HOUSE BILL

0024

HB0024

AN ACT relating to public employees deferred compensation; changing the Wyoming deferred compensation advisory board from an advisory board to a policy making board; removing the state treasurer from board membership; modifying terms of board members; making conforming amendments to the duties of the board and state treasurer in administering the deferred compensation program; requiring quarterly meetings of the board; amending qualifications for program coordinator; and providing for an effective date.

Introduced by: Ol. B. Fix

HOUSE	ACTION	ON	HOUSE	BILL
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1 1.1	
1/14	[U_Introduced
	AyeNoExAb
	Read First Time and Ref. to
	Committee No.
	[] Failed Introduction
1.0	AyeNoExAb
1/17	Returned from Committee No. 02
	with Recommendation:
	[] Do Pass; [] Amend & Do
	Pass; [] Do Not Pass;
	[] W/O Recomm; [] Re-Refer to
	Committee No
. 1	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
-1/D	Considered in Comm. of Whole
	Amended
	M Recommended Do Pass
	Failed Comm. of Whole
	[] Indefinitely Postponed
100	[] Other
<u>JJDU</u>	Read Second Time
·	[] Amended
	L) Do Pass
	{ } Do Not Pass
1 91	[) Accelerated to 3rd Rdg.
1121	
	[] Amended
	Passed [] Failed
	AVES NO EX ZAD
	[] Held for Reconsideration
	/ Motion to Reconsider [] Passed [] Failed
	[] Passed [] Falled
	AyeNoExAb/Third Reading Vote
	Inito Heading Vote
	(On Reconsideration)
	[] Passed [] Failed
1	AyeNoExAb Sent to Senate (No Amendments)
1/31	Sent to LSO for Engrossing
	/ W FNGBOSSED
	ENGROSSED Sent to Senate

SENATE /	ACTION	ON HOUSE	BILL
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	Received. Read First Time.
	Referred to Committee No. 2
212	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
<i></i> /	Returned from Committee No
	with Recommendation:
	[] Do Pass; [] Amend & Do
	Pass; [] Do Not Pass;
	[] W/O Recomm; [] Re-Refer to
7 4	Committee No
211	Considered in Comm. of Whole
	[] Amended
	Necommended Do Pass
	[] Failed Comm. of Whole
	[] Indefinitely Postponed
	[] Other:
2/12	Read Second Time
	[] Amended
	Do Pass
	i j Do Not Pass
	Accelerated to 3rd Rdg.
2113	Read Third Time
	[] Amended
	Passed [] Failed
	Aye. 27 No 0 Ex / Ab 0
	Held for Reconsideration
	/ Motion to Reconsider
	[] Passed [] Failed
	AyeNoExAb
	/Third Reading Vote
	(On Reconsideration)
	[] Passed [] Failed
	AyeNoExAb
/	Sent to House
213	Sent for Enrolling
	HEA No. 23
214	Signed by Speaker

Signed by President Approved by Governor Chapter No. <u>Bl</u>

AMENDMENT LIST

DATE 1/17/97 BILL NO. 14B 0024	Circle One: COW 2nd 3:	rd
1+B0024HS001/A		

STATE OF WYOMING

INTRODUCED

HOUSE BILL NO. HB0024

Wyoming deferred compensation board.

Sponsored by: Representative(s) Tipton

A BILL

for

AN ACT relating to public employees deferred compensation; 1 changing the Wyoming deferred compensation advisory board 2 from an advisory board to a policy making board; removing 3 the state treasurer from board membership; modifying terms 4 5 of board members; making conforming amendments to the duties of the board and state treasurer in administering the 6 7 deferred compensation program; requiring quarterly meetings 8 the board; amending qualifications for 9 coordinator; 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. 9-3-501(a)(ii), 9-3-502(a), 9-3-503(a)

14 and (b), 9-3-504(a) (intro) and (b) through (e),

9-3-505(a) (intro), 9-3-506 and 9-3-507(a), (b) (intro) and

1

16 (iv), (c) and (d) are amended to read:

17

.18 **9-3-501**. **Definitions**.

HB0024

1

2 (a) As used in this article:

3

4 (ii) "Advisory Board" means the Wyoming deferred compensation advisory board established under this article;

6

7

8

9

9-3-502. Establishment of program by state; establishment of separate deferred compensation by political subdivisions; investment permitted; limitation on amount deferred; taxability.

11

10

As directed by the board, the administrator shall 12 establish and administer the program for employees 13 addition to any retirement, pension, benefit or other 14 compensation programs established by the 15 deferred 16 governmental entity. Subject to requirements of this any county, city, town or other political 17 article, subdivision may establish and administer a 18 compensation program separate from the program established 19 under this article. A county, city, town or other political 20 subdivision which wishes to enter into the state program 21 established under this article shall adopt the plan, provide 22 the program to employees in accordance with this article and 23 be subject to program administration by the administrator, 24 25 under the direction of the board.

2

HB0024

1

2 9-3-503. Investment of deferred compensation;

3 limitation on approved investment plans; enrolling and

4 servicing fees; limited liability of state and political

5 subdivision.

6

7 (a) The administrator with the advice approval of the

8 advisory -- board, may approve investment of deferred

9 compensation in insurance and annuity contracts or other

10 investment plans upon competitive bidding. No investment

11 plan shall be approved unless the plan is offered by a

12 provider and is subject to rules and regulations of

13 applicable federal and state regulatory agencies.

14

16

15 (b) The administrator with the approval of the board

may establish by contract the fees for enrolling program

17 participants and servicing participant accounts with

18 providers. Fees shall be established at amounts necessary

19 to maintain the account balance in accordance with W.S.

20 9-3-507.

21

22 9-3-504. Wyoming deferred compensation board;

23 established; appointment; membership; meetings; disclosure

24 of personal interests; expense reimbursement.

1 (a) The Wyoming deferred compensation advisory board

2 is established to consist of five (5) members appointed by

3 the governor with the advice of the administrator, as

4 follows:

5

6 (b) Members shall serve terms of $\frac{\text{two}}{\text{(2)}}$ four (4)

7 years each. Initially, two (2) members shall be appointed

8 for one (1) year and three (3) members for two (2) years

9 Terms of members shall be staggered, with the term of at

10 least one (1) member expiring each year. If a vacancy

11 occurs, the administrator shall appoint a qualified

12 individual to fill the unexpired term of the vacant

13 membership.

14

15 (c) The administrator—board shall serve—as—elect a

16 chairman of the advisory board from among its members. The

17 advisory board shall meet not less than once every six (6)

18 three (3) months and upon the call of the chairman or a

19 majority of its members. Three (3) members constitute a

20 quorum for purposes of conducting business. The

21 administrator shall serve as an advisor to the board.

22

23 (d) Any member of the advisory board having a personal

24 or private interest in any matter before the advisory-board

- 1 shall publicly disclose this fact to the administrator and
- 2 the advisory board and shall not vote on the matter.

3

- 4 (e) Members of the advisory board shall serve without
- 5 compensation but shall be paid per diem and travel expenses
- 6 from the account established under this article in the
- 7 manner and amount provided by law for state employees.

8

9 **9-3-505**. Duties of board.

10

- 11 (a) The advisory board shall advise <u>direct</u> the
- 12 administrator on program administration, including the:

13

- 9-3-506. Program coordinator; selection by contract
- 15 upon competitive bid; duties.

16

- 17 (a) The administrator with the advice—approval of the
- 18 advisory board shall contract with a Wyoming an individual,
- 19 firm or corporation to serve as program coordinator upon
- 20 competitive bidding. Selection shall be based upon costs,
- 21 background and relevant experience, expected performance and
- 22 other criteria imposed by the administrator and the advisory
- 23 board.

1 (b) The program coordinator shall enroll program

2 participants, service accounts established under the plan

3 for program participants and report to the administrator and

4 the advisory-board.

5

6 9-3-507. Special account for administrative expenses;

7 deposits and expenditures; account balance specified; audit

8 required.

9

10 (a) The administrator shall deposit all fees paid by

11 providers under the program for enrollment and servicing of

12 accounts of program participants and all amounts deducted

13 from compensation deferred by program participants for

14 administrative and accounting purposes, into an account with

15 a financial institution selected by the administrator upon

16 the advice with the approval of the advisory board. The

17 administrator shall account for all deposits into and all

18 authorized payments from the account.

19

21

20 (b) Expenditures from the account established under

subsection (a) of this section shall be by the administrator

6

22 subject to the approval of the board, for the following

23 administrative expenses:

(iv) Per diem and travel expense reimbursement to 1 2 members of the advisory-board; and 3 The account balance shall not exceed the amount 4 necessary to meet the annual administrative expenses of the 5 program. With the approval of the board, the administrator 6 7 contract negotiations with providers conduct 8 establish enrolling and servicing fees imposed upon the program at an amount necessary to pay administrative 9 expenses from the account while providing the maximum 10 11 investment earnings and benefits to program participants. 12 The administrator—board shall provide for 13 (d) an independent audit of the account on an annual basis. 14 Α summary of the audit and its findings shall be included as 15 16 part of the report by the state treasurer to the governor as 17 required by law. 18 Section 2. Terms of current members of the Wyoming 19 20 deferred compensation board shall expire as provided by W.S. amendment by this 21 9-3-504(b)prior to its Notwithstanding the provisions of W.S. 9-3-504(b), initial 22 appointments to the board subsequent to the enactment of 23 24 this act may be for less than four (4) years as necessary to 25 implement the staggering of terms.

