45th Legislature

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1	HOUSE BILL NO. 38	1	<u>member's</u> written designation, duly acknowledged and filed
2	INTRODUCED BYBARDANOUVE	2	with the board.
3		3	(3) "Retired state game warden" means any person in
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND	4	receipt of a retirement allowance under this act.
5	CLARIFY THE LAWS RELATIVE TO GABE WARDERS' RETIREMENT AND	5	(4) "Board" means the Montana state game wardens'
6	DEATE AND DISABILITY BENEFITS; AMENDING SECTIONS 68-1401,	6	retirement board.
7	68-1402, 68-1405, 68-1406, 68-1407, 68-1409, 68-1410,	7	(5) "Contributor" means any person who has accumulated
8	68-1413, 68-1415, 68-1417, 68-1421, 68-1422, 68-1425,	8	deductions in the accounty standing to his credit.
9	68-1427, AND 68-1429; AND ENACTING A NEW SECTION 68-1402.1	9	(6) "Final salary" means the average annual
10	TO OFFICIALLY RECOGNIZE AND DAKE THE MONTARA STATE GAME	10	compensation received by a contributor, before any
11	WARDENS' RETIREMENT SYSTEM."	11	deductions have been made, and exclusive of maintenance,
12		12	allowances, and expenses, for any three
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	13	continuous service upon which contributions have been made $_{\pmb{\tau}}$
14	Section 1. Section 68-1401, R.C.B. 1947, is amended to	14	or, in the event a member has not served <del>three-{3}</del> years,
15	read as follows:	15	the total retirement compensation earned, divided by the
16	#68-1401. Definition of terms <u>Definitions</u> . Unless the	16	number of years served.
17	context requires otherwise, the following definitions apply	17	<del>(7)#Actuarialoquivalent#seanstheaccusulated</del>
18	in this act:	18	contributions-and-the-procest-ralue-ofthesepbor'sstate
19	(1) "Accumulated deductions" means the total of the	19	<del>corvice_based_on_leagth_of_corvice_and_member*c-attained.age</del>
20	amount deducted from the salary of a contributor, and paid	20	usodtoprovidealifeortopporary-life-incone-to-the
21	into the account, and standing to his credit in the account,	2 1	logally-designated-persony-based-ontheperson1sattained
22	together with the regular interest thereon.	22	ago-and-cox-at-the-time-the-option-becomes-available-
23	(2) "Beneficiary" means a person <del>or persons having an</del>	23	[7] "Actuarial equivalent" means a benefit of equal
24	inserableintorostinhislifeasheshallsominate	24	value when computed upon the basis of the acturial tables in
25	nominated to receive benefits under this chapter by a	25	use by the system.
			-2-
	INTRODUCED BILL		-

1 (8) "Account" means the Montana state game wardens"
2 retirement account in the agency fund.

3 (9) "Involuntary retirement" means a retirement not
4 for cause and before retirement age.

5 (10) "Hember's annuity" means payments for life derived
6 from contributions made by the contributor.

7 (11) "Optional retirement age" means the age at which a
8 contributor may retire after twenty (20) years service or
9 more<sub>1</sub> provided that the contributor has reached the age of
10 fifty-five (55) years.

(12) "Betirement age" means the age at which a member
retires after trenty five (25) years of creditable service
as a state game worden of the department of fish and game as
prescribed in 68-1411. All-members must retire at age cisty
(60).

16 (13) "Retirement allowance" means the state annuity17 plus the member's annuity.

18 (14) "State annuity" means payments for life derived
19 from contributions made by the state of <u>Hontana-from</u>
20 <u>department of</u> fish and game moneys in the earmarked revenue
21 fund."

Section 2. Section 68-1402, R.C.M. 1947, is amended to
read as follows:

24 \*68-1402. State game warden defined. Whenever used in
25 this act, state game warden means all state fish and game

1 wardens hired by the state fish and game commission and 2 skall include includes all warden supervisory personnel 7 whose salaries or compensation is paid out of the <del>Bontana</del> department of fish and game moneys in the earmarked revenue ġ, 5 fund." 6 Section 3. There is a new R.C.N. section numbered 7 68-1402.1 that reads as follows: R 68-1402.1. Retirement system. There is a retirement 9 system known as the Hontana state game wardens' retirement 10 system, which is governed by the provisions of this chapter. 11 Section 4. Section 68-1405, R.C.H. 1947, is amended to read as follows: 12 13 14 retirement system Retirement account. (1) The following 15 shall be paid to the board and shall be credited by the 16 board to the account: 17 (a) all all contributions by the state from department 18 of fish and game moneys in the earmarked revenue fund; and 19 (b) all contributions by the state game wardens as 20 designated by section -1 [68-1401] above in the amount 21 hereinafter specified; and 22 (c) all interest on and increase of the investments 23 and moneys under this in the account, -shall be paid to -- the 24 boardy --- who --- shall-orodit-such-payments-to-tho-Hontana-state 25 gaze-vardenet-retirenet-account-in-the-account-fund1 <u>(2) The Such board shall-have has exclusive control of</u> 2 the administration of each the account. The state treasurer 3 chall-be is custodian of the account, subject to the 4 exclusive control of the board as to the administration 5 thereof and the board of investments as to the investment 6 thereof.

