

HOUSE BILL NO. HB0109

Volunteer pension account-search and rescue.

Sponsored by: Representative(s) Madden and Senator(s) Hicks

A BILL

for

1 AN ACT relating to pension accounts; amending the volunteer
2 firefighter and EMT pension account to provide membership
3 for volunteer search and rescue personnel; providing for
4 contributions to the account; increasing insurance premiums
5 to the account as specified; amending membership of the
6 pension account board; making conforming amendments; and
7 providing for an effective date.

8

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

10

11 **Section 1.** W.S. 1-1-125(a)(iii), 9-3-426(c)(intro),
12 9-12-1305(c), 15-5-202(d), 15-5-419(b), 26-4-102(b)(ii),
13 31-2-218(a), 35-9-616(a)(i), (ii), (v), (vii), by creating
14 a new paragraph (xi) and by renumbering (xi) as (xii),
15 35-9-617(a) and (c), 35-9-618(b)(intro) and (i),
16 35-9-619(a), 35-9-620(a), 35-9-621(e), (j) and (k),

1 35-9-622, 35-9-623(a) and (b), 35-9-624(b)(i) and (iv) and
2 35-9-628(a)(intro) are amended to read:

3

4 **1-1-125. Immunity for volunteers; volunteer**
5 **firefighters.**

6

7 (a) As used in this section:

8

9 (iii) "Volunteer" means an officer, director,
10 trustee or other person who performs services for a
11 nonprofit organization but does not receive compensation,
12 either directly or indirectly, for those services, or a
13 volunteer firefighter who performs services for a volunteer
14 fire department under W.S. ~~35-9-601(h)~~ 35-9-616(a)(ix)
15 whether or not he receives compensation or a pension.

16

17 **9-3-426. Benefits, allowances and contents of account**
18 **exempt from taxation and not subject to execution or**
19 **attachment; assignment limited; qualified domestic**
20 **relations order; system assets.**

21

22 (c) The retirement system including the Wyoming state
23 highway patrol, game and fish warden and criminal

1 investigator retirement program, any paid firemen's pension
2 plan established under the firemen's pension account
3 created by W.S. 15-5-202 and any plan through the volunteer
4 ~~firemen's~~ firefighter, EMT and search and rescue pension
5 ~~fund~~ account established under W.S. ~~35-9-602~~ 35-9-617,
6 shall pay retirement benefits in accordance with any
7 qualified domestic relations order for the payment of a
8 specified percentage of a member's benefits or account to
9 an alternate payee, for a specified number of payments or
10 period of time and from a specified retirement plan. Upon
11 request of the alternate payee, a lump sum refund of the
12 alternate payee's percentage of the member's account shall
13 be paid pursuant to the qualified domestic relations order.
14 Acceptance by the alternate payee of the lump sum refund
15 terminates his right to any further payment or benefit
16 provided by the retirement system. Notwithstanding any
17 other provision of law, the retirement system is exempt
18 from the qualified order unless:

19

20 **9-12-1305. Wyoming small business investment credit.**

21

22 (c) The credit for any tax year shall not exceed the
23 participating investor's state premium tax liability for

1 that tax year. If the amount of the credit determined
2 under this section for any tax year exceeds the liability
3 for tax under this chapter, the credit may be carried
4 forward to future tax years without limitation. The
5 premium tax credits provided by W.S. 26-19-312, 26-42-111
6 and 26-43-105, and deposits to the volunteer firefighter,
7 ~~and~~ EMT and search and rescue pension account pursuant to
8 W.S. 26-4-102(b)(ii), shall take priority over the premium
9 tax credits provided by this section and shall be
10 calculated using the gross premium tax before the credits
11 provided by this section.

12

13 **15-5-202. Pension account; creation; administration;**
14 **donations; investment; dual participation prohibited.**

15

16 (d) No paid fireman shall participate as a member of
17 the firemen's pension account established under this
18 article and as a member of the volunteer ~~firemen's~~
19 firefighter, EMT and search and rescue pension account
20 established under W.S. ~~35-9-601 through 35-9-615~~ 35-9-617
21 if participation is based upon covered service with the
22 same fire department.

