

ORIGINAL SENATE
FILE NO. SF0018

ENROLLED ACT NO. 22, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

AN ACT relating to administration of the government; amending death benefits for the law enforcement retirement plan and the state highway patrol, game and fish warden and criminal investigator retirement plan; conforming provisions; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 9-3-432(j) and by creating a new subsection (p), 9-3-613, 9-3-614 and 9-3-615(a)(intro) are amended to read:

9-3-432. Law enforcement officers; contributions; benefit eligibility; service and disability benefits; death benefits; benefit options.

(j) Notwithstanding W.S. 9-3-421, any surviving spouse of an officer:

(i) Who dies in the scope of employment shall receive a monthly **death benefit** payment equal to **the greater of** sixty-two and one-half percent (62.5%) of the officer's salary ~~at the time of death or two and one-half percent (2.5%) of the officer's salary multiplied by the years of the officer's service credit, as determined under W.S. 9-3-417~~, plus six percent (6%) of that salary for each child under age eighteen (18), not to exceed one hundred percent (100%) of the officer's salary;:-

(ii) ~~Any surviving spouse of an officer~~ Who dies outside of the scope of employment **but before receiving retirement benefits under this section** shall receive a monthly **nonduty death benefit** payment equal to fifty

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percent (50%) of the officer's salary, ~~at the time of death,~~ plus six percent (6%) of that salary for each child under age eighteen (18), not to exceed one hundred percent (100%) of the officer's salary ~~;-~~

~~(iii) Notwithstanding any other provision in this subsection, any surviving spouse of any officer who retired under W.S. 15-5-301 through 15-5-314 shall, notwithstanding any other provision in this subsection, receive a monthly pension equal to two-thirds (2/3) of the pension the retired law enforcement officer was receiving at the time of his the officer's death, plus sixty dollars (\$60.00) six percent (6%) of the officer's salary for each child under age eighteen (18), not to exceed one hundred percent (100%) of the officer's salary.~~

~~(p) As used in subsection (j) of this section, the officer's salary for purposes of determining death benefit payments shall be equal to the greater of:~~

~~(i) The officer's highest average salary at the time of death, as defined in subsection (e) of this section; or~~

~~(ii) The officer's final actual salary at the time of death, which means the gross salary paid to the officer during the last full month of credited service.~~

9-3-613. Payment on death; duty related.

~~(a) If a member of the retirement program dies as a result of any activity related to official duties as an employee prior to retirement under this article, a monthly death benefit equal to fifty percent (50%) the greater of sixty-two and one-half percent (62.5%) of the member's~~

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~~final actual~~ salary ~~at time of death~~ or ~~two and one-half percent (2.5%)~~ of the member's salary multiplied by the ~~years of the member's service credit~~, as determined under W.S. 9-3-417, shall be paid to the surviving spouse.

(b) In addition ~~to the benefits provided under subsection (a) of this section~~, an additional amount equal to ~~five percent (5%)~~ six percent (6%) of the ~~final actual member's~~ salary shall be paid as a benefit for each unmarried child under the age of eighteen (18) years, provided the total death benefit paid to the surviving spouse and children in accordance with this section shall not exceed one hundred percent (100%) of the employee's ~~final actual~~ salary.

(c) A member's salary for purposes of determining death benefit payments under this section shall be equal to the greater of:

(i) The member's highest average salary at the time of death, as defined in W.S. 9-3-602(a)(xvi); or

(ii) The member's final actual salary at the time of death as defined in W.S. 9-3-602(a)(vi).

9-3-614. Payment on death; not duty-related death of retired member.

(a) If a member dies prior to retirement and ~~his~~ the member's death is not related to ~~his~~ the member's official duties as an employee, a monthly nonduty death benefit shall be paid to the surviving spouse, equal to ~~two percent (2%) of the member's final actual salary at time of death for each year of credited service. The maximum nonduty~~

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~~death benefit payable to the spouse shall not exceed~~ fifty percent (50%) of the member's ~~final actual~~ salary.

(b) In addition to the benefits provided under subsection (a) of this section, an additional amount equal to ~~five percent (5%)~~ six percent (6%) of the ~~final actual member's~~ salary shall be paid as a benefit for each unmarried child under the age of eighteen (18) years. The total nonduty death benefit paid to the surviving spouse and children in accordance with this subsection shall not exceed ~~sixty percent (60%)~~ one hundred percent (100%) of the employee's ~~final actual~~ salary.

~~(b)~~(c) If a retired member of the retirement program dies, the spouse of the deceased member shall receive a benefit equal to fifty percent (50%) of the retirement allowance paid in accordance with W.S. 9-3-607 through 9-3-614. In determining the benefit to be paid to the spouse, no reduction due to social security shall be taken into account. In addition, an amount equal to ~~five percent (5%)~~ six percent (6%) of the ~~final actual member's~~ salary shall be paid as a benefit for each unmarried child under the age of eighteen (18) years. The total benefit paid to the surviving spouse and children on the death of the retired member in accordance with this subsection shall not exceed ~~sixty percent (60%)~~ one hundred percent (100%) of the employee's ~~final actual~~ salary.

(d) As used in this section, the member's salary for purposes of determining death benefit payments means as provided in W.S. 9-3-613(c).

9-3-615. Election of coverage under Wyoming Retirement Act.

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(a) Subject to uniform rules and regulations the retirement board prescribes, instead of the service allowance provided in this article and instead of the benefit specified in W.S. ~~9-3-614(b)~~9-3-614(c), a member of the retirement program may elect one (1) of the following forms of service retirement benefits which shall be the actuarial equivalent of the benefit to which he would otherwise be entitled:

Section 2.

(a) This act shall apply to the distribution of all benefits for the death of members subject to this act made on or after the effective date of this act.

(b) Nothing in this act shall be construed to modify or impair existing contracts, benefits or other obligations arising or awarded before the effective date of this act.

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Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk