ending June 30, 2008. The state auditor shall  
9 distribute the funds provided under this subsection, based  
10 on the determination of the budget division of the  
11 department of administration and information that the  
12 budgets of the Wyoming school districts do not provide  
13 adequate funding to Wyoming school districts for the  
14 purposes of adjustments to employee retirement  
15 contributions provided under this act. The budget division  
16 shall include amounts necessary to continue funding the  
17 provisions of this act in the school districts' 2009-2010  
18 biennial block grants.

19

20 **Section 4.** This act is effective July 1, 2007.

21

22

(END)