

## HOUSE BILL NO. HB0109

Public employee retirement plan-contributions.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to public employees; increasing employee  
2 and employer contributions in the public employee  
3 retirement plan; requiring the increased employee  
4 contributions to be paid through a reduction in cash salary  
5 of the employee as specified; repealing archaic provisions;  
6 providing appropriations; and providing for an effective  
7 date.

8

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

10

11 **Section 1.** W.S. 9-3-412(a), (c)(ii) through (iv) and  
12 by creating a new paragraph (v) and 9-3-413 are amended to  
13 read:

14

15 **9-3-412. Members' contributions; payroll deductions;**  
16 **employer authorized to pay employee's share.**

1

2 (a) Except as otherwise provided in this section and  
3 W.S. 9-3-431 and 9-3-432, every member covered under this  
4 article, shall pay into the account ~~seven and one-half~~  
5 ~~percent (7.5%) of his salary for the period from September~~  
6 ~~1, 2013 through June 30, 2014, and thereafter eight and~~  
7 ~~one-quarter percent (8.25%)~~ eight and one-half percent  
8 (8.5%) of his salary for the period from September 1, 2018  
9 through June 30, 2019, eight and three-quarters percent  
10 (8.75%) of his salary for the period from July 1, 2019  
11 through June 30, 2020, nine percent (9%) of his salary for  
12 the period from July 1, 2020 through June 30, 2021 and  
13 thereafter nine and one-quarter percent (9.25%) of his  
14 salary. Every firefighter member covered under this article  
15 shall pay into the account seven percent (7%) of his  
16 salary. Payments shall be deducted each pay period from  
17 each member's salary by the chief fiscal officer of each  
18 participating employer. Employee contributions shall be  
19 transferred to the account in accordance with subsection  
20 (c) of this section.

21

22 (c) The contributions under subsection (b) of this  
23 section shall be paid from the source of funds which is

1 used in paying salary to the member. The employer may pay  
2 these contributions by a reduction in cash salary of the  
3 member or by an offset against a future salary increase, or  
4 by a combination of a reduction in salary and an offset  
5 against a future salary increase, provided:

6  
7 (ii) Except as provided in paragraphs (iii) ~~and~~  
8 ~~(iv) through (v)~~ of this subsection, any employer may pay  
9 any amount of a member's share of retirement contributions  
10 without a salary reduction, offset or combination thereof;

11  
12 (iii) For state employee members five and  
13 fifty-seven hundredths percent (5.57%), ~~except that for the~~  
14 ~~period from September 1, 2013 through June 30, 2014 five~~  
15 ~~and eighty-two hundredths percent (5.82%), for the period~~  
16 ~~from July 1, 2014 through June 30, 2016 six and one hundred~~  
17 ~~ninety-five thousandths percent (6.195%), and for the~~  
18 ~~period from July 1, 2016 through June 30, 2017 five and~~  
19 ~~nine hundred forty-five thousandths percent (5.945%),~~ of  
20 the member's salary shall be paid by the employer without  
21 any salary reduction or offset. The remaining portion of  
22 the state employee's contribution shall be paid through a

1 reduction in cash salary of the state employee unless  
2 specified otherwise by legislative act;~~and~~

3  
4 (iv) For full-time brand inspection contract  
5 employees authorized to participate in the state retirement  
6 system under W.S. 9-2-1022(a)(xi)(F)(IV), not more than  
7 five and fifty-seven hundredths percent (5.57%),~~except~~  
8 ~~that for the period from September 1, 2013 through June 30,~~  
9 ~~2014 five and eighty-two hundredths percent (5.82%), for~~  
10 ~~the period from July 1, 2014 through June 30, 2016 six and~~  
11 ~~one hundred ninety-five thousandths percent (6.195%), and~~  
12 ~~for the period from July 1, 2016 through June 30, 2017 five~~  
13 ~~and nine hundred forty-five thousandths percent (5.945%),~~  
14 of the contract employee's salary shall be paid by the  
15 livestock board unless specified otherwise by legislative  
16 act;~~.~~

17  
18 (v) For employees of employers specified in W.S.  
19 9-3-402(a)(vi)(B), (C), (D), (S), (U) and (W) at least one  
20 percent (1%), except that for the period from September 1,  
21 2018 through June 30, 2019 at least one-quarter percent  
22 (.25%), for the period from July 1, 2019 through June 30,  
23 2020 at least one-half percent (.5%), and for the period

1 July 1, 2020 through June 30, 2021 at least three-quarters  
2 percent (.75%), of the employee's contribution shall be  
3 paid through a reduction in cash salary of the employee  
4 unless 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  
11 (IV), 9-3-431 and 9-3-432, each employer including  
12 excluding employers of firefighter members, shall on a  
13 monthly basis, pay into the account a contribution equal to  
14 ~~seven and twelve hundredths percent (7.12%) until June 30,~~  
15 ~~2014, of the salary paid to each of its members covered~~  
16 ~~under this article. 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 June 30, 2014~~ eight and  
23 sixty-two hundredths percent (8.62%) of the salary paid to

