

ENROLLED ACT NO. 51, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2008 BUDGET SESSION

AN ACT relating to emergency medical technicians; creating a volunteer emergency medical technician pension fund as specified; providing for administration; providing for training of ambulance attendants and physician medical directors; granting rulemaking authority; providing appropriations; and providing for an effective date.

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

**Section 1.** W.S. 35-29-101 through 35-29-112 are created to read:

CHAPTER 29  
VOLUNTEER EMERGENCY MEDICAL TECHNICIAN PENSION FUND

**35-29-101. Definitions.**

(a) As used in this article:

(i) "Board" means the volunteer emergency medical technician (EMT) pension board established by this article;

(ii) "Children" means all natural children and adopted children of the participating member, born or conceived at the time of his death or retirement;

(iii) "Emergency medical technician" or "EMT" means as defined by W.S. 33-36-102(a)(x), and who performs EMT services as an attendant with a state licensed ambulance service and who devotes less than his entire time of employment to, but is carried on the rolls of, a regularly constituted Wyoming ambulance service, excluding industrial ambulance services as defined in W.S. 33-36-102(a)(vi), the members of which may be partly paid

ORIGINAL SENATE  
FILE NO. 0062

ENROLLED ACT NO. 51, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2008 BUDGET SESSION

and partly volunteer. Payment of compensation for services actually rendered by enrolled volunteers does not take them out of this classification. Any individual who volunteers assistance but is not regularly enrolled as an EMT is not a volunteer within the meaning of this chapter;

(iv) "Entry age" means the earliest date from which contributions have been received by the fund for the participating member;

(v) "Fund" means the volunteer emergency medical technician (EMT) pension account within the trust and agency fund established by W.S. 35-29-102;

(vi) "Participating member" means any volunteer EMT for whom payments are received by the volunteer emergency medical technician pension fund as prescribed in W.S. 35-29-107(e);

(vii) "Spouse" means the lawful spouse of a participating member who was married to the volunteer EMT at the time of the volunteer EMT's entry into the fund, or who although married after the date of entry, is recognized as the spouse covered by the benefits of the fund as a result of special action of the board.

**35-29-102. Fund account created; administration; disbursements from account.**

(a) The volunteer emergency medical technician pension account within the trust and agency fund is created. All awards, benefits and pensions established under this article shall be paid from the fund account.

(b) The fund account established under subsection (a) of this section shall be controlled by the board and

ORIGINAL SENATE  
FILE NO. 0062

ENROLLED ACT NO. 51, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2008 BUDGET SESSION

administered by the director of the Wyoming retirement system. All expenses of administration shall be paid by the fund. Disbursements from the fund shall be made only upon warrants drawn by the state auditor upon certification by authorized system employees.

**35-29-103. Biennial audit; state's liability.**

(a) The director of the Wyoming retirement system shall hire an independent audit firm for an annual audit of the fund account established under W.S. 35-29-102 and shall report audit findings to the board and the governor.

(b) The fund account created by W.S. 35-29-102 shall be administered without liability on the part of the state beyond the amount of the funds available to the fund account.

**35-29-104. Authority to receive donations; investment of monies; employment of actuary; actuarial reports.**

(a) In addition to contributions from the state and licensed ambulance services, the board may receive and credit to the fund any gifts, donations and other contributions made by individuals, organizations and cities, towns and counties for the benefit of the fund. The board may invest monies within the fund not immediately necessary to pay benefits, awards or pensions under this article, in investments authorized under W.S. 9-3-408(b).

(b) The board shall employ a consulting actuary to review the fund annually to determine its solvency and to make recommendations as to revisions and modifications of the plan. The board may employ legal and other consultants as necessary. Actuarial reports are public records and

ORIGINAL SENATE  
FILE NO. 0062

ENROLLED ACT NO. 51, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2008 BUDGET SESSION

available for inspection by all participating members of the fund.

