

Stafford -2

98 LSO -0315

HOUSE BILL

0153

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HB0153

AN ACT relating to emergency medical technicians; creating a volunteer EMT pension fund as specified; providing for administration; providing an appropriation as specified; and providing for an effective date.

HOUSE BILL 0153

Introduced by:

[Signature]

HOUSE ACTION ON HOUSE BILL

216 ☐ Introduced
Aye ___ No ___ Ex ___ Ab ___
☐ Read First Time and Ref. to
Committee No. ___
☒ Failed Introduction
Aye 28 No 31 Ex 1 Ab 0
Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
☐ Re-referred to Committee No. ___
Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
☐ Considered in Comm. of Whole
☐ Amended
☐ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
☐ Read Second Time
☐ Amended
☐ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
☐ Read Third Time
☐ Amended
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☐ Held for Reconsideration
☐ Motion to Reconsider
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☐ Third Reading Vote
(On Reconsideration)
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☐ Sent to Senate (No Amendments)
☐ Sent to LSO for Engrossing
☐ ENGROSSED
☐ Sent to Senate

SENATE ACTION ON HOUSE BILL

☐ Received. Read First Time.
Referred to Committee No. ___
☐ Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
☐ Re-referred to Committee No. ___
Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
☐ Considered in Comm. of Whole
☐ Amended
☐ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
☐ Read Second Time
☐ Amended
☐ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
☐ Read Third Time
☐ Amended
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☐ Held for Reconsideration
☐ Motion to Reconsider
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☐ Third Reading Vote
(On Reconsideration)
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☐ Sent to House

☐ Sent for Enrolling
HEA No. ___
☐ Signed by Speaker
☐ Signed by President
☐ Approved by Governor
Chapter No. ___

FIFTY-FOURTH WYOMING STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
SPECIAL SESSION
1998

SEQUENCE : 4176

FEBRUARY 16 1998

BILL : HB0153

11:20 AM

AMENDMENT:

MOVED BY : REP. STAFFORD

SECONDED BY:

TITLE1 :

TITLE2 :

ACTION : TO INTRODUCE

ANDERSON, J....	N	MCMURTREY.....	A
ANDERSON, R....	N	MEULI.....	A
BADGETT.....	N	NAGEL.....	N
BAKER.....	N	NICHOLAS.....	A
BARKER.....	A	OSBORN.....	N
BEBOUT.....	N	PARADY.....	A
BENSEL.....	A	PASENEAUX.....	N
BERRY.....	A	PERKINS.....	A
BETTS.....	A	PHILP.....	A
BOSWELL.....	A	RARDIN.....	N
BURNS.....	A	REESE.....	N
CASE.....	N	ROBINSON.....	N
CHILDERS.....	N	ROSE.....	A
DECARIA.....	N	ROSS.....	N
DEEGAN.....	N	ROUNDS.....	N
DIERCKS.....	A	RYCKMAN.....	N
ESQUIBEL.....	N	SESSIONS.....	A
EYRE.....	A	SHREVE.....	N
GARCIA.....	A	SIMONS.....	N
HAGEMAN.....	A	SMITH.....	N
HANES.....	N	STAFFORD.....	A
HARRISON.....	A	STEINBRECH.....	N
HESSENTHALER...	N	TANNER.....	N
HINES.....	N	TEMPEST.....	N
HUCKFELDT.....	A	TIPTON.....	A
JOHNSON.....	N	TOMASSI.....	E
LAW.....	N	WASSERBURGER...	A
LUTHI.....	A	WILLFORD.....	A
MASSIE.....	A	ZANETTI.....	N
MCGRRAW.....	A	HINCHEY, MR SPK	A

VOTE REQ: 2/3 OF MEMBERSHIP REQUIRED

AYES : 28

NOES : 31

EXCUSED : 1

ABSENT : 0

CONFLICT: 0

A=AYE N=NO E=EXCUSED
X=ABSENT C=CONFLICT

INTRODUCED

HOUSE BILL NO. HB0153

Volunteer EMT pension fund.