7

HB0024

Section 3. This act is effective July 1, 1997.

(END)

8 HB0024

97LSO-0160.L1

Wyoming deferred compensation board.

FISCAL NOTE

No fiscal or personnel impact.

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, January 16, 1997

Mr. Speaker:

Your

Committee No. 2 on APPROPRIATIONS to whom was referred HB0024 respectfully reports same back to the House with the recommendation that it DO PASS with the following amendment(s): (SEE SCHEDULE A)

MEMBER	<u>VOTE</u>
Chairman Tempest	Aye
Representative Sessions	Aye
Representative Parady	Aye
Representative Smith	Aye
Representative Bensel	Aye
Representative Simons	Aye
Representative Baker	Excused

Chairman

PROPHB0024HC0201

		SCHEDULE A	* * * * * * * * * * * * * * * * * * * *	لو ملت بلت بلت
	******	*****	* * * * * * * * * * * * * * * * * * * *	***
- >	Page 2-line 5	Strike "advisory"	TEMPEST. CHATRMAN	

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2 Page 2-line 5 Strike "advisory". TEMPEST, CHAIRMAN

FIFTY-FOURTH WYOMING STATE LEGISLATURE HOUSE OF REPRESENTATIVES GENERAL SESSION 1997

19

SEQUENCE: 4035 JANUARY 21 1997

BILL : HB0024 10:35 AM

AMENDMENT:

MOVED BY: SECONDED BY:

TITLE1 :

TITLE2

ACTION : THIRD READING CONSENT

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

FIFTY-FOURTH WYOMING STATE LEGISLATURE HOUSE OF REPRESENTATIVES GENERAL SESSION

1997

JANUARY 21 1997 SEQUENCE: 4030

10:33 AM BILL : 3RD READING-CONSENT

AMENDMENT:

SECONDED BY: MOVED BY :

TITLE1 :

TITLE2 . :

ACTION : THIRD READING CONSENT LIST (ATTACHED)

VOTE REQ: MAJORITY OF MEMBERSHIP REQUIRED

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

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

FIFTY-FOURTH WYOMING STATE LEGISLATURE HOUSE OF REPRESENTATIVES GENERAL SESSION 1997

7:20 AM AGENDA SUMMARY 1/21/97

CALENDER: 3RD RDG CONSENT

BILL TITLE

1) 3RD READING-CONSENT

2) HB0002

- 3) HB0010
- 4) HB0011
- 5) HB0013
- 6) HB0024
- 7) HB0038
- 8) HB0064
- 9) HB0068

HOUSE BILL NO. HB0024

Wyoming deferred compensation board.

Sponsored by: Representative(s) TIPTON

A BILL

for

- 1 AN ACT relating to public employees deferred compensation;
- 2 changing the Wyoming deferred compensation advisory board
- 3 from an advisory board to a policy making board; removing
- 4 the state treasurer from board membership; modifying terms
- 5 of board members; making conforming amendments to the duties
- 6 of the board and state treasurer in administering the
- 7 deferred compensation program; requiring quarterly meetings
- 8 of the board; amending qualifications for program
- 9 coordinator; and providing for an effective date.

10

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

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- 13 **Section 1.** W.S. 9-3-501(a)(ii), 9-3-502(a), 9-3-503(a)
- 14 and (b), 9-3-504(a) (intro) and (b) through (e),
- 9-3-505(a) (intro), 9-3-506 and 9-3-507(a), (b) (intro) and
- 16 (iv), (c) and (d) are amended to read:

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(a) As used in this article:

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9-3-502. Establishment of program by state; establishment of separate deferred compensation by political subdivisions; investment permitted; limitation on amount deferred; taxability.

11

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12 As directed by the board, the administrator shall establish and administer the program for employees in 13 14 addition to any retirement, pension, benefit or other 15 deferred compensation programs established bv 16 governmental entity. Subject to requirements of this article, any county, city, town or other political 17 18 subdivision may establish and administer a deferred 19 compensation program separate from the program established 20 under this article. A county, city, town or other political 21 subdivision which wishes to enter into the state program 22 established under this article shall adopt the plan, provide 23 the program to employees in accordance with this article and be subject to program administration by the administrator, 24 25 under the direction of the board.

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HB0024

1

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3 limitation on approved investment plans; enrolling and

servicing fees; limited liability of state and political

5 subdivision.

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applicable federal and state regulatory agencies.

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15 (b) The administrator with the approval of the board
16 may establish by contract the fees for enrolling program
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20 9-3-507.

21

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2 is established to consist of five (5) members appointed by

3 the governor with the advice of the administrator, as

4 follows:

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6 (b) Members shall serve terms of two (2) four (4)

7 years each. Initially, two (2) members shall be appointed

8 for one (1) year and three (3) members for two (2) years

9 Terms of members shall be staggered, with the term of at

10 <u>least one (1) member expiring each year</u>. If a vacancy

11 occurs, the administrator shall appoint a qualified

12 individual to fill the unexpired term of the vacant

13 membership.

