DRAFT ONLY
NOT APPROVED FOR INTRODUCTION

HOUSE BILL NO.

Wyoming national guard firefighter-survivor pension benefit.

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

A BILL

for

AN ACT relating to retirement; amending death benefits for firefighter members in the guard firefighter pension plan; providing a survivor's pension to eligible surviving spouses and dependent children; providing definitions; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 9-3-431 by creating a new subsection (j) is amended to read:

9-3-431. Firefighter members; contributions; benefit eligibility; service and disability retirement benefits; death benefits; termination of benefits upon failure to make timely contribution payments.

(j) In lieu of the death benefit provided under W.S. 9-3-421, any eligible surviving spouse or dependent children of a firefighter member who dies from any cause while in service before retirement shall be entitled to a survivor's pension in accordance with the following:

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STAFF COMMENT

The Committee may wish to consider whether the phrase "from any cause" should be retained or narrowed. The phrase is the same language used for survivor benefits under the Firefighter B pension plan in W.S. 15-5-406. The phrase may be interpreted broadly to include deaths resulting from natural causes, off-duty accidents, intentional self-harm, drug or alcohol-related causes, and criminal acts or violence.

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(i) The monthly survivor's pension payable to a firefighter member's eligible surviving spouse or, if there is no eligible surviving spouse, then to the firefighter's eligible surviving dependent children, divided equally

among all eligible dependent children, shall be equal to the greater of:

(A) Fifty percent (50%) of the firefighter member's final average salary; or

(B) The account based on service credit accrued to the date of the firefighter member's death.

(ii) A surviving spouse shall be eligible to receive a survivor's pension under this subsection if the surviving spouse was married to the deceased firefighter member for not less than one (1) year before the date of death, unless the death was the result of an accident;

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STAFF COMMENT

The Committee may wish to consider whether to define the term "accident" in paragraph (j)(ii). The term may be ambiguous because it does not specify whether it includes any unexpected or unintended death, an off-duty accident, only a line-of-duty connected accident, an accidental drug or alcohol overdose, a motor vehicle crash, or another death classified as accidental. This language is the same language used in W.S. 15-5-412(b) for the Firefighter B pension plan.

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(iii) A survivor's pension shall begin the month following the month in which the firefighter member dies. If the pension is payable to a surviving spouse who subsequently dies, it is then payable in the following month to any dependent children. In the absence of any dependent children, the survivor's pension shall cease the month in which the surviving spouse dies;

(iv) Upon the death of the last eligible person receiving a survivor's pension under this subsection, there shall be paid to any other designated beneficiary or in the absence of a designated beneficiary, to the estate of the firefighter member, a lump sum equal to the remainder of the firefighter member's account that may exist at the time of the firefighter member's death;

(v) In the absence of a person eligible to receive a survivor's pension under this subsection, death benefits shall be paid in accordance with W.S. 9-3-421;

(vi) For purposes of this subsection:

(A) "Dependent child" means a person who is unmarried and:

(I) Is less than eighteen (18) years of age;

(II) Is at least eighteen (18) years of age but less than twenty-three (23) years of age and is attending school on a full-time basis; or

(III) Is eighteen (18) years of age or older and is permanently disabled as the result of a disability that began before the person attained age eighteen (18).

(B) "Final average salary" means one thirty-sixth (1/36) of the salary paid to an employee during any period of thirty-six (36) consecutive months in the employee's years of service credit in which the employee's salary was highest.

Section 2. This act shall apply to firefighter members whose deaths occur on or after July 1, 2027.

Section 3. This act is effective July 1, 2027.

(END)