23

1 **15-5-419. Dual membership prohibited.**

2

3 (b) No paid employee shall participate as a member of
4 the firemen's pension system established under this article
5 and as a member of the volunteer ~~firemen's~~ firefighter, EMT
6 and search and rescue pension ~~fund~~ account established
7 under W.S. ~~35-9-601 through 35-9-615~~ 35-9-617 if
8 participation is based upon covered service with the same
9 fire department.

10

11 **26-4-102. Record of receipts; payment to treasurer;**
12 **credit to fund.**

13

14 (b) The commissioner shall promptly deposit all
15 monies he receives from any charges to the general fund,
16 with receipt and acknowledgement submitted to the state
17 treasurer, except that:

18

19 (ii) An amount not to exceed ~~seventy percent~~
20 ~~(70%)~~ seventy-six percent (76%) of the gross premium tax
21 levied upon fire insurance premiums shall be deposited by
22 the state treasurer in the volunteer firefighter, ~~and~~ EMT
23 and search and rescue pension account pursuant to W.S.

1 35-9-628. For purposes of this paragraph, the gross premium
2 tax levied upon fire insurance premiums is equal to thirty
3 percent (30%) of the total gross premium tax levied upon
4 all property, casualty and multiple line insurers.

5
6 **31-2-218. Firefighter's license plates.**

7
8 (a) A firefighter employed by a city, county, state
9 or duly created fire protection district, a volunteer
10 firefighter as defined by W.S. ~~35-9-601~~ 35-9-616(a)(x) or a
11 firefighter retired from his department with at least ten
12 (10) years of service may apply for distinctive license
13 plates for any motor vehicle that is not a commercial
14 vehicle or multipurpose vehicle owned or leased by him upon
15 registration of the vehicle. If the firefighter became a
16 member of a bona fide fire department after January 1,
17 1995, he shall have a minimum of one (1) year service with
18 the fire department and be firefighter one certified or
19 engine boss wildfire certified in order to apply for the
20 license plate. The fire chief or his designated assistant
21 shall sign a written statement that the applicant is
22 eligible to obtain the license plate. A written statement
23 of eligibility for a retired firefighter shall be signed

1 only by the fire chief. License plates issued under this
2 section shall be displayed upon the vehicle for which they
3 are issued. The license plates shall bear a distinctive
4 symbol and letters identifying the registrant as a
5 firefighter.

6
7 ARTICLE 6

8 VOLUNTEER FIREFIGHTER, EMT AND SEARCH AND RESCUE

9 PENSION ACCOUNT

10
11 **35-9-616. Definitions.**

12
13 (a) As used in this act:

14
15 (i) "Account" or "pension account" means the
16 volunteer firefighter, ~~and~~ EMT and search and rescue
17 pension account ~~created pursuant to~~ established under W.S.
18 35-9-617(a);

19
20 (ii) "Board" means the volunteer firefighter, ~~and~~
21 ~~and~~ EMT and search and rescue pension account board created
22 pursuant to W.S. 35-9-623(a);

1 (v) "Participating member" means any volunteer
2 firefighter, ~~or~~ volunteer EMT or volunteer search and
3 rescue person for whom payments are received by the
4 volunteer firefighter, ~~and~~ EMT and search and rescue
5 pension account as prescribed in W.S. 35-9-621(e);
6

7 (vii) "Spouse" means the lawful spouse of a
8 participating member who was married to the volunteer
9 firefighter, ~~or~~ volunteer EMT or volunteer search and
10 rescue person at the time of the ~~volunteer firefighter or~~
11 ~~volunteer EMT's~~ volunteer's entry into the account, or who
12 although married after the date of entry, is recognized as
13 the spouse covered by the benefits of the account as a
14 result of special action of the board;
15

16 (xi) "Volunteer search and rescue person" means
17 any individual who:
18

19 (A) Is engaged in search and rescue
20 operations under the coordination of a county sheriff
21 pursuant to W.S. 18-3-609(a)(iii);
22

1 (B) Is carried on the regular rolls of, but
2 devotes less than his entire time of employment to,
3 activities of a county search and rescue team;

4
5 (C) May or may not receive compensation for
6 services rendered as a member of a search and rescue team.

