

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Public employee retirement plan-contributions.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to public employee retirement; increasing
2 the employer and employee contributions for the public
3 employee retirement plan; specifying that increased
4 employee contributions shall be paid from a reduction in
5 salary; removing obsolete language; providing
6 appropriations; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 9-3-412(a) and 9-3-413 are amended to
11 read:

12

1 **9-3-412. Members' contributions; payroll deductions;**
2 **employer authorized to pay employee's share.**

3
4 (a) Except as otherwise provided in this section and
5 W.S. 9-3-431 and 9-3-432, every member covered under this
6 article, shall pay into the account ~~eight and one-half~~
7 ~~percent (8.5%) of his salary for the period from September~~
8 ~~1, 2018 through June 30, 2019, eight and three-quarters~~
9 ~~percent (8.75%) of his salary for the period from July 1,~~
10 ~~2019 through June 30, 2020, nine percent (9%) of his salary~~
11 ~~for the period from July 1, 2020 through June 30, 2021 and~~
12 ~~thereafter~~ nine and one-quarter percent (9.25%) of his
13 salary for the period from July 1, 2021 through June 30,
14 2024, nine and one-half percent (9.50%) of his salary for
15 the period from July 1, 2024 through June 30, 2025 and
16 thereafter nine and three-quarters percent (9.75%) of his
17 salary. Every firefighter member covered under this article
18 shall pay into the account seven percent (7%) of his
19 salary. Payments shall be deducted each pay period from
20 each member's salary by the chief fiscal officer of each
21 participating employer. Employee contributions shall be
22 transferred to the account in accordance with subsection
23 (c) of this section.

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3 *****

4 STAFF COMMENT

5
6 For reference, provisions authorizing the employer to pay a
7 portion of the employee's contribution are included in this
8 staff comment. If this language is not changed, the
9 employee would be responsible for the contribution increase
10 specified in W.S. 9-3-412(a) above.

11
12 (c) The contributions under subsection (b) of this
13 section shall be paid from the source of funds which is
14 used in paying salary to the member. The employer may pay
15 these contributions by a reduction in cash salary of the
16 member or by an offset against a future salary increase, or
17 by a combination of a reduction in salary and an offset
18 against a future salary increase, provided:

19
20 (i) No salary reduction, offset or combination
21 thereof shall exceed the percentage amount actually
22 deducted from a member's salary for contributions to the
23 Wyoming retirement system;

24
25 (ii) Except as provided in paragraphs (iii) and
26 (iv) of this subsection, any employer may pay any amount of
27 a member's share of retirement contributions without a
28 salary reduction, offset or combination thereof;

29
30 (iii) For state employee members five and fifty-
31 seven hundredths percent (5.57%) of the member's salary
32 shall be paid by the employer without any salary reduction
33 or offset. The remaining portion of the state employee's
34 contribution shall be paid through a reduction in cash
35 salary of the state employee unless specified otherwise by
36 legislative act;

37
38 (iv) For full-time brand inspection contract
39 employees authorized to participate in the state retirement
40 system under W.S. 9-2-3207(a)(xi)(F)(IV), not more than
41 five and fifty-seven hundredths percent (5.57%) of the
42 contract employee's salary shall be paid by the livestock
43 board unless specified otherwise by legislative act.

44

1 *****
2 *****
3 *****

4 9-3-413. Employer's contributions; payable monthly;
5 transfer to account; interest imposed upon delinquent
6 contributions; recovery.

7
8 Except as provided by W.S. 9-2-3207(a)(xi)(F)(III) or (IV),
9 9-3-431 and 9-3-432, each employer excluding employers of
10 firefighter members, shall, on a monthly basis, pay into
11 the account a contribution equal to ~~eight and sixty two~~
12 ~~hundredths percent (8.62%) of the salary paid to each of~~
13 ~~its members covered under this article for the period from~~
14 ~~September 1, 2018 through June 30, 2019, eight and eighty-~~
15 ~~seven hundredths percent (8.87%) of the salary paid for the~~
16 ~~period from July 1, 2019 through June 30, 2020, nine and~~
17 ~~twelve hundredths percent (9.12%) of the salary paid for~~
18 ~~the period from July 1, 2020 through June 30, 2021 and~~
19 ~~thereafter~~ nine and thirty-seven hundredths percent (9.37%)
20 of the salary paid for the period from July 1, 2021 through
21 June 30, 2024, nine and sixty-two hundredths percent
22 (9.62%) of the salary paid for the period from July 1, 2024
23 through June 30, 2025 and thereafter nine and eighty-seven
24 hundredths (9.87%) of the salary paid. Employers of

1 firefighter members shall pay into the account a
2 contribution equal to seven and twelve hundredths percent
3 (7.12%) of the salary paid. Employer contributions for any
4 month, together with the members' contributions for that
5 month, if any, shall be transferred to the board not later
6 than the twelfth day of the following month. These
7 contributions shall be credited to the account in a manner
8 as directed by the board. Any employer failing to transfer
9 contributions under this section in sufficient time for the
10 board to receive the contributions by the twenty-fifth day
11 of the month due shall be assessed interest at the assumed
12 rate of return as determined by the board, compounded
13 annually. Interest imposed under this section shall be
14 payable not later than the twelfth day of the next
15 succeeding month. If the contributions and any interest
16 imposed under this section are not transferred to the board
17 when due, they may be recovered, together with court costs,
18 in an action brought for that purpose in the first judicial
19 district court in Laramie County, Wyoming.

20

21 **Section 2.**

22

23

1 (a) As used in this section, "state agency" includes
2 each state executive, legislative or judicial department,
3 board, commission or other agency or instrumentality of the
4 state and, for purposes of subsections (d) and (k) of this
5 section, includes the University of Wyoming and each
6 community college.

7

8 (b) There is appropriated three million four hundred
9 eighty-three thousand dollars (\$3,483,000.00) from the
10 general fund to the state auditor for purposes of payment
11 of the increase in employer contribution rates required by
12 W.S. 9-3-413, as amended by section 1 of this act. Subject
13 to the provisions of this section and from this
14 appropriation, the state auditor shall distribute this
15 appropriation as follows:

16

17 (i) Thirty-three thousand dollars (\$33,000.00)
18 for legislative branch employer contributions;

19

20 (ii) One hundred thirty thousand dollars
21 (\$130,000.00) for judicial branch employer contributions;

22

1 (iii) One million nine hundred fifty thousand
2 dollars (\$1,950,000.00) for state executive branch employer
3 contributions;

4

5 (iv) Five hundred thousand dollars (\$500,000.00)
6 for community college employer contributions;

7

8 (v) Eight hundred seventy thousand dollars
9 (\$870,000.00) for University of Wyoming employer
10 contributions.

11

12 (c) There is appropriated to the state auditor seven
13 million five hundred thousand dollars (\$7,500,000.00) from
14 the public school foundation program account for employer
15 contributions for school districts.

16

17 (d) For state agency employers whose retirement
18 contributions are made from non-general fund sources, there
19 is appropriated from those accounts and funds amounts
20 necessary to provide payment of the increase in employer
21 contribution rates required by W.S. 9-3-413, as amended by
22 section 1 of this act.

23

1 (e) The appropriations under paragraphs (b)(i)
2 through (iii) and subsection (d) of this section shall only
3 be expended to provide payment of the increase in each
4 state agency's employer contribution rates required by W.S.
5 9-3-413, as amended by section 1 of this act, for the 2025-
6 2026 fiscal biennium. The appropriation under paragraphs
7 (b)(iv) and (v) of this section shall only be expended for
8 the purpose of providing payment of the increase in the
9 University of Wyoming and community college employer
10 contribution rates required by W.S. 9-3-413, as amended by
11 section 1 of this act, and to provide like contributions
12 under W.S. 21-19-101 through 21-19-106 corresponding to the
13 increased employer contributions under this act for the
14 2025-2026 fiscal biennium.

15

16 (f) The appropriation under subsection (c) of this
17 section shall only be expended for the purpose of providing
18 each school district's increased employer contribution
19 required by W.S. 9-3-413, as amended by section 1 of this
20 act, for the 2025-2026 fiscal biennium. The state auditor
21 shall transfer the funds to the state retirement system or
22 to the department of education for distribution to
23 individual school districts as determined by the department

1 of education to be necessary to meet the provisions of this
2 act. Any unexpended public school foundation program
3 account funds appropriated under subsection (c) of this
4 section on June 30, 2026 shall revert to the public school
5 foundation program account.

6

7 (g) No amount of the appropriations made in this
8 section shall be used to provide the increased employee
9 contribution required by this act.

10

11 (h) Notwithstanding any other provision of law, the
12 appropriations under this section shall not be transferred
13 or expended for any purpose other than as specified in this
14 section. Any unexpended, unobligated funds remaining from
15 the appropriations made in this section shall revert as
16 provided by law on June 30, 2026.

17

18 (j) Except as otherwise provided in this section, the
19 state auditor shall transfer the funds to the state
20 retirement system or to individual state agencies as
21 determined by the department of administration and
22 information to be necessary to meet the provisions of this
23 act.

1

2 (k) It is the intent of the legislature that the
3 appropriations made in this section be included in each
4 state agency's standard budget request for the immediately
5 succeeding fiscal biennium.

6

7 **Section 3.** This act is effective July 1, 2024.

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9

(END)