

SENATE FILE NO. SF0018

Benefits for spouses of law enforcement members.

Sponsored by: Joint Transportation, Highways & Military
Affairs Interim Committee

A BILL

for

1 AN ACT relating to administration of the government;
2 amending death benefits for the law enforcement retirement
3 plan and the state highway patrol, game and fish warden and
4 criminal investigator retirement plan; conforming
5 provisions; specifying applicability; and providing for an
6 effective date.

7

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

9

10 **Section 1.** W.S. 9-3-432(j) and by creating a new
11 subsection (p), 9-3-613, 9-3-614 and 9-3-615(a)(intro) are
12 amended to read:

13

1 **9-3-432. Law enforcement officers; contributions;**
2 **benefit eligibility; service and disability benefits; death**
3 **benefits; benefit options.**

4

5 (j) Notwithstanding W.S. 9-3-421, any surviving
6 spouse of an officer:

7

8 (i) Who dies in the scope of employment shall
9 receive a monthly death benefit payment equal to the
10 greater of sixty-two and one-half percent (62.5%) of the
11 officer's salary ~~at the time of death~~ or two and one-half
12 percent (2.5%) of the officer's salary multiplied by the
13 years of the officer's service credit, as determined under
14 W.S. 9-3-417, plus six percent (6%) of that salary for each
15 child under age eighteen (18), not to exceed one hundred
16 percent (100%) of the officer's salary~~;~~.

17

18 (ii) ~~Any surviving spouse of an officer~~ Who dies
19 outside of the scope of employment but before receiving
20 retirement benefits under this section shall receive a
21 monthly nonduty death benefit payment equal to fifty
22 percent (50%) of the officer's salary, ~~at the time of~~
23 ~~death,~~ plus six percent (6%) of that salary for each child

1 under age eighteen (18), not to exceed one hundred percent
2 (100%) of the officer's salary~~;~~.

3
4 ~~(iii) Notwithstanding any other provision in~~
5 ~~this subsection, any surviving spouse of any officer who~~
6 retired under W.S. 15-5-301 through 15-5-314 shall,
7 notwithstanding any other provision in this subsection,
8 receive a monthly pension equal to two-thirds (2/3) of the
9 pension the retired law enforcement officer was receiving
10 at the time of ~~his~~ the officer's death, plus ~~sixty dollars~~
11 ~~(\$60.00)~~ six percent (6%) of the officer's salary for each
12 child under age eighteen (18), not to exceed one hundred
13 percent (100%) of the officer's salary.

14
15 (p) As used in subsection (j) of this section, the
16 officer's salary for purposes of determining death benefit
17 payments shall be equal to the greater of:

18
19 (i) The officer's highest average salary at the
20 time of death, as defined in subsection (e) of this
21 section; or

22

1 (ii) The officer's final actual salary at the
2 time of death, which means the gross salary paid to the
3 officer during the last full month of credited service.

4
5 **9-3-613. Payment on death; duty related.**

6
7 (a) If a member of the retirement program dies as a
8 result of any activity related to official duties as an
9 employee prior to retirement under this article, a monthly
10 death benefit equal to ~~fifty percent (50%)~~ the greater of
11 sixty-two and one-half percent (62.5%) of the member's
12 ~~final actual salary at time of death~~ or two and one-half
13 percent (2.5%) of the member's salary multiplied by the
14 years of the member's service credit, as determined under
15 W.S. 9-3-417, shall be paid to the surviving spouse.

16
17 (b) In addition to the benefits provided under
18 subsection (a) of this section, an additional amount equal
19 to ~~five percent (5%)~~ six percent (6%) of the ~~final actual~~
20 member's salary shall be paid as a benefit for each
21 unmarried child under the age of eighteen (18) years,
22 provided the total death benefit paid to the surviving
23 spouse and children in accordance with this section shall

1 not exceed one hundred percent (100%) of the employee's
2 ~~final actual~~ salary.

3

4 (c) A member's salary for purposes of determining
5 death benefit payments under this section shall be equal to
6 the greater of:

7

8 (i) The member's highest average salary at the
9 time of death, as defined in W.S. 9-3-602(a)(xvi); or

10

11 (ii) The member's final actual salary at the
12 time of death as defined in W.S. 9-3-602(a)(vi).

13

14 **9-3-614. Payment on death; not duty-related death of**
15 **retired member.**

16

17 (a) If a member dies prior to retirement and ~~his~~the
18 member's death is not related to ~~his~~the member's official
19 duties as an employee, a monthly nonduty death benefit
20 shall be paid to the surviving spouse, equal to ~~two percent~~
21 ~~(2%) of the member's final actual salary at time of death~~
22 ~~for each year of credited service. The maximum nonduty~~

1 ~~death benefit payable to the spouse shall not exceed~~ fifty
2 percent (50%) of the member's ~~final actual~~ salary.

3

4 (b) In addition to the benefits provided under
5 subsection (a) of this section, an additional amount equal
6 to ~~five percent (5%)~~ six percent (6%) of the ~~final actual~~
7 member's salary shall be paid as a benefit for each
8 unmarried child under the age of eighteen (18) years. The
9 total nonduty death benefit paid to the surviving spouse
10 and children in accordance with this subsection shall not
11 exceed ~~sixty percent (60%)~~ one hundred percent (100%) of
12 the employee's ~~final actual~~ salary.

13

14 ~~(b)~~(c) If a retired member of the retirement program
15 dies, the spouse of the deceased member shall receive a
16 benefit equal to fifty percent (50%) of the retirement
17 allowance paid in accordance with W.S. 9-3-607 through
18 9-3-614. In determining the benefit to be paid to the
19 spouse, no reduction due to social security shall be taken
20 into account. In addition, an amount equal to ~~five percent~~
21 ~~(5%)~~ six percent (6%) of the ~~final actual~~ member's salary
22 shall be paid as a benefit for each unmarried child under
23 the age of eighteen (18) years. The total benefit paid to

1 the surviving spouse and children on the death of the
2 retired member in accordance with this subsection shall not
3 exceed ~~sixty percent (60%)~~ one hundred percent (100%) of
4 the employee's ~~final actual~~ salary.

5

6 (d) As used in this section, the member's salary for
7 purposes of determining death benefit payments means as
8 provided in W.S. 9-3-613(c).

9

10 **9-3-615. Election of coverage under Wyoming**
11 **Retirement Act.**

12

13 (a) Subject to uniform rules and regulations the
14 retirement board prescribes, instead of the service
15 allowance provided in this article and instead of the
16 benefit specified in W.S. ~~9-3-614(b)~~ 9-3-614(c), a member
17 of the retirement program may elect one (1) of the
18 following forms of service retirement benefits which shall
19 be the actuarial equivalent of the benefit to which he
20 would otherwise be entitled:

21

22 **Section 2.**

23

1 (a) This act shall apply to the distribution of all
2 benefits for the death of members subject to this act made
3 on or after the effective date of this act.

4

5 (b) Nothing in this act shall be construed to modify
6 or impair existing contracts, benefits or other obligations
7 arising or awarded before the effective date of this act.

8

9 **Section 3.** This act is effective immediately upon
10 completion of all acts necessary for a bill to become law
11 as provided by Article 4, Section 8 of the Wyoming
12 Constitution.

13

14

(END)