Sponsored by: Representative(s) Stafford

A BILL

for

1 AN ACT relating to emergency medical technicians; creating a
2 volunteer EMT pension fund as specified; providing for
3 administration; providing an appropriation as specified; and
4 providing for an effective date.

5

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

7

8 **Section 1.** W.S. 35-25-101 through 35-25-114 are
9 created to read:

10

11

CHAPTER 25

12

VOLUNTEER EMERGENCY MEDICAL TECHNICIAN PENSION FUND

13

14 **35-25-101. Definitions.**

15

16 (a) As used in this act:

17

1 (i) "Board" means the volunteer emergency medical
2 technician (EMT) pension board established by this act;

3

4 (ii) "Children" means all natural children and
5 adoptive children of the participating member, born or
6 conceived at the time of his death or retirement;

7

8 (iii) "Emergency medical technician" or "EMT"
9 means as defined by W.S. 33-36-102(a)(x) who devotes less
10 than his entire time of employment to serving as a volunteer
11 EMT;

12

13 (iv) "Entry age" means the earliest date from
14 which contributions have been regularly received by the fund
15 for the member;

16

17 (v) "Participating member" means any volunteer
18 EMT for whom payments are received by the volunteer EMT
19 pension fund as prescribed in W.S. 35-25-107(e);

20

21 (vi) "Spouse" means the lawful spouse of a
22 participating member who was married to the volunteer EMT at
23 the time of the volunteer EMT's entry into the fund, or who
24 although married after the date of entry, is recognized as

1 the spouse covered by the benefits of the fund as a result
2 of special action of the board;

3

4 (vii) "The fund" shall mean the volunteer EMT
5 pension account within the trust and agency fund established
6 by W.S. 35-25-102;

7

8 (viii) "This act" means W.S. 35-25-101 through
9 35-25-114.

10

11 35-25-102. Fund account created; administration;
12 disbursements from account.

13

14 There is hereby established a volunteer emergency medical
15 technician pension account within the trust and agency fund
16 from which the awards, benefits, and pensions established
17 under the provisions of this act shall be paid. The funds
18 shall be controlled by the Wyoming volunteer EMT pension
19 board and administered by the director of the Wyoming
20 retirement system. All expenses of administration shall be
21 paid by the fund. Disbursements from the fund shall be made
22 only on duly authorized vouchers signed by the director of
23 the retirement account within the trust and agency fund in
24 his capacity as chairman of the board and any member of the
25 board, and presented to the state auditor for payment.

1

2 **35-25-103. Biennial audit; state's liability.**

3

4 The director of the state department of audit or his
5 designee shall make a biennial audit of the volunteer EMT
6 pension fund account and report findings to the volunteer
7 EMT board and to the governor. The funds shall be
8 administered without liability on the part of the state
9 beyond the amount of the funds.

10

11 **35-25-104. Authority to receive donations; investment**
12 **of monies; employment of actuary; actuarial reports.**

13

14 In addition to contributions from the state, the board may
15 receive and credit to the fund any and all gifts, donations,
16 contributions as may be made by individuals, organizations
17 and cities, towns and counties for the benefit of the fund.
18 The board is hereby authorized and empowered to invest
19 monies not immediately necessary to disbursement in
20 investments authorized under W.S. 9-3-408(b). The board
21 shall employ the services of a consulting actuary to review
22 the fund at least once every four (4) years to determine its
23 solvency, and to make recommendations as to revisions and
24 modifications of the plan. The board also may employ legal
25 and other consultants as needed. Actuarial reports are

1 public records and available for inspection by all
2 participating members of the fund.