7
8 ~~(xi)~~ (xii) "This act" means W.S. 35-9-616 through
9 35-9-628.

10
11 **35-9-617. Volunteer firefighter, EMT and search and**
12 **rescue pension account; merger with other pension accounts;**
13 **membership.**

14
15 (a) The volunteer firefighter, ~~and~~ EMT and search and
16 rescue pension account is created. All awards, benefits and
17 pensions established under this ~~article~~ act shall be paid
18 from the account.

19
20 (c) The account shall be comprised of all funds and
21 liabilities of the volunteer firemen's pension account
22 created pursuant to W.S. 35-9-602, the volunteer emergency
23 medical technician pension account created pursuant to W.S.

1 35-29-102, funds directed into the account as provided by
2 W.S. 26-4-102(b), 35-9-619(a), 35-9-621(e) and 35-9-628 and
3 all other funds as directed by this ~~article~~act and the
4 legislature for the benefit of the account, or the
5 volunteer firemen's pension account or volunteer emergency
6 medical technician pension account, respectively.

7
8 **35-9-618. Annual audit; state's liability.**

9
10 (b) Nothing in this ~~article~~act shall be construed
11 to:

12
13 (i) Except for obligations transferred pursuant
14 to W.S. 35-9-617(c), acknowledge any past, present or
15 future liability of or obligate the state of Wyoming for
16 contribution except the employer's contributions provided
17 for in this ~~article~~act, to either the volunteer
18 firefighter, ~~and~~ EMT and search and rescue pension system
19 provided by this ~~article~~act or any other retirement system
20 previously existing in the state of Wyoming; or

21
22 **35-9-619. Authority to receive donations; investment**
23 **of monies; employment of actuary; actuarial reports.**

1

2 (a) In addition to contributions from the state,
3 counties, volunteer fire departments and licensed ambulance
4 services, the board may receive and credit to the account
5 any gifts, donations and other contributions made by
6 individuals, organizations and cities, towns, counties and
7 other political subdivisions for the benefit of the
8 account. The board may invest monies within the account not
9 immediately necessary to pay benefits, awards or pensions
10 under this ~~article~~act, in investments authorized under
11 W.S. 9-3-408(b).

12

13 **35-9-620. Contributions on behalf of volunteer**
14 **firefighters, EMTs and search and rescue personnel;**
15 **collection; dual participation prohibited.**

16

17 (a) The county, city, town, fire district, volunteer
18 fire department or licensed ambulance service for whom a
19 participating volunteer firefighter, ~~or~~EMT or search and
20 rescue person performs firefighting, ~~or~~EMT or search and
21 rescue services shall pay to the pension account the amount
22 required under W.S. 35-9-621(e). Payments shall be
23 collected upon terms and conditions established by the

1 board under W.S. 35-9-621(e) and shall be forwarded by each
2 collecting officer to the state retirement director for
3 deposit in the account. Any entity listed in this
4 subsection may elect to provide for a member's contribution
5 or any portion thereof provided that any payment of a
6 contribution is made on behalf of a member. Whether an
7 entity makes a contribution for a member shall be at the
8 discretion of the entity as an incentive to improve their
9 local volunteer fire department, ~~or~~ emergency medical
10 services or search and rescue services.

