

1                    HOUSE    BILL NO. 38  
 2    INTRODUCED BY   BARDANOUVE  

3  
 4    A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
 5    CLARIFY THE LAWS RELATIVE TO GAME WARDENS' 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 A NEW SECTION 68-1402.1  
 10    TO OFFICIALLY RECOGNIZE AND NAME THE MONTANA STATE GAME  
 11    WARDENS' RETIREMENT SYSTEM."

12  
 13    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 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    context 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,  
 22    together with the regular interest thereon.

23        (2) "Beneficiary" means a person ~~or persons having an~~  
 24    ~~insurable interest in his life as he shall nominate~~  
 25    nominated to receive benefits under this chapter by a

1    member's written designation, duly acknowledged and filed  
 2    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, 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) "Actuarial equivalent" means the accumulated~~  
 18    ~~contributions and the present value of the member's state~~  
 19    ~~service based on length of service and member's attained age~~  
 20    ~~used to provide a life or temporary life income to the~~  
 21    ~~legally designated person, based on the person's attained~~  
 22    ~~age and sex 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 actuarial tables in  
 25    use by the system.

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) "Member'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, 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 twenty-five (25) years of creditable service~~  
13 ~~as a state game warden of the department of fish and game as~~  
14 ~~prescribed in 68-1411. All members must retire at age sixty~~  
15 ~~(60).~~

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

18 (14) "State annuity" means payments for life derived  
19 from contributions made by the state ~~of Montana from~~  
20 department of 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

1 wardens hired by the state fish and game commission and  
2 ~~shall include~~ includes all warden supervisory personnel  
3 whose salaries or compensation is paid out of the ~~Montana~~  
4 department of fish and game moneys in the earmarked revenue  
5 fund."

6 Section 3. There is a new R.C.M. 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, R.C.M. 1947, is amended to  
12 read as follows:

13 "68-1405. ~~Payments into the Montana game wardens'~~  
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 ~~board, who shall credit such payments to the Montana state~~  
25 ~~game wardens' retirement account in the agency fund.~~

1        ~~(2) The~~ Such board ~~shall have~~ has exclusive control of  
 2 the administration of ~~each~~ 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 ~~Montana state~~  
 8 ~~game wardens' retirement~~ account a sum in excess of  
 9 ~~twenty five thousand dollars (\$25,000)~~, such excess ~~will~~  
 10 shall be invested by the board of investments as part of the  
 11 long-term investment fund, ~~and say~~ The part of the account  
 12 ~~less than not in excess of twenty five thousand dollars~~  
 13 ~~(\$25,000) in amount~~ shall be invested by the board of  
 14 investments as part of the short-term investment fund when  
 15 so directed by the ~~Montana game 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 —  
 19 actuarial data. (1) The board ~~may establish such rules and~~  
 20 ~~regulations as it deems necessary and is charged within the~~  
 21 ~~limitations 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  
 25 conditions under which persons may ~~be admitted to~~ become

1        members of and ~~continue to~~ receive benefits under the  
 2 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 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.M. 1947, is amended to  
 10 read as follows:

11        "68-1407. Membership. ~~Every~~ Each state game warden,  
 12 including all warden supervisory personnel, whose salary or  
 13 compensation for services is paid wholly out of the ~~Montana~~  
 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.M. 1947, is amended to

1 read as follows:

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

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

18 "68-1410. ~~Contributions by the state of Montana~~ State's  
19 contribution. ~~(a) (1) There shall be paid~~ Each month the  
20 state treasurer shall pay to the account, out of the ~~Montana~~  
21 department of fish and game moneys in the earmarked revenue  
22 fund, monthly, by the state treasurer, a sum equal to ~~seven~~  
23 ~~per cent (7%)~~ of the total amount of ~~each Montana game~~  
24 ~~wardens' retirement system member's salary, the same to be~~  
25 ~~credited to the retirement account created by this act. all~~

1 members' salaries.

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 department of fish and game moneys in the earmarked revenue  
6 fund. The payments shall be made on the basis of budgets  
7 submitted by the board."