3

4 **35-25-105. Contributions by volunteer EMTs;**
5 **collection.**

6

7 Participating volunteer EMTs shall pay to the fund the
8 amount required under W.S. 35-25-107(e). Payments shall be
9 collected upon terms and conditions established by the board
10 under W.S. 35-25-107(e), and shall be forwarded by each
11 collecting officer to the state retirement director for
12 deposit in the fund. No member of the volunteer firemen's
13 pension fund shall be eligible for membership in the fund
14 created by this act.

15

16 **35-25-106. Contributions by cities, towns or counties.**

17

18 In addition to any other amounts appropriated to the fund,
19 each city, town, or county utilizing volunteer EMTs may upon
20 a resolution passed by its governing body pay all or a
21 portion of the contribution to be paid by the volunteer EMTs
22 for the fund, or may match the contributions to be paid to
23 the fund by the volunteer EMTs in order to reduce the
24 expense to the individual volunteer EMTs. The contribution
25 by the local governing bodies shall be entirely voluntary

1 and may be entered into at the discretion of the local
2 governing bodies as an incentive to improve their emergency
3 medical services.

4

5 **35-25-107. Benefits enumerated; death of participant**
6 **or spouse; amount and payment of contributions; withdrawal**
7 **from plan.**

8

9 (a) Retirement. - Whenever any participating member
10 shall attain the retirement age corresponding to his entry
11 age as set forth in the table contained in subsection (d)
12 hereof, the board shall authorize the payment monthly to the
13 member during his remaining lifetime of an amount equal to
14 the member's pension benefit corresponding to his entry age
15 as set forth in such table.

16

17 (b) Death. - Whenever any participating member shall
18 die, the board shall authorize payment monthly to the
19 surviving spouse of the member during the spouse's remaining
20 lifetime of an amount equal to the surviving spouse's
21 benefit corresponding to the entry age of the member as set
22 forth in the table in subsection (d) hereof.

23

24 (c) Surviving children. - Whenever the last survivor
25 of any participating member and his spouse shall die, with

1 children who have not then attained the age of twenty-one
2 (21) years then surviving, the board shall authorize the
3 payment monthly to the lawful guardian of each child of an
4 amount equal to the children's benefit corresponding to the
5 entry age of the member as set forth in the table in
6 subsection (d) hereof.

7

8 (d) The following table sets forth the member's
9 pension benefit, surviving spouse's benefit and children's
10 benefit for all entry ages. The amounts set forth in this
11 table are applicable to members participating on a twelve
12 dollars and fifty cents (\$12.50) per month contribution
13 basis:

14

15 Age at

16 Entry

17	Into	Ret.	Member	Spouse	Children
18	Plan	Age	Pension	Benefit	Benefit
19					
20	15	60	583.74	389.16	194.58
21	16	60	568.56	379.04	189.52
22	17	60	553.38	368.92	184.46
23	18	60	538.20	358.80	179.40
24	19	60	523.02	348.68	174.34
25	20	60	507.84	338.56	169.28

1	21	60	492.66	328.44	164.22
2	22	60	477.48	318.32	159.16
3	23	60	462.30	308.20	154.10
4	24	60	447.12	298.08	149.04
5	25	60	431.25	287.50	143.75
6	26	60	416.76	277.84	138.92
7	27	60	401.58	267.72	133.86
8	28	60	386.40	257.60	128.80
9	29	60	371.22	247.48	123.74
10	30	60	356.04	237.36	118.68
11	31	60	340.86	227.24	113.62
12	32	60	325.68	217.12	108.56
13	33	60	310.50	207.00	103.50
14	34	60	295.32	196.88	98.44
15	35	60	280.14	186.76	93.38
16	36	60	269.10	179.40	89.70
17	37	60	258.06	172.04	86.02
18	38	60	247.02	164.68	82.34
19	39	60	235.98	157.32	78.66
20	40	60	224.94	149.96	74.98
21	41	60	213.90	142.60	71.30
22	42	60	202.86	135.24	67.62
23	43	60	191.82	127.88	63.94
24	44	60	180.78	120.52	60.26
25	45	60	169.74	113.16	56.58

