

ORIGINAL HOUSE
BILL NO. 0120

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

AN ACT relating to volunteer firemen's pension fund; requiring an annual audit and actuarial review of the fund; clarifying the definition of volunteer fire department; clarifying payment of participating member's death benefits as specified; and providing for an effective date.

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

Section 1. W.S. 35-9-601(c) and (h)(i), 35-9-603, 35-9-605 and 35-9-608(a), (b), (c), (g)(intro), (ii) and (iii) are amended to read:

35-9-601. Definitions.

(c) "Spouse" shall ~~be~~ mean the ~~wife~~ spouse of a participating member who was married to ~~him~~ the member at the time of ~~his~~ the member's entry into the fund, or who although married after the date of entry, is recognized as the ~~wife~~ spouse covered by the benefits of the fund as a result of special action of the board.

(h) A "volunteer fire department" means any duly constituted and organized fire fighting unit:

(i) Recognized by the appropriate local government with jurisdiction of the area the unit services and which provides fire protection services to the community as a whole pursuant to a contract or agreement with, or as sponsored by, a governmental entity;

35-9-603. Annual audit; state's liability.

The director of the state department of audit or his designee shall make ~~a biennial~~ an annual audit of the volunteer firemen's pension fund account and report

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findings to the volunteer firemen board and to the governor. The funds shall be administered without liability on the part of the state beyond the amount of the funds.

35-9-605. Authority to receive donations; investment of monies; employment of actuary; actuarial reports.

In addition to contributions from the state, the board may receive and credit to the fund any ~~and all~~ gifts, donations, and contributions ~~as may be~~ made by individuals, organizations and cities, towns, counties and fire districts for the benefit of the fund. The board ~~is hereby authorized and empowered to~~ may invest monies not immediately necessary ~~to~~ for disbursement in investments authorized under W.S. 9-3-408(b). The board shall employ ~~the services of~~ a consulting actuary to annually review the fund ~~at least once every four (4) years~~ to determine its solvency, and to make recommendations as to revisions and modifications of the plan. The board also may employ legal and other consultants as needed. Actuarial reports are public records and available for inspection by all participating members of the fund.

35-9-608. Benefits enumerated; death of participant or spouse; amount and payment of contributions; withdrawal from plan.

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

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(b) ~~Death. Whenever~~ When any participating member ~~shall die~~ dies, the board shall authorize payment monthly to the member's surviving spouse ~~of such member~~ during ~~her~~ the spouse's remaining lifetime of an amount equal to the surviving spouse's benefit corresponding to the member's entry age ~~of such member~~ as set forth in ~~the table in~~ subsection (d) ~~hereof~~ of this section.

(c) ~~Surviving children. Whenever the last survivor~~ of ~~When~~ any participating member and his spouse ~~shall die,~~ dies with children who have not ~~then~~ attained the age of twenty-one (21) years, ~~them surviving,~~ the board shall authorize ~~the~~ payment monthly to the lawful guardian of each ~~such~~ child of an amount equal to the children's benefit corresponding to the entry age of the member as set forth in ~~the table in~~ subsection (d) ~~hereof~~ of this section.

(g) Upon the death of any participating member, ~~of this retirement plan,~~ a death benefit shall be paid from the deceased member's account in the following manner and amount:

(ii) If ~~the deceased member is survived by a~~ spouse who is eligible to receive a benefit under subsection (b) of this section dies, an amount equal to five thousand dollars (\$5,000.00) less the total amount of benefits received under subsection (b) of this section or the amount remaining in the deceased member's account, whichever is greater, shall be paid to the spouse's estate ~~upon the spouse's death~~ unless the spouse is survived by a person eligible to receive a benefit under subsection (c) of this section;

(iii) ~~If a deceased member or that member's spouse is survived by a person or persons~~ When the last

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person under the age of twenty-one (21) years who is
eligible for the benefit provided by subsection (c) of this
section dies or attains the age of twenty-one (21), an
amount equal to five thousand dollars (\$5,000.00) less the
total amount of benefits received under subsections (b) and
(c) of this section ~~by all beneficiaries~~ or the amount
remaining in the deceased member's account, whichever is
greater, shall be paid in equal shares to each of the
children alive on the that date; ~~on which the youngest~~
~~reaches age twenty-one (21);~~

Section 2. This act is effective July 1, 2003.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk