

## HOUSE BILL NO. HB0102

Wyoming retirement plans-contributions.

Sponsored by: Representative(s) Jennings, Clem, Edwards,  
Halverson, Lone, Miller and Stith and  
Senator(s) Hicks

A BILL

for

1 AN ACT relating to public employees; authorizing additional  
2 employee contributions in certain plans under the Wyoming  
3 Retirement Act, the Wyoming State Highway Patrol, Game and  
4 Fish Warden and Criminal Investigator Retirement Act, the  
5 Wyoming Judicial Retirement Act and the Firemen's Pension  
6 Account Reform Act of 1981 as specified; requiring  
7 additional employee contributions to be paid through a  
8 reduction in cash salary of the employee; repealing archaic  
9 provisions; and providing for an effective date.

10

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

12

13       **Section 1.** W.S. 9-3-412(a), (c)(ii) through (iv) and  
14 by creating new paragraphs (v) and (vi), 9-3-413,  
15 9-3-432(a) and (b), 9-3-604(a) and (c)(ii), 9-3-605,

1 9-3-704(a) and (c) and 15-5-420(a) and (c)(ii) are amended  
2 to read:

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4 **9-3-412. Members' contributions; payroll deductions;**  
5 **employer authorized to pay employee's share.**

6

7 (a) Except as otherwise provided in this section and  
8 W.S. 9-3-431 and 9-3-432, every member covered under this  
9 article, shall pay into the account ~~seven and one-half~~  
10 ~~percent (7.5%) of his salary for the period from September~~  
11 ~~1, 2013 through June 30, 2014, and thereafter~~ eight and  
12 one-quarter percent (8.25%) of his salary. Every  
13 firefighter member covered under this article shall pay  
14 into the account seven percent (7%) of his salary. The  
15 contributions under this subsection shall be subject to the  
16 following:

17

18 (i) Upon a determination by the board that the  
19 current funded ratio of the applicable retirement plan is  
20 below one hundred percent (100%), as annually calculated by  
21 the system's actuaries, every member covered by the  
22 applicable retirement plan shall pay into the account an  
23 additional one percent (1%) of his salary as the board

1 determines necessary for the applicable retirement plan to  
2 meet a current funded ratio of one hundred percent (100%).  
3 The contribution imposed under this paragraph shall not  
4 exceed one percent (1%) of the member's salary;

5  
6 (ii) Payments shall be deducted each pay period  
7 from each member's salary by the chief fiscal officer of  
8 each participating employer. Employee contributions shall  
9 be transferred to the account in accordance with subsection  
10 (c) of this section.

11  
12 (c) The contributions under subsection (b) of this  
13 section shall be paid from the source of funds which is  
14 used in paying salary to the member. The employer may pay  
15 these contributions by a reduction in cash salary of the  
16 member or by an offset against a future salary increase, or  
17 by a combination of a reduction in salary and an offset  
18 against a future salary increase, provided:

19  
20 (ii) Except as provided in paragraphs (iii) ~~and~~  
21 ~~(iv)~~ through (v) of this subsection, any employer may pay  
22 any amount of a member's share of retirement contributions  
23 without a salary reduction, offset or combination thereof;

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

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

1 ~~for the period from July 1, 2016 through June 30, 2017 five~~  
2 ~~and nine hundred forty-five thousandths percent (5.945%),~~  
3 of the contract employee's salary shall be paid by the  
4 livestock board unless specified otherwise by legislative  
5 act;

6  
7 (v) For employers specified in W.S.  
8 9-3-402 (a) (vi) (B), (C), (D), (S), (U) and (W), the  
9 additional one percent (1%) contribution imposed pursuant  
10 to paragraph (a) (i) of this section shall be paid through a  
11 reduction in cash salary of the member unless specified  
12 otherwise by legislative act.

13  
14 **9-3-413. Employer's contributions; payable monthly;**  
15 **transfer to account; interest imposed upon delinquent**  
16 **contributions; recovery.**

17  
18 Except as provided by W.S. 9-2-1022(a) (xi) (F) (III) or (IV),  
19 9-3-431 and 9-3-432, each employer ~~including~~ excluding  
20 employers of firefighter members, shall on a monthly basis,  
21 pay into the account a contribution equal to ~~seven and~~  
22 ~~twelve hundredths percent (7.12%) until June 30, 2014, of~~  
23 ~~the salary paid to each of its members covered under this~~