1	46	61	169.74	113.16	56.58
2	47	61	162.84	108.56	54.28
3	48	62	162.84	108.56	54.28
4	49	62	155.94	103.96	51.98
5	50	63	155.94	103.96	51.98
6	51	63	149.04	99.36	49.68
7	52	64	149.04	99.36	49.68
8	53	64	142.14	94.76	47.38
9	54	65	142.14	94.76	47.38
10	55	65	135.24	90.16	45.08
11	56	66	135.24	90.16	45.08
12	57	66	128.34	85.56	42.78
13	58	67	128.34	85.56	42.78
14	59	67	121.44	80.96	40.48
15	60	68	121.44	80.96	40.48
16	61	68	114.54	76.36	38.18
17	62	69	114.54	76.36	38.18
18	63	69	107.64	71.76	35.88
19	64	70	107.64	71.76	35.88
20	65	70	100.74	67.16	33.58

21

22 (e) A volunteer EMT shall become a participating
23 member in the pension plan under this section for each month
24 there is contributed by or on behalf of the member an amount
25 of twelve dollars and fifty cents (\$12.50) per month. For

1 the purpose of eligibility for benefits under subsections
2 (b), (c) and (g) of this section, a volunteer EMT shall
3 become a participating member beginning with the first month
4 following the month in which the required monthly payment
5 and any required application for participation is actually
6 received by the Wyoming retirement system at its office in
7 Cheyenne. For the purpose of continuing as a participating
8 member, subsequent monthly payments must be received by the
9 Wyoming retirement system at its offices in Cheyenne no
10 later than three (3) months following the close of the
11 calendar month for which they are applicable. With the
12 consent of and upon any terms and conditions established by
13 the board, payments may be accepted at an earlier or later
14 date. The board shall maintain full and complete records of
15 the contributions made on behalf of each participating
16 member and on request shall furnish any participating member
17 a statement showing the amounts of contributions and the
18 dates for which contributions were received. On the death or
19 retirement of any participating member, his entry age shall
20 be determined by the board to be the earliest date from
21 which contributions have been continuously received by the
22 board for the member. If contributions have varied in
23 amount, the board may make appropriate adjustments in the
24 benefits awarded. In making any adjustment, the board shall
25 be guided by sound actuarial practice in order that

1 substantial equity may be afforded to members of the plan.
2 No penalty shall result from the transfer of a participating
3 member transferring employment in Wyoming, so long as
4 payments are kept current.

5
6 (f) Withdrawal from plan. - A participating member may
7 withdraw from the plan and in that event he shall be paid an
8 amount equal to the amount contributed into his account
9 together with interest thereon at the rate of three percent
10 (3%) per annum compounded annually.

11
12 (g) Upon the death of any member of this retirement
13 plan, a death benefit shall be paid in the following manner
14 and amount:

15
16 (i) A lump-sum payment of five thousand dollars
17 (\$5,000.00) to the estate of a deceased member who is
18 survived by no person eligible for a benefit under
19 subsection (b) or (c) of this section;

20
21 (ii) If the deceased member is survived by a
22 spouse who is eligible to receive a benefit under subsection
23 (b) of this section, an amount equal to five thousand
24 dollars (\$5,000.00) less the total amount of benefits
25 received under subsection (b) of this section shall be paid

1 to the estate of the spouse at the death of the spouse
2 unless the spouse is survived by a person eligible to
3 receive a benefit under subsection (c) of this section;

4

5 (iii) If a deceased member or that member's
6 spouse is survived by a person or persons eligible for the
7 benefit provided by subsection (c) of this section, an
8 amount equal to five thousand dollars (\$5,000.00) less the
9 total amount of benefits received under subsections (b) and
10 (c) of this section by all beneficiaries shall be paid in
11 equal shares to each of the children alive on the date on
12 which the youngest reaches age twenty-one (21).

