

HOUSE BILL NO. HB0046

Public employee pension plans-contributions.

Sponsored by: Joint Appropriations Interim Committee

A BILL

for

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

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, shall pay into the account ~~seven percent (7%) of~~
4 ~~his salary until August 31, 2013, and thereafter~~ seven and
5 one-half percent (7.5%) of his salary for the period from
6 September 1, 2013 through June 30, 2014, and thereafter
7 eight and one-quarter percent (8.25%) of his salary. Every
8 firefighter member covered under this article shall pay
9 into the account seven percent (7%) of his salary.
10 Payments shall be deducted each pay period from each
11 member's salary by the chief fiscal officer of each
12 participating employer. Employee contributions shall be
13 transferred to the account in accordance with subsection
14 (c) of this section.

15

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

23

1 (iii) For state employee members five and fifty-
2 seven hundredths percent (5.57%), except that for the
3 period from September 1, 2013 through ~~August 31, 2016~~ June
4 30, 2014 five and eighty-two hundredths percent (5.82%),
5 for the period from July 1, 2014 through June 30, 2016 six
6 and one hundred ninety-five thousandths percent (6.195%),
7 and for the period from July 1, 2016 through June 30, 2017
8 five and nine hundred forty-five thousandths percent
9 (5.945%), of the member's salary shall be paid by the
10 employer without any salary reduction or offset. The
11 remaining portion of the state employee's contribution
12 shall be paid through a reduction in cash salary of the
13 state employee unless specified otherwise by legislative
14 act; and

15
16 (iv) For full-time brand inspection contract
17 employees authorized to participate in the state retirement
18 system under W.S. 9-2-1022(a)(xi)(F)(IV), not more than
19 five and fifty-seven hundredths percent (5.57%), except
20 that for the period from September 1, 2013 through ~~August~~
21 ~~31, 2016~~ June 30, 2014 five and eighty-two hundredths
22 percent (5.82%), for the period from July 1, 2014 through
23 June 30, 2016 six and one hundred ninety-five thousandths
24 percent (6.195%), and for the period from July 1, 2016

1 through June 30, 2017 five and nine hundred forty-five
2 thousandths percent (5.945%), of the contract employee's
3 salary shall be paid by the livestock board unless
4 specified otherwise by legislative act.

5

6 **9-3-413. Employer's contributions; payable monthly;**
7 **transfer to account; interest imposed upon delinquent**
8 **contributions; recovery.**

9

10 Except as provided by W.S. 9-2-1022(a)(xi)(F)(III) or (IV),
11 9-3-431 and 9-3-432, each employer including employers of
12 firefighter members, shall on a monthly basis, pay into the
13 account a contribution equal to seven and twelve hundredths
14 percent (7.12%) until ~~August 31,~~ June 30, 2014, of the
15 salary paid to each of its members covered under this
16 article. ~~Thereafter~~ For the period from July 1, 2014
17 through June 30, 2015, each employer, excluding employers
18 of firefighter members, shall on a monthly basis, pay into
19 the account a contribution equal to seven and sixty-two
20 hundredths percent (7.62%) of the salary paid and
21 thereafter eight and thirty-seven hundredths percent
22 (8.37%) of the salary paid. After ~~August 31,~~ June 30, 2014
23 employers of firefighter members shall pay into the account
24 a contribution equal to seven and twelve hundredths percent

1 (7.12%) of the salary paid. Employer contributions for any
2 month, together with the members' contributions for that
3 month, if any, shall be transferred to the board not later
4 than the twelfth day of the following month. These
5 contributions shall be credited to the account in a manner
6 as directed by the board. Any employer failing to transfer
7 contributions under this section in sufficient time for the
8 board to receive the contributions by the twenty-fifth day
9 of the month due shall be assessed interest at the rate of
10 eight percent (8%) per annum. Interest imposed under this
11 section shall be payable not later than the twelfth day of
12 the next succeeding month. If the contributions and any
13 interest imposed under this section are not transferred to
14 the board when due, they may be recovered, together with
15 court costs, in an action brought for that purpose in the
16 first judicial district court in Laramie County, Wyoming.

17

18 **9-3-604. Employee contributions.**

19

20 (a) Except as otherwise provided in this section,
21 every employee covered by this article shall pay into the
22 fund ~~twelve and sixty four hundredths percent (12.64%) of~~
23 ~~his salary until August 31, 2013, and thereafter~~ thirteen
24 and fifty-four hundredths percent (13.54%) of his salary

1 from September 1, 2013 through June 30, 2014, and
2 thereafter fourteen and fifty-six hundredths percent
3 (14.56%) of his salary. For the period from September 1,
4 2013 through ~~August 31, 2016~~ June 30, 2014 forty-five
5 hundredths percent (.45%), for the period from July 1, 2014
6 through June 30, 2016 ninety-six hundredths percent (.96%)
7 and for the period from July 1, 2016 through June 30, 2017,
8 fifty-one hundredths percent (.51%) salary contribution
9 required by this subsection shall be paid by the employer
10 on behalf of the member. To the extent the remaining amount
11 is not paid by an employer on behalf of the member, this
12 payment shall be deducted each pay period from employees'
13 salaries by the respective chief fiscal officers of the
14 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~~ June 30, 2014, and for the period from July 1,
22 2014 through June 30, 2015, thirteen and eighty-six
23 hundredths percent (13.86%) and thereafter fourteen and
24 eighty-eight hundredths percent (14.88%) of all salaries

1 paid to its employees. These contributions, together with
2 the employees' contributions, shall be transferred and
3 credited to the retirement program in a manner the board
4 directs.

