

**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

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

7

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

9

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

12

1 9-3-431. Firefighter members; contributions; benefit
2 eligibility; service and disability retirement benefits;
3 death benefits; termination of benefits upon failure to
4 make timely contribution payments.

5
6 (j) In lieu of the death benefit provided under W.S.
7 9-3-421, any eligible surviving spouse or dependent
8 children of a firefighter member who dies from any cause
9 while in service before retirement shall be entitled to a
10 survivor's pension in accordance with the following:

11
12 *****
13 *****
14 STAFF COMMENT
15 The Committee may wish to consider whether the phrase "from
16 any cause" should be retained or narrowed. The phrase is
17 the same language used for survivor benefits under the
18 Firefighter B pension plan in W.S. 15-5-406. The phrase may
19 be interpreted broadly to include deaths resulting from
20 natural causes, off-duty accidents, intentional self-harm,
21 drug or alcohol-related causes, and criminal acts or
22 violence.

23 *****
24 *****
25

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

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

3
4 (A) Fifty percent (50%) of the firefighter
5 member's final average salary; or

6
7 (B) The account based on service credit
8 accrued to the date of the firefighter member's death.

9
10 (ii) A surviving spouse shall be eligible to
11 receive a survivor's pension under this subsection if the
12 surviving spouse was married to the deceased firefighter
13 member for not less than one (1) year before the date of
14 death, unless the death was the result of an accident;

15
16 *****
17 *****
18 STAFF COMMENT
19 The Committee may wish to consider whether to define the
20 term "accident" in paragraph (j)(ii). The term may be
21 ambiguous because it does not specify whether it includes
22 any unexpected or unintended death, an off-duty accident,
23 only a line-of-duty connected accident, an accidental drug
24 or alcohol overdose, a motor vehicle crash, or another
25 death classified as accidental. This language is the same
26 language used in W.S. 15-5-412(b) for the Firefighter B
27 pension plan.

28 *****
29 *****
30

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

8
9 (iv) Upon the death of the last eligible person
10 receiving a survivor's pension under this subsection, there
11 shall be paid to any other designated beneficiary or in the
12 absence of a designated beneficiary, to the estate of the
13 firefighter member, a lump sum equal to the remainder of
14 the firefighter member's account that may exist at the time
15 of the firefighter member's death;

16
17 (v) In the absence of a person eligible to
18 receive a survivor's pension under this subsection, death
19 benefits shall be paid in accordance with W.S. 9-3-421;

20
21 (vi) For purposes of this subsection:
22

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

3
4 (I) Is less than eighteen (18) years of
5 age;

6
7 (II) Is at least eighteen (18) years of
8 age but less than twenty-three (23) years of age and is
9 attending school on a full-time basis; or

10
11 (III) Is eighteen (18) years of age or
12 older and is permanently disabled as the result of a
13 disability that began before the person attained age
14 eighteen (18).

15
16 (B) "Final average salary" means one thirty-
17 sixth (1/36) of the salary paid to an employee during any
18 period of thirty-six (36) consecutive months in the
19 employee's years of service credit in which the employee's
20 salary was highest.

21
22 **Section 2.** This act shall apply to firefighter members
23 whose deaths occur on or after July 1, 2027.

