

HOUSE BILL NO. HB0250

Public employee retirement plans.

Sponsored by: House Appropriations Committee

A BILL

for

1 AN ACT relating to public employees; increasing employee
2 contribution and employer retirement contribution in
3 certain plans under the Wyoming Retirement Act and under
4 The Wyoming State Highway Patrol, Game and Fish Warden and
5 Criminal Investigator Retirement Act; increasing employee
6 contribution under the Firemen's Pension Account Reform Act
7 of 1981; providing appropriations; and providing for an
8 effective date.

9

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

11

12 **Section 1.** 9-3-412(a), (c)(iii) and (iv), 9-3-413,
13 9-3-604(a), 9-3-605 and 15-5-420(a) are amended to read:

14

15 **9-3-412. Members' contributions; payroll deductions;**
16 **employer authorized to pay employee's share.**

17

1 (a) Except as otherwise provided in this section and
2 W.S. 9-3-431 and 9-3-432, every member covered under this
3 article, ~~and firefighter members,~~ shall pay into the account
4 seven percent (7%) of his salary until August 31, 2013, and
5 thereafter seven and one-half percent (7.5%) of his salary.
6 Every firefighter member covered under this article shall
7 pay into the account seven percent (7%) of his salary.
8 Payments shall be deducted each pay period from each
9 member's salary by the chief fiscal officer of each
10 participating employer. Employee contributions shall be
11 transferred to the account in accordance with subsection (c)
12 of this section.

13

14 (c) The contributions under subsection (b) of this
15 section shall be paid from the source of funds which is used
16 in paying salary to the member. The employer may pay these
17 contributions by a reduction in cash salary of the member or
18 by an offset against a future salary increase, or by a
19 combination of a reduction in salary and an offset against a
20 future salary increase, provided:

21

22 (iii) For state employee members five and fifty-
23 seven hundredths percent (5.57%) until August 31, 2013, and
24 thereafter six and seven one-hundredths percent (6.07%) of

1 the member's salary shall be paid by the employer without
2 any salary reduction or offset. The remaining portion of
3 the state employee's contribution shall be paid through a
4 reduction in cash salary of the state employee unless
5 specified otherwise by legislative act; and

6
7 (iv) For full-time brand inspection contract
8 employees authorized to participate in the state retirement
9 system under W.S. 9-2-1022(a)(xi)(F)(IV), not more than five
10 and fifty-seven hundredths percent (5.57%) until August 31,
11 2013, and thereafter six and seven one-hundredths percent
12 (6.07%) of the contract employee's salary shall be paid by
13 the livestock board unless specified otherwise by
14 legislative act.

15
16 **9-3-413. Employer's contributions; payable monthly;**
17 **transfer to account; interest imposed upon delinquent**
18 **contributions; recovery.**

19
20 Except as provided by W.S. 9-2-1022(a)(xi)(F)(III) or (IV),
21 9-3-431 and 9-3-432, each employer including employers of
22 firefighter members, shall on a monthly basis, pay into the
23 account a contribution equal to seven and twelve hundredths
24 percent (7.12%) until August 31, 2014, of the salary paid to

1 each of its members covered under this article. Thereafter
2 each employer, excluding employers of firefighter members,
3 shall on a monthly basis, pay into the account a
4 contribution equal to seven and sixty-two hundredths percent
5 (7.62%) of the salary paid. After August 31, 2014 employers
6 of firefighter members shall pay into the account a
7 contribution equal to seven and twelve hundredths percent
8 (7.12%) of the salary paid. Employer contributions for any
9 month, together with the members' contributions for that
10 month, if any, shall be transferred to the board not later
11 than the twelfth day of the following month. These
12 contributions shall be credited to the account in a manner
13 as directed by the board. Any employer failing to transfer
14 contributions under this section in sufficient time for the
15 board to receive the contributions by the twenty-fifth day
16 of the month due shall be assessed interest at the rate of
17 eight percent (8%) per annum. Interest imposed under this
18 section shall be payable not later than the twelfth day of
19 the next succeeding month. If the contributions and any
20 interest imposed under this section are not transferred to
21 the board when due, they may be recovered, together with
22 court costs, in an action brought for that purpose in the
23 first judicial district court in Laramie County, Wyoming.