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

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

20 Section 10. Section 68-1415, R.C.M. 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 ~~not voluntarily,~~ after having completed ~~ten (10)~~ years of  
25 total service, but before reaching retirement age, he shall,

1 upon filing ~~of an~~ a written application with the board, ~~in~~  
 2 ~~the manner herein provided for retirement,~~ he paid  
 3 whichever of the following allowances that he elects as ~~he~~  
 4 ~~may elect as follows:~~

5 ~~(a)(1) the full amount of his accumulated deductions~~  
 6 ~~standing to his credit; or~~

7 ~~(b)(2) a member's annuity of equivalent actuarial value~~  
 8 ~~to which is the actuarial equivalent of his accumulated~~  
 9 ~~deductions standing to his credit, 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 then~~  
 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 employment-related 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~~

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

1 annuity equal to ~~fifty per cent (50%)~~ of the final salary of  
 2 the contributor, less the amount which is paid to ~~any such~~  
 3 the beneficiary under the ~~Workers'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 past after he reaches the age of  
 9 ~~sixty 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. ~~Every~~ Each  
 13 contributor ~~shall have the authority to~~ may name his  
 14 beneficiary by written designation, duly acknowledged and  
 15 filed with the board, and ~~to~~ may change the beneficiary in  
 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  
 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) ~~Any~~ A state game warden ~~now~~ in  
 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

1 (b) allow the board to make his payments for him  
 2 during ~~such~~ his military service, in which event he shall  
 3 must repay the account the full amount of ~~such~~ the payments  
 4 within 2 years after ~~upon~~ his return to active state game  
 5 warden status, ~~and such repayments must be made within two~~  
 6 ~~(2) years after his return to active state game warden~~  
 7 ~~status, 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 service  
 13 allowance."

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

16 "68-1425. Subrogation. ~~Where~~ When a third person is  
 17 liable to the member or ~~[any]~~ 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 person, 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."

1 Section 15. Section 68-1427, R.C.M. 1947, is amended  
 2 to read as follows:

3 "68-1427. Optional retirement allowance. (1) A member  
 4 or a beneficiary may elect one of the optional retirement  
 5 allowances set forth in subsection (2) at any time before  
 6 ~~Until~~ the first payment on account of any retirement  
 7 allowance is made, ~~and subject to the conditions that, if he~~  
 8 ~~die~~ If a member dies after retirement and within ~~thirty~~ (30)  
 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 effect,~~ and  
 12 the death ~~shall~~ will be considered as that of a member  
 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  
 16 previous election ~~prior to the approval of the previous~~  
 17 ~~election and elect~~ 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 No. 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 insurable~~  
 24 ~~interest in his life, as that he nominates~~ nominated by  
 25 written designation, duly executed and filed with the board

1 at the time of his retirement.

2 (b) Option No. 2. — Upon 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 No. 3. — ~~Such~~ such other benefit or  
9 benefits shall will be paid, either to the beneficiary or to  
10 ~~such any other person or persons as that~~ he ~~nominates~~  
11 nominated, 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.M. 1947, is amended  
15 to read as follows:

16 "68-1429. State Ineligibility for public employees'  
17 retirement system, ineligibility of member. After July 1,  
18 1963, Each each state game warden shall, ~~after July 1, 1963,~~  
19 must 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-

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EXECUTIVE DIRECTOR

PAMELA DUENSING  
ADMINISTRATIVE ASSISTANT

ROBERTA MOODY  
SUPERVISOR, ALTER SYSTEM



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DIRECTOR, RESEARCH

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), elimi-  
nated 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. 68-1407. Membership. Clarified "Montana fish and game moneys".

Section 7. 68-1409. Member's contribution. Proviso rewritten to clarify.

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

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

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

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

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

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

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

Section 15. 68-1427. Optional retirement allowance. References to "insurable interest" deleted as meaningless - 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. 68-1429. Ineligibility for public employees' retirement system. Changed "to" to "for" and "to" to "in" to correct apparent error.

Approved by Committee  
on State Administration

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20    amount deducted from the salary of a contributor, and paid  
21    into the account, and standing to his credit in the account,  
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24    ~~insurable interest in his life as he shall nominate~~  
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1    ~~member's~~ written designation, duly acknowledged and filed  
2    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.

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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) "Actuarial equivalent" means the accumulated~~  
18    ~~contributions and the present value of the member's state~~  
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22    ~~age and sex 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 actuarial tables in  
25    use by the system.

There are no changes in HB 39, & will not be re-run.

Please refer to white copy for complete text.    SECOND    READING

*HB 39*

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) "Member's annuity" means payments for life derived  
6 from contributions made by the contributor.

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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 twenty-five (25) years of creditable service~~  
13 ~~as a state game warden of the department of fish and game as~~  
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15 ~~(60).~~

16 (13) "Retirement allowance" means the state annuity  
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18 (14) "State annuity" means payments for life derived  
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22 Section 2. Section 68-1402, R.C.M. 1947, is amended to  
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24 "68-1402. State game warden defined. Whenever used in  
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1 wardens hired by the state fish and game commission and  
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3 whose salaries or compensation is paid out of the ~~Montana~~  
4 department of fish and game moneys in the earmarked revenue  
5 fund."

6 Section 3. There is a new R.C.M. 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, R.C.M. 1947, is amended to  
12 read as follows:

13 "68-1405. ~~Payments into the Montana game wardens'~~  
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 ~~board, who shall credit such payments to the Montana state~~  
25 ~~game wardens' retirement account in the agency fund.~~

1 HOUSE BILL NO. 38  
2 INTRODUCED BY BARDANOUE

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
5 CLARIFY THE LAWS RELATIVE TO GAME WARDENS' 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 A NEW SECTION 68-1402.1  
10 TO OFFICIALLY RECOGNIZE AND NAME THE MONTANA STATE GAME  
11 WARDENS' RETIREMENT SYSTEM."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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 context 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,  
22 together with the regular interest thereon.

23 (2) "Beneficiary" means a person ~~or persons having an~~  
24 ~~insurable interest in his life as he shall nominate~~  
25 nominated to receive benefits under this chapter by a

1 ~~member's~~ written designation, duly acknowledged and filed  
2 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, 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} "Actuarial equivalent" means the accumulated~~  
18 ~~contributions and the present value of the member's state~~  
19 ~~service based on length of service and member's attained age~~  
20 ~~used to provide a life or temporary life income to the~~  
21 ~~legally designated person, based on the person's attained~~  
22 ~~age and sex 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 actuarial tables in  
25 use by the system.

There are no changes in HB 38, & will not be re-run.

Please refer to white copy for complete text. THIRD READING

HB 38

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) "Member'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, 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 twenty-five (25) years of creditable service~~  
13 ~~as a state game warden of the department of fish and game as~~  
14 ~~prescribed in 68-1411. All members must retire at age sixty~~  
15 ~~(60).~~

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

18 (14) "State annuity" means payments for life derived  
19 from contributions made by the state ~~of Montana from~~  
20 ~~department of 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

1 wardens hired by the state fish and game commission and  
2 ~~shall include~~ includes all warden supervisory personnel  
3 whose salaries or compensation is paid out of the Montana  
4 department of fish and game moneys in the earmarked revenue  
5 fund."

6 Section 3. There is a new R.C.M. 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, R.C.M. 1947, is amended to  
12 read as follows:

13 "68-1405. ~~Payments into the Montana game wardens'~~  
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 ~~board, who shall credit such payments to the Montana state~~  
25 ~~game wardens' retirement account in the agency fund.~~

## 1 HOUSE BILL NO. 38

2 INTRODUCED BY BARDANOUVE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
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6 DEATH AND DISABILITY BENEFITS; AMENDING SECTIONS 68-1401,  
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10 TO OFFICIALLY RECOGNIZE AND NAME THE MONTANA STATE GAME  
11 WARDENS' RETIREMENT SYSTEM."