11

12 **35-9-621. Benefits enumerated; death of participant**
13 **or spouse; amount and payment of contributions; death**
14 **benefits; withdrawal from pension account.**

15

16 (e) A volunteer firefighter, ~~or~~ volunteer EMT or
17 volunteer search and rescue person is a participating
18 member under this ~~article~~ act for each month a contribution
19 of fifteen dollars (\$15.00) is made by or on behalf of the
20 member. For purposes of eligibility for benefits under
21 subsections (b) and (c) of this section, a volunteer
22 firefighter, ~~or~~ EMT or search and rescue person is a
23 participating member beginning the first month following

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

22

1 (j) Any participating member with at least five (5)
2 years of participation in the pension account who retires
3 from active service as a volunteer firefighter, ~~or EMT~~ or
4 search and rescue person before reaching retirement age and
5 does not withdraw from the pension account as provided in
6 subsection (f) of this section shall be entitled to a
7 monthly benefit payment as provided in subsection (a) of
8 this section upon reaching the retirement age specified in
9 subsection (d) of this section. A member with ten (10) or
10 more years of active participation in the pension account
11 may choose to remove himself from active service as a
12 volunteer firefighter, ~~or EMT~~ or search and rescue person
13 and continue to contribute to the pension account for an
14 amount of time not to exceed the total number of years the
15 member was an active participant in the pension account, as
16 provided in subsection (e) of this section and rules
17 promulgated by the board.

18

19 (k) The board shall adopt rules to allow service for
20 any period of time, after commencement of participation
21 under this ~~article~~ act, which a participating member spends
22 in active military or other emergency service of the United
23 States as required by the Uniformed Services Employment and

1 Reemployment Rights Act, 38 U.S.C. 4301 et seq. to count
2 towards a member's years of active participation.

3
4 **35-9-622. Death benefits in addition to other**
5 **benefits.**

6
7 Death benefits received under this ~~article~~act shall be in
8 addition to, and are payable after the application of,
9 worker's compensation benefits which are payable to
10 volunteer firefighters, ~~or~~ volunteer EMTs or volunteer
11 search and rescue personnel under the Wyoming Worker's
12 Compensation Act.

13
14 **35-9-623. Board; established; nomination;**
15 **appointment; terms and qualification of members; first**
16 **members.**

17
18 (a) The volunteer firefighter, ~~and~~ EMT and search and
19 rescue pension board is created. The board shall control
20 the account.

21
22 (b) The board shall consist of ~~seven (7)~~ eight (8)
23 members who shall be appointed by the governor to staggered

1 terms of three (3) years. The governor may remove any
2 board member as provided in W.S. 9-1-202. Of these board
3 members:

4
5 (i) Six (6) members shall be volunteer
6 firefighters who have a minimum of five (5) years service
7 as a volunteer firefighter in the state. Appointments under
8 this paragraph shall be made from nominees recommended to
9 the governor by the Wyoming state firemen's association;

10 ~~and~~

11
12 (ii) One (1) member shall be a volunteer EMT who
13 has a minimum of five (5) years service as a volunteer EMT
14 in the state. Appointments under this paragraph shall be
15 made by the governor; ~~and~~

16
17 (iii) One (1) member shall be a volunteer search
18 and rescue person who has a minimum of five (5) years
19 service as a volunteer search and rescue person in the
20 state. Appointments under this paragraph shall be made by
21 the governor.

1 **35-9-624. Board; chairman; compensation of members;**
2 **powers and duties.**

3
4 (b) The board may:

5
6 (i) Adjust claims made by participating members
7 under this ~~article~~act and may waive or alter specific
8 requirements relating to benefits under this ~~article~~act,
9 but shall not have authority to make a general increase in
10 benefits;

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

16
17 **35-9-628. Deposit of tax on fire insurance premiums**
18 **into account.**

19
20 (a) As provided in this subsection, the state
21 treasurer shall deposit into the account an amount not to
22 exceed ~~seventy percent (70%)~~seventy-six percent (76%) of
23 the gross tax levied upon fire insurance premiums paid to

1 insurance companies for fire insurance in the state of
2 Wyoming for the preceding calendar quarter, as computed
3 under W.S. 26-4-102(b)(ii) and provided by W.S.
4 26-4-103(k). The sum specified shall be calculated by the
5 Wyoming retirement system:

6

7 **Section 2.** This act is effective July 1, 2017.

8

9 (END)