5

6 **15-5-420. Member contributions.**

7

8 (a) Each employer shall deduct monthly from the
9 compensation of each member participating in the account a
10 sum equal to ~~eight and five tenths percent (8.5%)~~ eight and
11 seven hundred twenty-five thousandths percent (8.725%) of
12 the member's compensation until ~~August 31, 2013, and~~
13 ~~thereafter eight and seven hundred twenty-five thousandths~~
14 ~~percent (8.725%)~~ June 30, 2014, and thereafter nine and two
15 hundred forty-five thousandths percent (9.245%) of his
16 compensation, and that amount shall be paid by the employer
17 to the account.

18

19 **Section 2.**

20

21 (a) There is appropriated to the state auditor from
22 the general fund the following amounts:

23

1 (i) Up to three million seven hundred fifty
2 thousand dollars (\$3,750,000.00) for state executive,
3 legislative and judicial branch employee contributions;

4

5 (ii) Up to seven hundred eighty thousand dollars
6 (\$780,000.00) for community college employee contributions;
7 and

8

9 (iii) Up to two million dollars (\$2,000,000.00)
10 for University of Wyoming employee contributions.

11

12 (b) There is appropriated to the state auditor up to
13 fourteen million six hundred thousand dollars
14 (\$14,600,000.00) from the school foundation program
15 account.

16

17 (c) For state agency employees whose retirement
18 contributions are made from nongeneral fund sources there
19 is appropriated from those accounts and funds amounts
20 necessary to provide payment of the increase in employee
21 and employer contribution rates required by W.S. 9-3-412(a)
22 and (c), 9-3-413, 9-3-604(a) and (c) and 9-3-605 as amended
23 by this act, until June 30, 2016.

24

1 (d) The appropriations under paragraph (a)(i) and
2 subsection (c) of this section shall only be expended to
3 provide payment of the increase in each state agency's
4 employee and employer contribution rates required by W.S.
5 9-3-412(a) and (c), 9-3-413, 9-3-604(a) and (c) and 9-3-605
6 as amended by this act, until June 30, 2016. The
7 appropriation under paragraphs (a)(ii) and (iii) of this
8 section shall only be expended to provide payment of the
9 increase in the University of Wyoming and community college
10 employee and employer contribution rates required by W.S.
11 9-3-412(a) and (c) and 9-3-413 and to provide like
12 contributions under W.S. 21-19-101 through 21-19-106
13 corresponding to the increased employee and employer
14 contributions under this act, until June 30, 2016.

15

16 (e) The appropriation under subsection (b) of this
17 section shall only be expended to provide payment of the
18 increase in each school district's employee and employer
19 contribution rates required by W.S. 9-3-412(a) and (c) and
20 9-3-413 as amended by this act, until June 30, 2016. Any
21 amounts paid under this subsection shall not be
22 reimbursable under W.S. 21-13-320 and 21-13-321. The
23 auditor shall transfer the funds to the state retirement
24 system or to the department of education for distribution

1 to individual school districts as determined by the
2 department of administration and information to be
3 necessary to meet the provisions of this act. Any
4 unexpended school foundation program account appropriation
5 remaining on June 30, 2016 shall revert to the school
6 foundation program account.

7

8 (f) Notwithstanding any other provision of law, the
9 appropriations under this section shall not be transferred
10 or expended for any purpose other than as specified in this
11 section. Any unexpended, unobligated funds remaining from
12 the appropriations under this section shall revert as
13 provided by law on June 30, 2016.

14

15 (g) As used in this section "state agency" includes
16 each state executive, legislative or judicial department,
17 board, commission or other agency or instrumentality of the
18 state, and for purposes of subsection (c) of this section
19 includes the University of Wyoming and each community
20 college.

21

22 (h) The auditor shall transfer the funds to the state
23 retirement system or to individual state agencies as
24 determined by the department of administration and

1 information to be necessary to meet the provisions of this
2 act.

3

4 **Section 3.**

5

6 (a) Except as provided in subsection (b) of this
7 section this act is effective immediately upon completion
8 of all acts necessary for a bill to become law as provided
9 by Article 4, Section 8 of the Wyoming Constitution.

10

11 (b) Section 2 of this act is effective July 1, 2014.

12

13

(END)