

1 HOUSE BILL NO. 63
2 INTRODUCED BY BARDANOUVE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
5 CLARIFY THE LAWS RELATING TO POLICE RETIREMENT AND DEATH AND
6 DISABILITY BENEFITS; AMENDING SECTIONS 11-1823, 11-1825,
7 11-1828, 11-1829, 11-1830, 11-1836, 11-1838, 11-1839,
8 11-1840, 11-1842, 11-1843, 11-1844, 11-1845, 11-1850,
9 82A-222, AND 82A-223, R.C.M. 1947; REPEALING SECTIONS
10 11-1821.1 AND 11-1824, R.C.M. 1947."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13 Section 1. Section 11-1823, R.C.M. 1947, is amended to
14 read as follows:

15 "11-1823. ~~Fund for payment of officers on reserve~~
16 ~~lists tax levy~~ City's contribution to fund. (1) For the
17 purpose of paying the salaries of policemen who have been
18 placed upon the reserve list of cities under this act, the
19 governing body of the city or town council, or
20 ~~commissioners,~~ shall deposit in the fund monthly an amount
21 equal to ~~eleven percent (11%)~~ of the total salaries for the
22 preceding month paid to active police officers of that city,
23 exclusive of overtime and payments in lieu of sick leave and
24 annual leave. ~~Cities having such funds, not cities of the~~
25 ~~first or second class, as of the effective date of this act,~~

1 ~~and not having elected to come within the provisions of this~~
2 ~~act, shall likewise deposit in the fund of that city monthly~~
3 ~~an amount equal to eleven percent (11%) of the total~~
4 ~~salaries, exclusive of overtime and payments in lieu of sick~~
5 ~~leave and annual leave, for the preceding month, paid to~~
6 ~~active police officers of that city.~~ Payments made by cities
7 covered by this act shall be made by the treasurer of that
8 city to the department of administration. ~~In case~~ If the
9 demand against ~~the a~~ city for its deposits in ~~each the~~ fund
10 ~~shall be~~ is such that it cannot be met within the general
11 taxing authority of ~~that the~~ city, ~~then and in such case~~ an
12 additional levy ~~of not to exceed three (3)~~ mills may be made
13 until the general taxing authority ~~be~~ is sufficient to meet
14 the demand.

15 (2) As of July 1, 1975, each city, other than one of
16 the first or second class, which has a police reserve fund
17 and which has not elected to participate in the statewide
18 fund shall deposit in its fund monthly an amount equal to
19 11% of the total salaries for the preceding month paid to
20 active police officers of such city, exclusive of overtime
21 and payments in lieu of sick leave and annual leave, for the
22 purpose of paying the salaries of police officers on the
23 reserve list. If the demand against a city for deposits in
24 its fund is such that it cannot be met within the general
25 taxing authority of the city, an additional levy not to

1 exceed 3 mills may be made until the general taxing
 2 authority is sufficient to meet the demand."

3 Section 2. Section 11-1825, R.C.M. 1947, is amended to
 4 read as follows:

5 "11-1825. ~~Salary deduction for payment of reserve~~
 6 ~~officers~~ Officer's contribution deducted from salary. The
 7 treasurer of ~~any~~ an incorporated city which has as of ~~the~~
 8 ~~effective date of this act~~ July 1, 1975, created or which
 9 ~~hereafter thereafter~~ may create a police reserve fund, shall
 10 retain from the monthly salary of ~~all each~~ each police officers
 11 ~~upon officer on~~ the active list, a sum equal to ~~six percent~~
 12 ~~(6%) of the his~~ his monthly compensation ~~paid each officer for~~
 13 his services as ~~such a~~ a police officer, exclusive of overtime
 14 and payments made in lieu of sick leave and annual leave, ~~and~~
 15 ~~the said~~ The monthly deduction from the salaries of ~~each~~
 16 police officers, shall be paid into the ~~police reserve fund~~
 17 ~~in the department of administration, statewide fund or to~~
 18 into the city's police reserve fund, as the case may be, for
 19 the purpose of paying the salaries of police officers ~~upon~~
 20 on the reserve list."

21 Section 3. Section 11-1828, R.C.M. 1947, is amended to
 22 read as follows:

23 "11-1828. ~~Trustees~~ Local boards of trustees of
 24 ~~fund--appointment terms. A board of trustees of said fund~~
 25 ~~shall be created in each city or town, having such fund, (1)~~

1 Each city or town which has a police reserve fund must have
 2 a board of trustees of such fund, except as provided in
 3 82A-222.

4 (2) A board of trustees existing under subsection (1)
 5 must to consist of the mayor, clerk, and attorney of said
 6 the city or town, and two ~~(2)~~ members of ~~the police~~
 7 ~~department~~ from the active list of the police officers of
 8 said the city or town.

9 (3) The two trustees who are also police officers
 10 shall serve terms of 2 years. They ~~who~~ shall be selected by
 11 a majority vote of the members of the police department on
 12 the active list of said the city or town, ~~the two first~~
 13 ~~selected after the passage of this act shall be so selected~~
 14 ~~that one shall be selected for a term of two (2) years and~~
 15 ~~the other for a term of one (1) year. That said first~~
 16 ~~selection shall be made between the first and tenth day of~~
 17 ~~May, of the year 1979, and annually thereafter between the~~
 18 ~~first and tenth day of May, one member shall be selected for~~
 19 ~~the term of two (2) years. One shall be selected each year~~
 20 between May 1 and May 10, so that their terms are staggered.
 21 Immediately after the selection has been made, a
 22 certificate of the election of the members or member of the
 23 ~~police department selected for said board of trustees shall~~
 24 ~~be immediately upon such selection being made, certified to~~
 25 ~~the city clerk of the city or town, by the chairman and~~

1 secretary of the meeting at which the selection was made."

2 Section 4. Section 11-1829, R.C.M. 1947, is amended to
3 read as follows:

4 "11-1829. Actuarial valuation and investment of police
5 reserve funds. (1) (a) The city treasurer shall submit to
6 the department of community affairs before October 1 ~~in~~ of
7 each odd-numbered year all information requested by the
8 department ~~of community affairs~~ necessary to complete an
9 actuarial valuation of the city's police reserve funds fund.
10 The valuation shall consider the actuarial soundness of the
11 police reserve fund for the 2 preceding fiscal years.

12 (b) ~~This~~ The valuation is to be prepared by a
13 qualified actuary selected by the department, ~~of community~~
14 ~~affairs. This valuation shall consider the actuarial~~
15 ~~soundness of the police reserve funds for the two (2)~~
16 ~~preceding fiscal years.~~ A qualified actuary is a member of
17 the American ~~Academy~~ Academy of Actuaries actuaries or of
18 any organization ~~deemed~~ considered by the department ~~of~~
19 ~~community affairs~~ to have similar standards.

20 (c) In each fiscal year in which an actuarial
21 valuation is prepared, the department ~~of community affairs~~
22 shall submit to the state auditor a request for payment of
23 the expense incurred in securing the actuarial valuation.
24 The expense may not exceed ~~six thousand dollars (\$6,000)~~ in
25 any fiscal year, ~~and the~~ The state auditor shall make

1 payment to the actuary designated in the request.

2 (2) Whenever the ~~moneys~~ moneys in the police reserve
3 fund exceed the greater of the following amounts, the city
4 treasurer shall remit the excess to the state treasurer, who
5 shall invest the remittances under the direction of the
6 board of investments as provided in 79-311:

7 (a) ~~one and one half (1 1/2)~~ 1 1/2 times the monthly
8 benefit paid in the preceding month; or

9 (b) ~~five thousand dollars (\$5,000), whichever is~~
10 ~~greater, then the city treasurer shall remit such excess~~
11 ~~amounts to the state treasurer. The state treasurer shall~~
12 ~~invest such remittances under the direction of the state~~
13 ~~board of investments as provided by section 79-311.~~

14 (3) After January 1, 1975, all investments of the
15 police reserve fund shall be transferred as directed by the
16 state board of investments. The state board of investments
17 may defer ~~any such~~ a transfer to a date later than January
18 1, 1975, but not later than the maturity date of the
19 investment. The board of ~~investment~~ investments may make
20 rules to implement this section."

21 Section 5. Section 11-1830, R.C.M. 1947, is amended to
22 read as follows:

23 "11-1830. Limit ~~of on~~ use of fund. Said A police
24 reserve fund ~~shall~~ may not be used for any purpose
25 ~~whatsoever,~~ other than ~~the payment to make payments~~

1 authorized by this chapter to members of the police
2 department on the reserve list ~~of the amounts to which they~~
3 ~~are entitled under the provisions of this act and to make~~
4 authorized investments."

5 Section 6. Section 11-1836, R.C.M. 1947, is amended to
6 read as follows:

7 "11-1836. Credit of payments to ~~police reserve fund --~~
8 annual report of board. Cities participating in the
9 statewide fund shall deposit the payment provided for in
10 11-1834 with the department of administration. ~~Every~~ Each
11 city or town, having which has a police reserve fund
12 established under the provisions of the Metropolitan Police
13 law, and which has not elected to participate in the
14 statewide fund shall deposit said the payment with the
15 department of administration or to the credit of the its
16 police reserve fund of such city or town, as the case may
17 be. The board of trustees of each police officer's reserve
18 fund shall on or before the first day of April 1 of each
19 year report to the state auditor as to the financial
20 condition of their its fund. Payments provided for in this
21 section and the preceding two (2) sections 11-1829 and
22 (11-1834, 11-1835) are in addition to those provided for in
23 section 11-1823."

24 Section 7. Section 11-1838, R.C.M. 1947, is amended to
25 read as follows:

1 "11-1838. ~~Fund for police reserve officers of cities~~
2 ~~of the first and second class Purpose.~~ It is the purpose of
3 this act to provide for a state-wide statewide fund for
4 police reserve officers of cities of the first and second
5 class in Montana, for the investment of such fund, for the
6 payment of benefits to police reserve officers, and ~~to~~
7 ~~provide~~ for uniformity of programs and procedures for ~~such~~
8 police reserve officers. The act further proposes to permit
9 cities in Montana other than those ~~is~~ of the first and
10 second class to ~~come within the provisions of this act as~~
11 ~~hereinafter provided~~ elect to participate in the statewide
12 fund."

13 Section 8. Section 11-1839, R.C.M. 1947, is amended to
14 read as follows:

15 "11-1839. Definitions. Unless the context requires a
16 different meaning, ~~reference in this act hereafter to the~~
17 following definitions apply in this chapter:

18 (1) "Boards of trustees" means the boards of trustees
19 which exist on July 1, 1975, or at the time of an election
20 to participate in the statewide fund or which would have
21 existed but for 82A-222 by virtue of the creation of a
22 police reserve fund.

23 (2) "cities" shall include "Cities" means all cities
24 of the first and second class, and all cities other than
25 those of the first and second class electing to come under

1 ~~this act or hereafter creating which elect to participate in~~
 2 ~~the statewide fund or which create a police reserve fund;~~
 3 ~~after July 1, 1975, all references to "boards of trustees"~~
 4 ~~shall include the boards of trustees now existing, existing~~
 5 ~~at the time of election to come within this act, or which~~
 6 ~~would have existed but for this act by virtue of the~~
 7 ~~creation of such police reserve fund, in such cities;~~
 8 ~~reference to "police reserve fund" or "fund" shall include~~
 9 ~~the police reserve funds of all such cities.~~

10 (3) "Police officers" includes "policemen", "active
 11 police", "patrolmen", and other similar terms denoting law
 12 enforcement officers.

13 (4) "Police reserve fund" or "fund" includes the
 14 police reserve funds of all cities defined in subsection
 15 (2).

16 (5) "Statewide fund" means the funds deposited with
 17 and managed by the department of administration in
 18 accordance with section 5, Chapter 335, Laws of 1974, and
 19 11-1841."

20 Section 9. Section 11-1840, R.C.M. 1947, is amended to
 21 read as follows:

22 "11-1840. Transfer of police reserve fund. (1) As soon
 23 as practical after ~~the effective date of this act, cities~~
 24 July 1, 1975, each city of the first ~~and~~ or second class or
 25 the ~~boards~~ board of trustees thereof shall cause the

1 treasurer of ~~such~~ the city to transmit to the department of
 2 administration all moneys in ~~that~~ the city's fund and shall
 3 cause to be transferred to the department of administration
 4 title and physical possession of all bonds, warrants,
 5 certificates of deposit, or securities which are part of
 6 ~~such~~ its fund.

7 (2) ~~Cities~~ Each city, other than ~~these~~ one of the
 8 first ~~and~~ or second class, ~~having~~ which has a police reserve
 9 fund as of ~~the effective date of this act~~ July 1, 1975, and
 10 ~~who elect~~ which elects to participate in the statewide fund
 11 ~~come within the provisions of this act,~~ shall as soon as
 12 practical after the effective date of ~~such~~ the election
 13 transmit to the department of administration all moneys in
 14 ~~that~~ the city's fund and shall cause to be transferred to
 15 the department of administration title and physical
 16 possession of all bonds, warrants, certificates of deposit,
 17 or securities which are part of ~~such~~ its fund."

18 Section 10. Section 11-1842, R.C.M. 1947, is amended
 19 to read as follows:

20 "11-1842. ~~Police officers--status~~ Changes in status of
 21 officers -- notice required. Each city shall provide to the
 22 department of administration, at times to be specified by
 23 the department ~~of administration~~, such information as to the
 24 hiring of any police officer by that city and as to the
 25 change of status of such police officer as the department ~~of~~

1 ~~administration shall~~ may require. When a police officer is
 2 to be placed upon the reserve list, the department of
 3 ~~administration~~ shall so place him and shall notify the city
 4 involved of that action. An officer having an option to be
 5 placed upon the reserve list shall notify the department of
 6 ~~administration~~ of his exercise of ~~that the~~ the option, if he ~~so~~
 7 exercises it, and the department of ~~administration~~ shall
 8 place him ~~upon~~ on the reserve list if he is eligible. In
 9 cases of disability under ~~section 11-1844~~ ~~of this act~~
 10 11-1843(1)(d), the determination shall be made by the city
 11 involved as prescribed in that section ~~prescribed~~, and, if
 12 the police officer is determined to be eligible for
 13 inclusion on the reserve list, the city involved shall so
 14 notify the department."

15 Section 11. Section 11-1843, R.C.M. 1947, is amended
 16 to read as follows:

17 "11-1843. ~~Qualifications~~ Eligibility for police
 18 reserves. (1) The following persons are eligible for the
 19 police reserves of a city and shall become police reserves
 20 as ~~herein stated~~ provided in this section:

21 ~~(1)(a) As to police officers, which term throughout~~
 22 ~~includes "policeman," "active police," "patrolman," or other~~
 23 ~~similar terms denoting law enforcement officers under the~~
 24 ~~Metropolitan Police Law, A person who are, as of the~~
 25 ~~effective date of this act, is employed by any city as a~~

1 police officer, on July 1, 1975, is eligible for the police
 2 reserves ~~when such officer he~~ has completed ~~twenty (20)~~
 3 years or more in the aggregate, ~~either as a probationary~~
 4 officer, a regular officer ~~of such police department, or as~~
 5 a special ~~police~~ officer of ~~said the~~ police department, in
 6 any capacity of or rank, ~~whatever, provided that such a~~
 7 police officer serving in the United States military ~~service~~
 8 in time of war or national emergency shall be given credit
 9 upon in his police record for such service in the same
 10 manner as though he were on active police duty ~~for such~~
 11 ~~time.~~

12 ~~(2)(b) As to police officers a person who shall is~~
 13 first be employed by a city as a police officer after ~~the~~
 14 ~~effective date of this act~~ July 1, 1975, is eligible for the
 15 police reserves when ~~such officer he has reached the age of~~
 16 50 and has completed ~~twenty (20)~~ years or more in the
 17 aggregate, ~~either as a probationary officer, a regular~~
 18 officer ~~of such police department, or as a special officer~~
 19 ~~thereof of the police department, in any capacity or rank, and~~
 20 ~~the same proviso as to~~ He shall receive credit for
 21 military service set forth as prescribed in subsection (4)
 22 (a) hereof ~~applies to such police officers, and has reached~~
 23 ~~the age of fifty (50).~~

24 ~~(3)(c) As to police~~ Police officers, whether ~~now first~~
 25 ~~employed or hereafter first employed, before or after July~~

1 1, 1975, who shall reach the age of ~~sixty-five (65) years~~
2 while in active service, ~~such officers~~ shall pass from the
3 active list to the reserve list.

4 ~~(4)(d)~~ When a police officer ~~shall receive~~ receives
5 injuries or disabilities ~~while on duty,~~ or in the active
6 discharge of ~~the his~~ duties ~~of as~~ a police officer, ~~and in~~
7 ~~the line of duty,~~ which injuries or disabilities shall arise,
8 in the opinion of the board of police commissioners or city
9 council of the city or town, ~~be~~ of such character as to
10 impair his ability ~~as an active police officer, or~~
11 ~~incapacitate him for the further~~ to discharge of his duties
12 as ~~such an active police officer,~~ he shall become a member
13 of the police reserves of ~~such the~~ city or town.

14 ~~(5)(2)~~ A police officer who is eligible for the
15 reserve list ~~by reason of subsections (1) or (2) under~~
16 subsection (1) (a) or (1) (b) of this section, ~~shall have the~~
17 ~~option to may~~ transfer, as of the time he becomes eligible,
18 to the reserve list, or ~~he~~ may elect to serve an additional
19 ~~one (1) to ten (10) years as an active police officer,~~
20 ~~provided however, except~~ that he may not elect to serve past
21 his ~~sixty-fifth~~ 65th birthday."

22 Section 12. Section 11-1844, R.C.M. 1947, is amended
23 to read as follows:

24 "11-1844. ~~Payment of police reserves~~ Benefits. (1)
25 ~~Whenever any policeman or when a police officer shall become~~

1 is transferred from the active list of ~~police officers of~~
2 any city to the reserve list of that a city, he shall
3 thereafter be ~~paid in~~ receive monthly payments from the
4 ~~funds in this act provided for statewide fund or the city's~~
5 police reserve fund, whichever is applicable, as follows:

6 (a) ~~For a~~ A police officer who is eligible for the
7 ~~reserve list after twenty (20) years of service under~~
8 ~~subsection (1) of section 13-11-1843(1)(a) or (1)(b) of~~
9 ~~this act and who does not elect to serve any additional~~
10 ~~years as an active police officer, or for a police officer~~
11 ~~eligible for the reserve list after twenty (20) years of~~
12 ~~service under subsection (2) of section 13-11-1843 of this~~
13 ~~act who has reached his fiftieth year and who does not~~
14 ~~elect to serve any additional years as an active police~~
15 ~~officer, or a police officer who becomes eligible by reason~~
16 ~~of injury or disability under subsection (4) of section 13~~
17 ~~11-1843 of this act before reaching twenty (20) years of~~
18 ~~service, or for a police officer who is placed upon~~ on the
19 reserve list ~~by reason of reaching his sixty-fifth birthday~~
20 ~~under 11-1843(1)(c) prior to reaching twenty (20) years of~~
21 ~~service, shall receive~~ a sum equal to one-half ~~(1/2)~~ the
22 ~~base salary, excluding overtime and payments in lieu of sick~~
23 ~~leave and annual leave, he was receiving as an active~~
24 ~~officer computed on the highest salary received in any one~~
25 month during the his last year of active service.

1 (b) ~~For a~~ A police officer who is eligible ~~for the~~
 2 ~~reserve list~~ after ~~twenty~~ (20) years of service and who
 3 elects to serve additional years, shall receive the payment
 4 provided for in subsection (1)(a) ~~of subsection (4) of this~~
 5 ~~section, to which shall be added~~ plus an additional one
 6 ~~percent (1%)~~ of such ~~sum~~ payment per year of additional
 7 service, up to a ~~maximum of sixty percent (60%)~~ of the base
 8 salary, excluding overtime and payment in lieu of sick leave
 9 and annual leave, he was receiving as an active officer
 10 computed on the highest salary received in any one ~~(4)~~ month
 11 during ~~the~~ his last year of active service. ~~For the~~
 12 ~~purposes of this act, a~~ A police officer whose eligibility
 13 depends ~~upon subsection (2) of section 13 [on 11-1843(1)(b)]~~
 14 ~~of this act, and who completes twenty (20) years of service~~
 15 before reaching the age of ~~fifty (50) years, shall be deemed~~
 16 is considered to have elected to serve an additional years
 17 year for each year between the completion of his ~~twentieth~~
 18 20th year of service and his ~~fiftieth~~ 50th birthday, and he
 19 shall be paid the additional ~~one percent (1%)~~ for each such
 20 year.

21 (c) ~~A policeman~~ police officer who is placed ~~upon on~~
 22 the reserve list ~~by reason of reaching his sixty-fifth~~
 23 ~~birthday, but under 11-1843(1)(c) and~~ who was theretofore
 24 eligible at his option to be placed ~~upon such~~ on the reserve
 25 list under ~~subsections (1) or (2) of section 13~~

1 ~~[11-1843(1)(a) or (1)(b)] of this act, but elected to serve~~
 2 additional years ~~after such earlier eligibility~~ shall be
 3 paid for ~~such~~ the additional years over his original
 4 eligibility at the ~~same rate as is provided~~ prescribed in
 5 subsection (1)(a) ~~of subsection (4) of this section.~~

6 (d) A police officer who is eligible under
 7 11-1843(1)(d) before completing 20 years of service shall
 8 receive a sum equal to one-half the base salary, excluding
 9 overtime and payments in lieu of sick leave and annual
 10 leave, he was receiving as an active officer computed on the
 11 highest salary received in any one month during his last
 12 year of active service.

13 (e) A police officer who is placed on the reserve
 14 list by reason of injury or disability under subsection 4 of
 15 section 13 [11-1843(1)(d)] of this act, and who, at the time
 16 of such his injury or disability, was eligible at his option
 17 to be placed on the reserve list under subsections (4) or
 18 (2) of section 13 [11-1843(1)(a) or (1)(b)] of this act, but
 19 had elected to serve additional years, and was then serving
 20 such additional years shall be paid for such the additional
 21 years over his original eligibility at the same rate as is
 22 provided prescribed in subsection (1)(a) ~~of subsection (4)~~
 23 ~~of this section.~~

24 (2) Upon the death of ~~any~~ a police officer on the
 25 active list or reserve list of ~~any~~ a city, his surviving

1 spouse, if there be one, shall, as long as such spouse
 2 remains the surviving spouse, be paid from the statewide
 3 fund or the city's police reserve fund, whichever is
 4 applicable, a sum equal to one-half ~~(1/2)~~ the base salary,
 5 excluding overtime and payments in lieu of sick leave or
 6 annual leave, he was receiving as an active officer computed
 7 on the highest salary received in any one ~~(1)~~ month during
 8 ~~the his~~ last year of active service ~~prior to the date of his~~
 9 ~~death or prior to the date he passed to the reserve list.~~
 10 If the officer leaves one or more dependent minor ~~child or~~
 11 children, then, upon his death if he leaves no surviving
 12 spouse, or upon the death or remarriage of the surviving
 13 spouse, ~~then~~ his surviving dependent minor ~~child or~~
 14 children, collectively if there ~~be~~ is more than one ~~(1)~~
 15 ~~dependent minor child surviving~~, shall ~~be paid~~ receive the
 16 same monthly payments as ~~are herein provided to be paid to~~
 17 ~~the a~~ surviving spouse would receive, until ~~the minor child~~
 18 ~~or children they~~ reach the age of ~~eighteen (18) years or~~
 19 ~~shall have age~~ married. ~~Payments to be made to such minor~~
 20 ~~child or children~~ The payments shall be paid made to the
 21 their duly appointed, qualified, and acting guardian ~~of the~~
 22 ~~child or children for the their~~ use, ~~of such minor or~~
 23 ~~minors, until such minor shall have reached the age of~~
 24 ~~eighteen (18) years or shall have married and in case~~ If
 25 there is more than one ~~(1) minor~~ such child, upon each child

1 reaching the age of ~~eighteen (18) years or marrying~~, the pro
 2 rata payments to that child shall cease and shall be made to
 3 the remaining ~~minor child or~~ children, until ~~the youngest~~
 4 ~~child reaches~~ all the children have either reached the age
 5 of ~~eighteen (18) years or is~~ are married."

6 Section 13. Section 11-1845, R.C.M. 1947, is amended
 7 to read as follows:

8 "11-1845. Protection of benefits from legal process.
 9 The benefits provided for in ~~section 14 [11-1844] of this~~
 10 ~~act and in section 11-1814, R.C.M. 1947~~, are not subject to
 11 execution, garnishment, attachment, or the operation of
 12 bankruptcy, or insolvency, or other process of law, and are
 13 unassignable."

14 Section 14. Section 11-1850, R.C.M. 1947, is amended
 15 to read as follows:

16 "11-1850. Election of other cities to participate.
 17 Cities other than those of the first and second class may
 18 elect to ~~come within the provisions of this act~~ participate
 19 in the statewide fund by ~~the due and proper passage of~~
 20 passing an ordinance stating the election and the consent of
 21 the city to be bound by the ~~provisions hereof, and upon law~~
 22 relating to the fund. Upon the enactment of such an
 23 ordinance, ~~the provisions hereof shall attach to that city a~~
 24 city will be bound by that law."

25 Section 15. Section 82A-222, R.C.M. 1947, is amended

1 to read as follows:

2 "82A-222. Board of trustees abolished -- functions
3 transferred. The boards of trustees of police reserve funds
4 in cities of the first and second class, created under
5 ~~section 11-1828, R.C.M. 1947, and other sections of chapter~~
6 ~~18, Title 11, R.C.M. 1947, section 12, Chapter 120, Laws of~~
7 ~~1929,~~ are hereby abolished, and their functions, except the
8 quasi-judicial functions ~~transferred to the board of~~
9 ~~retirement by section 3 [provided for in 82A-223] of this~~
10 ~~act,~~ are transferred to the department of administration.
11 ~~These boards~~ A board of trustees created under section 8,
12 ~~Chapter 100, Laws of 1927,~~ and existing as of ~~the effective~~
13 ~~date of this act within cities July 1, 1975, in a city other~~
14 ~~than those of one in the first and or second class under the~~
15 ~~provisions of section 11-1824, R.C.M. 1947, are is~~ abolished
16 as of such time as ~~such the city shall elect elects to come~~
17 ~~within the provisions of the within act join the statewide~~
18 ~~fund defined in 11-1839,~~ and, at such time, the functions of
19 ~~such the~~ board of ~~the electing city,~~ except the
20 quasi-judicial functions ~~transferred to the board of~~
21 ~~retirement by section 3 [provided for in 82A-223] of this~~
22 ~~act,~~ are transferred to the department of administration.
23 Notwithstanding the provisions of ~~section 11-1824, R.C.M.~~
24 ~~1947, 11-1850,~~ any city other than one in the first and or
25 second class electing after ~~the effective date of this act~~

1 ~~July 1, 1975,~~ to create a police reserve fund, ~~shall must~~
2 ~~comply with the provisions of this act, and shall may~~ not
3 create a local board of trustees, and the department of
4 administration shall ~~have perform~~ all functions with regard
5 to ~~such the~~ fund as ~~otherwise that~~ a local board of trustees
6 would ~~have perform, other than except~~ the quasi-judicial
7 functions ~~provided for in 82A-223, which shall be exercised~~
8 ~~by the board of retirement."~~

9 Section 16. Section 82A-223, R.C.M. 1947, is amended
10 to read as follows:

11 "82A-223. Quasi-judicial functions transferred. The
12 quasi-judicial functions of ~~the following are transferred or~~
13 ~~shall originally exist, as the case may be, to or in the~~
14 ~~board provided for in 82A-210:~~

15 (1) boards of trustees of police reserve funds of
16 cities of the first and second class;

17 (2) boards of trustees of police reserve funds of
18 ~~created under section 8, Chapter 100, Laws of 1927, in~~
19 ~~cities other than those of the first and second class,~~
20 ~~presently having boards of trustees of police reserve funds~~
21 ~~pursuant to section 11-1824, R.C.M. 1947, and electing to~~
22 ~~come within the provisions of this act which elect to join~~
23 ~~the statewide fund defined in 11-1839; and~~

24 (3) boards of trustees which would, but for this act,
25 have been created ~~hereafter~~ by cities other than those of

1 the first and second class under ~~the provisions of section~~
2 ~~11-1824, R.C.M. 1947, are transferred or shall originally~~
3 ~~exist, as the case may be, to or in the board of retirement~~
4 ~~created by section 92A-215, R.C.M. 1947, as amended section~~
5 8, Chapter 100, Laws of 1927."

6 Section 17. Repealer. Sections 11-1821.1 and 11-1824,
7 R.C.M. 1947, are repealed.

-End-

HOUSE MEMBERS

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CHAIRMAN
FRANCIS BARDANOUVE
OSCAR KVAALEN
PAT MC KITTRICK



Montana Legislative Council

State Capitol
Helena, 59601

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LC 0033

1977 Legislature
Code Commissioner Bill - Summary

House Bill No. 63

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

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

Section 1. 11-1823. City's contribution to fund. Divid-
ed into two subsections with some repetition and minor reword-
ing to clarify which provisions apply to the statewide fund
and which apply to local funds. The division will aid in re-
codification which will allocate the Sections to separate
Chapters. Changed language regarding election to come under
the act to language regarding election to join the statewide
fund (definition being enacted) to clarify. Deleted "of" in
last sentence - apparent error.

Section 2. 11-1825. Officer's contribution deducted from
salary. Added "created" to correct apparent error. Changed
"police reserve fund in the department of administration " to
"statewide fund" to clarify.

Section 3. 11-1828. Local boards of trustees. Ex-
tensively rewritten to update and clarify. Reference to
creation of board deleted and "except as provided in 82A-222"
inserted to correct inconsistency with new law.

Section 4. 11-1829. Actuarial valuation and investment
of police reserve funds. Reworded subsection (2) so pro-
visions at end come at the beginning -- to clarify their ap-
plication to both subsections (2) (a) and (2) (b). Changed
"police reserve funds" to "city's police reserve fund" for
consistency with "The city treasurer" and to clarify that the
section applies only to local funds.

Section 5. 11-1830. Limit on use of fund. Reference to investments added to avoid the incorrect implication that investments cannot be made.

Section 6. 11-1836. Credit of payments to fund -- annual report of board. Made first sentence two sentences to aid recodification. Added references to "statewide fund" to clarify and update terminology. Deleted reference to "Metropolitan Police Law" -- obsolete terminology. Added "provided for in 11-1834" to clarify. Deleted "officer's" to correct terminology. Changed internal reference to "this section" and 11-1834 and 11-1835 to reference to 11-1829 and 11-1834 as simpler and more accurate -- "this section" and 11-1835 do not provide for payments but 11-1835 does refer to 11-1829.

Section 7. 11-1838. Purpose. Insert reference to statewide fund in last sentence to clarify.

Section 8. 11-1839. Definitions. Added definition of "statewide fund" as subsection (5) -- needed in other sections for clarification. Incorporated as subsection (3) definition of "police officers" found in 11-1843(1) and deleted reference to "Metropolitan Police Law" to update terminology. (Note, in subsection (5), referred to session law rather than 11-1840 since part of 11-1840 is temporary and will not be recodified.)

In subsections (1) and (2), "include" changed to "means" to implement apparent intent and election to come within act changed to election to join statewide fund for clarification.

In subsection (1), "this act" changed to "82A-222" as more exact and "in such cities" deleted as superfluous.

Section 9. 11-1840. Transfer of police reserve fund. Changed "come within the provisions of this act" to "participate in the statewide fund" to clarify.

Section 10. 11-1842. Changes in status of officers -- notice required. Changed "11-1844" to "11-1843(4)" (now 11-1843(1)(d)) to correct apparent error.

Section 11. 11-1843. Eligibility for police reserves. In subsection (1) (now subsection (1)(a)), definition of "police officers" deleted -- moved to 11-1839 to aid recodification, "police" in "special police officer" deleted for consistency, and "of" changed to "or" to correct apparent error.

In subsection (2) (now subsection (1)(b)), moved last clause to beginning for clarity.

In subsection (4) (now subsection (1)(d)), deleted "while on duty" and "in the line of duty" as redundant -- "in the active discharge of his duties as a police officer" covers "while on duty . . . and in the line of duty". Also deleted "or incapacitate him" as redundant -- covered by "impair his ability".

Section 12. 11-1844. Benefits. In subsection (1), changed "funds in this act provided for" to "statewide fund or the city's police reserve fund, whichever is applicable" to clarify and incorporate new terminology. (Definition of "statewide fund" being added to 11-1839.)

In subsection (1) (a), deleted "for the reserve list after 20 years of service" and "who has reached his 50th year" -- redundant with 11-1843. Consolidated references to 11-1843(1) and 11-1843(2) (now 11-1843(1) (a) and (b)). Moved clause referring to 11-1843(4) (now 11-1843(1) (d)) to new subsection to aid recodification. Changed "by reason of reaching his 65th birthday" to "under 11-1843(3)" (now 11-1843(1) (c)) for simplicity and consistency. In the last clause changed "the" to "his" to clarify.

In subsection (1) (b), deleted "for the reserve list" as superfluous. Added "service and" after "20 years" to clarify. Changed "sum" to "payment" and "the" to "his" for clarity. Deleted "for the purposes of this act" as superfluous -- the eligibility and election have relevance only in relation to retirement. Changed "additional years" to "an additional year" for consistency with "each year" and clarity.

In subsection (1) (c), changed "policeman" to "police officer" for consistency -- see definition in 11-1839. Changed "by reason . . . birthday" -- same reason as under subsection (1) (a). Deleted "after such earlier eligibility" -- redundant with phrase following.

New subsection (1) (d) was originally part of subsection (1) (a). Deleted "by reason . . . disability" -- redundant with 11-1843(4) (now 11-1843(1) (d)).

In subsection (1) (e) (formerly subsection (1) (d)), made same deletion as in new subsection (1) (d).

In subsection (2), changed "police reserve fund" to "statewide fund or the city's police reserve fund, whichever is applicable" to clarify and incorporate new terminology. (See amendment of 11-1839, Definitions) Changed "the" to "his" for clarity. Deleted "prior . . . list" as superfluous -- his last year of service necessarily was prior to one of those events. Simplified the language of the second sentence. In the third sentence, simplified the language, deleted "until . . . married" as redundant with second sentence, and changed "the youngest child reaches" to "all the children have reached" to correct apparent error -- the youngest might marry before one of the others is 18.

Section 13. 11-1845. Protection of benefits from legal process. Deleted reference to 11-1814 to correct apparent error -- 11-1814 was amended in 1974 and no longer provides for any benefits.

Section 14. 11-1850. Election of other cities to participate. Changed "come . . . act" to "participate in the statewide fund" to clarify and incorporate new terminology (amendment of 11-1839 adds a definition of "statewide fund"). Changed "the due and proper passage of" to "passing" for simplicity. Changed "provisions hereof" to "law relating to the fund" to clarify. Changed last clause to "a city . . . law" for consistency with the last mentioned change and to clarify. Added "an" for consistency with amended last clause.

Section 15. 82A-222. Board of trustees abolished -- functions transferred. Changed internal reference to 11-1828 to appropriate session law because 11-1828 is being amended so that a board can no longer be created under it. Deleted reference to other sections of chapter 18, Title 11 to correct apparent error--no such sections exist that are relevant. Deleted references to "board of retirement" -- the name is incorrect; it should be the board of administration; but this bill is not simply correcting it because the department of administration is planning to propose a further change in the name and the two bills would create a new error. Changed references to 11-1824 to appropriate session law and 11-1850 -- 11-1824 is being repealed and 11-1850 replaces it for some purposes. Changed "come within the provisions of [the within] this act" to "join the statewide fund defined in 11-1839". (See explanation under 11-1850.)

Section 16. 82A-223. Quasi-judicial functions transferred. Changed references to 11-1824 to appropriate session law -- same reason as under 82A-222. Reference to coming within the provisions of the act changed to reference to "statewide fund" -- see explanation under 11-1850. Deleted "presently . . . funds" -- superfluous. Changed "board of retirement" to "board" -- see explanation under 82A-222. Changed "82A-215" to "82A-210" to correct apparent error.

Section 17. 11-1821.1 and 11-1824 repealed. Section 11-1821.1. Exemption from legal process. Has been replaced by 11-1845. It no longer has any meaning -- it refers to benefits provided under 11-1821, which has been repealed, and 11-1814, which is no longer relevant.

Section 11-1824. Election of cities to come under act. Has been replaced by 11-1850. It is obsolete -- the tax levy it refers to no longer exists (was in 11-1823) and parts of the new law are not optional so a city cannot elect to come under the old law referred to in 11-1824.

Approved by Committee
on State Administration

1 HOUSE BILL NO. 63
2 INTRODUCED BY BARDANOUE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
5 CLARIFY THE LAWS RELATING TO POLICE RETIREMENT AND DEATH AND
6 DISABILITY BENEFITS; AMENDING SECTIONS 11-1823, 11-1825,
7 11-1828, 11-1829, 11-1830, 11-1836, 11-1838, 11-1839,
8 11-1840, 11-1842, 11-1843, 11-1844, 11-1845, 11-1850,
9 82A-222, AND 82A-223, R.C.M. 1947; REPEALING SECTIONS
10 11-1821.1 AND 11-1824, R.C.M. 1947."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 11-1823, R.C.M. 1947, is amended to
14 read as follows:

15 "11-1823. ~~Fund for payment of officers on reserve~~
16 ~~lists tax levy~~ City's contribution to fund. [1] For the
17 purpose of paying the salaries of policemen who have been
18 placed upon the reserve list of cities under this act, the
19 governing body of the city or town council, or
20 ~~commissioners,~~ shall deposit in the fund monthly an amount
21 equal to ~~eleven percent (11%)~~ of the total salaries for the
22 preceding month paid to active police officers of that city,
23 exclusive of overtime and payments in lieu of sick leave and
24 annual leave. ~~Cities having such funds, not cities of the~~
25 ~~first or second class, as of the effective date of this act,~~

There are no changes in HB 63, & will not be re-run.

Please refer to white copy for complete text. S E C O N D R E A D I N G

1 ~~and not having elected to come within the provisions of this~~
2 ~~act, shall likewise deposit in the fund of that city monthly~~
3 ~~an amount equal to eleven percent (11%) of the total~~
4 ~~salaries, exclusive of overtime and payments in lieu of sick~~
5 ~~leave and annual leave, for the preceding month, paid to~~
6 ~~active police officers of that city.~~ Payments made by cities
7 covered by this act shall be made by the treasurer of that
8 city to the department of administration. ~~In case~~ If the
9 demand against ~~the~~ a city for its deposits in ~~each~~ the fund
10 ~~shall be~~ is such that it cannot be met within the general
11 taxing authority of ~~that~~ the city, ~~then and in such case~~ an
12 additional levy ~~of~~ not to exceed ~~three (3)~~ mills may be made
13 until the general taxing authority ~~be~~ is sufficient to meet
14 the demand.

15 (2) As of July 1, 1975, each city, other than one of
16 the first or second class, which has a police reserve fund
17 and which has not elected to participate in the statewide
18 fund shall deposit in its fund monthly an amount equal to
19 11% of the total salaries for the preceding month paid to
20 active police officers of such city, exclusive of overtime
21 and payments in lieu of sick leave and annual leave, for the
22 purpose of paying the salaries of police officers on the
23 reserve list. If the demand against a city for deposits in
24 its fund is such that it cannot be met within the general
25 taxing authority of the city, an additional levy not to

1 exceed 3 mills may be made until the general taxing
 2 authority is sufficient to meet the demand."

3 Section 2. Section 11-1825, R.C.M. 1947, is amended to
 4 read as follows:

5 "11-1825. Salary deduction for payment of reserve
 6 officers Officer's contribution deducted from salary. The
 7 treasurer of any an incorporated city which has as of the
 8 effective date of this act July 1, 1975, created or which
 9 hereafter thereafter may create a police reserve fund, shall
 10 retain from the monthly salary of all each police officers
 11 upon officer on the active list, a sum equal to six percent
 12 (6%) of the his monthly compensation paid each officer for
 13 his services as such a police officer, exclusive of overtime
 14 and payments made in lieu of sick leave and annual leave, and
 15 the said The monthly deduction from the salaries of such
 16 police officers, shall be paid into the police reserve fund
 17 in the department of administration, statewide fund or to
 18 into the city's police reserve fund, as the case may be, for
 19 the purpose of paying the salaries of police officers upon
 20 on the reserve list."

21 Section 3. Section 11-1828, R.C.M. 1947, is amended to
 22 read as follows:

23 "11-1828. Trustees Local boards of trustees of
 24 fund appointment terms. A board of trustees of said fund
 25 shall be created in each city or town, having such fund, (1)

1 Each city or town which has a police reserve fund must have
 2 a board of trustees of such fund, except as provided in
 3 82A-222.

4 (2) A board of trustees existing under subsection (1)
 5 must ~~te~~ consist of the mayor, clerk, and attorney of said
 6 the city or town, and two ~~(2)~~ members of ~~the police~~
 7 ~~department~~ from the active list of the police officers of
 8 said the city or town.

9 (3) The two trustees who are also police officers
 10 shall serve terms of 2 years. They ~~who~~ shall be selected by
 11 a majority vote of the members of the police department on
 12 the active list of said the city or town, ~~the two first~~
 13 ~~selected after the passage of this act shall be so selected~~
 14 ~~that one shall be selected for a term of two (2) years and~~
 15 ~~the other for a term of one (1) year. That said first~~
 16 ~~selection shall be made between the first and tenth day of~~
 17 ~~May, of the year 1979, and annually thereafter between the~~
 18 ~~first and tenth day of May, one member shall be selected for~~
 19 ~~the term of two (2) years. One shall be selected each year~~
 20 between May 1 and May 10, so that their terms are staggered.
 21 Immediately after the selection has been made, a ~~a~~
 22 ~~certificate of the election of the members or member of the~~
 23 ~~police department selected for said board of trustees shall~~
 24 ~~be immediately upon such selection being made, certified to~~
 25 ~~the city clerk of the city or town, by the chairman and~~

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9 82A-222, AND 82A-223, R.C.M. 1947; REPEALING SECTIONS
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11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13 Section 1. Section 11-1823, R.C.M. 1947, is amended to
14 read as follows:

15 "11-1823. ~~Fund for payment of officers on reserve~~
16 ~~lists tax levy City's contribution to fund.~~ (1) For the
17 purpose of paying the salaries of policemen who have been
18 placed upon the reserve list of cities under this act, the
19 governing body of the city or town council, or
20 commissioners, shall deposit in the fund monthly an amount
21 equal to ~~eleven percent (11%)~~ of the total salaries for the
22 preceding month paid to active police officers of that city,
23 exclusive of overtime and payments in lieu of sick leave and
24 annual leave. ~~Cities having such funds, not cities of the~~
25 ~~first or second class, as of the effective date of this act,~~

There are no changes in HB 63, & will not be re-run.

Please refer to white copy for complete text. THIRD READING

1 ~~and not having elected to come within the provisions of this~~
2 ~~act, shall likewise deposit in the fund of that city monthly~~
3 ~~an amount equal to eleven percent (11%) of the total~~
4 ~~salaries, exclusive of overtime and payments in lieu of sick~~
5 ~~leave and annual leave, for the preceding month, paid to~~
6 ~~active police officers of that city.~~ Payments made by cities
7 covered by this act shall be made by the treasurer of that
8 city to the department of administration. ~~In case~~ If the
9 demand against ~~the a~~ a city for its deposits in ~~each the~~ such the fund
10 ~~shall be~~ is such that it cannot be met within the general
11 taxing authority of ~~that the~~ the city, ~~then and in such case~~ an
12 additional levy ~~of not to exceed three (3) mills~~ may be made
13 until the general taxing authority ~~be~~ is sufficient to meet
14 the demand.

15 (2) As of July 1, 1975, each city, other than one of
16 the first or second class, which has a police reserve fund
17 and which has not elected to participate in the statewide
18 fund shall deposit in its fund monthly an amount equal to
19 11% of the total salaries for the preceding month paid to
20 active police officers of such city, exclusive of overtime
21 and payments in lieu of sick leave and annual leave, for the
22 purpose of paying the salaries of police officers on the
23 reserve list. If the demand against a city for deposits in
24 its fund is such that it cannot be met within the general
25 taxing authority of the city, an additional levy not to

1 exceed 3 mills may be made until the general taxing
 2 authority is sufficient to meet the demand."

3 Section 2. Section 11-1825, R.C.M. 1947, is amended to
 4 read as follows:

5 "~~11-1825. Salary deduction for payment of reserve~~
 6 ~~officers Officer's contribution deducted from salary.~~ The
 7 treasurer of ~~any~~ an incorporated city which has as of the
 8 ~~effective date of this act July 1, 1975,~~ created or which
 9 ~~hereafter thereafter~~ may create a police reserve fund, shall
 10 retain from the monthly salary of all each police officers
 11 ~~upon officer on~~ the active list, a sum equal to ~~six percent~~
 12 ~~(6%)~~ of the his monthly compensation ~~paid each officer for~~
 13 his services as ~~such a~~ a police officer, exclusive of overtime
 14 and payments made in lieu of sick leave and annual leave, ~~and~~
 15 ~~the said~~ The monthly deduction from the salaries of ~~each~~
 16 police officers, shall be paid into the ~~police reserve fund~~
 17 ~~in the department of administration, statewide fund or to~~
 18 into the city's police reserve fund, as the case may be, for
 19 the purpose of paying the salaries of police officers ~~upon~~
 20 on the reserve list."

21 Section 3. Section 11-1828, R.C.M. 1947, is amended to
 22 read as follows:

23 "~~11-1828. Trustees Local boards of trustees of~~
 24 ~~fund-appointment terms. A board of trustees of said fund~~
 25 ~~shall be created in each city or town, having such fund, (1)~~

1 Each city or town which has a police reserve fund must have
 2 a board of trustees of such fund, except as provided in
 3 82A-222.

4 (2) A board of trustees existing under subsection (1)
 5 must ~~to~~ consist of the mayor, clerk, and attorney of ~~said~~
 6 ~~the~~ city or town, and two ~~(2)~~ members of ~~the police~~
 7 ~~department~~ from the active list of the police officers of
 8 ~~said the~~ city or town.

9 (3) The two trustees who are also police officers
 10 shall serve terms of 2 years. They who shall be selected by
 11 a majority vote of the members of the police department on
 12 the active list of ~~said the~~ city or town, ~~the two first~~
 13 ~~selected after the passage of this act shall be so selected~~
 14 ~~that one shall be selected for a term of two (2) years and~~
 15 ~~the other for a term of one (1) year. That said first~~
 16 ~~selection shall be made between the first and tenth day of~~
 17 ~~May, of the year 1970, and annually thereafter between the~~
 18 ~~first and tenth day of May, one member shall be selected for~~
 19 ~~the term of two (2) years. One shall be selected each year~~
 20 between May 1 and May 10, so that their terms are staggered.
 21 Immediately after the selection has been made, a &
 22 certificate of the election of the members or member of the
 23 police department selected for said board of trustees shall
 24 be immediately upon such selection being made, certified to
 25 the city clerk of the city or town, by the chairman and

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11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:13 Section 1. Section 11-1823, R.C.M. 1947, is amended to
14 read as follows:

15 "~~11-1823. Fund for payment of officers on reserve~~
16 ~~lists--tax--levy~~ City's contribution to fund. 11) For the
17 purpose of paying the salaries of policemen who have been
18 placed upon the reserve list of cities under this act, the
19 governing body of the city or town ~~council--or~~
20 ~~commissioners,~~ shall deposit in the fund monthly an amount
21 equal to ~~eleven percent (11%)~~ of the total salaries for the
22 preceding month paid to active police officers of that city,
23 exclusive of overtime and payments in lieu of sick leave and
24 annual leave. ~~Cities having such funds, not cities of the~~
25 ~~first or second class, as of the effective date of this act~~

1 ~~and not having elected to come within the provisions of this~~
2 ~~act shall likewise deposit in the fund of that city monthly~~
3 ~~an amount equal to eleven percent (11%) of the total~~
4 ~~salaries, exclusive of overtime and payments in lieu of sick~~
5 ~~leave and annual leave, for the preceding month paid to~~
6 ~~active police officers of that city.~~ Payments made by cities
7 covered by this act shall be made by the treasurer of that
8 city to the department of administration. ~~In case if~~ the
9 demand against ~~the~~ a city for its deposits in such ~~the~~ fund
10 ~~shall be~~ is such that it cannot be met within the general
11 taxing authority of ~~that the~~ city, ~~then and in such case~~ an
12 additional levy of not to exceed ~~three (3)~~ mills may be made
13 until the general taxing authority ~~be~~ is sufficient to meet
14 the demand.

15 (2) As of July 1, 1975, each city, other than one of
16 the first or second class, which has a police reserve fund
17 and which has not elected to participate in the statewide
18 fund shall deposit in its fund monthly an amount equal to
19 11% of the total salaries for the preceding month paid to
20 active police officers of such city, exclusive of overtime
21 and payments in lieu of sick leave and annual leave, for the
22 purpose of paying the salaries of police officers on the
23 reserve list. If the demand against a city for deposits in
24 its fund is such that it cannot be met within the general
25 taxing authority of the city, an additional levy not to

1 ~~exceed 3 mills may be made until the general taxing~~
 2 ~~authority is sufficient to meet the demand."~~

3 Section 2. Section 11-1825, R.C.M. 1947, is amended to
 4 read as follows:

5 "11-1825. ~~Salary--deduction--for--payment--of--reserve~~
 6 ~~officers~~ Officer's contribution deducted from salary. The
 7 treasurer of any ~~an~~ incorporated city which has as of the
 8 ~~effective date of this act July 1, 1975, created~~ or which
 9 hereafter ~~thereafter~~ may create a police reserve fund, shall
 10 retain from the monthly salary of ~~all~~ each police officers
 11 upon ~~officer on~~ the active list, a sum equal to ~~six--percent~~
 12 ~~(6%)~~ of the ~~his~~ monthly compensation paid ~~each officer for~~
 13 his services as such a police officer, exclusive of overtime
 14 and payments made in lieu of sick leave and annual leave, ~~and~~
 15 the ~~said~~ the monthly deduction from the salaries of such
 16 police officers, shall be paid into the ~~police-reserve--fund~~
 17 ~~in--the--department--of--administration,~~ statewide fund or to
 18 ~~into~~ the city's police reserve fund, as the case may be, for
 19 the purpose of paying the salaries of police officers upon
 20 ~~on~~ the reserve list."

21 Section 3. Section 11-1828, R.C.M. 1947, is amended to
 22 read as follows:

23 "11-1828. ~~Trustees~~ Local boards of trustees of
 24 ~~fund--appointment--terms. A board of trustees of--said--fund~~
 25 ~~shall--be--created--in--each--city--or--towny--having--such--funds, (1)~~

1 ~~Each city or town which has a police reserve fund must have~~
 2 ~~a board of trustees of such fund, except as provided in~~
 3 ~~82A-222.~~

4 ~~(2) A board of trustees existing under subsection (1)~~
 5 ~~must~~ to consist of the mayor, clerk, and attorney of ~~said~~
 6 ~~the~~ city or town, and two ~~(2)~~ members of ~~the~~ police
 7 department from the active list of the police officers of
 8 ~~said the~~ city or town.

9 ~~(3) The two trustees who are also police officers~~
 10 ~~shall serve terms of 2 years. They~~ who shall be selected by
 11 a majority vote of the members of the police department on
 12 the active list of ~~said the~~ city or town, ~~the two first~~
 13 ~~selected--after--the--passage--of--this--act--shall--be--so--selected~~
 14 ~~that one shall be selected for a term of two (2) years and~~
 15 ~~the other for a term of one (1) year, that said first~~
 16 ~~selection shall be made between the first and tenth day of~~
 17 ~~May, of the year 1929, and annually thereafter between the~~
 18 ~~first and tenth day of May, one member shall be selected for~~
 19 ~~the term of two (2) years. One shall be selected each year~~
 20 ~~between May 1 and May 10, so that their terms are staggered.~~
 21 ~~Immediately after the selection has been made, a *~~
 22 ~~certificate of the election of the members or member of the~~
 23 ~~police--department--selected--for--said--board--of--trustees~~ shall
 24 be immediately upon such selection being made, certified to
 25 the city clerk of ~~the--city--or--towny~~ by the chairman and

1 secretary of the meeting at which ~~the~~ selection was made."

2 Section 4. Section 11-1829, R.C.M. 1947, is amended to
3 read as follows:

4 "11-1829. Actuarial valuation and investment of police
5 reserve funds. (1) ~~(a)~~ The city treasurer shall submit to
6 the department of community affairs before October 1 ~~in~~ of
7 each odd-numbered year all information requested by the
8 department ~~of--community--affairs~~ necessary to complete an
9 actuarial valuation of the ~~city's~~ police reserve funds ~~fund~~.

10 ~~The valuation shall consider the actuarial soundness of the~~
11 ~~police reserve fund for the 2 preceding fiscal years.~~

12 ~~(b)~~ This ~~the~~ valuation is to be prepared by a
13 qualified actuary selected by the department ~~of--community~~
14 ~~affairs.~~ ~~This--valuation--shall--consider--the--actuarial~~
15 ~~soundness--of--the--police--reserve--funds--for--the--two--(2)~~
16 ~~preceding--fiscal--years.~~ A qualified actuary is a member of
17 the American Academy ~~academy~~ of Actuaries ~~actuaries~~ or of
18 any organization ~~deemed~~ considered by the department of
19 ~~community--affairs~~ to have similar standards.

20 ~~(c)~~ In each fiscal year in which an actuarial
21 valuation is prepared, the department ~~of--community--affairs~~
22 shall submit to the state auditor a request for payment of
23 the expense incurred in securing the actuarial valuation.
24 The expense ~~may not exceed six-thousand-dollars--(\$6,000)~~ in
25 any fiscal year, ~~and--the~~ the state auditor shall make

1 payment to the actuary designated in the request.

2 (2) Whenever the ~~monies~~ moneys in the police reserve
3 fund exceed ~~the greater of the following amounts, the city~~
4 ~~treasurer shall remit the excess to the state treasurer, who~~
5 ~~shall invest the remittances under the direction of the~~
6 ~~board of investments as provided in 79-311:~~

7 (a) ~~one--and--one-half--(1 1/2)~~ 1 1/2 times the monthly
8 benefit paid in the preceding month; ~~or~~

9 (b) ~~five-thousand-dollars--(\$5,000), whichever--is~~
10 ~~greater--then--the--city--treasurer--shall--remit--such--excess~~
11 ~~amounts--to--the--state--treasurer.~~ ~~The--state--treasurer--shall~~
12 ~~invest--such--remittances--under--the--direction--of--the--state~~
13 ~~board--of--investments--as--provided--by--section--79-311.~~

14 (3) After January 1, 1975, all investments of the
15 police reserve fund shall be transferred as directed by the
16 ~~state~~ board of investments. The ~~state~~ board of investments
17 may defer ~~any--such~~ a transfer to a date later than January
18 1, 1975, but not later than the maturity date of the
19 investment. The board of ~~investment~~ investments may make
20 rules to implement this section."

21 Section 5. Section 11-1830, R.C.M. 1947, is amended to
22 read as follows:

23 "11-1830. Limit of ~~on~~ use of fund. ~~Said~~ A police
24 reserve fund ~~shall~~ may not be used for any purpose
25 ~~whatsoever~~ other than the ~~payment to make payments~~

1 ~~authorized by this chapter~~ to members of the police
2 department on the reserve list ~~of the amounts to which they~~
3 ~~are entitled under the provisions of this act and to make~~
4 ~~authorized investments."~~

5 Section 6. Section 11-1836, R.C.M. 1947, is amended to
6 read as follows:

7 "11-1836. Credit of payments to ~~police reserve fund --~~
8 annual report of board. Cities participating in the
9 statewide fund shall deposit the payment provided for in
10 11-1834 with the department of administration. Every Each
11 city or town ~~having which has~~ a police reserve fund
12 ~~established under the provisions of the Metropolitan Police~~
13 ~~law and which has not elected to participate in the~~
14 statewide fund shall deposit ~~said the~~ payment with the
15 department ~~of administration or~~ to the credit of the its
16 police reserve fund ~~of such city or town as the case may~~
17 be. The board of trustees of each police officer's reserve
18 fund shall on or before ~~the first day of~~ April 1 of each
19 year report to the state auditor as to the financial
20 condition of their its fund. Payments provided for in this
21 ~~section and the preceding two (2) sections 11-1829 and~~
22 ~~{11-1834, 11-1835}~~ are in addition to those provided for in
23 section 11-1823."

24 Section 7. Section 11-1838, R.C.M. 1947, is amended to
25 read as follows:

1 "11-1838. Fund ~~for police reserve officers of cities~~
2 ~~of the first and second class~~ Purpose. It is the purpose of
3 this act to provide for a state-wide statewide fund for
4 police reserve officers of cities of the first and second
5 class in Montana, for the investment of such fund, for the
6 payment of benefits to police reserve officers, and to
7 provide for uniformity of programs and procedures for such
8 police reserve officers. The act further proposes to permit
9 cities in Montana other than those ~~in~~ of the first and
10 second class to ~~come within the provisions of this act as~~
11 ~~hereinafter provided~~ elect to participate in the statewide
12 fund."

13 Section 8. Section 11-1839, R.C.M. 1947, is amended to
14 read as follows:

15 "11-1839. Definitions. Unless the context requires a
16 different meaning, ~~reference in this act hereafter to the~~
17 following definitions apply in this chapter:

18 (1) "Boards of trustees" means the boards of trustees
19 which exist on July 1, 1975, or at the time of an election
20 to participate in the statewide fund or which would have
21 existed but for 82A-222 by virtue of the creation of a
22 police reserve fund.

23 (2) ~~"cities" shall include~~ "Cities" means all cities
24 of the first and second class, and all cities other than
25 those of the first and second class ~~electing to come under~~

1 ~~this act or hereafter creating which elect to participate in~~
 2 ~~the statewide fund or which create~~ a police reserve fund~~†~~
 3 ~~after July 1, 1975, all references to "boards of trustees"~~
 4 ~~shall include the boards of trustees now existing existing~~
 5 ~~at the time of election to come within this act, or which~~
 6 ~~would have existed but for this act by virtue of the~~
 7 ~~creation of such police reserve fund, in such cities†~~
 8 ~~reference to "police reserve fund" or "fund" shall include~~
 9 ~~the police reserve funds of all such cities.~~

10 (3) "Police officers" includes "policemen", "active
 11 police", "patrolmen", and other similar terms denoting law
 12 enforcement officers.

13 (4) "Police reserve fund" or "fund" includes the
 14 police reserve funds of all cities defined in subsection
 15 (2).

16 (5) "Statewide fund" means the funds deposited with
 17 and managed by the department of administration in
 18 accordance with section 5, Chapter 335, Laws of 1974, and
 19 11-1841."

20 Section 9. Section 11-1840, R.C.M. 1947, is amended to
 21 read as follows:

22 "11-1840. Transfer of police reserve fund. (1) As soon
 23 as practical after ~~the effective date of this act,~~ cities
 24 July 1, 1975, each city of the first and or second class or
 25 the ~~boards~~ board of trustees thereof shall cause the

1 treasurer of ~~such the~~ city to transmit to the department of
 2 administration all moneys in ~~that the~~ city's fund and shall
 3 cause to be transferred to the department of administration
 4 title and physical possession of all bonds, warrants,
 5 certificates of deposit, or securities which are part of
 6 ~~such its~~ fund.

7 (2) ~~Cities~~ Each city, other than those ~~one~~ of the
 8 first and or second class, ~~having which has~~ a police reserve
 9 fund as of ~~the effective date of this act~~ July 1, 1975, and
 10 ~~who elect which elects to participate in the statewide fund~~
 11 ~~come within the provisions of this act,~~ shall as soon as
 12 practical after the effective date of ~~such the~~ election
 13 transmit to the department of administration all moneys in
 14 ~~that the~~ city's fund and shall cause to be transferred to
 15 the department of administration title and physical
 16 possession of all bonds, warrants, certificates of deposit,
 17 or securities which are part of ~~such its~~ fund."

18 Section 10. Section 11-1842, R.C.M. 1947, is amended
 19 to read as follows:

20 "~~11-1842. Police officers—status~~ Changes in status of
 21 officers — notice required. Each city shall provide to the
 22 department of administration, at times to be specified by
 23 the department of ~~administration,~~ such information as to the
 24 hiring of any police officer by that city and as to the
 25 change of status of such police officer as the department of

1 ~~administration shall~~ may require. When a police officer is
 2 to be placed upon the reserve list, the department of
 3 ~~administration~~ shall so place him and shall notify the city
 4 involved of that action. An officer having an option to be
 5 placed upon the reserve list shall notify the department of
 6 ~~administration~~ of his exercise of ~~that the~~ option, if he so
 7 exercises it, and the department of ~~administration~~ shall
 8 place him upon ~~on~~ the reserve list if he is eligible. In
 9 cases of disability under ~~section 11-1843~~ ~~of this act~~
 10 ~~11-1843(1)(d)~~, the determination shall be made by the city
 11 involved as prescribed in that section ~~prescribed~~, and, if
 12 the police officer is determined to be eligible for
 13 inclusion on the reserve list, the city involved shall so
 14 notify the department."

15 Section 11. Section 11-1843, R.C.M. 1947, is amended
 16 to read as follows:

17 "11-1843. Qualifications Eligibility for police
 18 reserves. (1) The following persons are eligible for the
 19 police reserves of a city and shall become police reserves
 20 as herein-stated provided in this section:

21 ~~(1)(a) As to police officers, which term throughout~~
 22 ~~includes "policemen," "active police," "patrolmen," or other~~
 23 ~~similar terms denoting law enforcement officers under the~~
 24 ~~Metropolitan Police Law. A person~~ who ~~are~~ ~~as~~ of the
 25 ~~effective date of this act~~ is employed by any city as a

1 police officer, on July 1, 1975, is eligible for the police
 2 reserves when ~~such officer he~~ has completed twenty--~~(20)~~
 3 years or more in the aggregate--~~either as a probationary~~
 4 ~~officer, a regular officer of such police department, or as~~
 5 a special police officer of ~~said the~~ police department, in
 6 any capacity of or rank, ~~whatever--provided--that--such A~~
 7 police officer serving in the United States military ~~service~~
 8 in time of war or national emergency shall be given credit
 9 upon in his police record for such service in the same
 10 manner as though he were on active police duty ~~for--such~~
 11 ~~time.~~

12 ~~(2)(b) As to police officers A person~~ who ~~shall is~~
 13 first be employed by a city as a police officer after the
 14 ~~effective date of this act July 1, 1975, is eligible for the~~
 15 police reserves when ~~such officer he~~ has reached the age of
 16 50 and has completed twenty--~~(20)~~ years or more in the
 17 aggregate--~~either as a probationary officer, a regular~~
 18 ~~officer of such police department, or as a special officer~~
 19 ~~thereof of the police department,~~ in any capacity or rank,
 20 ~~and--the--some--proviso--as--to~~ He shall receive credit for
 21 military service set forth as prescribed in subsection ~~(1)~~
 22 ~~(a) hereof applies to such police officers, and has reached~~
 23 ~~the age of fifty (50).~~

24 ~~(3)(c) As to police~~ Police officers, whether now first
 25 ~~employed or hereafter first employed~~ before or after July

1 ~~1, 1975,~~ who shall reach the age of ~~sixty-five (65) years~~
2 while in active service; ~~such officers~~ shall pass from the
3 active list to the reserve list.

4 ~~(4)(d)~~ When a police officer ~~shall receive~~ receives
5 injuries or disabilities ~~while on duty, or~~ in the active
6 discharge of the ~~his~~ duties of ~~as~~ a police officer, ~~and in~~
7 ~~the line of duty,~~ which injuries or disabilities ~~shall~~ are,
8 in the opinion of the board of police commissioners or city
9 council of the city or town, be of such character ~~as~~ to
10 impair his ability ~~as an active police officer, or~~
11 ~~incapacitate him for the further~~ to discharge of his duties
12 as ~~such an active police officer,~~ he shall become a member
13 of the police reserves of such ~~the~~ city or town.

14 ~~(5)(2)~~ A police officer who is eligible for the
15 reserve list ~~by reason of subsections (1) or (2) under~~
16 ~~subsection (1)(a) or (1)(b) of this section, shall have the~~
17 ~~option to may~~ transfer, as of the time he becomes eligible,
18 to the reserve list; or he may elect to serve an additional
19 ~~one (1) to ten (10) years~~ as an active police officer,
20 ~~provided however, except~~ that he may not elect to serve past
21 his ~~sixty-fifth 65th~~ birthday."