14

15 (c) The administrator board shall serve as elect a

16 chairman of the advisory board from among its members. The

17 advisory board shall meet not less than once every six (6)

18 three (3) months and upon the call of the chairman or a

19 majority of its members. Three (3) members constitute a

20 quorum for purposes of conducting business. The

21 administrator shall serve as an advisor to the board.

22

23 (d) Any member of the advisory board having a personal

24 or private interest in any matter before the advisory-board

1 shall publicly disclose this fact to the administrator and

2 the advisory-board and shall not vote on the matter.

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- 4 (e) Members of the advisory-board shall serve without
- 5 compensation but shall be paid per diem and travel expenses
- 6 from the account established under this article in the
- 7 manner and amount provided by law for state employees.

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9 **9-3-505**. Duties of board.

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- 11 (a) The advisory—board shall advise—direct the
- 12 administrator on program administration, including the:

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- 9-3-506. Program coordinator; selection by contract
- 15 upon competitive bid; duties.

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- 17 (a) The administrator with the advice—approval of the
- 18 advisory board shall contract with a Wyoming an individual,
- 19 firm or corporation to serve as program coordinator upon
- 20 competitive bidding. Selection shall be based upon costs,
- 21 background and relevant experience, expected performance and
- 22 other criteria imposed by the administrator and the advisory

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23 board.

1 (b) The program coordinator shall enroll program
2 participants, service accounts established under the plan
3 for program participants and report to the administrator and
4 the advisory board.

5

9-3-507. Special account for administrative expenses;
deposits and expenditures; account balance specified; audit
required.

9

10 The administrator shall deposit all fees paid by providers under the program for enrollment and servicing of 11 accounts of program participants and all amounts deducted 12 13 from compensation deferred by program participants for administrative and accounting purposes, into an account with 14 a financial institution selected by the administrator upon 15 the advice with the approval of the advisory board. 16 The 17 administrator shall account for all deposits into and all 18 authorized payments from the account.

19

20

21

22

(b) Expenditures from the account established under subsection (a) of this section shall be by the administrator subject to the approval of the board, for the following administrative expenses:

24

1 (iv) Per diem and travel expense reimbursement to 2 members of the advisory board; and

3

The account balance shall not exceed the amount 4 (c) necessary to meet the annual administrative expenses of the 5 6 program. With the approval of the board, the administrator 7 conduct contract negotiations with providers 8 establish enrolling and servicing fees imposed upon the 9 program at an amount necessary to pay administrative 10 expenses from the account while providing the maximum 11 investment earnings and benefits to program participants.

12

13 (d) The administrator board shall provide for an independent audit of the account on an annual basis. A summary of the audit and its findings shall be included as part of the report by the state treasurer to the governor as required by law.

18

19 Terms of current members of the Wyoming Section 2. 20 deferred compensation board shall expire as provided by W.S. 21 9-3-504(b) to its amendment this prior by act. 22 Notwithstanding the provisions of W.S. 9-3-504(b), initial 23 appointments to the board subsequent to the enactment of 24 this act may be for less than four (4) years as necessary to 25 implement the staggering of terms.

1					
2	Section 3.	This act	is effective	July 1,	1997.
3					

STATE OF WYOMING

(END)

8

1997

4

HB0024

97LSO-0160.E1

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, February 7, 1997

Mr. President:

Your

Committee No. 2 on APPROPRIATIONS to whom was referred $\tt HB0024ENG$ respectfully reports same back to the Senate with the recommendation that it DO PASS.

MEMBER		VOTE
Senator Schiffer Senator Vinich Senator Harris Senator Gilbertz Senator Kinnison,	Chairman	Aye Aye Aye Aye Aye

TK/OH

54TH WYOMING STATE LEGISLATURE GENERAL SESSION 1997

SENATE

SEQUENCE: 222 FEBRUARY 13 1997

BILL : HB0024 2:16 PM

AMENDMENT:

MOVED BY: SECONDED BY:

TITLE1 :

TITLE2 :

ACTION : THIRD READING--CONSENT

BARTON	A	
CAMERON		E
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	
	A	
	A	
MOCKLER	A	
PECK	A	
PHILLIPS	A	
PICARD	A	
ROBERTS	A	
SARCLETTI	A	
SCHIFFER	A	
SCOTT	A	
TWIFORD	A	
VINICH	A	
ZIMMERMAN		
GRIEVE/MR.PRES.	A	

VOTE REQ: MAJORITY OF MEMBERSHIP REQUIRED

AYES : 29
NOES : 0
EXCUSED : 1
ABSENT : 0
CONFLICT: 0

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