1 each of its members covered under this article for the  
2 period from September 1, 2018 through June 30, 2019, eight  
3 and eighty-seven hundredths percent (8.87%) of the salary  
4 paid for the period from July 1, 2019 through June 30,  
5 2020, nine and twelve hundredths percent (9.12%) of the  
6 salary paid for the period from July 1, 2020 through June  
7 30, 2021 and thereafter nine and thirty-seven hundredths  
8 percent (9.37%) of the salary paid. Employers of  
9 firefighter members shall pay into the account a  
10 contribution equal to seven and twelve hundredths percent  
11 (7.12%) of the salary paid. Employer contributions for any  
12 month, together with the members' contributions for that  
13 month, if any, shall be transferred to the board not later  
14 than the twelfth day of the following month. These  
15 contributions shall be credited to the account in a manner  
16 as directed by the board. Any employer failing to transfer  
17 contributions under this section in sufficient time for the  
18 board to receive the contributions by the twenty-fifth day  
19 of the month due shall be assessed interest at the assumed  
20 rate of return as determined by the board, compounded  
21 annually. Interest imposed under this section shall be  
22 payable not later than the twelfth day of the next  
23 succeeding month. If the contributions and any interest

1 imposed under this section are not transferred to the board  
2 when due, they may be recovered, together with court costs,  
3 in an action brought for that purpose in the first judicial  
4 district court in Laramie County, Wyoming.

5  
6 **Section 2.**

7  
8 (a) There is appropriated to the state auditor from  
9 the general fund the following amounts:

10  
11 (i) Twenty thousand dollars (\$20,000.00) for  
12 legislative branch employer contributions;

13  
14 (ii) Thirty-six thousand dollars (\$36,000.00)  
15 for judicial branch employer contributions;

16  
17 (iii) One million four hundred seventeen  
18 thousand dollars (\$1,417,000.00) for state executive branch  
19 employer contributions;

20  
21 (iv) Three hundred ninety thousand dollars  
22 (\$390,000.00) for community college employer contributions;

1           (v) Five hundred ninety-two thousand dollars  
2   (\$592,000.00) for University of Wyoming employer  
3   contributions.  
4

5           (b) There is appropriated to the state auditor six  
6   million two hundred thirty-eight thousand dollars  
7   (\$6,238,000.00) from the school foundation program account.  
8

9           (c) For state agency employers whose retirement  
10   contributions are made from nongeneral fund sources there  
11   is appropriated from those accounts and funds amounts  
12   necessary to provide payment of the increase in employer  
13   contribution rates required by W.S. 9-3-413, as amended by  
14   this act.  
15

16          (d) The appropriations under paragraphs (a)(i)  
17   through (iii) and subsection (c) of this section shall only  
18   be expended to provide payment of the increase in each  
19   state agency's employer contribution rates required by  
20   9-3-413, as amended by this act for the 2019-2020 fiscal  
21   biennium. The appropriation under paragraphs (a)(iv) and  
22   (v) of this section shall only be expended for the purpose  
23   of providing payment of the increase in the University of



1 Wyoming and community college employer contribution rates  
2 required by W.S. 9-3-413, as amended by this act, and to  
3 provide like contributions under W.S. 21-19-101 through  
4 21-19-106 corresponding to the increased employer  
5 contributions under this act for the 2019-2020 fiscal  
6 biennium.

7  
8 (e) The appropriation under subsection (b) of this  
9 section shall only be expended for the purpose of providing  
10 each school district's increased employer contribution  
11 required by W.S. 9-3-413 as amended by this act, for the  
12 2019-2020 fiscal biennium. The auditor shall transfer the  
13 funds to the state retirement system or to the department  
14 of education for distribution to individual school  
15 districts as determined by the department of education to  
16 be necessary to meet the provisions of this act. Any  
17 unexpended school foundation program account appropriation  
18 remaining on June 30, 2020 shall revert to the school  
19 foundation program account.

20

21 (f) No part of these appropriations shall be used to  
22 provide the increased employee contribution required by  
23 this act.

1

2           (g) Notwithstanding any other provision of law, the  
3 appropriations under this section shall not be transferred  
4 or expended for any purpose other than as specified in this  
5 section. Any unexpended, unobligated funds remaining from  
6 the appropriations under this section shall revert as  
7 provided by law on June 30, 2020.

8

9           (h) The auditor shall transfer the funds to the state  
10 retirement system or to individual state agencies as  
11 determined by the department of administration and  
12 information to be necessary to meet the provisions of this  
13 act.

14

15           (j) 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

1       **Section 3.** This act is effective September 1, 2018.

2

3 (END)