(3) Whenever there is on deposit in the Hontana-state 7 gase wardens retirement account a sum in excess of ß twenty-five thousand dollars - (\$25,000), such excess will 9 shall be invested by the board of investments as part of the 10 long-term investment fund, and any The part of the account 11 loss than not in excess of tweaty-five-thousand dollars 12 +\$25,000) in amount shall be invested by the board of 13 investments as part of the short-term investment fund when 14 so directed by the Nontana-game-wardens! retirement board." 15 16 Section 5. Section 68-1406. R.C.B. 1947, is amended to read as follows: 17

"68-1406. Rules and regulations Board to make rules ---18 actuarial data. (1) The board may-ostablish such - rules and 19 20 regulations-as-it-decas- negossary-and is charged within-the ligitations of this act for its with the proper 21 administration, operation, and enforcement, of this act. The 22 23 board may make such rules as it considers mecessary and 24 shall be the authority under this act as determine the 25 conditions under which persons may be admitted to become <u>members of</u> and <del>continue-to</del> receive benefits under the
 retirement system.

3 (2) The board It shall keep such data as chall be is 4 necessary for actuarial valuation purposes. It shall cause 5 to be made periodic actuarial investigations into the 6 mortality and service experience of the contributors and to 7 and the beneficiaries of the account, and shall adopt for 8 the retirement system one or more mortality tables."

9 Section 6. Section 68-1407, R.C.H. 1947, is amended to
10 read as follows:

11 "68-1407. Hembership. Bvory Each state game warden, 12 including all warden supervisory personnel, whose salary or 13 compensation for services is paid wholly out of the Hontana 14 department of fish and game moneys in the earmarked revenue 15 fund and who is assigned to law enforcement in the 16 department of fish and game, shall become a member of the 17 retirement system when first becoming a state game warden. 18 If a person becomes a state game warden after July 1, 1963. 19 who was at any time before July 1, 1963, a state game 20 warden, he shall receive credit for any such service prior 21 to July 1, 1963, upon complying with the provisions of this 22 act. All state game wardens shall be members of the 23 retirement system so long as actively employed in that 24 capacity."

### 25 Section 7. Section 68-1409, R.C.H. 1947, is amended to

1 read as follows:

2 "68-1409. Paymonto --- by---- contributors Member's 3 contribution. Every member shall-be is required to contribute into the account a sum equal to seven per-sent h 5 +7%+ of his monthly salary, which sum shall be deducted from his salary and deposited to his credit in the account+. 6 7 provided that -- [for ] any momber The retirement allowance of any member who contributes after twenty-five (25) years of 8 service, the contributor's retirement allowance shall be 9 increased in by an amount as calculated cares which is the 10 actuarial equivalent of an annuity based on the seaber's 11 annuity and the state annuity nember's contributions and the 12 state contributions made after 25 years of service and 13 standing to his the member's credit at the time of his 14 retirement." 15

Section 8. Section 68-1410, R.C.H. 1947, is amended to
read as follows:

"68-1410. Contributions-by-the-state of Montana State's 18 19 contribution. (a) (1) There shall be paid Each south the state treasurer shall pay to the account, out of the Hontana 20 21 department of fish and game moneys in the earmarked revenue 22 fund, monthly, by the state treasurer, a sum equal to seven por--sent---(7%) of the total amount of sash-Sontana-same 23 24 wardench-retirement-gystem-member/g-salary-the-same-to-be Gredited--to-the-retirement-account-created-by-this-ect. all 25

1 nembers' salaries.

(b) (2) The expense of the administration of this act, 2 exclusive of the payment of retirement allowances and other 3 benefits, shall be paid by the state of Montana out of the 4 department of fish and game moneys in the earmarked revenue 5 fundy. The payments shall be made on the basis of budgets 6 submitted by the board." 7 8 Section 9. Section 68-1413, R.C.H. 1947, is amended to read as follows: 9

#68-1413. Betirement Service retirement allowance. Upon 10 retirement from service, a the service retirement allowance 11 chall--consists of the state annuity plus the 12 member's annuity. The member's annuity shall be is the 13 actuarial equivalent of his aggregate --- contributions 14 accumulated deductions at the time of his retirement, and 15 the The state annuity shall-be is is an amount which, when 16 17 added to the member's annuity, will provide a total retirement allowance of one-half (1/2) of his average final 18 salary with twosty-five-{25} years of service." 19 20 Section 10. Section 68-1415, R.C.H. 1947, is amended 21 to read as follows: 22 \*68-1415. Involuntary retirement allowance. If Should a 23 contributor be is involuntarily discontinued from service, 24

25 total service, but before reaching retirement age, he shall,

upon filing of an <u>a written</u> application <u>with the board</u>, in
 the sannor boroin provided for retirement, he paid
 whichever of the following allowances that he elects as bo
 easy elect as follows:

5 (a) (1) the full amount of <u>his</u> accumulated deductions
6 standing to bis gradit; or

7 (b) (2) a member's annuity of equivalent actuarial value
8 to which is the acturial equivalent of his accumulated
9 deductions standing to his erodity plus an annuity which is
10 the actuarial equivalent of a state annuity where a value
11 equal to the present value of a the state annuity then
12 standing to his erodit."

13 Section 11. Section 68-1417, R.C.M. 1947, is amended
14 to read as follows:

15 "68-1417. Payments upon <u>employment-related</u> death 16 attributable-to employment. (1) If the board chall-find 17 finds that a contributor died as a direct and proximate 18 result of injury received in the course of his employment, a 19 retirement allowance shall be paid to his beneficiary. Such 20 retirement allowance shall consist consisting of:

(a) a member's annuity which shall be is the actuarial
equivalent of the contributor's accumulated deductions
standing-to-his oredit; and

(b) the actuarial ogvivalent of a state annuity which,
when added to the member's annuity, will provide a total

1 annuity equal to fifty-per-cont-{50%} of the final salary of 2 the contributor, less the amount which is paid to any such 3 the beneficiary under the Workson's Workers! Compensation 4 Act of the state of Montana, during the period such 5 compensation is paid or payable+. -provided-that-in-no-event 6 shall-a-beneficiary-be-paid-for-more-than-fifteen 7 (2) The beneficiary's retirement allowance shall cease 8 after (15) years or pass after he reaches the age of 9 sisty five (65) years, whichever is the greater later." 10 Section 12. Section 68-1421, R.C.M. 1947, is amended 11 to read as follows: 12 "68-1421. Nomination of beneficiary. Swory Bach 13 contributor shall have the authority to may name his 14 beneficiary by written designation, duly acknowledged and filed with the board, and to may change the beneficiary in 15 16 like manner. Such The designation and all changes must may 17 be filed with the board up until, but not after, the time of retirement." 18 19 Section 13. Section 68-1422, R.C.E. 1947, is amended 20 to read as follows: 21 \*68-1422. Service-im-the-armed forces of the United 22 States Military service. (1) Any A state game warden new--is 23 or hereafter inducted into the armed forces of the United 24 States -- shall have has the option to:

25 (a) to continue his payments into the account; or

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1 (b) allow the board to make his payments for him 2 during ouch his military service, in which event he ohall 3 <u>must</u> repay the account the full amount of ouch the payments 4 <u>within 2 years after upon</u> his return to <u>active</u> state game 5 warden status<sub>7</sub>, and such repayments must be adde-within two 6 (2) years after his return to active state game warden 7 otatus; provided that a member's

8 (2) If a member chooses one of the options in 9 subsection (1) and meets its requirements, he shall receive 10 credit for his service in the armed forces of the United 11 States as if it were service as a state game warden, shall 12 be credited to and made a part of the member's cervice 13 allowance."

Section 14. Section 68-1425, R.C.H. 1947, is amended
to read as follows:

16 \*68-1425. Subrogation. Where When a third person is liable to the member or Fany- of his dependents for injury 17 18 or death, the state shall be is subrogated to the right of 19 the dependents against such the third person, but only to 20 the extent of the state annuity payable under this act by 21 the state. Any recovery against such the third person, in excess of the state annuity theretofore paid or thereafter 22 23 to be paid by the state shall be paid forthwith to the 24 contributor or the person designated by such the 25 contributor.\*

Section 15. Section 68-1427, B.C.M. 1947, is amended 1 2 to read as follows: \*68-1427. Optional retirement allowance. (1) A member 3 or a beneficiary may elect one of the optional retirement 4 5 allowances set forth in subsection (2) at any time before Until the first payment on account of any retirement 6 7 allowance is made, and subject to the conditions that, if he 8 die If a member dies after retirement and within <del>thirty (</del>30) days from the date upon which his election or changed 9 10 election is was received at by the office of the retirement board, then said the election is void and of no offecty and 11 the death shall will be considered as that of a member 12 13 before retirement. 14 (2) A member or beneficiary may elect, or, prior to 15 the approval of a previous election, revoke or change a previous election prior to the approval of the previous 16 election and elect to receive the actuarial equivalent of 17 his retirement allowance as of the date of retirement, in a 18 lesser retirement allowance, payable throughout life with 19 20 one of the following options: (a) Option Her 1- - Upon upon his death, his lesser 21

retirement allowance shall will be continued throughout the
life of and paid to such the persony---having--an-insurable
interest--in-his-life, as that he momentum nominated by

25 written designation, duly executed and filed with the board

1 at the time of his retirement.

2 <u>(b)</u> Option **Bov** 2**v** <u>—</u> **Upon** his death, one-half 3 <del>(1/2)</del> of his lesser retirement allowance **shall** <u>will</u> be 4 continued throughout the life of and paid to **such** <u>the</u> 5 person<del>, having an insurable interest in his life, as <u>that</u> he 6 <del>nominated</del> by written designation, duly executed 7 and filed with the board at the time of his retirement.</del>

8 (C) Option Her 3- <u>Such such</u> other benefit-or 9 benefits shall <u>will</u> be paid, either to the beneficiary or to 10 such any other person or persons as that he accurates 11 <u>nominated</u>, as, together with such the lesser retirement 12 allowance, are the actuarial equivalent of his retirement 13 allowance, and shall be have been approved by the board." 14 Section 16. Section 68-1429, R.C.H. 1947, is amended

15 to read as follows:

"68-1429. State Ineligibility for public employees" 16 17 retirement systemy -- incligibility -- of mombor. After July 1. 18 1963, Back each state game warden shall, after July 1, 1963, <u>must</u> become a member of this retirement system, and 19 thereafter no state game warden shall will be eligible to 20 21 for membership to in the state public employees' retirement system, and the provisions of said law The Public Employees\* 22 23 Retirement System Act shall will not apply to Sontana state game wardens." 24

### -End-

-13-

## HOUSE MEMBERS

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# Montana Legislative Council

Helena, 59501

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LC 0032

1977 Legislature Code Commissioner Bill - Summary

House Bill No. 38

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

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

Section 1. 68-1401. Definitions. In subsection (2), reference to "insurable interest" deleted as inaccurate and meaningless since the department of administration considers that such an interest is created by the member's designation, and "nominated to receive benefits under this chapter" added for clarity. Subsection (7) replaced by language of 68-1503(21) which is clearer and more accurate. In subsection (12), eliminated language redundant with 68-1411 and replaced it with a reference to 68-1411. In subsection (14), added "from" to correct apparent error and "department of" to clarify.

Section 2. 68-1402. State game warden defined. Clarified "Montana fish and game moneys".

Section 3. 68-1402.1. Retirement system. New section to provide an official name for the system and to replace 68-1403, which was repealed.

