

# HOUSE BILL

0121

HB0121

AN ACT relating to the Firemen's Pension Account Reform Act of 1981; reducing the service retirement age from 55 to 50; reducing the vesting period from 10 to 4 years; conforming related provisions; specifying requirements for restoring credited service; increasing the COLA benefit subject to availability of funds; expanding the retirement benefit options; specifying applicability; repealing the early retirement provision; and providing for an effective date.

HOUSE BILL 0121

Introduced by:

*[Signature]*

## HOUSE ACTION ON HOUSE BILL

2/11 ☒ Introduced  
Aye 51 No 0 Ex 1 Ab 0  
☒ Read First Time and Ref. to  
Committee No. 02  
☐ Failed Introduction  
Aye     No     Ex     Ab      
2/13 Returned from Committee No. 02  
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.      
2/13 Considered in Comm. of Whole  
☐ Amended  
☒ Recommended Do Pass  
☐ Failed Comm. of Whole  
☐ Indefinitely Postponed  
☐ Other:      
2/16 Read Second Time  
☐ Amended  
☒ Do Pass  
☐ Do Not Pass  
☐ Accelerated to 3rd Rdg.  
2/17 Read Third Time  
☐ Amended  
☒ Passed ☐ Failed  
Aye 54 No 4 Ex 2 Ab 0  
☐ Held for Reconsideration  
    Motion to Reconsider  
☐ Passed ☐ Failed  
Aye     No     Ex     Ab      
    Third Reading Vote  
(On Reconsideration)  
☐ Passed ☐ Failed  
Aye     No     Ex     Ab      
2/17 Sent to Senate (No Amendments)  
    Sent to LSO for Engrossing  
    ENGROSSED  
    Sent to Senate

## SENATE ACTION ON HOUSE BILL

2/23 Received. Read First Time.  
3/5 Referred to Committee No. 02  
Returned from Committee No. 02  
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.      
3/6 Considered in Comm. of Whole  
☐ Amended  
☒ Recommended Do Pass  
☐ Failed Comm. of Whole  
☐ Indefinitely Postponed  
☐ Other:      
3/9 Read Second Time  
☐ Amended  
☒ Do Pass  
☐ Do Not Pass  
☐ Accelerated to 3rd Rdg.  
3/10 Read Third Time  
☐ Amended  
☒ Passed ☐ Failed  
Aye 30 No 0 Ex 0 Ab 0  
☐ 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  
3/10 Sent for Enrolling  
HEA No. 48  
3/11 Signed by Speaker  
3/11 Signed by President  
3/13 Approved by Governor  
Chapter No. 75

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

SEQUENCE : 4105

FEBRUARY 11 1998

BILL : HB0121  
AMENDMENT:

4:04 PM

MOVED BY : REP. PASENEAUX  
TITLE1 :  
TITLE2 :  
ACTION : TO INTRODUCE

SECONDED BY:

ANDERSON, J.... A  
ANDERSON, R.... A  
BADGETT..... A  
BAKER..... A  
BARKER..... A  
BEBOUT..... A  
BENSEL..... A  
BERRY..... A  
BETTS..... A  
BOSWELL..... A  
BURNS..... A  
CASE..... A  
CHILDERS..... A  
DECARIA..... A  
DEEGAN..... A  
DIERCKS..... A  
ESQUIBEL..... A  
EYRE..... A  
GARCIA..... A  
HAGEMAN..... A  
HANES..... A  
HARRISON..... A  
HESSENTHALER... A  
HINES..... A  
HUCKFELDT..... A  
JOHNSON..... A  
LAW..... A  
LUTHI..... A  
MASSIE..... A  
MCGRAW..... A

MCMURTREY..... A  
MEULI..... A  
NAGEL..... A  
NICHOLAS..... A  
OSBORN..... A  
PARADY..... A  
PASENEAUX..... A  
PERKINS..... A  
PHILP..... A  
RARDIN..... A  
REESE..... A  
ROBINSON..... A  
ROSE..... A  
ROSS..... A  
ROUNDS..... A  
RYCKMAN..... A  
SESSIONS..... A  
SHREVE..... A  
SIMONS..... A  
SMITH..... A  
STAFFORD..... A  
STEINBRECH..... A  
TANNER..... A  
TEMPEST..... A  
TIPTON..... A  
TOMASSI..... A  
WASSERBURGER... A  
WILLFORD..... A  
ZANETTI..... A  
HINCHEY, MR SPK A

E

VOTE REQ: 2/3 OF MEMBERSHIP REQUIRED

AYES : 59  
NOES : 0  
EXCUSED : 1  
ABSENT : 0  
CONFLICT: 0

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

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

SEQUENCE : 4224

FEBRUARY 17 1998

BILL : HB0121  
AMENDMENT:

2:29 PM

MOVED BY :  
TITLE1 :  
TITLE2 :  
ACTION : THIRD READING CONSENT

SECONDED BY:

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

VOTE REQ: MAJORITY OF MEMBERSHIP REQUIRED

AYES : 54  
NOES : 4  
EXCUSED : 2  
ABSENT : 0  
CONFLICT: 0

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

54TH WYOMING STATE LEGISLATURE  
SPECIAL SESSION 1998

SENATE

SEQUENCE : 382

MARCH 10 1998

BILL : HB0121  
AMENDMENT:

2:38 PM

MOVED BY :  
TITLE1 :  
TITLE2 :  
ACTION : THIRD READING--CONSENT

SECONDED BY:

BARTON..... A  
CAMERON..... A  
CATHCART..... A  
COE..... A  
DEVIN..... A  
ERB..... A  
GEIS..... A  
GILBERTZ..... A  
GOODENOUGH..... A  
HARRIS..... A  
HAWKS..... A  
JOB..... A  
KINNISON..... A  
KUNZ..... A  
LARSON..... A  
LAWLER..... A  
MEIER..... A  
MILLER..... A  
MOCKLER..... A  
PECK..... A  
PHILLIPS..... A  
PICARD..... A  
ROBERTS..... A  
SARCLETTI..... A  
SCHIFFER..... A  
SCOTT..... A  
TWIFORD..... A  
VINICH..... A  
ZIMMERMAN..... A  
GRIEVE/MR.PRES. A

VOTE REQ: MAJORITY OF MEMBERSHIP REQUIRED

AYES : 30  
NOES : 0  
EXCUSED : 0  
ABSENT : 0  
CONFLICT: 0

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

## THE LEGISLATURE OF THE STATE OF WYOMING

## House of Representatives

Cheyenne, February 13, 1998

Mr. Speaker:

Your

**Committee No. 2 on APPROPRIATIONS** to whom was referred  
**HB0121** respectfully reports same back to the House with the  
 recommendation that it  
**DO PASS.**

	AYES	NOES	ABSENT	EXCUSED	CONFLICT
PARADY	X				
BENSEL	X				
BAKER	X				
SESSIONS	X				
TEMPEST	X				
SIMONS	X				
SMITH		X			

AYES = 6  
 NOES = 1  
 ABSENT = 0  
 EXCUSED = 0  
 CONFLICT = 0  
 TOTAL = 7

.....  
 Chairman

BILL JACKET

## THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, March 5, 1998

Mr. President:

Your  
**Committee No. 2 on APPROPRIATIONS** to whom was referred  
**HB0121** respectfully reports same back to the Senate with the recommendation that it  
**DO PASS.**

	AYES	NOES	ABSENT	EXCUSED	CONFLICT
GILBERTZ	X				
KINNISON	X				
HARRIS	X				
SCHIFFER	X				
VINICH	X				

AYES = 5  
 NOES = 0  
 ABSENT = 0  
 EXCUSED = 0  
 CONFLICT = 0  
 TOTAL = 5

TK/DH .....  
 Chairman

BILL JACKET

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

SEQUENCE : 4218

FEBRUARY 17 1998

BILL : CONSENT LIST  
AMENDMENT:

2:26 PM

MOVED BY :  
TITLE1 :  
TITLE2 : HB03,25,55,110,115,121  
ACTION : THIRD READING CONSENT

SECONDED BY:

ANDERSON, J.... A  
ANDERSON, R.... A  
BADGETT..... A  
BAKER..... A  
BARKER..... A  
BEBOUT..... A  
BENSEL..... A  
BERRY..... A  
BETTS..... A  
BOSWELL..... A  
BURNS..... A  
CASE..... A  
CHILDERS..... A  
DECARIA..... A  
DEEGAN..... A  
DIERCKS..... A  
ESQUIBEL..... A  
EYRE..... A  
GARCIA..... E  
HAGEMAN..... A  
HANES..... A  
HARRISON..... A  
HESSENTHALER... A  
HINES..... A  
HUCKFELDT..... A  
JOHNSON..... A  
LAW..... A  
LUTHI..... A  
MASSIE..... A  
MCGRAW..... A

MCMURTREY..... A  
MEULI..... A  
NAGEL..... A  
NICHOLAS..... A  
OSBORN..... A  
PARADY..... A  
PASENEAUX..... A  
PERKINS..... A  
PHILP..... A  
RARDIN..... A  
REESE..... A  
ROBINSON..... A  
ROSE..... A  
ROSS..... A  
ROUNDS..... A  
RYCKMAN..... A  
SESSIONS..... A  
SHREVE..... A  
SIMONS..... A  
SMITH..... A  
STAFFORD..... A  
STEINBRECH..... A  
TANNER..... A  
TEMPEST..... A  
TIPTON..... A  
TOMASSI..... E  
WASSERBURGER... A  
WILLFORD..... A  
ZANETTI..... A  
HINCHEY, MR SPK A

VOTE REQ: MAJORITY OF MEMBERSHIP REQUIRED

AYES : 58  
NOES : 0  
EXCUSED : 2  
ABSENT : 0  
CONFLICT: 0

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

HOUSE BILL NO. HB0121

**INTRODUCED**

Plan B firemen's pension fund-amends.

Sponsored by: Management Audit Committee

A BILL

for

1 AN ACT relating to the Firemen's Pension Account Reform Act  
2 of 1981; reducing the service retirement age from 55 to 50;  
3 reducing the vesting period from 10 to 4 years; conforming  
4 related provisions; specifying requirements for restoring  
5 credited service; increasing the COLA benefit subject to  
6 availability of funds; expanding the retirement benefit  
7 options; specifying applicability; repealing the early  
8 retirement provision; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 15-5-403(a) and (c), 15-5-404(a),  
13 (b)(intro) and (ii) and by creating a new paragraph (iii),  
14 15-5-413(a) and (b) and by creating a new subsection (c),  
15 15-5-414 and 15-5-416 are amended to read:

16

17 **15-5-403. Eligibility for service pension.**

18



1           (a) A member is eligible to receive a service pension  
2 after he has terminated employment beginning with the month  
3 when he has ~~ten (10)~~ four (4) years of credited service and  
4 has attained age ~~fifty-five (55)~~ fifty (50).

5  
6           (c) An inactive member with a vested right to a  
7 service pension is eligible to receive such pension,  
8 computed in accordance with the provisions of this article  
9 in effect when he ceased to be an employee, beginning with  
10 the first month after his attainment of age ~~fifty-five (55)~~  
11 fifty (50).

12  
13           **15-5-404. Vesting rights; return to service.**

14  
15           (a) A member who has ~~ten (10)~~ four (4) years of  
16 credited service has a vested right to a service pension  
17 payable as provided in W.S. 15-5-403(c).

18  
19           (b) If a member who has less than ~~ten (10)~~ four (4)  
20 years of credited service ceases to be an employee, his  
21 service credits to the date of termination shall be  
22 cancelled unless:

23  
24                   (ii) He subsequently acquires ~~five (5)~~ four (4)  
25 years of credited service; ~~provided that if~~ and

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(iii) If he has withdrawn his contributions he repays them with interest at a rate determined by the board and remains employed for not less than two (2) continuous years following the date of reemployment.