1 ~~article. For the period from July 1, 2014 through June 30,~~  
2 ~~2015, each employer, excluding employers of firefighter~~  
3 ~~members, shall on a monthly basis, pay into the account a~~  
4 ~~contribution equal to seven and sixty-two hundredths~~  
5 ~~percent (7.62%) of the salary paid and thereafter~~ eight and  
6 thirty-seven hundredths percent (8.37%) of the salary paid.  
7 ~~After June 30, 2014~~ Employers of firefighter members shall  
8 pay into the account a contribution equal to seven and  
9 twelve hundredths percent (7.12%) of the salary paid.  
10 Employer contributions for any month, together with the  
11 members' contributions for that month, if any, shall be  
12 transferred to the board not later than the twelfth day of  
13 the following month. These contributions shall be credited  
14 to the account in a manner as directed by the board. Any  
15 employer failing to transfer contributions under this  
16 section in sufficient time for the board to receive the  
17 contributions by the twenty-fifth day of the month due  
18 shall be assessed interest at the assumed rate of return as  
19 determined by the board, compounded annually. Interest  
20 imposed under this section shall be payable not later than  
21 the twelfth day of the next succeeding month. If the  
22 contributions and any interest imposed under this section  
23 are not transferred to the board when due, they may be

1 recovered, together with court costs, in an action brought  
2 for that purpose in the first judicial district court in  
3 Laramie County, Wyoming.

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5 **9-3-432. Law enforcement officers; contributions;**  
6 **benefit eligibility; service and disability benefits; death**  
7 **benefits; benefit options.**

8

9 (a) Each law enforcement officer shall pay into the  
10 account eight and six-tenths percent (8.6%) of his salary  
11 to fund benefits provided to law enforcement officers. Any  
12 contribution required under this subsection or subsection  
13 (b) of this section shall be paid by the employer from the  
14 source of funds used to pay officer salaries in order to be  
15 treated as employer contributions for the sole purpose of  
16 determining tax treatment under the United States Internal  
17 Revenue Code, § 414(h). These payments by the employer are  
18 subject to W.S. 9-3-412(c) and the following:

19

20 (i) Upon a determination by the board that the  
21 current funded ratio of the plan covering law enforcement  
22 officers is below one hundred percent (100%), as annually  
23 calculated by the system's actuaries, each law enforcement

1 officer shall pay into the account an additional one  
2 percent (1%) of his salary as the board determines  
3 necessary for the plan to meet a current funded ratio of  
4 one hundred percent (100%). The contribution imposed under  
5 this paragraph shall:

6  
7 (A) Not exceed one percent (1%) of the law  
8 enforcement officer's salary; and

9  
10 (B) Be paid through a reduction in cash  
11 salary of the law enforcement officer unless specified  
12 otherwise by legislative act.

13  
14 (b) Each employer of a law enforcement officer  
15 covered under this article shall pay into the account a  
16 contribution equal to eight and six-tenths percent (8.6%)  
17 of the salary paid to each of its law enforcement officers  
18 covered under this article and may pay into the account any  
19 amount of the officer's share of contributions under  
20 subsection (a) of this section, except the contribution  
21 imposed pursuant to paragraph (a)(i) of this section.

22 Payments under this subsection shall be made monthly to the  
23 account in accordance with W.S. 9-3-413 and are subject to



1 the penalties imposed under W.S. 9-3-413 for delinquent  
2 contributions. No additional contribution shall be imposed  
3 upon the state, any city, town or county for benefits  
4 provided law enforcement officers under this article.

5  
6 **9-3-604. Employee contributions.**

7  
8 (a) Except as otherwise provided in this section,  
9 every employee covered by this article shall pay into the  
10 fund ~~thirteen and fifty-four hundredths percent (13.54%) of~~  
11 ~~his salary from September 1, 2013 through June 30, 2014,~~  
12 ~~and thereafter~~ fourteen and fifty-six hundredths percent  
13 (14.56%) of his salary. ~~For the period from September 1,~~  
14 ~~2013 through June 30, 2014 forty-five hundredths percent~~  
15 ~~(.45%), for the period from July 1, 2014 through June 30,~~  
16 ~~2016 ninety-six hundredths percent (.96%) and for the~~  
17 ~~period from July 1, 2016 through June 30, 2017, fifty-one~~  
18 ~~hundredths percent (.51%) salary contribution required by~~  
19 ~~this subsection shall be paid by the employer on behalf of~~  
20 ~~the member.~~ provided:

21  
22 (i) Upon a determination by the board that the  
23 current funded ratio of the retirement plan under this

1 article is below one hundred percent (100%), as annually  
2 calculated by the Wyoming retirement system's actuaries,  
3 every employee covered by this article shall pay into the  
4 account an additional one percent (1%) of his salary as the  
5 board determines necessary for the retirement plan to meet  
6 a current funded ratio of one hundred percent (100%). The  
7 contribution imposed under this paragraph shall not exceed  
8 one percent (1%) of the employee's salary;

9  
10 (ii) To the extent the ~~remaining amount~~ employee  
11 contribution is not paid by an employer on behalf of the  
12 member, ~~this~~ payment under this section shall be deducted  
13 each pay period from employees' salaries by the respective  
14 chief fiscal officers of the employers.

