| 1 | HOUSE BILL NO. 12 |
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| 2 | INTRODUCED BY BARDANOUVE |
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| 4 | A BILL FOR AN ACT ENTITLED: "AW ACT TO GENERALLY REVISE AND |
| 5 | CLABIFY THE LAWS RELATING TO SHERIFFS' RETIREMENT AND DEATH |
| 6 | AND DISABILITY BENEFITS; AMENDING SECTIONS 68-2602, 68-2604, |
| 7 | 68-2607, 68-2610, 68-2614, 68-2616, 68-2618, 68-2621, |
| 8 | 68-2622, 68-2626, 68-2627, AND 68-2628, R.C.S. 1947." |
| 9 | |
| 10 | BE IT EMACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 11 | Section 1., Section 68-2602, R.C.M. 1947, is amended to |
| 12 | read as follows: |
| 13 | *68-2602. Definitions. The words and phrases ased in |
| 14 | this act shall have the following-meanings: (1) - Maccumulated |
| 15 | deductions* the total amount deducted from the salary of a |
| 16 | member either during a period of membership service or as |
| 17 | transferred from the public employees retirement system |
| 18 | with respect to a period of prior service and standing to |
| 19 | his—sredit—in—tho—account—together—with—the—accrued |
| 20 | interest. Unless the context requires otherwise, the |
| 21 | following definitions apply in this chapter: |
| 22 | (2) (1) "Accumulated contributions"— or "accumulated |
| 23 | deductions means the total amount deducted from the salary |
| 24 | of a member either during a period of membership serwice or |
| 25 | as plus the total amount deducted during a period of prior |

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service and transferred from the public employees' retirement system with respect to a period of prior service and, standing to his the member's credit in the account, together with the accrued interest. (3) (2) "Beneficiary"— means a person having—an insurable interest in the member's life who is nominated in an acknowledged document by the member, which is filed with the board. (4) (3) "Retired sheriff"- means a person receiving a retirement allowance under this act. (5) (4) "Board" - means the sheriffs' retirement board. (6) (5) "Hember" - means any person who has accumulated deductions in the account to his credit. (7)-(6) "Final salary"— means the average annual

salary received by a member, before any deductions are made, and exclusive of maintenance, allowances, and expenses, for any three (3) years of continuous service from which contributions were deducted. In or, in the event that a member has not served three—{3} years, the total salary earned, divided by the number of years served. (8) (7) "Actuarial equivalent"— means a benefit 21

24 (9) (8) "Account" __ means the Montana sheriffs' 25 retirement account administered by the sheriffs' retirement

adopted by the board, compounded annually.

computed using the mortality tables and interest rates

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1 board.

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2 (10)(9) "Wested retirement"— means a retirement not
3 for cause and before retirement age.

4 (11) (10) "Member's annuity"— means payments for life
5 derived from contributions made by the contributor while
6 employed.

7 (12) (11) "Retirement allowance"— means the state
8 annuity plus the member's annuity.

(13) (12) "State annuity"— means payments for life derived from contributions made by county contributions into the sheriffs' retirement account, together with any supplemental legislative appropriations to said the account.

(14) (13) **Creditable service*-- means the aggregate of all of a member's current and prior service.

(15) *Service credits* the credit a member capleyed on a part time basis shall receive which is a year of service for each fiscal year during which the member was employed the whole year and was engaged in his duties the full amount of time he was required by capleyment.

(16) (14) "Membership service"— means service for which an amount is deducted from the salary of a member and paid into the account.

23 (17) (15) "Prior service"— means that service for which
24 credit was granted by the public employees' retirement
25 system of the state of Montana.

1 (18) (16) "Service"— means employment as a sheriff.

2 (19)(17) "Sheriff"— means any elected or appointed
3 county sheriff, undersheriff, or regularly appointed and
4 acting deputy sheriff."

5 Section 2. Section 68-2604, R.C.M. 1947, is amended to fead as follows:

7 "68-2604. Functions of the board. The board way establish such rules and regulations as it does necessary and is charged with the proper administration, operation, and enforcement of this act-, and it may establish such 10 11 rules as it considers necessary. The board shall be the authority to prescribe the conditions under which persons 12 may be admitted to become members of and sentimue to receive 13 14 benefits under the retirement system. It shall keep the data necessary for actuarial valuation purposes. It shall have 15 biennial actuarial investigations made into the mortality 16 17 and service experience of the members and to the 18 beneficiaries of the account, and shall adopt one or more mortality tables." 19

20 Section 3. Section 68-2607, R.C.B. 1947, is amended to read as follows:

members! contributions <u>Membership</u>. Every sheriff <u>chall be is</u>
required to become a member of the <u>sheriffs!</u> retirement
system <u>established by this act</u> on July 1, 1974, unless he

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- was previously a member of the public employees' retirement
 system, in which case, he may at his option become a member
 of the sheriffs' retirement system established by this act.
 Contributions by members under this act shall commence with
 the first payroll after July 1, 1974. All sheriffs who
 become members of the sheriffs' retirement system shall must
 remain members so long as actively employed in such
 capacity."
- 9 Section 4. Section 68-2610, R.C.H. 1947, is amended to 10 read as follows:

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- "68-2610. Eligibility and application for service retirement. (1) Any A sheriff in service who has completed at least twenty five (25) years of service, and who has reached the age of fifty five (55) years, may retire on a service retirement allowance upon written application to the board, submitted not less than thirty (30) days nor or more than minoty (90) days from the desired date of retirement. The application shall must state the date he desires to be retired.
- (2) Retirement chall be is compulsory for any nonelected sheriff with exception of undersheriff at age cirty-five (65), except in the case of undersheriffs."
- 23 Section 5. Section 68-2614, R.C.B. 1947, is amended to read as follows:
- 25 **68-2614. Retirement Involuntary retirement allowance

- 1 for member involuntarily discontinued from service. Should
 2 If a member be is involuntarily discontinued from service
 3 after having completed ten (10) years of total service but
 4 before reaching retirement age, he shall, upon filing an
 5 application, be paid in one of the following ways:
 - (1) The the full amount of his accumulated deductions standing to his credit; or
- 8 (2) a member's annuity of equivalent actuarial value
 9 to his accumulated deductions standing to his oredit, plus
 10 an annuity which is the actuarial equivalent of a state
 11 annuity having a value equal to the present value of a the
 12 state annuity then standing to his gredit."
- Section 6. Section 68-2616, R.C.H. 1947, is amended to read as follows:
- 15 "68-2616. Reinstatement after withdrawal οf 16 contributions -redeposit of contributions. (1) lay h member 17 may deposit in the retirement fund, in one 411 sum or in net 18 to exceed twelve no more than 412; monthly or twenty four 19 (24) semimonthly payments, an amount equal to that which was 20 withdrawn at the last termination of membership plus an 21 amount equal to the interest which would have been credited 22 to the account had the member not withdrawn the 23 contributions upon termination of membership, subject to 24 minimum monthly or semimonthly payments as fixed by the 25 board.

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(2) If a member who is reentering the retirement system after a termination of membership, does not elect to make or does not make the redeposit. the member shall he must reenter as a new member without credit for any service except the prior service credited before the termination. If a member does make such the redeposit, his membership shall be is continuous and unbroken by the last termination.

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(3) Regardless of whether such the redeposit is made, the documents held by the retirement system, as executed by said the member prior to termination of membership, shall be held by the system for the same purposes as prior to said the termination, and beneficiaries nominated shall remain unchanged."

14 Section 7. Section 68-2618, R.C.M. 1947, is amended to 15 read as follows:

"68-2618. Payments in case of death before retirement. (1) If a member dies before retirement, his beneficiary shall-be is entitled to elect among those of the following options for which the member qualifies qualified:

20 (1) (a) A a lump sum payment of the 21 accumulated deductions standing to the member's credit at 22 his death:

23 (2) (b) If a if the member were was not eligible to 24 retire at the time of death, a retirement allowance 25 commencing on the member's death which is the actuarial

equivalent of a retirement allowance in the amount of two 1 persont (2%) of the final salary for each year of service up to a maximum of twenty five (25) years; 3

(3) (c) If if the member were was eliqible to retire at the time of death, a retirement allowance commencing on the member's death in the amount of two percent (2%) of the final salary for each year of service up to a maximum of twenty_five-{25} years:

9 (4) (d) If if the board shall find finds that the member died as a direct and proximate result of injuries 10 11 received in the course of employment, a retirement allowance 12 commencing on the member's death in the amount of fifty 13 persont (50%) of the final salary, less the amount which is 14 paid to any such the beneficiary under the Workson's 15 Workers! Compensation Act of the state of Montana, during 16 the period such compensation is paid or payable+.

(2) provided that in no event shall a beneficiary A beneficiary may not be paid for a period longer than the time it would have taken the deceased member to reach the age of sixty five (65) years or wore longer than fifteen 21 (15) years, whichever is greater."

22 Section 8. Section 68-2621, R.C.H. 1947, is amended to 23 read as follows:

#68-2621. Designation 24 of beneficiary. Every contributor shall have the authority to member may name a 25

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beneficiary by a written acknowledged designation properly filed with the board, and to change the beneficiary in like manner. Such The designation and all any changes must may be filed with the board up until, but not after, the time of retirement.

6 Section 9. Section 68-2622, R.C.E. 1947, is amended to read as follows:

*68-2622. Bloction to qualify military military service for oradit. (1) hay h member now on active duty ingor hereafter inducted into the armed forces of the United States, shall have has the option to:

(1) (a) to continue payments into the account; or

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(2) (b) to allow the board to make the payments during such his military service, in which event the member shall he must repay the account the full amount of such the payments upon within 2 years after his return to the his former status as a sheriff, and such repayments shall be made within two (2) years after return to such status.

19 (2) provided that a member's If a member chooses one
20 of the options in subsection (1) and meets its requirements.
21 he shall be given credit for his service in the armed forces
22 of the United States shall be credited to and made a part of
23 member's service allowance as if it were service as a
24 sheriff.**

25 Section 10. Section 68-2626, R.C.H. 1947, is amended

1 to read as follows:

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2 #68-2626. Botirosest Optional retirement allowance 3 -- eptions. Until (1) A member or a beneficiary may elect one of the optional retirement allowances set forth in Ł. 5 subsection (2), at any time before the first payment on account of any retirement allowance is made and subject to 7 the conditions thaty, if the If a member dies after retirement and within thirty (30) days from the date upon which the seaber's his election or changed election is was 10 received at the office of by the retirement board, then said 11 the election is void and of no offest, and the death shall 12 will be considered as that of a member before retirement.

the approval of a previous election, revoke, or change a previous election prior to the approval of the previous election prior to the approval of the previous election and elect to receive the actuarial equivalent of the his retirement allowance as of the date of retirement, in a lesser retirement allowance payable throughout life with one of the following options:

with one of the following options:

(1) (a) Spen the member's Option 1 — upon his death, a

the lesser retirement allowance shall will be continued

throughout the life of and paid to such the person, having

an insurable interest in the member's life, as the member

nominates that he membered by written designation, duly

executed and filed with the board at the time of retirement.

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1 (2)(h) Spon the member's Option 2 — upon his death,
2 one-half (1/2) of the lesser retirement allowance shall will
3 be continued throughout the life of and paid to such the
4 person, having an insurable interest in the member's life as
5 the member reminated that he nominated by written
6 designation, duly executed and filed with the board at the
7 time of retirement.

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(3) (c) Such Option 3 — such other benefit or benefits shall will be paid, either to the beneficiary or such to any other person or persons as the member nominates that he nominated, as, together with such other the lesser retirement allowances allowance, are the actuarial equivalent of the member's his retirement allowance, and shall be have been approved by the board."

Section 11. Section 68-2627, R.C.B. 1947, is amended to read as follows:

"68-2627. Rules of transfer of member's accumulated deductions to employer's account Transfer of dormant accumulated deductions. The board may, in its discretion, transfer the accumulated deductions of a member to the employer's account in the sheriffs' retirement account if the member's account has been dormant for a period of ten (10) years, provided that. However, no right of the member shall may be jeopardized by such the transfer, and the accumulated deduction shall deductions must be transferred

1 <u>back</u> to the member's name upon <u>his</u> subsequent reentry to
2 <u>membership</u> into the system."

3 Section 12. Section 68-2628, R.C.M. 1947, is amended to read as follows:

5 "68-2628. Sheriffs incligible Incligibility for
6 membership in public employees' retirement system. (1) After
7 July 1, 1974, no sheriff chall be is eligible to membership
8 to become a member of the state public employees' retirement
9 system and the provisions of said law shall The Public
10 Employees' Retirement System Act do not apply to sheriffs,
11 except as provided in 68-2607.

12 (2) No provision of this act is to be construed as to
13 deny any sheriff any benefits accrued under provisions of
14 the state public employees' retirement system prior to July
15 1, 1974."

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DSCAR KVAALEN PAT MC KITTRICK

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EXECUTIVE DIRECTOR

PAMELA DUENSING
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CODE COMMISSIONER

ROBERT PERSON DIRECTOR, RESEARCH

LC 0031

| 1977 | Legislature | | | |
|------|--------------|------|---|---------|
| | Commissioner | Bill | - | Summary |

Bill No.

TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO SHERIFFS' RETIREMENT AND DEATH AND DISABILITY BENEFITS.

(This summary does not include discussion of routine form or grammatical changes.)

Section 1. 68-2602. Definitions. In subsection (3) [now (2)], deleted reference to "insurable interest" because the department of administration considers that such an interest is created by the member's designation - deleted as inaccurate and meaningless. In subsection (13) [now (12)], deleted "contributions made by" to correct an apparent error. Deleted subsection (15) as unnecessary, confusing, and inaccurate - the term does not appear anywhere else in the chapter.

Section 2. 68-2604. Functions of the board. In the last sentence deleted "to" to correct an apparent error. Reworded the second sentence to clarify.

Section 3. 68-2607. Membership. In the last sentence, added the word "members" to correct an apparent error.

Section 4. <u>68-2610</u>. Eligibility and application for service retirement. Grammar and clarification only.

Section 5. 68-2614. Involuntary retirement allowance. "Standing to his credit" deleted as redundant with the definition of "accumulated deductions". Wording of subsection (2) clarified.

Section 6. 68-2616. Reinstatement after withdrawal of contributions. "Not to exceed" changed to "no more than" to improve grammar.

Section 7. 68-2618. Payments in case of death before retirement. Grammar and clarification only.

Section 8. 68-2621. Designation of beneficiary. "Contributor" changed to "member" for consistency; "contributor" is not defined. "Must" changed to "may" to correct apparent error.

Section 9. <u>68-2622</u>. Military service. The proviso at the end has been made subsection (2) and reworded to <u>clarify</u> that credit for military service is given only if payments are made under subsection (1).

Section 10. <u>68-2626</u>. Optional retirement allowance. References to "insurable interest" deleted as <u>inaccurate and meaningless</u> - the department of administration considers that such an interest is created by the member's designation. Rewritten for <u>clarity</u> and to make <u>language uniform</u> with 31-228 and 68-1427. Note: this section provides that "a member or a beneficiary may elect". The inclusion of a beneficiary is inaccurate and confusing. The legislature may want to delete the reference.

Section 11. 68-2627. Transfer of dormant accumulated deductions. "Accumulated deduction" changed to "Accumulated deductions" to correct terminology.

Section 12. 68-2628. Ineligibility for membership in PERS. Reworded subsection (1) to clarify and avoid an apparent conflict with 68-2607. Corrected terminology and clarified "said law".

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Approved by Committee on State Administration

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| 1 | HOUSE BILL NO. 12 |
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| 2 | INTRODUCED BY BARDANOUVE |
| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND |
| 5 | CLARIFY THE LAWS RELATING TO SHERIFFS' RETIREMENT AND DEATH |
| 6 | AND DISABILITY BENEFITS; AMENDING SECTIONS 68-2602, 68-2604, |
| 7 | 68-2607, 68-2610, 68-2614, 68-2616, 68-2618, 68-2621, |
| 8 | 68-2622, 68-2626, 68-2627, AND 68-2628, R.C. S. 1947. |
| 9 | |
| 10 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF BONTANA: |
| 11 | Section 1., Section 68-2602, R.C.M. 1947, is amended to |
| 12 | read as follows: |
| 13 | 768-2602. Definitions. The words and phrases used in |
| 14 | this act shall have the following meanings: (1) ** Assumulated |
| 15 | deductions - the total amount deducted from the salary of a |
| 16 | sombor either during a period of sembership service or as |
| 17 | transferred from the public employees retirement system |
| 18 | with respect to a period of prior service and standing to |
| 19 | his credit in the account together with the accused |
| 20 | interest. Unless the context requires otherwise, the |
| 21 | following definitions apply in this chapter: |
| 22 | (2) (1) "Accumulated contributions"— or "accumulated |
| 23 | deductions means the total amount deducted from the salary |
| 24 | of a member either during a period of membership service or |
| 25 | as plus the total amount deducted during a period of prior |

service and transferred from the public employees! retirement system with respect to a period of prior service and, standing to his the member's credit in the account, together with the accrued interest. (3) (2) "Beneficiary" means a person having an insurable interest in the sember's life who is nominated in an acknowledged document by the member, which is filed with the board. (4) (3) "Retired sheriff" - means a person receiving a retirement allowance under this act. (5) (4) "Board" means the sheriffs' retirement board. (6) (5) "Member" __ means any person who has accumulated deductions in the account to his credit. (7) (6) "Final salary" -- means the average annual salary received by a member, before any deductions are made, and exclusive of maintenance, allowances, and expenses, for any three (3) years of continuous service from which contributions were deducted. In or, in the event that a member has not served three (3) years, the total salary earned, divided by the number of years served. (8) (7) "Actuarial equivalent"— means a benefit computed using the mortality tables and interest rates adopted by the board, compounded annually.

retirement account administered by the sheriffs' retirement

(9) (8) "Account"— means the Montana

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- 1 board.
- 2 (10) (9) "Yested retirement"— means a retirement not
- 3 for cause and before retirement age.
- 4 (44) (10) "Member's annuity" means payments for life
- 5 derived from contributions made by the contributor while
- 6 employed.
- 7 (11) "Retirement allowance"— neans the state
- 8 annuity plus the member's annuity.
- 9 (13) (12) "State annuity" peans payments for life
- 10 derived from contributions made by county contributions into
- 11 the sheriffs' retirement account, together with any
- 12 supplemental legislative appropriations to said the account.
- 13 (14) (13) "Creditable service" means the aggregate of
- 14 all of a member's current and prior service.
- 15 (45) *Service eredite* the eredit a member employed on
- 16 a part time basis shall receive which is a year of service
- 17 for each fiscal year during which the member was employed
- 18 the whole year and was engaged in his duties the full amount
- 19 of time he was required by employment.
- 20 (16) (14) "Rembership service"— means service for which
- 21 an amount is deducted from the salary of a member and paid
- 22 into the account.
- 23 (17) (15) "Prior service" means that service for which
- 24 credit was granted by the public employees retirement
- 25 system of the state of Montana.

- 1 (18) (16) "Service"— means employment as a sheriff.
- 2 (19) (17) "Sheriff"— means any elected or appointed
- 3 county sheriff, undersheriff, or regularly appointed and
- 4 acting deputy sheriff."
- 5 Section 2. Section 68-2604, R.C.M. 1947, is amended to
- 6 read as follows:
- 7 "68-260#. Functions of the board. The board may
- 8 establish such rules and regulations as it does accessary
- $oldsymbol{a}$ and is charged with the proper administration, operation.
- 10 and enforcement of this act, and it may establish such
- 11 rules as it considers necessary. The board shall be the
- 12 authority to prescribe the conditions under which persons
- 13 may be admitted to become members of and sentime to receive
- 14 benefits under the retirement system. It shall keep the data
- 15 necessary for actuarial valuation purposes. It shall have
- 16 biennial actuarial investigations made into the mortality
- 17 and service experience of the members and to the
- 18 beneficiaries of the account, and shall adopt one or more
- 19 mortality tables.*
- 20 Section 3. Section 68-2607, R.C.B. 1947, is amended to
- 21 read as follows:
- 22 *68-2607. Rules of seabership-seasonsest of
- 23 mombers contributions Membership. Every sheriff chall be is
- 24 required to become a member of the sheriffs! retirement
- 25 system established by this act on July 1, 1974, unless he

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was previously a member of the public employees' retirement
system, in which case, he may at his option become a member
of the sheriffs' retirement system established by this act.
Contributions by members under this act shall commence with
the first payroll after July 1, 1974. All sheriffs who
become members of the sheriffs' retirement system shall must
remain members so long as actively employed in such
capacity."

9 Section 4. Section 68-2610, R.C.M. 1947, is amended to 10 read as follows:

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"68-2610. Eligibility and application for service retirement. (1) hay h sheriff in service who has completed at least twenty-five (25) years of service, and who has reached the age of fifty-five (55) years, may retire on a service retirement allowance upon written application to the board, submitted not less than thirty (30) days nor or more than minety (90) days from the desired date of retirement. The application shall must state the date he desires to be retired.

20 <u>(2)</u> Retirement chall be is compulsory for any
21 nonelected sheriff with exception of undersheriff at age
22 cirty-five (65). except in the case of undersheriffs.

23 Section 5. Section 68-2614, R.C.H. 1947, is amended to read as follows:

#68-2614. Retirement Involuntary retirement allowance

1 for member involuntarily discontinued from service. Should
2 If a member be is involuntarily discontinued from service
3 after having completed ten-(10) years of total service but
4 before reaching retirement age, he shall, upon filing an
5 application, be paid in one of the following ways:

- 6 (1) The the full amount of his accumulated deductions
 7 standing to his credit: or
- 8 (2) a member's annuity of equivalent actuarial value
 9 to his accumulated deductions standing to his oredit, plus
 10 an annuity which is the actuarial equivalent of a state
 11 annuity having a value equal to the present value of a the
 12 state annuity them standing to his credit."

Section 6. Section 68-2616, R.C.M. 1947, is amended to read as follows:

"68-2616. Reinstatement after withdrawal of contributions redeposit of contributions. (1) Any A member may deposit in the retirement fund, in one (4) sum or in not to exceed twelve no more than (12) monthly or twenty four (24) semimonthly payments, an amount equal to that which was withdrawn at the last termination of membership plus an amount equal to the interest which would have been credited to the account had the member not withdrawn the contributions upon termination of membership, subject to minimum monthly or semimonthly payments as fixed by the board.

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(2) If a member who is reentering the retirement system after a termination of membership, does not elect to make or does not make the redeposit, the member shall he must reenter as a new member without credit for any service except the prior service credited before the termination. If a member does make such the redeposit, his membership shall be is continuous and unbroken by the last termination.

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(3) Regardless of whether such the redeposit is made, the documents held by the retirement system, as executed by caid the member prior to termination of membership, shall be held by the system for the same purposes as prior to said the termination, and beneficiaries nominated shall remain unchanged."

14 Section 7. Section 68-2618, R.C.B. 1947, is amended to read as follows: 15

"68-2618. Payments in case of death before retirement. (1) If a member dies before retirement, his beneficiary shall be is entitled to elect among those of the following options for which the member qualified:

20 (1) (a) A a lump our lump-sum payment of the 21 accumulated deductions standing to the member's credit at 22 his death:

23 (2) (b) If a if the member were was not eligible to retire at the time of death, a retirement allowance commencing on the member's death which is the actuarial

equivalent of a retirement allowance in the amount of two percent (2%) of the final salary for each year of service up 2 to a maximum of twenty-five (25) years; 3

(3)(c) If if the member were was eligible to retire at the time of death, a retirement allowance commencing on the member's death in the amount of two persont (2%) of the final salary for each year of service up to a maximum of 7 twenty-five-{25} years:

(4) (d) If if the board shall find finds that the 9 member died as a direct and proximate result of injuries 10 received in the course of employment, a retirement allowance 11 commencing on the member's death in the amount of fifty 12 percent (50%) of the final salary, less the amount which is 13 paid to asy such the beneficiary under the Sorkmen's 14 Workers Compensation Act of the state of Montana, during 15 the period such compensation is paid or payable. 16

(2) provided that in no event shall a beneficiary h 17 beneficiary may not be paid for a period longer than the 18 19 time it would have taken the deceased member to reach the age of sixty five (65) years or more longer than fifteen 20 415+ years, whichever is greater." 21

Section 8. Section 68-2621, R.C.E. 1947, is amended to 22 23 read as follows:

24 #68-2621. Designation of beneficiary. Every contributor chall have the authority to member may name a 25

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beneficiary by a written acknowledged designation properly filed with the board, and to change the beneficiary in like manner. Such The designation and all any changes must may be filed with the board up until, but not after, the time of retirement.

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6 Section 9. Section 68-2622, R.C.H. 1947, is amended to read as follows:

#68-2622. Bloction to qualify silitary Editary service for exedit. (1) hay header now on active duty in or hereafter inducted into the armed forces of the United States, shalk have has the option to:

(1) (a) to continue payments into the account; or

(2) (b) to allow the board to make the payments during

such his military service, in which event the member shall

he must repay the account the full amount of such the

payments upon within 2 years after his return to the his

former status as a sheriff, and such repayments shall be

made within two (2) years after return to such status;

(2) previded that a member's If a member chooses one of the options in subsection (1) and meets its requirements, he shall be given credit for his service in the armed forces of the United States shall be predited to and made a part of member's service allowance as if it were service as a sheriff.*

25 Section 10. Section 68-2626, R.C.H. 1947, is amended

to read as follows:

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2 #68-2626. Rotirement Optional retirement allowance 3 -- options. Until (1) A member or a beneficiary may elect one of the optional retirement allowances set forth in 5 subsection (2), at any time before the first payment on account of any retirement allowance is made and subject to 7 the sonditions that, if the If a member dies after retirement and within thirty (30) days from the date upon which the member's his election or changed election is was 10 received at the office of by the setirogent board, then said the election is void and of no effect, and the death shall 11 will be considered as that of a member before retirement.

(2) A member or beneficiary may elect, or, prior to the approval of a previous election, revoke, or change a previous election prior to the approval of the previous election and elect to receive the actuarial equivalent of the his retirement allowance as of the date of retirement, in a lesser retirement allowance payable throughout life with one of the following options:

20 (1) (a) Upon the member's Option 1 — upon his death, a
21 the lesser retirement allowance shall will be continued
22 throughout the life of and paid to such the person, having
23 an insurable interest in the member's life, as the member
24 nominates that he nominated by written designation, duly
25 executed and filed with the board at the time of retirement.

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1 (2) (b) Open the sember's Option 2 - upon his death, 2 one-half (1/2) of the lesser retirement allowance shall will 3 be continued throughout the life of and paid to such the 4 person, having an insurable interest in the sember's life as 5 the member reminated that he nominated by written 6 designation, duly executed and filed with the board at the 7 time of retirement.

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(3) (c) Such Option 3 - such other benefit or benefits shall will be paid, either to the beneficiary or sash to any other person or persons as the member meminates that he nominated, as, together with such other the lesser retirement allowance, are the actuarial equivalent of the member's his retirement allowance, and chall be have been approved by the board."

15 Section 11. Section 68-2627, R.C.B. 1947, is amended to read as follows:

*68-2627. Relea of transfer of sember's accumulated deductions to employer's assount Transfer of dormant accumulated deductions. The board may, in its discretion, transfer the accumulated deductions of a member to the employer's account in the sheriffs' retirement account if the member's account has been dormant for a period of tea (10) years, provided that. However, no right of the member shall may be jeopardized by such the transfer, and the accumulated deduction shall deductions must be transferred back to the member's name upon his subsequent reentry to

membership into the system."

3 Section 12. Section 68-2628, R.C.S. 1947, is amended

to read as follows:

5 "68-2628. Sheriffs incligible Ineligibility for

membership in public employees' retirement system. (1) After

July 1, 1974, no sheriff shall be is eligible to seabership

system and the provisions of said law shall The Public

to become a member of the state public employees' retirement

10 Employees Retirement System Act do not apply to sheriffs.

11 except as provided in 68-2607.

12 (2) No provision of this act is to be construed as to 13 deny any sheriff any benefits accrued under provisions of 14 the state public employees' retirement system prior to July 15 1. 1974.*

-End-

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| 1 . | HOUSE BILL NO. 12 |
|-----|-------------------------------------------------------------------------------|
| 2 | ISTRODUCED BY BARDANOUVE |
| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND |
| 5 | CLARIFF THE LAWS RELATING TO SHERIFFS. RETIREMENT AND DEATH |
| 6 | AND DISABILITY BENEFITS; AMENDING SECTIONS 68-2602, 68-2604, |
| 7 | 68-2607, 68-2610, 68-2614, 68-2616, 68-2618, 68-2621, |
| 8 | 68-2622, 68-2626, 68-2627, AMD 68-2628, R.C.M. 1947." |
| 9 | |
| 10 | BE IT EMACTED BY THE LEGISLATURE OF THE STATE OF MONTABA: |
| 11 | Section 1., Section 68-2602, R.C.E. 1947, is amended to |
| 12 | read as follows: |
| 13 | #68-2602. Definitions. The words-and phrases ased in |
| 14 | this act shall have the following seenings: (1) *locumelated |
| 15 | deductions - the total amount deducted from the calary of a |
| 16 | sember either during a period of sembership service or as |
| 17 | transferred from the public employees retirement system |
| 18 | with respect to a period of prior service and standing to |
| 19 | his exedit in the account together with the account |
| 20 | interest. Unless the context requires otherwise, the |
| 21 | following definitions apply in this chapter: |
| 22 | (2) (1) *Accumulated contributions* or *accumulated |
| 23 | deductions means the total amount deducted from the salary |
| 24 | of a member $\frac{1}{2}$ during a period of membership service $\frac{1}{2}$ |
| 25 | as plus the total amount deducted during a period of prior |

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     service and transferred from the public employees.
     retirement system with respect to a period of prior service
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     and, standing to his the member's credit in the account,
     together with the accrued interest.
          (2) (2) "Beneficiary" neans a person having an
     incurable interest in the member's life who is sominated in
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     an acknowledged document by the member, which is filed with
     the board.
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          (4) (3) "Retired sheriff" -- means a person receiving a
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     retirement allowance under this act.
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          (5) (4) "Board" _ means the sheriffs' retirement board.
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          (6) (5) "Member" __ means any person who has accumulated
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     deductions in the account to his credit.
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          (7) (6) "Final salary" -- seans the average annual
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     salary received by a member, before any deductions are made,
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     and exclusive of maintenance, allowances, and expenses, for
     any three (3) years of continuous service from which
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     contributions were deducted - In or in the event that a
     member has not served three—{3} years, the total salary
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     earned, divided by the number of years served.
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          (8) (7) "Actuarial equivalent"— means a benefit
22
     computed using the mortality tables and interest rates
23
     adopted by the board, compounded annually.
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          (9) (8) "Account"— means the Montana sheriffs'
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retirement account administered by the sheriffs' retirement

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(10) (9) "Vested retirement" means a retirement not 2 for cause and before retirement age. . 444+ (10) "Hember's annuity" - means payments for life derived from contributions made by the contributor while employed. 7 (12) (11) "Retirement allowance" - seams the state annuity plus the member's annuity. 9 (13) (12) "State annuity" -- means payments for life 10 derived from contributions nade by county contributions into the sheriffs' retirement account, together with any 11 supplemental legislative appropriations to said the account. 12 13 4444413) "Creditable service" - reass the aggregate of 14 all of a member's current and prior service. 15 (15) "Service eredite" the eredit a member employed on a part tipe basic shall reseive thick is a year of certise 16 17 for each figgal -- year during which the seabor was employed 18 the whole year and was engaged in his duties the full assent 19 of tire he was required by employment. 20 (16) (14) "Rembership service" -- means service for which 21 an amount is deducted from the salary of a member and paid 22 into the account. 23 (17) (15) "Prior service" - means that service for which 24 credit was granted by the public employees retirement

board.

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(19) (17) "Sheriff" means any elected or appointed 2 county sheriff, undersheriff, or regularly appointed and 3 acting deputy sheriff." Section 2. Section 68-2604, R.C. a. 1947, is amended to read as follows: #68-2604. Functions of the board. The board say 7 establish such rules and requistions as it doess accountry and is charged with the proper administration, operation, and enforcement of this act-, and it may establish such 10 rules as it considers necessary. The board shall be-the 11 actionity to prescribe the conditions under which persons 12 may be admitted to become members of and seminate to receive 13 benefits under the retirement system. It shall keep the data 14 necessary for actuarial valuation purposes. It shall have 15 biennial actuarial investigations made into the mortality 16 and service experience of the members and to the 17 beneficiaries of the account, and shall adopt one or more 18 mortality tables." 19 20 Section 3. Section 68-2607, R.C.B. 1947, is amended to read as follows: 21 22 #68-2607. Bules of seaborghip contentones members' contributions Membership. Every sheriff shall be is 23 24 required to become a member of the sheriffs! retirement system established by this act on July 1, 1974, unless he 25

4181 (16) "Service" -- means employment as a sheriff.

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system of the state of Montana.

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- 1 was previously a member of the public employees' retirement
 2 system, in which case, he may at his option become a member
 3 of the <u>sheriffs'</u> retirement system established by this act.
 4 Contributions by members under this act shall commence with
 5 the first payroll after July 1, 1974. All sheriffs who
 6 become members of the <u>sheriffs'</u> retirement system shall must
 7 remain <u>members</u> so long as actively employed in such
- 9 Section 4. Section 68-2610, R.C.E. 1947, is amended to 10 read as follows:

capacity."

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- retirement. (1) has A sheriff in service who has completed at least twenty five (25) years of service, and who has reached the age of fifty five (55) years, may retire on a service retirement allowance upon written application to the board, submitted not less than thirty (30) days now or more than minoty (90) days from the desired date of retirement. The application shall must state the date he desires to be retired.
- 20 <u>(2)</u> Retirement shall—be is compulsory for any
 21 nonelected sheriff with exception of undersheriff at age
 22 sixty five (65)—, except in the case of undersheriffs."
- 23 Section 5. Section 68-2614, R.C.M. 1947, is amended to read as follows:
- 25 *68-2614. Retirement Involuntary retirement allowance

- for member involuntarily discontinued from service. Should

 If a member be is involuntarily discontinued from service

 after having completed ten-(10) years of total service but

 before reaching retirement age, he shall, upon filing an

 application, be paid in one of the following ways:
 - (1) the the full amount of his accumulated deductions standing to his credit; or
- 8 (2) a member's annuity of equivalent actuarial value
 9 to his accumulated deductions standing to his credit, plus
 10 an annuity which is the actuarial equivalent of a state
 11 annuity heving a value equal to the present value of a the
 12 state annuity then standing to his credit."
- 13 Section 6. Section 68-2616, R.C.M. 1947, is amended to read as follows:

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board.

*68-2616. Reinstatement after withdrawal of contributions redeposit of contributions. (1) hay h member may deposit in the retirement fund, in one (1) sum or in not to exceed twolve no more than (12) monthly or twenty fear (24) semimonthly payments, an amount equal to that which was withdrawn at the last termination of membership plus an amount equal to the interest which would have been credited to the account had the member not withdrawn the contributions upon termination of membership, subject to minimum monthly or semimonthly payments as fixed by the

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121 If a member, expess who is reentering the retirement system after a termination of membership, does not elect to make or does not make the redeposit, the member shall he must reenter as a new member without credit for any service except the prior service credited before the termination. If a member does make even the redeposit, his membership shall be is continuous and unbroken by the last termination.

(3) Regardless of whether such the redeposit is made, the documents held by the retirement system, as executed by said the member prior to termination of membership, shall be held by the system for the same purposes as prior to said the termination, and beneficiaries nominated shall remain unchanged."

Section 7. Section 68-2618, R.C.B. 1947, is amended to read as follows:

"68-2618. Payments in case of death before retirement.

(1) If a member dies before retirement, his beneficiary shall be is entitled to elect among those of the following options for which the member qualifies qualified:

(1) (a) h a lump—sum lump—sum payment of the accumulated deductions standing to the member's credit at his death;

(2) (b) If a if the member were was not eligible to retire at the time of death, a retirement allowance commencing on the member's death which is the actuarial

equivalent of a retirement allowance in the amount of two
percent—(2%) of the final salary for each year of service up
to a maximum of twoman five (25) years;

(2) (c) If if the member were was eligible to retire at the time of death, a retirement allowance commencing on the member's death in the amount of two possest (2%) of the final salary for each year of service up to a maximum of twonty-five (25) years;

(4) (d) If if the board shall finds that the member died as a direct and proximate result of injuries received in the course of employment, a retirement allowance commencing on the member's death in the amount of fifty percent (50%) of the final salary, less the amount shield is paid to any such the beneficiary under the Sorkmen's Workers' Compensation act of the state of Montana, during the period such compensation is paid or payable.

17 (2) provided that in no event shall a beneficiary A

18 beneficiary may not be paid for a period longer than the

19 time it would have taken the deceased member to reach the

20 age of sixty five (65) years or more longer than fifteen

21 (15) years, whichever is greater.**

22 Section 8. Section 68-2621, R.C.H. 1947, is amended to 23 read as follows:

24 **68-2621. Designation of beneficiary. Every 25 contributor shall have the authority to member may name a

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- beneficiary by a written acknowledged designation properly
 filed with the board, and to change the beneficiary in like
 anner. Such the designation and all any changes area may be
 filed with the board up until, but not after, the time of
 retirement.
- 6 Section 9. Section 68-2622, R.C.B. 1947, is amended to read as follows:
- 8 **68-2622. Blockion to qualify military
 9 service for credit. (1) lay 1 member now on active duty in,
 10 or hereafter inducted into the armed forces of the United
 11 States, chall have has the option to:

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- (1) (a) to continue payments into the account; or

 (2) (b) to allow the board to make the payments during

 such his military service, in which event the member shall

 he must repay the account the full amount of such the

 payments upon within 2 years after his return to the his

 former status as a sheriff, and such repayments shall be

 made within two (2) yours after return to such status;
- (2) provided that a member's If a member chooses one of the options in subsection (1) and meets its requirements, he shall be given credit for his service in the armed forces of the United States shall be credited to and made a part of acaber's corvice allowance as if it were service as a sheriff."
- 25 Section 10. Section 68-2626, R.C.H. 1947, is amended

to read as follows:

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2 #68-2626. Retirement Optional retirement allowance -- eptions. Until (1) A member or a beneficiary may elect one 3 4 of the optional retirement allowances set forth in 5 subsection (2) at any time before the first payment on account of any retirement allowance is made and subject to the conditions that, if the If a member dies after retirement and within thirty (30) days from the date upon which the member's his election or changed election is was received at the office of by the retirement board, then said 11 the election is void and of no officet, and the death shall 12 will be considered as that of a member before retirement.

- the approval of a previous election, revoker or change a previous election prior to the approval of the previous election prior to the approval of the previous election and elect to receive the actuarial equivalent of the his retirement allowance as of the date of retirement, in a lesser retirement allowance payable throughout life with one of the following options:
- 20 (1) (a) Upon the member's Option 1 upon his death, a
 21 the lesser retirement allowance chall will be continued
 22 throughout the life of and paid to such the person, having
 23 an insurable interest in the member's life, as the member
 24 nominates that he nominated by written designation, duly
 25 executed and filed with the board at the time of retirement.

1 (2) (b) Spen the sember's Option 2 — upon his death,
2 one-half (1/2) of the lesser retirement allowance shall will
3 be continued throughout the life of and paid to such the
4 person, having an insurable interest in the member's life as
5 the sember nominated that he nominated by written
6 designation, duly executed and filed with the board at the
7 time of retirement.

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(3) (c) Such Option 3 — such other benefit or benefits shall will be paid, either to the beneficiary or such to any other person or persons as the member accurates that he nominated, as, together with such other the lesser retirement allowances allowance, are the actuarial equivalent of the acchoris his retirement allowance, and shall be have been approved by the board."

Section 11., Section 68-2627, R.C.S. 1947, is amended to read as follows:

*68-2627. Released transfer of subber's assumpted deductions to employer's assume Transfer of dormant accumulated deductions. The board may, in its discretion, transfer the accumulated deductions of a member to the employer's account in the sheriffs' retirement account if the member's account has been dormant for a period of ten (10) years, provided that. However, no right of the member shall may be jeopardized by such the transfer, and the accumulated deductions must be transferred

1 <u>back</u> to the member's name upon <u>his</u> subsequent reentry to 2 membership into the system."

3 Section 12. Section 68-2628, R.C.S. 1947, is amended to read as follows:

7 "68-2628. Sheriffs ineligible Ineligibility for membership in public employees' retirement system. (1) After July 1, 1974, no sheriff shall be is eligible to membership to become a member of the state public employees' retirement system and the provisions of said law shall The Public Employees' Retirement System Act do not apply to sheriffs, except as provided in 68-2607.

12 <u>(2)</u> We provision of this act is to be construed as to
13 deny any sheriff any benefits accrued under provisions of
14 the state public employees retirement system prior to July
15 1, 1974.

-End-

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| 2 | INTRODUCED BY BARDANOUVE |
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| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND |
| 5 | CLARIFY THE LAWS RELATING TO SHERIFFS RETIREMENT AND DEATH |
| 6 | AND DISABILITY BENEFITS; AMENDING SECTIONS 68-2602, 68-2604, |
| 7 | 68-2607, 68-2610, 68-2614, 68-2616, 68-2618, 68-2621, |
| 8 | 68-2622, 68-2626, 68-2627, AND 68-2628, R.C.M. 1947." |
| 9 | |
| 10 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 11 | Section 1. Section 68-2602, R.C.M. 1947, is amended to |
| 12 | read as follows: |
| 13 | #68-2602. Definitions. The words and phrases used in |
| 14 | this-act-shall-have-the-following-meanings:-(l)-"Accumulated |
| 15 | deductions=thetotal-omount-deducted-from-the-salary-of-a |
| 16 | member-either-during-a-period-of-membershipserviceoras |
| 17 | transferredfromthepublicemployees^-retirement-system |
| 18 | with-respect-to-e-period-of-prior-serviceandstandingto |
| 19 | hiscreditintheaccounttogetherwiththeaccrued |
| 20 | interests Unless the context requires otherwise, the |
| 21 | following definitions apply in this chapter: |
| 4 2 | f27(1) "Accumulated contributions" or "accumulated |
| 23 | deductions" means the total amount deducted from the salary |
| 24 | of a member either during a period of membership service or |
| 25 | as plus the total amount deducted during a period of prior |

HOUSE BILL NO. 12

| 1 | <u>service</u> and transferred from the public employees |
|----|-------------------------------------------------------------------------|
| 2 | retirement system-with respect to a period of prior - servic |
| 3 | ends standing to his the member's credit in the account |
| 4 | together with the accrued interest. |
| 5 | (3)(2) "Beneficiary"—— <u>means</u> a person h aving——a |
| 6 | insurableinterest-in-the-member*s-life who is nominated i |
| 1 | an acknowledged document by the member, which is filed wit |
| 8 | the board. |
| 9 | (4)(3) "Retired sheriff"— means a person receiving |
| 10 | retirement allowance under this act. |
| 11 | (5)(4) "Board" means the sheriffs' retirement board |
| 12 | (6)(5) "Member" means any person who has accumulate |
| 13 | deductions in the account to his credit. |
| 14 | (77)(6) "Final salary"— means the average annua |
| 15 | salary received by a member ₂ before any deductions are made |
| 16 | and exclusive of maintenance, allowances, and expenses, fo |
| 17 | any three{3} years of continuous service from which |
| 18 | contributions were deducted——In or, in the event that |
| 19 | member has not served three(3) years, the total salar |
| 20 | earnedy divided by the number of years served. |
| 21 | t0)(1) "Actuarial equivalent" <u>means</u> a benefi |
| 22 | computed using the mortality tables and interest rate |
| 23 | adopted by the board, compounded annually. |
| 24 | † 9}18] "Account" <u>means</u> the Montana sheriffs |

retirement account administered by the sheriffs* retirement

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| 1 | DOAFG. |
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| 2 | (10) (2) "Vested retirement"— <u>means</u> a retirement not |
| 3 | for cause and before retirement age. |
| 4 | (11)(10) "Member's annuity"—— means payments for life |
| 5 | derived from contributions made by the contributor while |
| 6 | employed. |
| 7 | (12)(11) "Retirement allowance" means the state |
| 8 | annuity plus the member's annuity. |
| 9 | (13)[12] "State annuity"—— <u>means</u> payments for life |
| 10 | derived from contributions made by county contributions into |
| 11 | the sheriffs' retirement account, together with any |
| 12 | supplemental legislative appropriations to seid the account. |
| 13 | (14)[13] "Creditable service"— means the aggregate of |
| 14 | all of a member's current and prior service. |
| 15 | (15)-"Service-credits"the-credit-a-member-employed-on |
| 16 | a-part-time-basis-shall-receive-which-is-a-yearofservice |
| 17 | foreachfiscalyear-during-which-the-member-was-employed |
| 18 | the-whole-year-and-was-engaged-in-his-duties-the-full-amount |
| 19 | of-time-he-was-required-by-employment* |
| 20 | (16) (14) "Membership service"— means service for which |
| 21 | an amount is deducted from the salary of a member and paid |
| 22 | into the account. |
| 23 | (17)(15) "Prior service" means that service for which |
| 24 | credit was granted by the public employees' retirement |

system of the state of Montana.

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| 1 | (10) (16) "Service"— <u>means</u> employment as a sheriff. |
|---|---------------------------------------------------------------------------------------|
| 2 | (19) #Sheriff# <u>means</u> any elected or appointe |
| 3 | county sheriff, undersheriff, or regularly appointed an |
| 4 | acting deputy sheriff." |
| 5 | Section 2. Section 68-2604, R.C.M. 1947, is amended t |
| 6 | read as follows: |
| 7 | "68-2604. Functions of the board. The board me |
| а | establishsuchrules-and-regulations-as-it-deems-necessor |
| 9 | end is charged with the proper administration, operation |
| 0 | and enforcement of this act s and it may establish suc |
| 1 | rules as it considers necessary. The board shall be-th |
| 2 | authorityto prescribe the conditions under which person |
| 3 | may be-admitted-to become members of and continue-to receive |
| 4 | benefits under the retirement system. It shall keep the dat |
| 5 | necessary for actuarial valuation purposes. It shall have |
| 6 | biennial actuarial investigations made into the mortalit |
| 7 | and service experience of the members and to th |
| 8 | beneficiaries of the accounty and shall adopt one or mor |
| 9 | mortality tables." |
| 0 | Section 3. Section 68-2607, R.C.M. 1947, is amended t |
| 1 | read as follows: |
| 2 | #68-2607。 Rulesofmembershipcommencemento |
| 3 | members*-contributions <u>Membership</u> . Every sheriff shall-be <u>i</u> |
| 4 | required to become a member of the <u>sheriffs</u> retiremen |
| 5 | system established-by-this-act on July 1, 1974, unless h |

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was previously a member of the public employees* retirement system. in which case, he may at his option become a member of the sheriffs! retirement system established-by-this-act. Contributions by members under this act shall commence with the first payroll after July 1, 1974. All sheriffs who become members of the sheriffs! retirement system shall must remain members so long as actively employed in such capacity."

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Section 4. Section 68-2610. R.C.M. 1947. is amended to 9 read as follows: 10

#68-2610. Eligibility and application for service retirement. (1) Any A sheriff in service who has completed at least twenty-five--t25t years of servicey and who has reached the age of fifty-five-(55) years, may retire on a service retirement allowance upon written application to the board. submitted not less than thirty-(30) days nor or more than ninety-(90) days from the desired date of retirement. The application shell must state the date he desires to be retired.

(4) Retirement shall-be is compulsory for any nonelected sheriff with-exception-of-undersheriff at age sixty-five-t651** except in the case of undersheriffs.*

Section 5. Section 68-2614, R.C.M. 1947, is amended to read as follows:

#68-2614. Retirement Involuntary retirement allowance

for-member--involuntarily-discontinued-from-service. Should 1 2 If a member be is involuntarily discontinued from service after having completed ten-f10+ years of total service but before reaching retirement age, he shall, upon filing an application, be paid in one of the following ways:

- (1) The the full amount of his accumulated deductions standing-to-his-credit: or
- (2) a member's annuity of equivalent actuarial value to his accumulated deductions standing-to-his-credity plus an annuity which is the actuarial equivalent of a--state 10 annuity--having-s-value-equal-to the present value of a the state annuity then-standing-to-his-credit." 12

13 Section 6. Section 68-2616, R.C.M. 1947, is amended to read as follows: 14

#68~2616. Reinstatement after withdrawal of contributions--redeposit--of-contributions. (1) Any A member may deposit in the retirement fund, in one (1) sum or in not to-exceed-twelve no more than f12; monthly or twenty-four †24† semimonthly payments, an amount equal to that which was withdrawn at the last termination of membership plus an amount equal to the interest which would have been credited to the account had the member not withdrawn the contributions upon termination of membership, subject to minimum monthly or semimonthly payments as fixed by the board.

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| 121 If a member , upon who is reentering the retirement |
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| system after a termination of membership $\boldsymbol{\tau}$ does not elect to |
| make or does not make the redeposit, the-member-shall he |
| must reenter as a new member without credit for any service |
| except the prior service credited before the termination. If |
| a member does make such the redeposit, his membership shall |
| be is continuous and unbroken by the last termination. |

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131 Regardless of whether such the redeposit is made: the documents held by the retirement system, as executed by said the member prior to termination of memberships shall be held by the system for the same purposes as prior to said the termination, and beneficiaries nominated shall remain unchanged.*

Section 7. Section 68-2618, R.C.M. 1947, is amended to read as follows:

*68-2618. Payments in case of death before retirement. (1) If a member dies before retirement, his beneficiary shall--be is entitled to elect among those of the following options for which the member qualified:

20 (1)(a) ★ a lump-sum lump-sum payment of the accumulated deductions standing to the member's credit at 21 his death: 22

f2)(b) If-a if the member were was not eligible to 23 24 retire at the time of death, a retirement allowance 25 commencing on the member's death which is the actuarial

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equivalent of a retirement allowance in the amount of two percent-{2%} of the final salary for each year of service up to a max: www of twenty-five-(25) years; 3

+++(c) If if the member were was eligible to retire at the time of death, a retirement allowance commencing on the member's death in the amount of two-percent-12% of the final salary for each year of service up to a maximum of twenty-five-t251 years;

thid) if if the board shall-find finds that the member died as a direct and proximate result of injuries received in the course of employment, a retirement allowance commencing on the member's death in the amount of fifty percent-(50%) of the final salary: less the amount which-is paid to any--such the beneficiary under the Workmen's Morkers! Compensation Act of the state of Montana, during the period such compensation is paid or payablets

[2] provided--thot--in--no-event-shall-a-beneficiary A beneficiary may not be paid for a period longer than the time it would have taken the deceased member to reach the age of sixty-five-(65) years or more longer than fifteen †15† years, whichever is greater.[™]

22 Section 8. Section 68-2621, R.C.M. 1947, is amended to 23 read as follows:

beneficiary. 24 *68-2621. Designation of Every contributor-shall-have-the-authority-to member may name a

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beneficiary by a written acknowledged designation properly filed with the boards and to change the beneficiary in like manner. Such Ihe designation and all any changes must may be filed with the board up until, but not after, the time of retirement."

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Section 9. Section 68-2622, R.C.M. 1947, is amended to read as follows:

*68-2622. Election--to---qualify---military Military
service for-credit. (1) Any A member now on active duty inv
or hereafter inducted into the armed forces of the United
Statesy-shall-have has the option to:

(1)(a) to continue payments into the accounty) or

(2)(b) to allow the board to make the payments during

such his military service, in which event the member—shall

he must repay the account the full amount of such the

payments upon within 2 years after his return to the his

tormer status as a sheriffy—and—such—repayments—shall—be

made—within—two—(2)—years—after—return—to—such—status).

(2) provided that a member s If a member chooses one of the options in subsection (1) and meets its requirements. he shall be given credit for his service in the armed forces of the United States shall be credited to and made a part of member*s—service—allowance—as if it were service as a sherift.*

25 Section 10. Section 68-2626, R.C.M. 1947, is amended

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to read as follows:

*66-2626. Retirement Optional retirement allowance 2 --options. Until (1) A member or a beneficiary may elect one 3 of the optional retirement allowances set forth in subsection (2), at any time before the first payment on account of any retirement allowance is made and -- subject -- to the--conditions--thety, if--the If a member dies after retirement and within thirty-(30) days from the date upon which the--member*s his election or changed election is was 10 received at-the-office-of by the retirement board, then-said 11 the election is void and-of-no-effecty and the death shall will be considered as that of a member before retirement. 12

the approval of a previous election. revokey or change a previous election prior to the approval of the previous election prior to the approval of the previous election and elect to receive the actuarial equivalent of the his retirement allowance as of the date of retirementy in a lesser retirement allowance payable throughout life with one of the following options:

the lesser retirement allowance shall will be continued throughout the life of and paid to such the person—having an—insurable—interest—in—the member*s-lifey—as the member that he nominated by written designation, duly executed and filed with the board at the time of retirement.

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(2)(b) Upon—the—member*s Option 2 -- upon his death, one-half (1/2) of the lesser retirement allowance shall will be continued throughout the life of and paid to such the person—having—an—insurable—interest—in—the—member*s—life—as the—member—nominated that he nominated by written designation, duly executed and filed with the board at the time of retirement.

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that all be paid, either to the beneficiary or such to any other person or persons as the member nominated that he nominated as together with such other the lesser retirement showences allowance, are the actuarial equivalent of the member's his retirement allowance, and shall be have been approved by the board.

Section 11. Section 68-2627, R.C.M. 1947, is amended to read as follows:

"68-2627. Rules-of-transfer-of-member*s-accumulated deductions—to-employer*s-account Iransfer of dormant accumulated deductions. The board may, in its discretion, transfer the accumulated deductions of a member to the employer's account in the sheriffs' retirement account if the member's account has been dormant for a period of ten (10) yearsy-provided-thot, However, no right of the member shall may be jeopardized by such the transfer, and the accumulated deduction-shall deductions must be transferred

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<u>back</u> to the member's name upon <u>his</u> subsequent reentry to

3 Section 12. Section 68-2628, R.C.M. 1947, is amended 4 to read as follows:

5 **68-2628. Sheriffs---ineligible Ineligibility for
6 membership in public employees' retirement system. [1] After
7 July 1, 1974, no sheriff shall be is eligible to membership
6 to <u>pecome a member of</u> the state public employees' retirement
9 system and the provisions of said--law-shall like Public
10 Employees' Retirement System Act do not apply to sheriffsa
11 except as provided in 68-2607.

12 (2) No provision of this act is to be construed as to
13 deny any sheriff any benefits accrued under provisions of
14 the state public employees* retirement system prior to July
15 1. 1974.**

-End-