

HOUSE BILL NO. HB0091

Wyoming Retirement Act.

Sponsored by: Representative(s) Pedersen, Buchanan,  
Edmonds, Gay, Kroeker, Teeters and Wallis  
and Senator(s) Coe, Jennings, Peterson and  
Von Flatern

A BILL

for

1 AN ACT relating to the Wyoming retirement system; closing  
2 current plan to new enrollees as specified; establishing a  
3 defined contribution plan for individuals hired after a  
4 specified date; providing for mandatory and optional  
5 participation in the defined contribution plan; specifying  
6 contributions; providing definitions; providing for  
7 administration; specifying severability; providing  
8 appropriations and for repayment as specified; requiring  
9 review and report; making conforming amendments; and  
10 providing for effective dates.

11

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

13

14 **Section 1.** W.S. 9-3-801 through 9-3-810 are created  
15 to read:

16

1           **9-3-801. Defined contribution retirement plan**  
2 **created.**

3

4 This article shall be known as the Wyoming retirement  
5 system defined contribution plan.

6

7           **9-3-802. Definitions.**

8

9           (a) As used in this article:

10

11                   (i) "Administrative account" means the account  
12 established pursuant to W.S. 9-3-807 to receive fees and  
13 expend funds to administer the defined contribution plan;

14

15                   (ii) "Board" means the retirement board created  
16 by W.S. 9-3-404;

17

18                   (iii) "Defined benefit plan" means the  
19 retirement plan established pursuant to W.S. 9-3-401  
20 through 9-3-432. The use of the term "defined benefit  
21 plan" is intended solely to distinguish the public employee  
22 retirement plan established pursuant to W.S. 9-3-401  
23 through 9-3-432 from the defined contribution plan  
24 established by this article and shall not be construed to

1 affect the limitations of that defined benefit plan, or any  
2 other retirement plan administered by the retirement  
3 system, as specified in W.S. 9-3-428 or any other provision  
4 of Wyoming law;

5

6 (iv) "Defined contribution plan" means the  
7 retirement plan established under this article;

8

9 (v) "Defined contribution plan member" means an  
10 individual meeting the definition of W.S. 9-3-402(a)(vii)  
11 who by operation of law or by election under W.S. 9-3-804  
12 is a participant in the defined contribution plan;

13

14 (vi) "Defined contribution plan member's  
15 account" or "individual account" means the account or  
16 subaccounts created for each member under the defined  
17 contribution plan which includes the member's  
18 contributions, the member's contributions paid by an  
19 employer under W.S. 9-3-806, employer contributions and any  
20 amounts transferred to the member's defined contribution  
21 plan account from a member's defined benefit plan account  
22 previously maintained under W.S. 9-3-401 through 9-3-432,  
23 plus earnings credited to the account;

24

1           (vii) "Eligible retirement plan" means as  
2 defined by W.S. 9-3-402(a)(xxvii);

3

4           (viii) "Employer" or "participating employer"  
5 means as defined by W.S. 9-3-402(a)(vi);

6

7           (ix) "Firefighter member" means those  
8 individuals who are defined benefit plan members under W.S.  
9 9-3-402(a)(xxv);

10

11           (x) "Law enforcement member" means those  
12 individuals who are defined benefit plan members as law  
13 enforcement officers under W.S. 9-3-402(a)(xviii);

14

15           (xi) "Plan document" means the document that  
16 contains the provisions and procedures of the defined  
17 contribution plan in conformity with this article and the  
18 Internal Revenue Code;

19

20           (xii) "Retirement system" means the retirement  
21 system created by W.S. 9-3-403;

22

23           (xiii) "Rollover contribution" means as defined  
24 by W.S. 9-3-402(a)(xxviii);

1

2 (xiv) "Salary" means the cash remuneration paid  
3 to a defined contribution plan member in a calendar year.  
4 "Salary" taken into account for a member shall not exceed  
5 the amount specified under section 401(a)(17) of the United  
6 States Internal Revenue Code;

7

8 (xv) "Service credit" means the credit earned by  
9 a defined contribution plan member under either the defined  
10 benefit plan or the defined contribution plan. The years or  
11 months of service credit shall be calculated on the same  
12 basis for both the defined benefit and defined  
13 contributions plans under rules adopted by the board under  
14 W.S. 9-3-417;

15

16 (xvi) "Termination of service" means the  
17 termination of a defined contribution plan member's working  
18 career for a salary as an employee of a participating  
19 employer.

20

21 **9-3-803. Wyoming retirement system defined**  
22 **contribution plan; establishment; accounts established;**  
23 **members; purpose.**

24

1           (a) The Wyoming retirement system defined  
2 contribution plan is established to provide retirement  
3 benefits to eligible employees of participating employers,  
4 and the employees' designated beneficiaries. The board  
5 shall adopt rules and policies to implement the defined  
6 contribution plan under sections 401(a) and 414(d) of the  
7 Internal Revenue Code as provided in this article. The  
8 board shall adopt a plan document as it considers  
9 appropriate or necessary to administer the plan. The board  
10 may request from the Internal Revenue Service any rulings  
11 or determination letters that the board considers necessary  
12 or appropriate in order to implement or administer the  
13 plan.

14

15           (b) The retirement system shall establish an account  
16 for each member within the defined contribution plan. The  
17 member's individual account may consist of subaccounts, one  
18 (1) holding the member's contributions and earnings on  
19 those contributions and one (1) holding employer  
20 contributions and earnings on those contributions. The  
21 board may combine the subaccounts into a single account for  
22 each member if the board determines a single account is  
23 administratively appropriate and permissible under  
24 applicable federal law.

1

2 (c) Defined contribution plan members shall include:

3

4 (i) Individuals who meet the definition of W.S.  
5 9-3-402(a)(vii), and become an employee for whom  
6 contributions are made for service performed on or after  
7 September 1, 2013 and:

8

9 (A) Were not previously a contributing  
10 member to the defined benefit plan; or

11

12 (B) Were previously a contributing member  
13 to the defined benefit plan who withdrew their accumulated  
14 contributions and did not redeposit those contributions  
15 before September 1, 2013. A member who was deployed to  
16 active military or other emergency service of the United  
17 States and who was previously employed by a participating  
18 employer prior to September 1, 2013 and withdrew his  
19 accumulated contributions to the defined benefit plan,  
20 shall not be deemed to be a member meeting the provisions  
21 of this subparagraph, if the withdrawal was in accordance  
22 with provisions of the Uniformed Services Employment and  
23 Reemployment Rights Act, 38 U.S.C. 4301 et seq., and board  
24 rules adopted to meet the requirements of that act; or

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(C) Were previously a contributing member who left service with less than four (4) years service credit, without withdrawing his accumulated contributions, and returned to service on or after September 1, 2013.

(ii) Defined benefit plan firefighter and law enforcement members who elect to become defined contribution plan members as provided by W.S. 9-3-804;

(iii) Other defined benefit plan members who elect to become defined contribution plan members as provided by W.S. 9-3-804.

**9-3-804. Election of defined benefit plan members to become defined contribution plan members; conditions; requirements.**

(a) The retirement board shall provide an opportunity for each individual who is a defined benefit plan member on September 1, 2013, to elect in writing to terminate membership in the defined benefit plan and elect to become a member in the defined contribution plan. An election under this subsection is irrevocable. The retirement system



1 shall accept written elections under this subsection from  
2 members during the period beginning on September 1, 2013  
3 and ending on June 30, 2014. Members making elections from  
4 September 1, 2013 through June 30, 2014 shall be enrolled  
5 in the defined contribution plan effective with the payroll  
6 for August, 2014. A member who does not make a written  
7 election or who does not file the election during the  
8 period specified in this subsection shall continue to be a  
9 defined benefit plan member. A member who makes and files a  
10 written election under this subsection elects to do all of  
11 the following:

12

13 (i) Cease to be a member of defined benefit plan  
14 effective at midnight immediately preceding the date of  
15 enrollment in the defined contribution plan;

16

17 (ii) Waive all of his rights to any retirement,  
18 disability or other benefit under the defined benefit plan  
19 effective at midnight immediately preceding the date of  
20 enrollment in the defined contribution plan.

21

22 (b) Subject to W.S. 9-3-415(g) and (h), if an  
23 individual who was a member under the defined benefit plan  
24 prior to September 1, 2013, is reemployed and by virtue of

1 that reemployment is again eligible for membership in the  
2 defined benefit plan, the individual shall elect in writing  
3 to remain a member of the defined benefit plan or to  
4 terminate membership in the defined benefit plan and become  
5 a defined contribution plan member. An election made under  
6 this subsection is irrevocable. The retirement board shall  
7 accept written elections under this subsection during the  
8 period beginning on the date of the individual's  
9 reemployment and ending upon the expiration of sixty (60)  
10 days after the date of that reemployment. An individual who  
11 makes and files a written election to remain a member of  
12 the defined benefit plan retains all rights and is subject  
13 to all conditions as a member of the defined benefit plan  
14 under W.S. 9-3-401 through 9-3-432. An individual eligible  
15 to make an election under this subsection who does not file  
16 an election during the period specified in this subsection  
17 continues to be a defined benefit plan member. An  
18 individual making an election under this subsection shall  
19 be subject to the provisions of paragraphs (a)(i) and (ii)  
20 of this section and shall be enrolled in the defined  
21 contribution plan on the latter of August 1, 2014 or the  
22 first day of the payroll period next following the filing  
23 of the election. An individual meeting the provisions of  
24 W.S. 9-3-803(c)(i) shall be a defined contribution plan

1 member by operation of law and is not entitled to make an  
2 election under this subsection.

