

SENATE FILE NO. SF0062

Emergency medical technicians.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

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

7

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

9

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

12

13 CHAPTER 29

14 VOLUNTEER EMERGENCY MEDICAL TECHNICIAN PENSION FUND

15

16 **35-29-101. Definitions.**

1

2 (a) As used in this article:

3

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

7

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

11

12 (iii) "Emergency medical technician" or "EMT"
13 means as defined by W.S. 33-36-102(a)(x), who is a
14 volunteer as defined in 29 C.F.R. 553.101 and who performs
15 EMT services as an attendant with a state licensed
16 ambulance service;

17

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

21

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

1

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

6

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

13

14 **35-29-102. Fund account created; administration;**
15 **disbursements from account.**

16

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

21

22 (b) The fund account established under subsection (a)
23 of this section shall be controlled by the board and
24 administered by the director of the Wyoming retirement

1 system. All expenses of administration shall be paid by the
2 fund. Disbursements from the fund shall be made only upon
3 warrants drawn by the state auditor upon certification by
4 authorized system employees.

5
6 **35-29-103. Biennial audit; state's liability.**

7
8 (a) The director of the Wyoming retirement system
9 shall hire an independent audit firm for an annual audit of
10 the fund account established under W.S. 35-29-102 and shall
11 report audit findings to the board and the governor.

12
13 (b) The fund account created by W.S. 35-29-102 shall
14 be administered without liability on the part of the state
15 beyond the amount of the funds available to the fund
16 account.

17
18 **35-29-104. Authority to receive donations; investment**
19 **of monies; employment of actuary; actuarial reports.**

20
21 (a) In addition to contributions from the state and
22 licensed ambulance services, the board may receive and
23 credit to the fund any gifts, donations and other
24 contributions made by individuals, organizations and

1 cities, towns and counties for the benefit of the fund. The
2 board may invest monies within the fund not immediately
3 necessary to pay benefits, awards or pensions under this
4 article, in investments authorized under W.S. 9-3-408(b).

5
6 (b) The board shall employ a consulting actuary to
7 review the fund annually to determine its solvency and to
8 make recommendations as to revisions and modifications of
9 the plan. The board may employ legal and other consultants
10 as necessary. Actuarial reports are public records and
11 available for inspection by all participating members of
12 the fund.

13
14 **35-29-105. Contributions by volunteer EMTs;**
15 **collection; dual participation prohibited.**

16
17 (a) Following initial funding of the fund by
18 legislative appropriation, the county, city, town or
19 licensed ambulance service for whom a participating
20 volunteer emergency medical technician performs EMT
21 services shall pay to the fund the amount required under
22 W.S. 35-29-106(e). Payments shall be collected upon terms
23 and conditions established by the board under W.S.
24 35-29-106(e) and shall be forwarded by each collecting

1 officer to the state retirement director for deposit in the
2 fund.

3

4 (b) No active member of the volunteer firemen's
5 pension fund established under W.S. 35-9-601 through
6 35-9-615 shall be eligible for membership in the fund
7 created by this article.

8

9 **35-29-106. Benefits enumerated; death of participant**
10 **or spouse; amount and payment of contributions; withdrawal**
11 **from plan.**

12

13 (a) For any participating member attaining the
14 retirement age corresponding to his entry age as specified
15 under subsection (d) of this section, the board shall
16 authorize a monthly payment to the member during his
17 remaining lifetime of an amount equal to fifteen dollars
18 (\$15.00) per year of service for the first ten (10) years
19 and eighteen dollars (\$18.00) per year of service over ten
20 (10) years.

21

22 (b) Upon the death of any participating member, the
23 board shall authorize a monthly payment to the surviving
24 spouse of the member during the spouse's remaining lifetime

1 of an amount equal to fifty percent (50%) of the amount
2 calculated under subsection (a) of this section.

3

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

10

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

16

17 Age at

18 Entry

19 Into Retirement

20 Plan Age

21

22 46 61

23 47 61

24 48 62

1	49	62
2	50	63
3	51	63
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17	65	70

18

19 (e) A volunteer emergency medical technician is a
20 participating member under this article for each month a
21 contribution of twelve dollars and fifty cents (\$12.50) is
22 made by or on behalf of the member. For purposes of
23 eligibility for benefits under subsections (b) and (c) of
24 this section, a volunteer emergency medical technician is a