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15 read as follows:16 "68-1401. ~~Definition of terms~~ Definitions. Unless the  
17 context requires otherwise, the following definitions apply  
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20 amount deducted from the salary of a contributor, and paid  
21 into the account, and standing to his credit in the account,  
22 together with the regular interest thereon.23 (2) "Beneficiary" means a person ~~or persons having an~~  
24 ~~insurable interest in his life as he shall nominate~~  
25 nominated to receive benefits under this chapter by a1 ~~member's~~ written designation, duly acknowledged and filed  
2 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, 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) "Actuarial equivalent" means the accumulated~~  
18 ~~contributions and the present value of the member's state~~  
19 ~~service based on length of service and member's attained age~~  
20 ~~used to provide a life or temporary life income to the~~  
21 ~~legally designated person, based on the person's attained~~  
22 ~~age and sex 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 actuarial tables in  
25 use by the system.

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) "Member'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, 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 twenty-five (25) years of creditable service~~  
13 ~~as a state game warden of the department of fish and game as~~  
14 ~~prescribed in 68-1401. All members must retire at age sixty~~  
15 ~~(60).~~

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

18 (14) "State annuity" means payments for life derived  
19 from contributions made by the state ~~of Montana from~~  
20 ~~department of 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

1 wardens hired by the state fish and game commission and  
2 ~~shall include~~ includes all warden supervisory personnel  
3 whose salaries or compensation is paid out of the Montana  
4 ~~department of fish and game moneys in the earmarked revenue~~  
5 ~~fund."~~

6 Section 3. There is a new R.C.M. 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, R.C.M. 1947, is amended to  
12 read as follows:

13 "68-1405. ~~Payments into the Montana game wardens'~~  
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 ~~board, who shall credit such payments to the Montana state~~  
25 ~~game wardens' retirement account in the agency fund.~~

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 Montana state~~  
 8 ~~game wardens' retirement~~ account a sum in excess of  
 9 ~~twenty-five thousand dollars (\$25,000), such excess will~~  
 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 excess of twenty-five thousand dollars~~  
 13 ~~(\$25,000) in amount~~ shall be invested by the board of  
 14 investments as part of the short-term investment fund when  
 15 so directed by the ~~Montana game 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 --  
 19 actuarial data. ~~(1) The board may establish such rules and~~  
 20 ~~regulations as it deems necessary and is charged within the~~  
 21 ~~limitations 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  
 25 conditions under which persons ~~may be admitted to become~~

1 members of and ~~continue to~~ receive benefits under the  
 2 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 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.M. 1947, is amended to  
 10 read as follows:

11 "68-1407. Membership. ~~Every~~ Each state game warden,  
 12 including all warden supervisory personnel, whose salary or  
 13 compensation for services is paid wholly out of the ~~Montana~~  
 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.M. 1947, is amended to



1 read as follows:

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

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

18 "68-1410. ~~Contributions by the state of Montana~~ State's  
 19 contribution. ~~(\*) (1) There shall be paid~~ Each month the  
 20 state treasurer shall pay to the account, out of the Montana  
 21 department of fish and game moneys in the earmarked revenue  
 22 fund, monthly, by the state treasurer, a sum equal to ~~seven~~  
 23 ~~per cent (7%)~~ of the total amount of each Montana game  
 24 ~~wardens' retirement system member's salary, the same to be~~  
 25 ~~credited to the retirement account created by this act. all~~

1 members' salaries.

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 department of fish and game moneys in the earmarked revenue  
 6 fund. The payments shall be made on the basis of budgets  
 7 submitted by the board."

8 Section 9. Section 68-1413, R.C.M. 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 consist~~ consists of the state annuity plus the  
 13 member's annuity. The member's annuity ~~shall be~~ is the  
 14 actuarial equivalent of his ~~aggregate contributions~~  
 15 accumulated deductions at the time of his retirement, ~~and~~  
 16 ~~the~~ The state annuity ~~shall be~~ is an amount which, when  
 17 added to the member's annuity, will provide a total  
 18 retirement allowance of one-half ~~(1/2)~~ of his ~~average~~ final  
 19 salary with ~~twenty-five (25) years~~ years of service."