Section 4. 68-1405. In the first sentence, added "from department of" to correct apparent error and clarify, and deleted superfluous language, "as designated . . . specified". In sub-section (3), changed "will" to "shall" - apparent error.

Section 5. 68-1406. Board to make rules -- actuarial data. In subsection (1), clarified "be admitted to and continue to receive benefits". In the last sentence, corrected an apparent error, "and to" and simplified - note that both "contributor" and "beneficiary" are defined.



Section 6. <u>68-1407</u>. Membership. <u>Clarified</u> "Montana fish 🖤 and game moneys".

Section 7. <u>68-1409</u>. Member's contribution. Proviso rewritten to clarify.

Section 8. <u>68-1410</u>. State's contribution. Reworded for <u>clarity</u>, especially to clarify the 7% of <u>all</u> the members' salaries must be paid. Added "department of" in two places to clarify "fish and game moneys".

Section 9. <u>68-1413</u>. Service retirement allowance. "Aggregate contributions" changed to "accumulated deductions" -<u>correct terminology</u>. "Average" deleted - "final salary" is defined as an average.

Section 10. <u>68-1415</u>. Involuntary retirement allowance. Rewritten for <u>clarity</u>. Changed "in the manner herein provided for retirement" to "with the board" and added "written" to <u>incorporate</u> applicable provisions of 68-1411 and <u>to avoid</u> <u>implication</u> that inapplicable time requirements of 68-1411 apply. Deleted "standing to his credit" - <u>contained in</u> definition of "accumulated deductions".

Section 11. <u>68-1417</u>. Payments upon employment - related death. "Standing to his credit" and "the actuarial equivalent of" deleted - <u>redundant</u>, the first is contained in the definition of "accumulated deductions" and the second is meaningless in this context. Proviso reworded for clarity.

Section 12. <u>68-1421</u>. Nomination of beneficiary. "Must" changed to "may" to correct apparent error.

Section 13. <u>68-1422</u>. Military service. Proviso rewritten to <u>clarify</u> that the payments must be made in order for the member to receive credit for the service, and deleted reference to "service allowance" - <u>not defined</u>. Deleted "now in or hereafter" - superfluous.

Section 14. <u>68-1425</u>. Subrogation. Deleted brackets around word "any" inserted by publisher - word necessary to correct apparent error.

Section 15. <u>68-1427</u>. Optional retirement allowance. References to "insurable interest" deleted as <u>meaningless</u> the department of administration considers that such an interest is created by the member's designation. 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 16. <u>68-1429</u>. Ineligibility for public employees' **W** retirement system. Changed "to" to "for" and "to" to "in" to correct apparent error.

LC 0032/01

Approved by Committee on State Administration

1	HOUSE BILL NO. 38
2	INTRODUCED BYBARDANOUVE
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
5	CLARIPY THE LAWS RELATIVE TO GAUE WARDERS' RETIREMENT AND
6	DEATH AND DISABILITY BENEFITS; AMENDING SECTIONS 68-1401,
7	68-1402, 68-1405, 68-1406, 68-1407, 68-1409, 68-1410,
8	68-1413, 68-1415, 68-1417, 68-1421, 68-1422, 68-1425,
9	68-1427, AND 68-1429; AND ENACTING & NEW SECTION 68-1402.1
10	TO OFFICIALLY RECOGNIZE AND WARE THE MONTANA STATE GAME
11	WARDENS' RETIREMENT SYSTEM."
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NONTANA:
14	Section 1. Section 68-1401, R.C.M. 1947, is amended to
15	read as follows:
16	*68-1401. Definition of terms Definitions. Unless the
17	contert requires otherwise, the following definitions apply
18	in this act:
19	(1) "Accumulated deductions" means the total of the
20	amount deducted from the salary of a contributor, and paid
21	into the account, and standing to his credit in the $account_r$
22	together with the regular interest thereon.
23	(2) "Beneficiary" means a person <del>or persons having an</del>
24	insurable interest in his life as hashall porigate
25	nominated to receive benefits under this chapter by a
here are no	changes in $HB32$ , & will not be re-run.
lease refer	to white copy for complete text. SECOND READING

1 member's written designation, duly acknowledged and filed 2 with the board.

3 (3) "Betired state game warden" means any person in £ receipt of a retirement allowance under this act.

5 (4) "Board" means the Bontana state game wardens' 6 retirement board.

7 (5) "Contributor" means any person who has accumulated deductions in the accounty standing to his credit. 8

9 (6) "Final salary" means the average annual 10 compensation received by a contributor, before any 11 deductions have been made, and exclusive of maintenance. 12 allowances, and expenses, for any three (3) years of 13 continuous service upon which contributions have been made-14 or, in the event a member has not served three-{3} years, the total retirement compensation earnedy divided by the 15 16 number of years served.

17 (7) -- "Actuarial --- oguivalost" --- the --- the --- accusulated 18 contributions-and-the-present-value-of-the-state 19 porvice based on longth of service and member to attained age 20 used--to--provide--a--life--er--temperary-life-income-to-the 21 legally designated person, based on the personic attained 22 age-and som at the time the option becomes available. 23 171 "Actuarial equivalent" means a benefit of equal 24 value when computed upon the basis of the acturial tables in 25 use by the system. HB37

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2 retirement account in the agency fund. 3 (9) "Involuntary retirement" means a retirement not £ for cause and before retirement age. 5 (10) "Heaber's annuity" means payments for life derived from contributions made by the contributor. 6 7 (11) "Optional retirement age" means the age at which a 8 contributor may retire after twenty (20) years service or 9 more+, provided that the contributor has reached the age of 10 fifty-five-(55) years. 11 (12) "Retirement age" means the age at which a member 12 retires after tweaty-five (25) years of sreditable service 13 as-e-state-gase-warden-of-the-department-of-fish-and-gase as 14 prescribed in 68-1411. All beabers must retire at age sixty 15 +601-16 (13) "Retirement allowance" means the state annuity 17 plus the member's annuity.