1 participating member beginning the first month following
2 the month in which the required monthly payment and any
3 required application for participation is actually received
4 by the Wyoming retirement system. To continue as a
5 participating member, subsequent monthly payments shall be
6 received by the Wyoming retirement system not later than
7 three (3) months following the close of the calendar month
8 for which the payments are applicable. With the consent of
9 and upon any terms and conditions established by the board,
10 payments may be accepted at an earlier or later date. The
11 board shall maintain full and complete records of the
12 contributions made on behalf of each participating member
13 and on request, shall furnish any participating member a
14 statement of the contribution amounts and the dates for
15 which contributions were received. On the death or
16 retirement of any participating member, his entry age shall
17 be determined by the board to be the earliest date from
18 which contributions for the member have been received by
19 the board. If contributions have varied in amount, the
20 board may make appropriate adjustments in the benefits
21 awarded. In making any adjustment, the board shall be
22 guided by actuarial practice to afford substantial equity
23 to members of the plan. No penalty shall be imposed upon

1 any participating member transferring employment in Wyoming
2 if required payments are made on a timely basis.

3

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

10

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

15

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

1

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

11

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

18

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

24

1 (v) An increase in benefits under this
2 subsection shall be implemented only upon a determination
3 by the actuary for the Wyoming retirement system that the
4 increase is actuarially sound. As required under W.S.
5 9-3-419(b)(v), the system actuary shall annually report its
6 determination under this paragraph to the governor and the
7 joint appropriations interim committee; and

8
9 (vi) The total benefit adjustment under this
10 subsection shall not exceed two percent (2%) in any one (1)
11 year.

12

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

16

17 (j) If any participating member with at least five
18 (5) years of participation retires from active service
19 within his department before reaching retirement age and
20 does not withdraw from the plan as provided in subsection
21 (h) of this section, upon reaching the retirement age
22 specified in subsection (d) of this section, he shall
23 receive a monthly pension payment equal to fifteen dollars
24 (\$15.00) per year of service for the first ten (10) years

1 and eighteen dollars (\$18.00) per year of service over ten
2 (10) years for each year of service during which
3 contributions were made on behalf of the member. A member
4 after ten (10) years of active service as an EMT may choose
5 to remove himself from active service and continue to
6 contribute for up to five (5) years as provided in W.S.
7 35-29-106(e) and rules promulgated by the board.

8
9 **35-29-107. Death benefits in addition to other**
10 **benefits.**

11
12 Death benefits received under this article shall be in
13 addition to and are payable after the application of
14 workmen's compensation benefits which are payable to
15 volunteer emergency medical technicians under the Wyoming
16 Worker's Compensation Act.

17
18 **35-29-108. Board; established; nomination;**
19 **appointment; terms and qualification of members.**

20
21 (a) The volunteer emergency medical technician
22 pension board is created. The board shall administer the
23 fund.

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

7

8 **35-29-109. Board; chairman; compensation of members;**
9 **powers and duties.**

10

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

14

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

19

20 (c) The board may:

21

22 (i) Adjust claims made by participating members
23 under this article and may waive or alter specific
24 requirements relating to benefits under this article, but

1 shall not have authority to make a general increase in
2 benefits;

3
4 (ii) Make rules and regulations governing its
5 operation;

6
7 (iii) Investigate claim applications, conduct
8 hearings, receive evidence and otherwise act in a quasi-
9 judicial capacity;

10
11 (iv) Permit the suspension of payments in
12 certain cases deemed appropriate by the board, with a
13 commensurate reduction in benefits paid under this article.

14
15 **35-29-110. Board; hearings; appeals.**

16
17 (a) The board shall provide a written transcript of
18 all testimony received at any hearing conducted by the
19 board and shall provide opportunity for hearing to any
20 person petitioning the board for a hearing with or without
21 counsel or witnesses. The board shall provide petitioners
22 the power to subpoena witnesses to testify in their behalf.
23 The taking of evidence shall be summary, giving a full
24 opportunity to all parties to develop the facts fully.

1

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

6

7 **35-29-111. Adjustment of benefits in case of**
8 **impairment of funds.**

9

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

13

14 **35-29-112. Purchase of service credit.**

15

16 Any member who has been a participating member for at least
17 five (5) years may elect to make a one (1) time purchase of
18 up to five (5) years of service credit as established in
19 rules promulgated by the board. Any member electing to
20 purchase service credit shall pay into the account a single
21 lump sum amount equal to the actuarial equivalent of the
22 benefits to be derived from the service credit computed on
23 the basis of actuarial assumptions approved by the board,

1 the individual's attained age and the benefit structure at
2 the time of purchase.