24

1 **9-3-604. Employee contributions.**

2

3 (a) Except as otherwise provided in this section,
4 every employee covered by this article shall pay into the
5 fund twelve and sixty-four hundredths percent (12.64%) of
6 his salary until August 31, 2013, and thereafter thirteen
7 and fifty-four hundredths percent (13.54%) of his salary. On
8 and after September 1, 2013, nine-tenths percent (0.9%)
9 salary contribution required by this subsection shall be
10 paid by the employer on behalf of the member. To the extent
11 the remaining amount is not paid by an employer on behalf of
12 the member, this payment shall be deducted each pay period
13 from employees' salaries by the respective chief fiscal
14 officers of the employers.

15

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

17

18 Each employer subject to this article shall pay into the
19 fund a contribution equal to twelve and ninety-six
20 hundredths percent (12.96%) until August 31, 2014, and
21 thereafter thirteen and eighty-six hundredths percent
22 (13.86%) of all salaries paid to its employees. These
23 contributions, together with the employees' contributions,

1 shall be transferred and credited to the retirement program
2 in a manner the board directs.

3
4 **15-5-420. Member contributions.**

5
6 (a) Each employer shall deduct monthly from the
7 compensation of each member participating in the account a
8 sum equal to eight and five-tenths percent (8.5%) of the
9 member's compensation until August 31, 2013, and thereafter
10 eight and seven hundred twenty-five thousandths percent
11 (8.725%) of his compensation, and that amount shall be paid
12 by the employer to the account.

13
14 **Section 2.**

15
16 (a) There is appropriated to the state auditor from
17 reversions from the general fund appropriation for state
18 employee compensation in 2011 Wyoming Session Laws, Chapter
19 88, Section 2, Section 003, the following amounts:

20
21 (i) Up to nine hundred ninety-four thousand
22 dollars (\$994,000.00) for state executive, legislative and
23 judicial branch employee contributions;

1 (ii) Up to two hundred twenty-one thousand
2 dollars (\$221,000.00) for community college employee
3 contributions; and

4
5 (iii) Up to five hundred fifty-one thousand
6 dollars (\$551,000.00) for University of Wyoming employee
7 contributions.

8
9 (b) There is appropriated to the state auditor up to
10 three million seven hundred fifty thousand dollars
11 (\$3,750,000.00) from the school foundation program account.

12
13 (c) For state agency employees whose retirement
14 contributions are made from nongeneral fund sources there is
15 appropriated from those accounts and funds amounts necessary
16 to provide payment of the increase in employee contribution
17 rate required by W.S. 9-3-412(a) and 9-3-604(a) as amended
18 by this act, until June 30, 2014.

19
20 (d) The appropriations under paragraph (a)(i) and
21 subsection (c) of this section shall only be expended to
22 provide payment of the increase in each state agency's
23 employee contribution rate required by W.S. 9-3-412(a) and
24 9-3-604(a) as amended by this act, until June 30, 2014. The
25 appropriation under paragraphs (a)(ii) and (iii) of this

1 section shall only be expended to provide payment of the
2 increase in the University of Wyoming and community college
3 employee contribution rate required by W.S. 9-3-412(a) and
4 to provide like contributions under W.S. 21-19-101 through
5 21-19-106 corresponding to the increased employee
6 contribution under this act, until June 30, 2014.

7
8 (e) The appropriation under subsection (b) of this
9 section shall only be expended to provide payment of the
10 increase in each school district's employee contribution
11 rate required by W.S. 9-3-412(a) as amended by this act,
12 until June 30, 2014. Any amounts paid under this
13 subsection shall not be reimbursable under W.S. 21-13-320
14 and 21-13-321. The auditor shall transfer the funds to the
15 state retirement system or to the department of education
16 for distribution to individual school districts as
17 determined by the department of administration and
18 information to be necessary to meet the provisions of this
19 act. Any unexpended school foundation program account
20 appropriation remaining on June 30, 2014 shall revert to
21 the school foundation program account.

22
23 (f) Notwithstanding any other provision of law, the
24 appropriations under this section shall not be transferred
25 or expended for any purpose other than as specified in this

1 section. Any unexpended, unobligated funds remaining from
2 the appropriations under this section shall revert as
3 provided by law on June 30, 2014.

4
5 (g) As used in this section "state agency" includes
6 each state executive, legislative or judicial department,
7 board, commission or other agency or instrumentality of the
8 state, and for purposes of subsection (c) of this section
9 includes the University of Wyoming and each community
10 college.

11
12 (h) The auditor shall transfer the funds to the state
13 retirement system or to individual state agencies as
14 determined by the department of administration and
15 information to be necessary to meet the provisions of this
16 act.

17
18 **Section 3.** This act is effective July 1, 2013.

19
20 (END)