**35-29-105. Contributions by volunteer EMTs; collection; dual participation prohibited.**

(a) Following initial funding of the fund by legislative appropriation, the county, city, town or licensed ambulance service for whom a participating volunteer emergency medical technician performs EMT services shall pay to the fund the amount required under W.S. 35-29-106(e). Payments shall be collected upon terms and conditions established by the board under W.S. 35-29-106(e) and shall be forwarded by each collecting officer to the state retirement director for deposit in the fund.

(b) No active member of the volunteer firemen's pension fund established under W.S. 35-9-601 through 35-9-615 shall be eligible for membership in the fund created by this article.

**35-29-106. Benefits enumerated; death of participant or spouse; amount and payment of contributions; withdrawal from plan.**

(a) For any participating member attaining the retirement age corresponding to his entry age as specified under subsection (d) of this section, the board shall authorize a monthly payment to the member during his remaining lifetime of an amount equal to fifteen dollars (\$15.00) per year of service for the first ten (10) years and eighteen dollars (\$18.00) per year of service over ten (10) years.

ORIGINAL SENATE  
FILE NO. 0062

ENROLLED ACT NO. 51, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2008 BUDGET SESSION

(b) Upon the death of any participating member, the board shall authorize a monthly payment to the surviving spouse of the member during the spouse's remaining lifetime of an amount equal to fifty percent (50%) of the amount calculated under subsection (a) of this section.

(c) Upon the death of the last survivor of any participating member and his spouse, with children who have not attained the age of twenty-one (21) years at the time of death, the board shall authorize a monthly payment of fifty percent (50%) of the amount calculated under subsection (b) of this section.

(d) For all members whose entry age is less than age forty-six (46), retirement age shall be age sixty (60). For members whose entry age is age forty-six (46) or greater, the following prescribes the member's retirement age:

Age at Entry Into Plan	Retirement Age
46	61
47	61
48	62
49	62
50	63
51	63
52	64
53	64
54	65
55	65
56	66
57	66

ORIGINAL SENATE  
FILE NO. 0062

ENROLLED ACT NO. 51, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2008 BUDGET SESSION

58	67
59	68
60	68
61	68
62	69
63	69
64	70
65	70

(e) A volunteer emergency medical technician is a participating member under this article for each month a contribution of twelve dollars and fifty cents (\$12.50) is made by or on behalf of the member. For purposes of eligibility for benefits under subsections (b) and (c) of this section, a volunteer emergency medical technician is a participating member beginning the first month following the month in which the required monthly payment and any required application for participation is actually received by the Wyoming retirement system. To continue as a participating member, subsequent monthly payments shall be received by the Wyoming retirement system not later than three (3) months following the close of the calendar month for which the payments are applicable. With the consent of and upon any terms and conditions established by the board, payments may be accepted at an earlier or later date. The board shall maintain full and complete records of the contributions made on behalf of each participating member and on request, shall furnish any participating member a statement of the contribution amounts and the dates for which contributions were received. On the death or retirement of any participating member, his entry age shall be determined by the board to be the earliest date from which contributions for the member have been received by the board. If contributions have varied in amount, the board may make appropriate adjustments in the benefits awarded. In making any adjustment, the board shall be

ORIGINAL SENATE  
FILE NO. 0062

ENROLLED ACT NO. 51, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2008 BUDGET SESSION

guided by actuarial practice to afford substantial equity to members of the plan. No penalty shall be imposed upon any participating member transferring employment in Wyoming if required payments are made on a timely basis.

(f) A participating member may withdraw from the plan and upon withdrawal, if the member has been a participating member for at least five (5) years, shall be paid an amount equal to the amount contributed into his account together with interest at the rate of two percent (2%) per annum compounded annually.

(g) Effective July 1, 2008 and each July 1 thereafter, any retirement or survivor benefit received by eligible individuals under this article shall be adjusted as follows:

(i) Not later than July 1, the board shall determine the percentage increase in the cost of living for the preceding calendar year. The percentage increase in the cost of living for a calendar year shall be equal to the annual percentage increase in the cost of living as of the immediately preceding calendar year, as shown by the Wyoming cost of living index established by the division of economic analysis of the department of administration and information;

(ii) Subject to the limitation imposed under paragraphs (v) and (vi) of this subsection, the benefits existing on each July 1 for each eligible individual may be increased by an amount not to exceed the greater of the percentage increase in the cost of living as determined by the board under paragraph (i) of this subsection or a percentage adjustment to a level the system's actuary determines to be actuarially sound pursuant to paragraph (v) of this subsection;

ORIGINAL SENATE  
FILE NO. 0062

ENROLLED ACT NO. 51, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2008 BUDGET SESSION

(iii) The amount of any percentage increase in the cost of living which exceeds the percentage adjustment under paragraph (ii) of this subsection shall, to the extent determined actuarially sound by the system's actuary, be accumulated and added to the percentage increases in the cost of living for future years;

(iv) Individuals who have been receiving applicable benefits for at least two (2) years, including survivors who received benefits during this period either alone or in combination with a member, are eligible for the benefit adjustment under this subsection;

(v) An increase in benefits under this subsection shall be implemented only upon a determination by the actuary for the Wyoming retirement system that the increase is actuarially sound. As required under W.S. 9-3-419(b)(v), the system actuary shall annually report its determination under this paragraph to the governor and the joint appropriations interim committee; and

(vi) The total benefit adjustment under this subsection shall not exceed two percent (2%) in any one (1) year.

(h) The board shall authorize benefit payments from the fund in accordance with qualified domestic relations orders pursuant to W.S. 9-3-426.

(j) If any participating member with at least five (5) years of participation retires from active service within his department before reaching retirement age and does not withdraw from the plan as provided in subsection (h) of this section, upon reaching the retirement age specified in subsection (d) of this section, he shall



ORIGINAL SENATE  
FILE NO. 0062

ENROLLED ACT NO. 51, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2008 BUDGET SESSION

receive a monthly pension payment equal to fifteen dollars (\$15.00) per year of service for the first ten (10) years and eighteen dollars (\$18.00) per year of service over ten (10) years for each year of service during which contributions were made on behalf of the member. A member after ten (10) years of active service as an EMT may choose to remove himself from active service and continue to contribute for up to five (5) years as provided in W.S. 35-29-106(e) and rules promulgated by the board.

**35-29-107. Death benefits in addition to other benefits.**

Death benefits received under this article shall be in addition to and are payable after the application of worker's compensation benefits which are payable to volunteer emergency medical technicians under the Wyoming Worker's Compensation Act.

**35-29-108. Board; established; nomination; appointment; terms and qualification of members.**

(a) The volunteer emergency medical technician pension board is created. The board shall administer the fund.

(b) The board shall consist of six (6) members who shall be appointed by the governor for staggered terms of three (3) years. The members shall be volunteer emergency medical technicians who have a minimum of five (5) years service as volunteer EMTs in the state. The governor may remove any board member as provided in W.S. 9-1-202.

**35-29-109. Board; chairman; compensation of members; powers and duties.**

ORIGINAL SENATE  
FILE NO. 0062

ENROLLED ACT NO. 51, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2008 BUDGET SESSION

(a) The director of the Wyoming retirement system shall act as an ex officio chairman of the board and shall have a vote.

(b) Members of the board shall serve without compensation, but actual and reasonable expenses incurred by members for attending meetings and representing the board shall be reimbursed from the fund.

(c) The board may:

(i) Adjust claims made by participating members under this article and may waive or alter specific requirements relating to benefits under this article, but shall not have authority to make a general increase in benefits;

(ii) Make rules and regulations governing its operation;

(iii) Investigate claim applications, conduct hearings, receive evidence and otherwise act in a quasi-judicial capacity;

(iv) Permit the suspension of payments in certain cases deemed appropriate by the board, with a commensurate reduction in benefits paid under this article.

**35-29-110. Board; hearings; appeals.**

(a) The board shall provide a written transcript of all testimony received at any hearing conducted by the board and shall provide opportunity for hearing to any person petitioning the board for a hearing with or without counsel or witnesses. The board shall provide petitioners the power to subpoena witnesses to testify in their behalf.