**15-5-413. Optional forms of benefits.**

(a) Any member eligible for a service, ~~early~~ or disability pension may elect to receive one (1) of the following optional forms, in lieu of the pension computed in W.S. 15-5-409 through 15-5-411, which shall be the actuarial equivalent of the benefit to which he would otherwise be entitled:

(i) A reduced pension payable to the retired member and upon his death all of the reduced pension to be paid to his surviving spouse; ~~or~~

(ii) A reduced pension payable to the retired member and upon his death one-half (1/2) of the reduced pension to be paid to his surviving spouse; ~~or~~

(iii) A benefit which provides reduced monthly service retirement payments with provision for the

1 continuance of payments for ten (10) years certain and life  
2 thereafter. If the retired member dies within ten (10)  
3 years after retirement, the remaining guaranteed payments  
4 shall be made to his designated beneficiary. This  
5 beneficiary may be changed at any time by written  
6 notification to the board as provided in subsection (b) of  
7 this section;

8  
9 (iv) The largest possible benefit for life with  
10 no lump sum refund or benefit for anyone else upon the  
11 retired member's death;

12  
13 (v) Any other modified monthly service retirement  
14 benefit, including any other modified joint and survivor  
15 monthly service retirement benefit, actuarially determined,  
16 which the board approves.

17  
18 (b) An election of an optional benefit shall be in  
19 writing and filed with the board prior to the first benefit  
20 payment. After an election of ~~either~~ any of the options  
21 provided in subsection (a) of this section has been made and  
22 the member has cashed his first pension check, or sixty (60)  
23 days from the date of issuance of the check have elapsed,  
24 the election is irrevocable unless a beneficiary dies prior  
25 to the occurrence of either such event, in which case the

1 election is void and the member may, by written notice to  
2 the board, designate a new beneficiary and may select a  
3 different option. As provided in paragraph (a)(iii) of this  
4 section, upon written notice to the board, a member may  
5 change a beneficiary at any time within the ten (10) year  
6 period.

7  
8 (c) The retirement benefits payable under optional  
9 forms available under this section shall be the actuarial  
10 equivalent of the normal benefit form under W.S. 15-5-409.

11

12 **15-5-414. Death benefit.**

13

14 Except as may otherwise be provided in any of the options  
15 under W.S. 15-5-413, upon the death of a member, inactive  
16 member, retired member or individual receiving a survivor's  
17 pension, there shall be paid to the designated beneficiary  
18 or beneficiaries or, in the absence of a designated  
19 beneficiary, to the estate of the member, inactive member,  
20 retired member or survivor, a lump sum equal to the excess,  
21 if any, of the accumulated member contributions without  
22 interest over the aggregate of all pension payments made.

23

24 **15-5-416. Adjustment of benefits.**

25

1        (a) A pension payable under this article ~~may~~ shall be  
2 adjusted beginning in the year the retired member attains  
3 age ~~fifty-five (55)~~ fifty (50), or in the case of disability  
4 and survivor's pensions, beginning in the year next  
5 following twelve (12) months of payments, in accordance with  
6 changes in the consumer price index, but not below the  
7 original pension amount nor above the original pension  
8 amount increased by ~~four percent (4%)~~ five percent (5%) per  
9 year, uncompounded.

10

11        (b) An increase in benefits under this subsection is  
12 effective only upon a determination that the increase is  
13 actuarially sound. Actuarial determinations pursuant to  
14 this subsection shall be reported annually to the governor  
15 and the joint appropriations interim committee.

16

17        **Section 2.** W.S. 15-5-403(b) and 15-5-410 are repealed.

18

19        **Section 3.** The provisions of this act, excluding the  
20 adjustment specified in W.S. 15-5-416, apply only to  
21 employees retiring after July 1, 1998, and do not apply  
22 retroactively to persons retiring prior to July 1, 1998.

23

1       **Section 4.** This act is effective July 1, 1998.

2

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(END)

FISCAL NOTE

	FY 1999	FY 2000	FY 2001
<b>NON-ADMINISTRATIVE IMPACT</b>			
<u>Anticipated Cost To:</u>			
PAID FIREMEN PENSION FUND	182,317	182,317	182,317

Source of Expenditure:

Reduced service retirement age and increased COLA benefit.

Prepared by: Jim Allen Phone: 777-7149

HB 121