(8) "Account" means the Bontana state game wardens"

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18 (14) "State annuity" means payments for life derived
19 from contributions made by the state of <u>soutene</u> from
20 <u>department of</u> fish and game moneys in the earmarked revenue
21 fund."

22 Section 2. Section 68-1402, R.C.M. 1947, is amended to 23 read as follows:

24 \*68-1402. State game warden defined. Whenever used in 25 this act, state game warden means all state fish and game shall-include includes all warden supervisory personnel whose salaries or compensation is paid out of the **Bontane** department of fish and game moneys in the earmarked revenue fund." Section 3. There is a new R.C.M. section numbered 68-1402.1 that reads as follows: 68-1402.1. Retirement system. There is a retirement system known as the Bontana state game wardens' retirement system, which is governed by the provisions of this chapter. Section 4. Section 68-1405, R.C.B. 1947, is amended to read as follows: "68-1405. Paymonts-into-the-Houtana-qame-wardens4 retirement system Retirement account. (1) The following shall be paid to the board and shall be credited by the board to the account: (a) all **all contributions by the state from department** of fish and game moneys in the earmarked revenue fund; and (b) all contributions by the state game wardens as designated by soction -1 -- [68-1401] -- above, -- in --- the -- amount hereinafter specified,; and (c) all interest on and increase of the investments and moneys under this in the account, -shall be paid to the

wardens hired by the state fish and game commission and

25 game-wardens-...retiresent-accoust-.in-the-accorf.fuld.

-4-

HOUSE BILL BO. 38 1 INTRODUCED BY BARDANOUVE 2 4 A BILL FOR AM ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND 5 CLARTRY THE LAWS RELATIVE TO GARS WARDENS' RETIREBET AND 6 DEATH AND DISABILITY BENEFITS: AMENDING SECTIONS 68-1401, 7 68-1402, 68-1405, 68-1406, 68-1407, 68-1409, 68-1410, 8 68-1413, 68-1415, 68-1417, 68-1421, 68-1422, 68-1425, 9 68-1427, AND 68-1429; AND EXACTING A WEW SECTION 68-1402.1 TO OFFICIALLY RECOGNIZE AND WARE THE MONTANA STATE GARE 10 11 WARDENS' RETIREMENT SYSTEM." 12 13 BE IT ENACTED BY THE LEGISLATORE OF THE STATE OF BOUTAWA: 14 Section 1. Section 68-1401, R.C.E. 1947, is anended to read as follows: 15 "68-1401. Definition of terms Definitions. Unless the 16 context requires otherwise, the following definitions apply 17 18 in this act: (1) "Accumulated deductions" means the total of the 19 ascent deducted from the salary of a contributor, and paid 20 into the account, and standing to his credit in the account, 21 22 together with the regular interest thereon. 23 (2) "Beneficiary" means a person or persons having an issurable----isterost--is---his--life---as---he---skall--- aosizate 24 nominated to receive benefits under this chapter by a 25 There are no changes in  $\underline{HB, 38}$ , & will not be re-run. Please refer to white copy for complete text. THIRD READING

member's written designation, duly acknowledged and filed 1 7 with the board. 3 (3) "Retired state game warden" means any person is a. receipt of a retirement allowance under this act. 5 (4) "Board" means the Bontana state game wardens" 6 retirement board. 7 (5) "Contributor" means any person who has accumulated я deductions in the accounty standing to his credit. 9 (6) "Final salary" means the average annual 10 compensation received by a contributor, before any deductions have been made, and exclusive of maintenance, 11 12 allowances, and expenses, for any three -{3} years of 13 continuous service upon which contributions have been made-14 or, in the event a member has not served three-(3) years, 15 the total retirement compensation earned, divided by the 16 number of years served. 17 (7) -- #lotuarial --- equivalent#--- econg -- the -- accentlated contributions and the present relate of the - the - - the -- the ---the ---the ---the ---the ---the ---the ---the 18 19 service based on longth of service and number's attained age Bacd--to-provide--to-the 20 21 locally-designated-person-based-en--the--personte--atteined 22 ago and con at the time the option becomes available. 23 (7) "Actuarial equivalent" means a benefit of equal 24 value when computed upon the basis of the acturial tables in 25 use by the system.

-2-

HB 38

1 (8) "Account" means the Hontana state game wardens' 2 retirement account in the agency fund. (9) "Involuntary retirement" means a retirement not 3 for cause and before retirement age. (10) "Hember's annuity" means payments for life derived 5 from contributions made by the contributor. б 7 (11) "Optional retirement age" means the age at which a contributor may retire after twenty-(20) years service or 8 moree. provided that the contributor has reached the age of 9 10 fifty-five-(55) years. 11 (12) "Retirement age" means the age at which a member 12 retires after -- trepty-five -(26) -years of ereditable acresce 13 as a state gaze waydon of the department of fish and game as prescribed\_in\_68-1411. 111 conberg-must-petice-at-age eight 14 15 <del>160) .</del> 16 (13) "Retirement allowance" seams the state annuity 17 plus the member's annuity. 18 (14) "State annuity" seass payments for life derived 19 20 department of fish and game moneys in the earmarked revenue 21 fund. " 22 Section 2. / Section 68-1402, R.C.E. 1947, is amended to read as follows: 23 24