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 employee. The employer may pay  
19 these contributions by a reduction in cash salary of the  
20 employee or by an offset against a future salary increase,  
21 or by a combination of a reduction in salary and an offset  
22 against a future salary increase, provided:

23

1           (ii) Except as otherwise provided in this  
2 paragraph, any employer may pay any amount of an employee's  
3 share of retirement contributions without a salary  
4 reduction or offset, or combination thereof. ~~For the period~~  
5 ~~from July 1, 2012 through June 30, 2014, at least one and~~  
6 ~~sixty-two hundredths percent (1.62%), for the period from~~  
7 ~~July 1, 2014 through June 30, 2016 at least one and~~  
8 ~~ninety-six hundredths percent (1.96%), for the period from~~  
9 ~~July 1, 2016 through June 30, 2017 at least two and thirty~~  
10 ~~hundredths percent (2.30%) and thereafter~~ At least two and  
11 sixty-four hundredths (2.64%) of the employee's share of  
12 retirement contributions plus the additional one percent  
13 (1%) contributions imposed pursuant to paragraph (a)(i) of  
14 this section shall be paid through a reduction in cash  
15 salary of the employee unless specified otherwise by  
16 legislative act.

17

18           **9-3-605. Employer contributions.**

19

20 Each employer subject to this article shall pay into the  
21 fund a contribution equal to ~~twelve and ninety-six~~  
22 ~~hundredths percent (12.96%) until June 30, 2014, and for~~  
23 ~~the period from July 1, 2014 through June 30, 2015,~~

1 ~~thirteen and eighty-six hundredths percent (13.86%) and~~  
2 ~~thereafter~~ fourteen and eighty-eight hundredths percent  
3 (14.88%) of all salaries paid to its employees. These  
4 contributions, together with the employees' contributions,  
5 shall be transferred and credited to the retirement program  
6 in a manner the board directs.

7

8 **9-3-704. Employee contributions.**

9

10 (a) Except as otherwise provided in this section,  
11 every employee covered by this article shall pay into the  
12 account nine and twenty-two one-hundredths percent (9.22%)  
13 of his salary, ~~,-~~ provided:

14

15 (i) Upon a determination by the board that the  
16 current funded ratio of the retirement plan under this  
17 article is below one hundred percent (100%), as annually  
18 calculated by the Wyoming retirement system's actuaries,  
19 every employee covered by the plan shall pay into the  
20 account an additional one percent (1%) of his salary as the  
21 board determines necessary for retirement program to meet a  
22 current funded ratio of one hundred percent (100%). The

1 contribution imposed under this paragraph shall not exceed  
2 one percent (1%) of the employee's salary;

3  
4 (ii) To the extent ~~this~~ the employee  
5 contribution under this subsection is not paid by the  
6 employer as authorized in this section, this payment shall  
7 be deducted each pay period from employees' salaries by the  
8 respective fiscal officers of the employers.

9  
10 (c) The contributions under subsection (b) of  
11 this section shall be paid from the source of funds which  
12 is used in paying salary to the employee. The employer may  
13 pay these contributions without offset of the employee's  
14 salary in the same salary percentage as provided by state  
15 employers under W.S. 9-3-412(c). The employer shall also  
16 reduce the cash salary of the employee by three and  
17 sixty-five hundredths percent (3.65%) plus the additional  
18 one percent (1%) contribution imposed under paragraph  
19 (a)(i) of this section unless specified otherwise by  
20 legislative act.

21  
22 **15-5-420. Member contributions.**

23

1           (a) Each employer shall deduct monthly from the  
2 compensation of each member participating in the account a  
3 sum equal to ~~eight and seven hundred twenty five~~  
4 ~~thousandths percent (8.725%) of the member's compensation~~  
5 ~~until June 30, 2014, and thereafter~~ nine and two hundred  
6 forty-five thousandths percent (9.245%) of his  
7 compensation, and that amount shall be paid by the employer  
8 to the account, provided:

9  
10           (i) Upon a determination by the board that the  
11 funded ratio of the pension system is below one hundred  
12 percent (100%), as annually calculated by the Wyoming  
13 retirement system's actuaries, each employer shall deduct  
14 monthly from the compensation of each member participating  
15 in the account an additional one percent (1%) of his salary  
16 as the board determines necessary for the pension system to  
17 meet a current funded ratio of one hundred percent (100%).  
18 The contribution imposed under this paragraph shall not  
19 exceed one percent (1%) of the member's salary.

20  
21           (c) The contributions under subsection (b) of this  
22 section shall be paid from the source of funds which is  
23 used in paying salary to the employee. The employer may pay

1 these contributions by a reduction in cash salary of the  
2 employee or by an offset against a future salary increase,  
3 or by a combination of a reduction in salary and an offset  
4 against a future salary increase, provided:

5  
6 (ii) Any employer may pay any amount of an  
7 employee's share of retirement contributions without a  
8 salary reduction or offset, or combination thereof except  
9 the additional one percent (1%) contribution imposed  
10 pursuant to paragraph (a)(i) of this section shall be paid  
11 through a reduction in cash salary of the employee unless  
12 specified otherwise by legislative act.

13

14 **Section 2.** This act is effective July 1, 2018.

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(END)