3

4 (c) After consultation with the retirement board and  
5 the board's legal and other professional consultants, the  
6 director shall determine the method by which an individual  
7 shall make a written election under this section.

8

9 **9-3-805. Defined contribution plan membership;**  
10 **transfer of defined benefit plan members to defined**  
11 **contribution plan; transfer of funds.**

12

13 For those defined benefit plan members who elect to  
14 terminate membership in the defined benefit plan pursuant  
15 to W.S. 9-3-804, the retirement board shall direct the  
16 state treasurer to transfer a lump sum amount equal to the  
17 amount in the member's account, as defined by W.S.  
18 9-3-402(a)(i), from the retirement account established by  
19 W.S. 9-3-407 to the defined contribution plan member's  
20 individual account on the first day of the payroll period  
21 in which he is enrolled in the defined contribution plan.

22

1           **9-3-806. Members' contributions; payroll deductions;**  
2 **employer contributions; interest imposed upon delinquent**  
3 **contributions; recovery.**

4  
5           (a) Every defined contribution plan member shall pay  
6 into his individual account the contribution required of  
7 defined benefit plan members under W.S. 9-3-412(a). To the  
8 extent an employer pays a defined benefit plan member's  
9 contribution as provided by W.S. 9-3-412, the employer  
10 shall make the same contribution on behalf of the defined  
11 contribution plan member in accordance with the provisions  
12 of W.S. 9-3-412.

13  
14           (b) Except as provided by W.S.  
15 9-2-1022(a)(xi)(F)(III) or (IV), 9-3-431 and 9-3-432, for  
16 defined contribution plan members each employer shall on a  
17 monthly basis, pay into the member's individual account a  
18 contribution equal to the percentage of salary contribution  
19 required of employers under W.S. 9-3-413 for defined  
20 benefit plan members. Employer contributions for any month,  
21 together with the members' contributions for that month, if  
22 any, shall be transferred to the board not later than the  
23 twelfth day of the following month. These contributions  
24 shall be credited to the member's individual account in a

1 manner as directed by the board. Any employer failing to  
2 transfer contributions under this section in sufficient  
3 time for the board to receive the contributions by the  
4 twenty-fifth day of the month due shall be assessed  
5 interest at the rate of eight percent (8%) per annum.  
6 Interest imposed under this section shall be payable not  
7 later than the twelfth day of the next succeeding month. If  
8 the contributions and any interest imposed under this  
9 section are not transferred to the board when due, they may  
10 be recovered, together with court costs, in an action  
11 brought for that purpose in the first judicial district  
12 court in Laramie County, Wyoming.

13

14 (c) For state employee defined contribution plan  
15 members, the legislature may separately appropriate funds  
16 to pay any part of the employee defined contribution plan  
17 contribution not paid by the employer on the employee's  
18 behalf in any fiscal period. For other defined contribution  
19 plan members, each employer may pay any part of the  
20 employee defined contribution plan contribution not  
21 required by subsection (b) of this section to be paid by  
22 the employer, in the employer's sole discretion.

23

1           **9-3-807. Investment of defined contribution plan**  
2 **funds; servicing fees; holding of funds; limited liability**  
3 **of state and political subdivisions.**

4  
5           (a) The defined contribution plan shall be  
6 administered by the board. The board shall approve  
7 programs for investment of monies within the members'  
8 accounts. No investment program shall be approved unless  
9 the program offered by a provider is subject to rules and  
10 regulations of applicable federal and state regulatory  
11 agencies. The board may approve investment of defined  
12 contribution plan contributions in investment options  
13 offered pursuant to W.S. 9-3-501 through 9-3-508 or other  
14 investment options approved by the board. Individual  
15 member accounts shall be maintained for the defined  
16 contribution plan members, with investment of those  
17 accounts directed by the member owner of the account in any  
18 investment approved by the board. The board may promulgate  
19 rules allowing for commingling of a defined contribution  
20 plan member's individual account and any account of the  
21 member maintained pursuant to W.S. 9-3-501 through 9-3-508  
22 so long as the qualified plan status of the defined  
23 contribution plan is maintained. Each defined contribution  
24 plan member shall direct the investment of his accumulated

1 employer and employee contributions and earnings to one (1)  
2 or more investment choices within available categories of  
3 investment approved by the board.