20 Section 10. Section 68-1415, R.C.M. 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 ~~not voluntarily,~~ after having completed ~~ten (10)~~ years of  
 25 total service, but before reaching retirement age, he shall,

1 upon filing ~~of~~ as a written application with the board, ~~in~~  
 2 ~~the manner herein provided for retirement~~, be paid  
 3 whichever of the following allowances that he elects as he  
 4 ~~may elect as follows:~~

5 ~~(a) (1)~~ the full amount of his accumulated deductions  
 6 ~~standing to his credit; or~~

7 ~~(b) (2)~~ a member's annuity ~~of equivalent actuarial value~~  
 8 ~~to which is the actuarial equivalent of his accumulated~~  
 9 ~~deductions standing to his credit, 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 then~~  
 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 employment-related 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~~

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

1 annuity equal to ~~fifty per cent (50%)~~ of the final salary of  
 2 the contributor, less the amount which is paid to ~~any such~~  
 3 the beneficiary under the ~~Workmen'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 past after he reaches the age of  
 9 sixty-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. ~~Every~~ Each  
 13 contributor ~~shall have the authority to~~ may name his  
 14 beneficiary by written designation, duly acknowledged and  
 15 filed with the board, and ~~to~~ may change the beneficiary in  
 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  
 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) ~~Any~~ A state game warden ~~now in~~~~  
 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

1 (b) allow the board to make his payments for him  
 2 during ~~each~~ his military service, in which event he shall  
 3 must repay the account the full amount of ~~each the~~ payments  
 4 within 2 years after ~~upon~~ his return to active state game  
 5 warden status, ~~and each repayments must be made within two~~  
 6 ~~(2) years after his return to active state game warden~~  
 7 ~~status, 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 service  
 13 allowance."

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

16 "68-1425. Subrogation. ~~Where~~ When a third person is  
 17 liable to the member or ~~any~~ of his dependents for injury  
 18 or death, the state ~~shall be~~ is subrogated to the right of  
 19 the dependents against ~~each the~~ third person, but only to  
 20 the extent of the state annuity payable under this act by  
 21 the state. Any recovery against ~~each the~~ third person, 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 ~~each the~~  
 25 contributor."

1 Section 15. Section 68-1427, R.C.M. 1947, is amended  
 2 to read as follows:

3 "68-1427. Optional retirement allowance. (1) A member  
 4 or a beneficiary may elect one of the optional retirement  
 5 allowances set forth in subsection (2) at any time before  
 6 until the first payment on account of any retirement  
 7 allowance is made, and subject to the conditions that, if he  
 8 die ~~If a member dies~~ after retirement and within ~~thirty~~ (30)  
 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 effect,~~ and  
 12 the death ~~shall~~ will be considered as that of a member  
 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  
 16 previous election prior to the approval of the previous  
 17 election and elect 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 No. 1 -- Upon ~~upon~~ his death, his lesser  
 22 retirement allowance ~~shall~~ will be continued throughout the  
 23 life of and paid to ~~each the~~ person, ~~having an insurable~~  
 24 ~~interest in his life, as that he nominates~~ nominated by  
 25 written designation, duly executed and filed with the board

1 at the time of his retirement.

2 (b) Option ~~no~~ 2. ~~Upon 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, so that~~ he  
 6 ~~nominate~~ nominates by written designation, duly executed  
 7 and filed with the board at the time of his retirement.

8 (c) Option ~~no~~ 3. ~~Such~~ such other ~~benefit or~~  
 9 benefits ~~shall~~ will be paid, either to the beneficiary or to  
 10 ~~such any other person or persons as that~~ he ~~nominate~~  
 11 nominates, 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.M. 1947, is amended  
 15 to read as follows:

16 "68-1429. ~~State~~ Ineligibility for public employees'  
 17 retirement system, ~~ineligibility of member. After July 1,~~  
 18 1963, Each each state game warden ~~shall, after July 1, 1963,~~  
 19 must 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-