13

14 (h) Retired recipients of the fund and their survivors
15 shall receive any benefit increases provided in subsection
16 (d) of this section.

17

18 (j) The board shall authorize benefit payments from
19 the fund in accordance with qualified domestic relations
20 orders pursuant to W.S. 9-3-426.

21

22 **35-25-108. Death benefits in addition to other**
23 **benefits.**

24

1 All death benefits received under this act shall be in
2 addition to and will be payable after the application of
3 workmen's compensation benefits which are payable to
4 volunteer EMTs under other provisions of Wyoming law.

5

6 **35-25-109. Board; established; nomination;**
7 **appointment; terms and qualification of members.**

8

9 There is established a volunteer EMT pension board to
10 administer the volunteer EMT pension account. The board
11 shall consist of six (6) members who shall be appointed by
12 the governor for staggered terms of three (3) years. The
13 nominees shall be volunteer EMTs who have a minimum of five
14 (5) years service as volunteer EMTs in the state of Wyoming.
15 The governor may remove any board member as provided in W.S.
16 9-1-202.

17

18 **35-25-110. Board; chairman; compensation of members;**
19 **powers and duties.**

20

21 (a) The director of the Wyoming retirement system
22 shall act as an ex officio chairman of the board and shall
23 have a vote. Members of the board shall serve without
24 compensation, but actual and reasonable expenses of the
25 members in attending meetings and in representing the board

1 shall be reimbursed from the fund. The volunteer EMT pension
2 board shall have full authority to adjust claims made by
3 EMTs and to waive or alter specific requirements relating to
4 benefits under this pension program, but under no
5 circumstances may it make a general increase in benefits.
6 The board shall have the power to make rules and regulations
7 governing its operation. It shall have the power to
8 investigate claim applications and to conduct hearings and
9 receive evidence, and to act in quasi-judicial capacity.

10

11 (b) The board shall also have specific authority in
12 special cases to permit individual participating members to
13 retire from active service with their departments while
14 continuing monthly pension payments until they reach the
15 pension plan retirement age.

16

17 (c) The board shall have authority to permit the
18 suspension of payments in individual deserving cases with a
19 commensurate reduction in benefits paid under the plan.

20

21 **35-25-111. Board; hearings.**

22

23 The board shall procure a written transcript of all
24 testimony at all hearings and shall permit persons
25 petitioning the board for action to appear before it with or

1 without counsel and with witnesses and shall provide
2 petitioners the power to subpoena witnesses to testify in
3 their behalf. The taking of evidence shall be summary,
4 giving a full opportunity to all parties to develop the
5 facts fully.

6

7 **35-25-112. Board; appeals.**

8

9 The decision of the board upon hearing is a final
10 administrative decision and is subject to judicial review in
11 accordance with the Wyoming Administrative Procedure Act.

12

13 **35-25-113. Insurance on members.**

14

15 The board shall have authority to purchase private insurance
16 on any of the members covered by the fund when in its
17 discretion it deems it to the best interest of the fund to
18 do so.

19

20 **35-25-114. Adjustment of benefits in case of**
21 **impairment of funds.**

22

23 If at any time in the future the net assets of the fund
24 become actuarially impaired, the board may adjust the
25 benefits provided pro rata until such impairment is removed.

1

2 **Section 2.** There is appropriated to the volunteer EMT
3 pension fund created by W.S. 35-25-102 from the general fund
4 the amount of four hundred eighty-nine thousand one hundred
5 dollars (\$489,100.00) for the purposes of this act. Any
6 amounts appropriated from the state for the pension shall be
7 repaid at such time and in such manner as determined by the
8 board so as to keep the pension fund actuarially sound.

9

10 **Section 3.** This act is effective July 1, 1998.

11

12

(END)

FISCAL NOTE

This bill contains an appropriation of \$489,100 from the GENERAL FUND.

The fiscal or personnel impact is not determinable due to insufficient time to complete the fiscal note process.

HB 153