4  
5 (b) An administrative account is established to be  
6 used by the board to provide for administrative expenses of  
7 the defined contribution plan. Funds in the administrative  
8 account shall be held separately from all other funds and  
9 monies held by the state and shall be expended only as  
10 provided by this article. The administrative account shall  
11 be funded by fees charged by the board to approved  
12 investment programs or by fees assessed by the board to the  
13 defined contribution plan members, former defined  
14 contribution plan members and defined contribution plan  
15 beneficiaries who have not closed their accounts in a  
16 manner determined by the board. The board may establish  
17 the fees at amounts necessary to maintain the account  
18 balance in accordance with subsection (d) of this section.  
19 The board shall account for all deposits into and all  
20 authorized payments from the administrative account.

21

22 (c) All contributions made to member's individual  
23 accounts in the defined contribution plan and all earnings  
24 thereon shall be held in trust or pursuant to custodial

1 accounts or contracts meeting the requirements of 26 U.S.C.  
2 401(a) and 414(d) and for the exclusive benefit of defined  
3 contribution plan members and their beneficiaries,  
4 including administrative fees as provided in this section.  
5 Notwithstanding the provisions of this subsection, the  
6 financial liability of the state, county, city, town or  
7 other political subdivision is limited to the contributions  
8 required as employers under this article.

9

10 (d) Expenditures from the administrative account  
11 shall be for the following:

12

13 (i) Servicing of accounts established for  
14 defined contribution plan members;

15

16 (ii) Necessary accounting, legal and other  
17 professional services;

18

19 (iii) Reimbursement to board members and  
20 employees of the retirement system for time actually  
21 devoted to the administration of and responsibilities  
22 imposed under this article; and

23



1           (iv) Other necessary administrative costs  
2 incurred in administering the defined contribution plan.

3

4           (e) The account balance shall be an amount sufficient  
5 to meet the annual administrative expenses of the defined  
6 contribution plan. The board shall conduct negotiations  
7 with investment programs to establish servicing fees  
8 imposed at an amount necessary to pay expenses from the  
9 administrative account while providing the maximum  
10 investment earnings and benefits to defined contribution  
11 plan members.

12

13           (f) The board shall provide for an independent audit  
14 of the administrative account on an annual basis. A  
15 summary of the audit and its findings shall be included as  
16 part of the annual report by the board as required by law.

17

18           **9-3-808. Vesting of contributions; withdrawal of**  
19 **individual member account funds.**

20

21           (a) A defined contribution plan member is immediately  
22 one hundred percent (100%) vested in the member's  
23 contributions to his individual account. Upon completion  
24 of four (4) years service credit a defined contribution

1 plan member is one hundred percent (100%) vested in  
2 employer contributions to the member's individual account.  
3 Nonvested employer contributions shall be forfeited and  
4 deposited to the administrative account upon termination of  
5 service.

6

7 (b) A defined contribution plan member who was a  
8 member of the defined benefit plan shall be credited with  
9 the years of service accrued under the defined benefit plan  
10 on the effective date of enrollment in the defined  
11 contribution plan for the purpose of meeting the vesting  
12 requirements under this section.

13

14 (c) A defined contribution plan member may designate  
15 one (1) or more individuals as a beneficiary by filing  
16 written notice of designation with the retirement system.  
17 Upon the death of a defined contribution plan member the  
18 vested accumulated balance of that member shall belong to  
19 the designated beneficiary, if any, of that member. If a  
20 valid designation of refund beneficiary is not on file with  
21 the retirement system, the system, in a lump sum  
22 distribution, shall distribute the accumulated balance to  
23 the legal representative, if any, of the deceased member,

1 or if there is no legal representative, to the deceased  
2 member's estate.