3

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

9

10 **Section 3.**

11

12 (a) There is appropriated up to three million three
13 hundred thousand dollars (\$3,300,000.00) from the general
14 fund to the Wyoming retirement system. This appropriation
15 shall only be expended for the purpose of funding the
16 actuarial accrued liability of the volunteer emergency
17 medical technician pension account, established by W.S.
18 35-29-102, for members' past service on the effective date
19 of this act in an amount equal to one (1) year of service
20 credit, not to exceed ten (10) years, for every two (2)
21 years of verifiable service in Wyoming as an emergency
22 medical technician before December 31, 2009.
23 Notwithstanding any other provision of law, this
24 appropriation shall not be transferred or expended for any

1 other purpose. Any funds in excess of the amounts needed
2 for the purposes stated in this section shall revert as
3 provided by law on July 1, 2010. This appropriation shall
4 not be included in the retirement system's 2011-2012
5 standard biennial budget request.

6
7 (b) There is appropriated nine hundred seventy-eight
8 thousand two hundred dollars (\$978,200.00) from the general
9 fund to the Wyoming retirement system. This appropriation
10 shall be for the period beginning with the effective date
11 of this act and ending June 30, 2010. This appropriation
12 shall only be expended for the purpose of funding the
13 difference between the actuarially determined premium for
14 participation in the volunteer emergency medical technician
15 pension account and the contribution required by W.S.
16 35-29-106(e). Notwithstanding any other provision of law,
17 this appropriation shall not be transferred or expended for
18 any other purpose and any unexpended, unobligated funds
19 remaining from this appropriation shall revert as provided
20 by law on July 1, 2010. This appropriation shall be
21 included in the retirement system's 2011-2012 standard
22 biennial budget request.

23

1 (c) There is appropriated one hundred forty-eight
2 thousand dollars (\$148,000.00) from the general fund to the
3 department of health. This appropriation shall be for the
4 period beginning with the effective date of this act and
5 ending June 30, 2010. This appropriation shall only be
6 expended for the purpose of providing initial and
7 continuing medical education training for ambulance
8 attendants pursuant to W.S. 33-36-110(a)(ii) and (iii),
9 including training scholarships for individuals
10 participating in the training. Notwithstanding any other
11 provision of law, this appropriation shall not be
12 transferred or expended for any other purpose and any
13 unexpended, unobligated funds remaining from this
14 appropriation shall revert as provided by law on July 1,
15 2010. This appropriation shall be included in the
16 department's 2011-2012 standard biennial budget request.

17

18 (d) There is appropriated ninety thousand dollars
19 (\$90,000.00) from the general fund to the department of
20 health. This appropriation shall be for the period
21 beginning with the effective date of this act and ending
22 June 30, 2010. This appropriation shall only be expended
23 for the purpose of increasing the reimbursement to
24 ambulance services for conducting emergency medical

1 technician training classes from two thousand five hundred
2 dollars (\$2,500.00) per class to four thousand dollars
3 (\$4,000.00) per class. Notwithstanding any other provision
4 of law, this appropriation shall not be transferred or
5 expended for any other purpose and any unexpended,
6 unobligated funds remaining from this appropriation shall
7 revert as provided by law on July 1, 2010. This
8 appropriation shall be included in the department's 2011-
9 2012 standard biennial budget request.

10

11 (e) There is appropriated four hundred eight thousand
12 dollars (\$408,000.00) from the general fund to the
13 department of health. This appropriation shall be for the
14 period beginning with the effective date of this act and
15 ending June 30, 2010. This appropriation shall only be
16 expended for the purpose of providing initial and
17 continuing education training for physician medical
18 directors of ambulance services, including training
19 scholarships for individuals participating in the training
20 and attendance at annual physician medical directors
21 conferences, and for providing monthly stipends of five
22 hundred dollars (\$500.00) to physician medical directors of
23 ambulance services. Notwithstanding any other provision of
24 law, this appropriation shall not be transferred or

1 expended for any other purpose and any unexpended,
2 unobligated funds remaining from this appropriation shall
3 revert as provided by law on July 1, 2010. This
4 appropriation shall be included in the department's 2011-
5 2012 standard biennial budget request.

6
7 (f) There is appropriated one hundred twenty thousand
8 dollars (\$120,000.00) from the general fund to the
9 department of health. This appropriation shall be for the
10 period beginning with the effective date of this act and
11 ending June 30, 2010. This appropriation shall only be
12 expended for the purpose of providing assistance grants not
13 to exceed ten thousand dollars (\$10,000.00) to local
14 ambulance services to conduct emergency medical services
15 continuing education conferences approved by the
16 department. Notwithstanding any other provision of law,
17 this appropriation shall not be transferred or expended for
18 any other purpose and any unexpended, unobligated funds
19 remaining from this appropriation shall revert as provided
20 by law on July 1, 2010. This appropriation shall be
21 included in the department's 2011-2012 standard biennial
22 budget request.

23