ORIGINAL SENATE  
FILE NO. 0062

ENROLLED ACT NO. 51, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2008 BUDGET SESSION

The taking of evidence shall be summary, giving a full opportunity to all parties to develop the facts fully.

(b) The decision of the board upon hearing is a final administrative decision and is subject to judicial review in accordance with the Wyoming Administrative Procedure Act.

**35-29-111. Adjustment of benefits in case of impairment of funds.**

If at any time the net assets of the fund become actuarially impaired, the board may adjust the benefits provided pro rata until the impairment is removed.

**35-29-112. Purchase of service credit.**

Any member who has been a participating member for at least five (5) years may elect to make a one (1) time purchase of up to five (5) years of service credit as established in rules promulgated by the board. Any member electing to purchase service credit shall pay into the account a single lump sum amount equal to the actuarial equivalent of the benefits to be derived from the service credit computed on the basis of actuarial assumptions approved by the board, the individual's attained age and the benefit structure at the time of purchase.

**Section 2.** Notwithstanding W.S. 35-29-108 created under section 1 of this act, initial members of the volunteer emergency medical technician pension board may be appointed to initial terms of less than three (3) years to enable staggered terms as required under W.S. 35-29-108.

**Section 3.**

ORIGINAL SENATE  
FILE NO. 0062

ENROLLED ACT NO. 51, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2008 BUDGET SESSION

(a) There is appropriated nine hundred seventy-eight thousand two hundred dollars (\$978,200.00) from the general fund to the Wyoming retirement system. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended for the purpose of funding the difference between the actuarially determined premium for participation in the volunteer emergency medical technician pension account and the contribution required by W.S. 35-29-106(e). Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on July 1, 2010.

(b) There is appropriated one hundred forty-eight thousand dollars (\$148,000.00) from the general fund to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended for the purpose of providing initial and continuing medical education training for ambulance attendants pursuant to W.S. 33-36-110(a)(ii) and (iii), including training scholarships for individuals participating in the training. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on July 1, 2010.

(c) There is appropriated ninety thousand dollars (\$90,000.00) from the general fund to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended

ORIGINAL SENATE  
FILE NO. 0062

ENROLLED ACT NO. 51, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2008 BUDGET SESSION

for the purpose of increasing the reimbursement to ambulance services for conducting emergency medical technician training classes from two thousand five hundred dollars (\$2,500.00) per class up to five thousand dollars (\$5,000.00) per class. The department of health shall establish a base payment amount for each class, plus an additional allowance based upon need and other geographic and economic factors. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on July 1, 2010.

(d) There is appropriated four hundred eight thousand dollars (\$408,000.00) from the general fund to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended for the purpose of providing initial and continuing education training for physician medical directors of ambulance services, including training scholarships for individuals participating in the training and attendance at annual physician medical directors conferences, and for providing monthly stipends of five hundred dollars (\$500.00) to physician medical directors of ambulance services. The department of health shall by rule and regulation establish minimum standards for the payment of the monthly stipend. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on July 1, 2010.

(e) There is appropriated one hundred twenty thousand dollars (\$120,000.00) from the general fund to the

ORIGINAL SENATE  
FILE NO. 0062

ENROLLED ACT NO. 51, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2008 BUDGET SESSION

department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended for the purpose of providing assistance grants not to exceed ten thousand dollars (\$10,000.00) to local ambulance services to conduct emergency medical services continuing education conferences approved by the department. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on July 1, 2010.

(f) Appropriations made in subsections (b) through (e) of this section shall not be included in the department's 2011-2012 standard biennial budget request.

ORIGINAL SENATE  
FILE NO. 0062

ENROLLED ACT NO. 51, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2008 BUDGET SESSION

**Section 4.** This act is effective July 1, 2008.

(END)

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

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

\_\_\_\_\_  
Governor

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

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

I hereby certify that this act originated in the Senate.

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