3

4 (d) Upon termination of service, a former defined  
5 contribution plan member or in the case of death of the  
6 member his designated beneficiary, is entitled to receive  
7 distribution of the member's vested accumulated balance in  
8 his defined contribution plan account. The former member,  
9 or in the case of death his beneficiary, may elect one (1)  
10 or a combination of several of the following methods of  
11 distribution of the accumulated balance:

12

13 (i) A lump sum distribution;

14

15 (ii) A lump sum direct rollover to another  
16 qualified plan, to the extent allowed by federal law;

17

18 (iii) Partial distributions, as authorized by  
19 the board;

20

21 (iv) In-plan annuity or periodic payment  
22 options, as authorized by the board;

23

1           (v) Other payment options, as authorized by the  
2 board;

3

4           (vi) No current distribution, in which case the  
5 accumulated balance shall remain in the defined  
6 contribution plan until the former defined contribution  
7 plan member or designated beneficiary elects a method or  
8 methods of distribution under paragraphs (i) through (v) of  
9 this subsection, to the extent allowed by federal law.

10

11           **9-3-809. Applicability of defined benefit plan**  
12 **provisions to defined contribution plan.**

13

14           (a) The following provisions of the defined benefit  
15 plan shall be applicable to the defined contribution plan,  
16 subject to the limitations specified in this section:

17

18           (i) W.S. 9-3-403 through 9-3-409. For defined  
19 contribution plan members, the board may establish special  
20 pay plans to the extent authorized by W.S. 9-3-405(b) and  
21 subject to the limitations which would allow a defined  
22 contribution plan member the equivalent in contributions  
23 provided for defined benefit plan members under W.S.  
24 9-3-405(b);

1

2           (ii) W.S. 9-3-410(c). The board shall prepare  
3 an annual statement of the total number of defined  
4 contribution plan participants and the total value of  
5 individual accounts of defined contribution plan  
6 participants, together with such information compiled in a  
7 form which does not disclose defined contribution plan  
8 members' individual account holdings or values, as the  
9 board determines would inform the legislature as to whether  
10 the defined contribution plan is accomplishing the goal of  
11 providing sufficient retirement funds for participants;

12

13           (iii) W.S. 9-3-411;

14

15           (iv) W.S. 9-3-414;

16

17           (v) W.S. 9-3-417. The determination of service  
18 credits shall apply only to vesting provisions under the  
19 defined contribution plan;

20

21           (vi) W.S. 9-3-426(a), (d) and (e). A defined  
22 contribution plan member's account shall be subject to a  
23 qualified domestic relations order in accordance with W.S.

1 9-3-426 as implemented by board rules promulgated pursuant  
2 to this paragraph;

3

4 (vii) W.S. 9-3-427. A defined contribution plan  
5 member is not prohibited from participating in the deferred  
6 compensation program under W.S. 9-3-501 through 9-3-508;

7

8 (viii) W.S. 9-3-428(a) and (c). If the defined  
9 contribution plan is terminated each defined contribution  
10 plan member is entitled to receive the value of his vested  
11 account as of the date of termination. If a distribution  
12 election is not made the retirement system may roll the  
13 account balance to a qualified retirement plan;

14

15 (ix) W.S. 9-3-429.

16

17 (b) The employee and employer contributions made  
18 pursuant to the defined contribution plan shall not be  
19 commingled with any funds under the defined benefit plan.

20

21 (c) No law enforcement member or firefighter member  
22 shall be a defined contribution plan member unless the  
23 member elects to participate in the defined contribution  
24 plan as provided in W.S. 9-3-804. To the extent the

1 provisions specified in subsection (a) of this section  
2 reference "law enforcement members" or "firefighter  
3 members," those provisions shall not be applied to the  
4 defined contribution plan and any law enforcement member or  
5 firefighter member electing to participate in the defined  
6 contribution plan shall be subject to the same conditions  
7 and terms of participation as all other members of the  
8 defined contribution plan.

9

10 **9-3-810. Conditional effect; severability.**

11

12 (a) If the retirement system receives notification  
13 from the United States internal revenue service that any  
14 portion of this article will cause the defined benefit plan  
15 to be disqualified for tax purposes under the Internal  
16 Revenue Code, or the defined contribution plan not to be  
17 qualified, then the portion that will cause the  
18 disqualification shall not be effective.

19

20 (b) The provisions of this article, shall be  
21 severable and if any provision thereof is declared to be  
22 unconstitutional or the applicability thereof to any person  
23 or circumstance is held invalid, the applicability of the

1 remaining provisions shall, with respect to all severable  
2 matters, not be affected thereby.