24 \*68-1402. State game warden defined. Whenever used in
25 this act, state game warden means all state fish and game

wardens hired by the state fish and game commission and 1 chell includes all warden supervisory personnel 2 whose salaries or compensation is paid out of the Hestana а. department of fish and game moneys in the earnarked revenue fund." 5 6 Section 3. There is a new R.C.S. section numbered 68-1402.1 that reads as follows: 7 68-1402.1. Retirement system. There is a retirement 8 system known as the Bontana state game wardens' retirement . system, which is governed by the provisions of this chapter. 10 Section 4. Section 68-1405, R.C.E. 1947, is amended to 11 12 read as follows: \*68-1405, Paymonte-inte-the-Hentens-game---wardenet 13 14 retirement arotes Betirement account. (1) The following 15 shall be paid to the board and shall be credited by the 16 board to the account: (a) all **ill** contributions by the state from department 17 18 of fish and game moneys in the earmarked revenue fund; and (b) all contributions by the state game wardens as 19 20 designated by gestion - 1 -- [68-1401] -- above, in the -- anount 21 horeinafter-specified,; and 22 (c) all interest on and increase of the investments 23 24 25 case-vardead--rotizesent--account-in-the-account-fund-

-3--

-4-

HE 0038/02

1	HOUSE BILL NO. 38	1
2	INTRODUCED BY BARDANGUVE	2
3		3
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND	4
5	CLARIFY THE LAWS BELATIVE TO GAME WARDENS' BETIREMENT AND	5
6	DEATH AND DISABILITY BENEFITS; AMENDING SECTIONS 68-1401,	6
7	68-1402, 68-1405, 68-1406, 68-1407, 68-1409, 68-1410,	7
8	68-1413, 68-1415, 68-1417, 68-1421, 68-1422, 68-1425,	8
9	68-1427, AND 68-1429; AND ENACTING A NEW SECTION 68-1402.1	9
10	TO OFFICIALLY RECOGNIZE AND NAME THE MONTANA STATE GAME	10
11	WARDENS' RETIREMENT SYSTEM."	11
12		12
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	13
14	Section 1. Section 68-1401, R.C.M. 1947, is amended to	14
15	read as follows:	15
16	"68-1401. <del>Definition of torms</del> <u>Definitions</u> . Unless the	16
17	context requires otherwise, the following definitions apply	17
18	in this act:	18
19	(1) "Accumulated deductions" means the total of the	19
20	amount deducted from the salary of a contributor, and paid	20
21	into the account, and standing to his credit in the $account_{\underline{r}}$	21
22	together with the regular interest thereon.	22

(2) "Beneficiary" means a person or persons having and incurable interest in his life as he shall nominate nominated to receive benefits under this chapter by a

REFERENCE BILL

<u>member's</u> written designation, duly acknowledged and filed with the board.

3 (3) "Retired state game warden" means any person in
4 receipt of a retirement allowance under this act.

5 (4) "Board" means the Montana state game wardens'
6 retirement board.

7 (5) "Contributor" means any person who has accumulated
8 deductions in the account<sub>7</sub> standing to his credit.

9 (6) "Final salary" means the average annual 10 compensation received by a contributor, before any 11 deductions have been made, and exclusive of maintenance, 12 allowances, and expenses, for any three-(3) years of 13 continuous service upon which contributions have been made, 14 or, in the event a member has not served three-(3) years, 15 the total retirement compensation earned, divided by the 16 number of years served.

17 (7) -- "Notuarial -- equivalent" -- means -- the -- assumulated contributions and the present value of -- the --member's -- state service baced-on-length of corvice and member's -- state age used -- to -- provide -- a -- life -- or -- temporary -- life -- income -- to -- the legally designated person, based-on -- the -- person's -- attained age and sex -- at the time -- the option becomes available. 23 <u>(7) -- "Actuarial equivalent" means a benefit of equal</u> value when computed upon the basis of the acturial tables in use by the system.

HB 0038/02

-2-

(8) "Account" means the Montana state game wardens"
 retirement account in the agency fund.

3 (9) "Involuntary retirement" means a retirement not
4 for cause and before retirement age.

5 (10) "Hember's annuity" means payments for life derived
6 from contributions made by the contributor.

7 (11) "Optional retirement age" means the age at which a
8 contributor may retire after twomty (20) years service or
9 more<sub>1</sub> provided that the contributor has reached the age of
10 fifty five (55) years,

(12) "Retirement age" means the age at which a member
retires after-twenty-five-(25) yours of smeditable service
as a state game worden of the department of fish and game as
prescribed in 68-1411. All members must retire at age cisty
(60).

16 (13) "Retirement allowance" means the state annuity17 plus the member's annuity.

22 Section 2. Section 68-1402, R.C.M. 1947, is amended to
23 read as follows:

<sup>168</sup>–1402. State game warden defined. Whenever used in
this act, state game warden means all state fish and game

- 3--

88 38

wardens hired by the state fish and game commission and
 chall-include includes all warden supervisory personnel
 whose salaries or compensation is paid out of the Hontana
 department of fish and game moneys in the earmarked revenue
 fund.\*

6 Section 3. There is a new R.C.H. section numbered
7 68-1402.1 that reads as follows:

8 68-1402.1. Retirement system. There is a retirement
9 system known as the Montana state game wardens' retirement
10 system, which is governed by the provisions of this chapter.
11 Section 4. Section 68-1405, E.C.M. 1947, is amended to
12 read as follows:

13 \*68-1405. Payments into the Sontana game wardons<sup>1</sup>
14 retirement system Retirement account. (1) The following
15 shall be paid to the board and shall be credited by the
16 board to the account:

17 (a) all #11 contributions by the state from department
18 of fish and game moneys in the earmarked revenue fund; and
19 (b) all contributions by the state game wardens as
20 decignated by section 1 [68 1401] above, in the amount
21 hereinafter specified; and

22 <u>fc)</u> all interest on and increase of the investments
23 and moneys under this <u>in the</u> account, <u>shall be paid to the</u>
24 board, who shall credit such payments to the Kontana state
25 game wardens<sup>1</sup> retirement account in the agency fund.