3

4 **Section 2.** 9-3-203(a)(xiii), 9-3-218(a)(ii)(intro),  
5 9-3-402(a)(intro) and by creating new paragraphs (xxix) and  
6 (xxx), 9-3-405(a)(i)(B), (ii) by creating a new  
7 subparagraph (E) and (v), 9-3-406(a), 9-3-407(b),  
8 9-3-409(a), 9-3-415(e), (g)(i), (h) and (j), 9-3-417(a),  
9 9-3-421(a), 9-3-426(a)(intro), 21-19-102(a) and by creating  
10 a new subsection (e) and 21-19-103(a)(intro) are amended to  
11 read:

12

13 **9-3-203. Definitions.**

14

15 (a) As used in this act:

16

17 (xiii) "Retiree" means an individual who has  
18 terminated his working career as an employee of an  
19 employing entity participating in the group insurance plan  
20 and who is eligible to receive a retirement benefit under  
21 the Wyoming retirement system, or for a member of the  
22 defined contribution plan in that system the member has met  
23 the age and service requirements for retirement benefits



1 under the defined benefit plan of that system and has  
2 terminated service as a defined contribution plan member;

3  
4 **9-3-218. Retiree membership in plan.**

5  
6 (a) A retiree is eligible for coverage under the  
7 group insurance plan at premium rates established by the  
8 department, provided:

9  
10 (ii) The retiree has had medical coverage in  
11 effect under the group insurance plan for at least one (1)  
12 year immediately prior to the date of retirement and is  
13 eligible to receive a retirement benefit under the Wyoming  
14 retirement system or meets the definition of retiree under  
15 W.S. 9-3-203(a)(xiii); and either:

16  
17 **9-3-402. Definitions.**

18  
19 (a) As used in ~~this article~~ W.S. 9-3-401 through  
20 9-3-432:

21  
22 (xxix) "Defined benefit plan" means the  
23 retirement plan established pursuant to W.S. 9-3-401  
24 through 9-3-432. The use of the term "defined benefit

1 plan" is intended solely to distinguish the public employee  
2 retirement plan established pursuant to W.S. 9-3-401  
3 through 9-3-432 from the defined contribution plan  
4 established by article 8 of chapter 3 of this title and  
5 shall not be construed to affect the limitations of that  
6 defined benefit plan, or any other retirement plan  
7 administered by the retirement system, as specified in W.S.  
8 9-3-428 or any other provision of Wyoming law;

9  
10 (xxx) "Defined contribution plan" means the  
11 retirement plan established by article 8 of chapter 3 of  
12 this title.

13  
14 **9-3-405. Retirement board duties and powers.**

15  
16 (a) In addition to any other duties prescribed by  
17 law, the board shall:

18  
19 (i) File with the legislative service office:

20  
21 (B) An annual audit report by an  
22 independent audit firm showing the financial status of the  
23 retirement system. The report required by this paragraph  
24 shall be submitted as part of the annual report required by

1 W.S. 9-2-1014. The report shall account for the defined  
2 contribution plan separately from any other plan  
3 administered by the board;

4  
5 (ii) At the request of any city, town or county  
6 not covered by the state retirement system, negotiate terms  
7 and conditions through which the city, town or county and  
8 its employees could become members of the state retirement  
9 system in accordance with the following terms and  
10 conditions:

11  
12 (E) Participation by general member  
13 employees of a city, town or county, first employed after  
14 August 31, 2013, shall be in accordance with the provisions  
15 of the defined contribution plan under article 8 of chapter  
16 3 of this title.

17  
18 (v) Serve as investment trustee of the funds of  
19 the system. The board's duties for individual account  
20 funds under the defined contribution plan shall be limited  
21 to the provisions of article 8 of chapter 3 of this title;

22  
23 **9-3-406. Retirement board; employment and**  
24 **compensation of director, consulting actuary and**

1 **assistants; director designated secretary; compensation of**  
2 **members; quorum; seal.**

3

4 (a) The board shall employ a director and a  
5 consulting actuary and other professional and clerical  
6 assistants necessary for the administration of the  
7 retirement system, including the defined contribution plan,  
8 and the Wyoming deferred compensation program established  
9 under W.S. 9-3-501 through 9-3-508. The compensation of  
10 employees shall be fixed by the board, subject to  
11 confirmation and approval by the personnel division and  
12 together with all other necessary expenses of the board  
13 shall be paid by vouchers drawn on the state treasurer of  
14 Wyoming. The director shall also serve, without additional  
15 compensation, as secretary of the board. The board shall  
16 have the authority to obtain the financial and criminal  
17 background history of an employee or employment applicant  
18 of the Wyoming retirement system in accordance with W.S.  
19 7-19-106 and 7-19-201.

20

21 **9-3-407. Retirement board; control and management of**  
22 **account containing assets of retirement system; payments**  
23 **from account.**

24

1           (b) The board has the control and management of the  
2 retirement account which shall contain all the assets of  
3 the retirement system. Individual account funds under the  
4 defined contribution plan shall be controlled and managed  
5 by the member owner as provided in article 8 of chapter 3  
6 of this title.

7  
8           **9-3-409. Retirement board; rules and regulations;**  
9 **powers and privileges required to perform functions;**  
10 **requiring employers to furnish information and keep**  
11 **records.**

12  
13           (a) The retirement board shall adopt rules and  
14 regulations for the administration of the retirement system  
15 and the control and disbursement of its assets, including  
16 the defined contribution plan, the administration of the  
17 Wyoming deferred compensation program established under  
18 W.S. 9-3-501 through 9-3-508 and shall have the powers and  
19 privileges required in the performance of its functions  
20 under this article and W.S. 9-3-501 through 9-3-508.

21  
22           **9-3-415. When retirement permitted; service credit.**

23

1           (e) Any person who is participating in a lawfully  
2 established retirement plan of any Wyoming community  
3 college or the University of Wyoming as authorized by W.S.  
4 21-19-102 and elects coverage under this article shall have  
5 his Wyoming service under both the community college or  
6 University of Wyoming retirement plan and under this  
7 article counted to meet the eligibility requirements for  
8 retirement as specified in this section. Such participants  
9 who elect coverage under the defined contribution plan  
10 shall have their Wyoming service under both the community  
11 college or University of Wyoming retirement plan counted to  
12 meet the requirements entitling the participant to employer  
13 contributions under the defined contribution plan as  
14 provided in W.S. 9-3-808(a).

15

16           (g) Subject to subsection (h) of this section and in  
17 accordance with rule and regulation of the board protecting  
18 the actuarial integrity of the system and its status as a  
19 federally qualified plan, any retired member rehired after  
20 a break in service of not less than thirty (30) days by a  
21 participating employer to fill a vacant full-time position  
22 of a regular contributing employee in any capacity  
23 including, but not limited to, as a contract employee or as  
24 an employee of a third party contractor under an agreement

1 with a participating employer, shall notify the board in  
2 writing of his election to:

3

4 (i) Discontinue retirement benefits and be  
5 reinstated as a contributing defined benefit plan member or  
6 a defined contribution plan member. The member shall only  
7 be permitted to be reinstated as a defined benefit plan  
8 member if he retired as a defined benefit plan member; or

9

10 (h) If a retired member is rehired by a participating  
11 employer to fill a vacant full-time position of a regular  
12 contributing employee in any capacity including, but not  
13 limited to, as a contract employee or as an employee of a  
14 third party contractor under an agreement with a  
15 participating employer, and the retiree is rehired  
16 following a break in service of not less than thirty (30)  
17 days, the employer shall pay into the account an amount  
18 equal to both the members' and employer's contributions  
19 required by law under the Wyoming retirement system based  
20 upon the retiree's salary. Service by the retiree under  
21 this subsection shall not increase retirement benefits  
22 under the Wyoming retirement system. A rehired member  
23 subject to this subsection may not elect to be a defined  
24 contribution plan member.

1

2 (j) If any retired member or employer violates  
3 subsection (h) of this section, the board shall immediately  
4 cancel the retiree's retirement benefit and shall reinstate  
5 that member as a contributing defined benefit plan member.

6

7 **9-3-417. Determination of eligibility for retirement;**  
8 **board to determine equivalent of years of service; credit**  
9 **for military service.**

10

11 (a) The board shall determine the total years of  
12 service creditable to each member for the purpose of  
13 determining eligibility for retirement under this article  
14 and for vesting purposes under the defined contribution  
15 plan, including law enforcement officers for retirement  
16 under W.S. 9-3-432. It may require members to file detailed  
17 statements of all service as a covered member and to give  
18 other necessary information as a condition to the receipt  
19 of benefits under this article.

20

21 **9-3-421. Death benefits; monthly benefit option;**  
22 **refund of excess employee contributions plus interest;**  
23 **medical insurance premiums.**

24



1           (a) If a member dies before retirement under the  
2 system, excluding the defined contribution plan, the  
3 member's account plus an additional amount equal to the  
4 member's account shall be paid to the member's designated  
5 beneficiaries, or in the absence of designated  
6 beneficiaries to his estate. If the member is vested,  
7 instead of a lump sum payment, a beneficiary may elect to  
8 receive the actuarial equivalent of the lump sum of any  
9 benefit for life which is available to a retired member as  
10 provided in this article. A beneficiary, who is the  
11 surviving spouse of the deceased member and who elects to  
12 receive the actuarial equivalent of the lump sum, as a life  
13 benefit may, within eighteen (18) months of the death of  
14 the member, elect to receive the lump sum death benefit  
15 otherwise provided in this subsection plus interest  
16 accumulated on that amount less any payments received by  
17 the surviving spouse.

18

19           **9-3-426. Benefits, allowances and contents of account**  
20 **exempt from taxation and not subject to execution or**  
21 **attachment; assignment limited; qualified domestic**  
22 **relations order; system assets.**

23

1 (a) The benefits and allowances and the cash and  
2 securities in the account created by this article including  
3 the defined contribution plan created by article 8 of  
4 chapter 3 of this title:

5  
6 **21-19-102. Authorization of supplemental retirement**  
7 **plan; conditions for participation.**

8  
9 (a) Except as provided in subsections (b), (c), and  
10 (d) and (e) of this section, the governing body of any  
11 lawfully established community college or of the University  
12 of Wyoming may establish and administer a retirement plan  
13 for the benefit of certain employees of its institution by  
14 the use of a portion of the employer and employee  
15 contributions required under the provisions of the Wyoming  
16 Retirement Act.

17  
18 (e) Any employee of an institution initially employed  
19 by an institution after August 31, 2013 shall elect to  
20 participate in either the retirement plan offered by the  
21 employing institution or the Wyoming retirement system  
22 defined contribution plan under the provisions of article 8  
23 of chapter 3 of this title. Employees initially employed by  
24 an institution after August 31, 2013 who are members of the

1 retirement system defined benefit plan may elect to  
2 continue as defined benefit plan members or may elect to  
3 become members of the defined contribution plan as provided  
4 by W.S. 9-3-804.

5

6 **21-19-103. Contributions generally.**

7

8 (a) Except as provided under W.S. 21-19-102(d), the  
9 terms and conditions of the provisions of the defined  
10 benefit plan or defined contribution plan of the Wyoming  
11 Retirement Act as applicable shall remain effective as to  
12 all employees of the institution except that any required  
13 employer and employee contributions thereunder which are  
14 based upon an employee's annual salary rate in excess of  
15 six thousand six hundred dollars (\$6,600.00) may be paid  
16 for the benefit of the employee in accordance with the  
17 institution's retirement plan. The payments of employer  
18 and employee contributions shall be in lieu of a portion of  
19 payments to the Wyoming retirement account, and the full  
20 amount of payments is subject to management and disposition  
21 in accordance with contractual rights and obligations of  
22 the institution's retirement plan. Any retirement plan  
23 shall provide that:

24

1           **Section 3.**     There is appropriated from the general  
2 fund to the administrative account established by W.S.  
3 9-3-807 five hundred thousand dollars (\$500,000.00). This  
4 appropriation shall be repaid without interest, to the  
5 general fund in ten (10) equal payments made on June 30 of  
6 each year, commencing on June 30, 2015 from fees deposited  
7 to the administrative account.     The board shall consider  
8 this repayment obligation in establishing fees under the  
9 defined contribution plan established by this act.

10

11           **Section 4.**

12

13           (a)     The retirement system shall undertake a  
14 comprehensive review to fully evaluate the funding,  
15 administrative impact and other financial implications of  
16 this act.     The review shall include a comprehensive  
17 actuarial study of the expected required contributions to  
18 maintain the current defined benefit plan as amended by  
19 this act including an analysis of expected replacement  
20 ratios and conversion issues.     The retirement system shall  
21 provide its estimate of administrative costs for investment  
22 and risk-sharing education, as well as other administrative  
23 costs of operating the defined benefit and defined  
24 contribution systems.     The estimate shall consider and

1 project anticipated fees to be assessed as authorized under  
2 this act to offset those costs. The retirement system  
3 shall report to the joint appropriations interim committee  
4 the results of the review by October 1, 2012. The report  
5 shall include recommended legislation to facilitate  
6 implementation of the defined contribution plan established  
7 in this act, but shall not recommend legislation to  
8 eliminate a defined contribution plan or to restrict  
9 defined benefit plan members from participating in the  
10 defined contribution plan.

11

12 (b) There is appropriated one hundred thousand  
13 dollars (\$100,000.00) from the general fund to the  
14 retirement system for purposes of this section. This  
15 appropriation shall be for the period beginning with the  
16 effective date of this section and ending June 30, 2013.  
17 Notwithstanding any other provision of law, this  
18 appropriation shall not be transferred or expended for any  
19 other purpose and any unexpended, unobligated funds  
20 remaining from this appropriation shall revert as provided  
21 by law on June 30, 2013. This appropriation shall not be  
22 included in the retirement system's 2013-2014 standard  
23 biennial budget request.

24