-4-

1 (2) The Such board shall have has exclusive control of 2 the administration of such the account. The state treasurer 3 shall be is custodian of the account, subject to the 4 exclusive control of the board as to the administration 5 thereof and the board of investments as to the investment 6 thereof.

7 (3) Whenever there is on deposit in the Hontana--state 8 game-wardens'-retirement account a sum in excess of twenty-five-thousand-dollars--{\$25,000}, such excess will 9 10 shall be invested by the board of investments as part of the 11 long-term investment fund, and any The part of the account 12 less than not\_in ercess of twonty-five--thousand--dollars 4\$25.000+--in--amount shall be invested by the board of 13 14 investments as part of the short-term investment fund when 15 so directed by the **mentana-gase wardens'-retirement** board." 16 Section 5. Section 68-1406, R.C.M. 1947, is amended to 17 read as follows:

18 "68-1406. Rules-and-regulations Board to make rules --actuarial data. (1) The board say establish such rules and 19 20 regulations-ag-it-dooms accessary-and is charged within--the 21 lisitations of this act for its with the proper 22 administration, operation, and enforcement, of this act. The 23 board may make such rules as it considers necessary and 24 shall be the authority under this act as to determine the conditions under which persons may be-admitted-to become 25

<u>members of</u> and <del>continue to</del> receive benefits under the
 retirement system.

3 (2) The board It shall keep such data as shall be is 4 necessary for actuarial valuation purposes. It shall cause 5 to be made periodic actuarial investigations into the 6 mortality and service experience of the contributors and the 7 and the beneficiaries of the account, and shall adopt for 8 the retirement system one or more mortality tables."

9 Section 6. Section 68-1407, R.C.M. 1947, is amended to
10 read as follows:

11 #68-1407. Newbership. Brory <u>Each</u> state game warden, 12 including all warden supervisory personnel, whose salary or 13 compensation for services is paid wholly out of the Hontana 14 department of fish and game moneys in the earmarked revenue 15 fund and who is assigned to law enforcement in the 16 department of fish and game, shall become a member of the 17 retirement system when first becoming a state game warden. 18 If a person becomes a state game warden after July 1, 1963. 19 who was at any time before July 1, 1963, a state game warden, he shall receive credit for any such service prior 20 to July 1, 1963, upon complying with the provisions of this 21 act. All state game wardens shall be members of the 22 retirement system so long as actively employed in that 23 24 capacity."

25 Section 7. Section 68-1409, B.C.M. 1947, is amended to

-6-

-5-

HB 38

BB 38

HB 38

2 "68-1409, Parments-----by-----contributors Nember's 3 contribution. Every member shall-be is required to 4 contribute into the account a sup equal to seven per sent 47% of his monthly salary, which sum shall be deducted from 5 his salary and deposited to his credit in the account+ 6 7 provided ... that [for] any member The retirement allowance of any member who contributes after twenty-five 425- years of 8 9 10 increased in by an amount as calculated on an which is the actuarial equivalent of an annuity based on the seabor's 11 annuity-and-the state-annuity member's contributions and the 12 13 state contributions made after 25 years of service and 14 standing to his the member's credit at the time of his 15 retirement."

Section 8. Section 68-1410, R.C.M. 1947, is amended to
read as follows:

\*68-1410. Contributions by the state of Hostana State's 18 19 contribution. (a) (1) There-shall-be-paid Bach month the 20 state treasurer shall pay to the account, out of the Hontana 21 department of fish and game moneys in the earmarked revenue fund, southly, by the state treasurery a sum equal to seven 22 23 por-cent--(7%) of the total amount of each-toptane-game 24 #ardens-retirement-offton-members-salary-the-same-to-be oredited -- to -the retirement -account -created -by this -act. all 25

-7-

2 (b) [2] The expense of the administration of this act, 3 exclusive of the payment of retirement allowances and other 4 benefits, shall be paid by the state of Montana out of the 5 <u>department of</u> fish and game moneys in the earmarked revenue 6 fundy, <u>The payments shall be</u> made on the basis of budgets 7 submitted by the board."

8 Section 9. Section 68-1413, R.C.H. 1947, is amended to
9 read as follows:

10 #68-1413. Retirement Service retirement allowance. Upon 11 retirement from service, a the service retirement allowance 12 shall-consists of the state annuity plus the 13 perber's annuity. The rember's annuity shall-bo is the 14 actuarial equivalent of his <del>aggregate---contributions</del> 15 accumulated deductions at the time of his retirement, and <del>the</del> The state annulty <del>shall be in</del> is an amount which, when 16 added to the member's annuity, will provide a total 17 retirement allowance of one-half <del>(1/2)</del> of his <del>average</del> final 18 19 salary with <del>twosty-five-(25) years</del> years of service."

20 Section 10. Section 68-1415, R.C.M. 1947, is amended
21 to read as follows:

\*68-1415. Involuntary retirement allowance. If should a
 contributor be is involuntarily discontinued from service,
 not -voluntarily, after having completed ten-(10) years of
 total service, but before reaching retirement age, he shall,

-8--

5 (+)(1) the full amount of <u>his</u> accumulated deductions
 6 standing-to-his-standit; or

7 (b) (2) a member's annuity of equivalent actuarial value
8 to which is the acturial equivalent of his accumulated
9 deductions standing to his oredit, plus an annuity which is
10 the actuarial equivalent of a state annuity having a value
11 equal to the present value of a the state annuity them
12 standing to his credit."

13 Section 11. Section 68-1417, R.C.M. 1947, is amended
14 to read as follows:

15 "68-1417. Payments upon <u>employment-related</u> death 16 attributable to employment. (1) If the board shall-find 17 finds that a contributor died as a direct and proximate 18 result of injury received in the course of his employment, a 19 retirement allowance shall be paid to his beneficiary. Such 20 retirement allowance shall consist consisting of:

21 (a) a member's annuity which shall be is the actuarial
22 equivalent of the contributor's accumulated deductions
23 standing to his credit; and

(b) the actuarial equivalent of a state annuity which,
when added to the member's annuity, will provide a total

-9-

HB 38

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annuity equal to fifty-per-cont-{50%} of the final salary of 1 2 3 the beneficiary under the Worksep's Workers' Compensation а Act of the state of Montana, during the period such 5 compensation is paid or payables. -provided-that-in-no-event 6 shall-a-beneficiary-be-paid-for-more-than-fifteen 7 (2) The beneficiary's retirement allowance shall cease 8 after (15) years or past after he reaches the age of 9 sisty-five-(65) years, whichever is the greater later." Section 12. Section 68-1421, R.C.S. 1947, is amended 10 11 to read as follows: 12 "68-1421. Somination of beneficiary. Byory Each 13 contributor shall-have-the-authority-to may name his 10 beneficiary by written designation, duly acknowledged and 15 filed with the board, and to may change the beneficiary in like manner. Such The designation and all changes such may 16 17 be filed with the board up until, but not after, the time of 18 retirement." 19 Section 13. Section 68-1422, R.C.M. 1947, is amended 20 to read as follows: 21 "68-1422, Service in the armed forces of the United 22 States Military service. (1) day A state game warden now-in or--horeafter inducted into the armed forces of the United 23

25 (a) to continue his payments into the account; or

-10-

States - shall have has the option to:

(b) allow the board to make his payments for him
during each his military service, in which event he shall
<u>must</u> repay the account the full amount of cash the payments
<u>within 2 years after woon his return to active state game</u>
warden status<sub>T1</sub> and cash repayments be made within two
(2) years after his return to active state game varden
otatus: provided that a poshor's

8 (2) If a member chooses one of the options in 9 subsection (1) and meets its requirements, he shall receive 10 credit for his service in the armed forces of the United 11 States as if it were service as a state game warden, shall 12 bo gredited to and made a part of the sember's service 13 allowance."

Section 14. Section 68-1425, R.C.H. 1947, is amended
to read as follows:

16 #68-1425. Subrogation. Where When a third person is 17 liable to the sember or fany- of his dependents for injury 18 or death, the state shall be is subrogated to the right of 19 the dependents against such the third person+ but only to 20 the extent of the state annuity payable under this act by 21 the state. Any recovery against such the third persony in 22 excess of the state annuity theretofore paid or thereafter 23 to be paid by the state shall be paid forthwith to the 24 contributor or the person designated by such the 25 contributor.\*

Section 15. Section 68-1427, R.C.M. 1947, is amended

2 to read as follows:

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З #68-1427. Optional retirement allowance. (1) A member or a beneficiary may elect one of the optional retirement lt. 5 allowances set forth in subsection (2) at any time before 6 Satil the first payment on account of any retirement 7 allowance is made, and subject to the conditions-that, if he die If a member dies after retirement and within thirty-(30) R 9 days from the date upon which his election or changed 10 election is was received at by the office of the retirement 11 board, then said the election is void and of no offect, and 12 the death shall <u>will</u> be considered as that of a member before retirement. 13

14 <u>(2)</u> A member or beneficiary may electy or <u>prior</u> to 15 <u>the approval of a previous election</u>, revoke or change a 16 previous election <del>prior to the approval of the previous</del> 17 <del>election and elect</del> to receive the actuarial equivalent of 18 his retirement allowance as of the date of retirement, in a 19 lesser retirement allowance, payable throughout life with 20 one of the following options:

21 (a) Option Bo. 1. \_\_\_ Upon upon his death, his lesser
22 retirement allowance shall will be continued throughout the
23 life of and paid to such the person, having an incurable
24 interest in his life, as that he meminates nominated by
25 written designation, duly executed and filed with the board

-12-

-11-

1 at the time of his retirement.

2 (b) Option Nor 2r - Brow upon his death, one-half 3 (1/2) of his lesser retirement allowance shall will be 4 continued throughout the life of and paid to such the 5 person,-having an insurable interest in his life, as that he 6 nominates nominated by written designation, duly executed 7 and filed with the board at the time of his retirement.

8 (c) Option Nor 3- == Such such other benefit-or 9 benefits chall will be paid, either to the beneficiary or to 10 cash any other person or persons as that he nominated 11 <u>nominated</u>, as, together with cash the lesser retirement 12 allowance, are the actuarial equivalent of his retirement 13 allowance, and chall be have been approved by the board." 14 Section 16. Section 68-1429, R.C.B. 1947, is amended

15 to read as follows:

16 "68-1429. State Ineligibility for public employees' 17 18 1963, Bach state game warden shall, after July 4, 1963, 19 nust become a member of this retirement system, and 20 thereafter no state game warden shall will be eligible to 21 for membership to in the state public employees' retirement 22 system, and the provisions of said law The Public Employees! 23 Retirement\_System\_Act shall will not apply to Montana state 24 game wardens."

-End-

-13-