22 Section 12. Section 11-1844, R.C.M. 1947, is amended
23 to read as follows:

24 "11-1844. ~~Payment of police reserves benefits.~~ (1)
25 ~~Whenever any policeman or~~ when a police officer shall become

1 ~~is~~ transferred from the active list of ~~police officers of~~
2 ~~any city~~ to the reserve list of ~~that a~~ city, he shall
3 thereafter ~~be paid in~~ receive monthly payments from the
4 ~~funds in this act provided for statewide fund or the city's~~
5 ~~police reserve fund, whichever is applicable,~~ as follows:

6 (a) ~~For a~~ A police officer who is eligible for ~~the~~
7 ~~reserve list after twenty (20) years of service under~~
8 ~~subsection (1) of section 13 [11-1843(1)(a) or (1)(b)] of~~
9 ~~this act, and who does not elect to serve any additional~~
10 years as an active police officer; ~~or for a police officer~~
11 ~~eligible for the reserve list after twenty (20) years of~~
12 ~~service under subsection (2) of section 13 [11-1843] of this~~
13 ~~act, who has reached his fiftieth year, and who does not~~
14 ~~elect to serve any additional years as an active police~~
15 ~~officer; or a police officer who becomes eligible by reason~~
16 ~~of injury or disability under subsection (4) of section 13~~
17 ~~[11-1843] of this act, before reaching twenty (20) years of~~
18 ~~service; or for a police officer who is placed upon on~~ the
19 reserve list ~~by reason of reaching his sixty-fifth birthday~~
20 ~~under 11-1843(1)(c)~~ prior to reaching ~~twenty (20) years of~~
21 service; shall receive a sum equal to one-half ~~(1/2)~~ the
22 base salary, excluding overtime and payments in lieu of sick
23 leave and annual leave, he was receiving as an active
24 officer computed on the highest salary received in any one
25 month during the ~~his~~ last year of active service.

1 (b) ~~For--a~~ A police officer who is eligible for the
 2 ~~reserve list after twenty (20) years of service and who~~
 3 elects to serve additional years, shall receive the payment
 4 provided for in subsection (1)(a) of ~~subsection (1) of this~~
 5 ~~section, to which shall be added~~ plus an additional one
 6 percent ~~(1%)~~ of such sum payment per year of additional
 7 service, up to a maximum of sixty percent ~~(60%)~~ of the base
 8 salary, excluding overtime and payment in lieu of sick leave
 9 and annual leave, he was receiving as an active officer
 10 computed on the highest salary received in any one ~~(1)~~ month
 11 during the his last year of active service. ~~For the~~
 12 ~~purposes of this act, a~~ A police officer whose eligibility
 13 depends upon ~~subsection (2) of section 13 [on 11-1843(1)(b)]~~
 14 ~~of this act, and who completes twenty (20) years of service~~
 15 before reaching the age of fifty ~~(50) years, shall be deemed~~
 16 is considered to have elected to serve an additional years
 17 year for each year between the completion of his twentieth
 18 20th year of service and his ~~fiftieth~~ 50th birthday, and he
 19 shall be paid the additional one percent ~~(1%)~~ for each such
 20 year.

21 (c) A ~~police officer~~ police officer who is placed upon on
 22 the reserve list by ~~reason of reaching his sixty-fifth~~
 23 birthday but under 11-1843(1)(c) and who was theretofore
 24 eligible at his option to be placed upon ~~such on the~~ reserve
 25 list under ~~subsections (1) or (2) of section 13~~

1 ~~[11-1843(1)(a) or (1)(b)] of this act, but~~ elected to serve
 2 additional years after ~~such earlier eligibility~~ shall be
 3 paid for such ~~the~~ additional years over his original
 4 eligibility at the same rate ~~as is provided~~ prescribed in
 5 subsection (1)(a) of ~~subsection (1) of this section.~~

6 (d) A police officer who is eligible under
 7 ~~11-1843(1)(d) before completing 20 years of service shall~~
 8 receive a sum equal to one-half the base salary, excluding
 9 overtime and payments in lieu of sick leave and annual
 10 leave, he was receiving as an active officer computed on the
 11 highest salary received in any one month during his last
 12 year of active service.

13 (e) A police officer who is placed on the reserve
 14 list by ~~reason of injury or disability under subsection 4 of~~
 15 ~~section 13 [11-1843(1)(d)] of this act, and who, at the time~~
 16 of such ~~his~~ injury or disability, was eligible at his option
 17 to be placed on the reserve list under ~~subsections (1) or~~
 18 ~~(2) of section 13 [11-1843(1)(a) or (1)(b)] of this act, but~~
 19 had elected to serve additional years, and was then serving
 20 such additional years shall be paid for such ~~the~~ additional
 21 years over his original eligibility at the same rate ~~as is~~
 22 provided prescribed in subsection (1)(a) of ~~subsection (1)~~
 23 ~~of this section.~~

24 (2) Upon the death of any a police officer on the
 25 active list or reserve list of any a city, his surviving

1 spouse, if there be one, shall, as long as such spouse
 2 remains the surviving spouse, be paid from the statewide
 3 fund or the city's police reserve fund, whichever is
 4 applicable, a sum equal to one-half ~~(1/2)~~ the base salary,
 5 excluding overtime and payments in lieu of sick leave or
 6 annual leave, he was receiving as an active officer computed
 7 on the highest salary received in any one ~~(1)~~ month during
 8 the his last year of active service ~~prior to the date of his~~
 9 ~~demise or prior to the date he passed to the reserve list.~~
 10 If the officer leaves one or more dependent minor ~~child or~~
 11 children, then, upon his death if he leaves no surviving
 12 spouse, or upon the death or remarriage of the surviving
 13 spouse, then his surviving dependent minor ~~child or~~
 14 children, collectively if there be is more than one ~~(1)~~
 15 ~~dependent minor child surviving~~, shall be paid receive the
 16 same monthly payments as are ~~herein provided to be paid to~~
 17 a surviving spouse would receive, until the ~~minor child~~
 18 ~~or children they~~ reach the age of ~~eighteen (18)~~ years or
 19 ~~shall have are~~ married. ~~Payments to be made to such minor~~
 20 ~~child or children the payments~~ shall be paid made to the
 21 their duly appointed, qualified, and acting guardian ~~of the~~
 22 ~~child or children for the their use, of such minor or~~
 23 ~~minors, until such minor shall have reached the age of~~
 24 ~~eighteen (18) years or shall have married and in case~~ If
 25 there is more than one ~~(1) minor such~~ child, upon each child

1 reaching the age of ~~eighteen (18) years or marrying~~, the pro
 2 rata payments to that child shall cease and shall be made to
 3 the remaining ~~minor child or children~~, until the ~~youngest~~
 4 ~~child reaches all the children have either reached~~ the age
 5 of ~~eighteen (18) years or is are~~ married."

6 Section 13. Section 11-1845, R.C.M. 1947, is amended
 7 to read as follows:

8 "11-1845. Protection of benefits from legal process.
 9 The benefits provided for in ~~section 14 [11-1844] of this~~
 10 ~~act and in section 11-1814, R.C.M. 1947,~~ are not subject to
 11 execution, garnishment, attachment, or the operation of
 12 bankruptcy, or insolvency, or other process of law and are
 13 unassignable."

14 Section 14. Section 11-1850, R.C.M. 1947, is amended
 15 to read as follows:

16 "11-1850. Election of other cities to participate.
 17 Cities other than those of the first and second class may
 18 elect to ~~come within the provisions of this act~~ participate
 19 in the statewide fund by the ~~due and proper passage of~~
 20 passing an ordinance stating the election and the consent of
 21 the city to be bound by the ~~provisions hereof and upon law~~
 22 relating to the fund. Upon the enactment of such an
 23 ~~ordinance, the provisions hereof shall attach to that city a~~
 24 city will be bound by that law."

25 Section 15. Section 32A-222, R.C.M. 1947, is amended

1 to read as follows:

2 "82A-222. Board of trustees abolished -- functions
3 transferred. The boards of trustees of police reserve funds
4 in cities of the first and second class, created under
5 ~~section 11-1828, R.C.M. 1947, and other sections of chapter~~
6 ~~18, Title 11, R.C.M. 1947, section 12, Chapter 120, Laws of~~
7 ~~1929,~~ are hereby abolished, and their functions, except the
8 quasi-judicial functions ~~transferred to the board of~~
9 ~~retirement by section 3 [provided for in 82A-223] of this~~
10 ~~act,~~ are transferred to the department of administration.
11 ~~Those boards~~ A board of trustees created under section 8,
12 Chapter 100, Laws of 1927, and existing as of the effective
13 ~~date of this act within cities July 1, 1975, in a city other~~
14 ~~than those of one in the first and or second class under the~~
15 ~~provisions of section 11-1824, R.C.M. 1947, are is~~ abolished
16 as of such time as such ~~the~~ city shall ~~elect~~ elects to come
17 ~~within the provisions of the within act~~ join the statewide
18 fund defined in 11-1839, and, at such time, the functions of
19 such ~~the~~ board of ~~the~~ ~~electing~~ city, except the
20 quasi-judicial functions ~~transferred to the board of~~
21 ~~retirement by section 3 [provided for in 82A-223] of this~~
22 ~~act,~~ are transferred to the department of administration.
23 Notwithstanding the provisions of ~~section 11-1824, R.C.M.~~
24 ~~1947, 11-1850,~~ any city other than one in the first and or
25 second class electing after ~~the effective date of this act~~

1 July 1, 1975, to create a police reserve fund ~~shall must~~
2 comply with the provisions of this act, and ~~shall may~~ not
3 create a local board of trustees, and the department of
4 administration shall ~~have perform~~ all functions with regard
5 to such ~~the~~ fund as otherwise ~~that~~ a local board of trustees
6 would ~~have perform,~~ other ~~than except~~ the quasi-judicial
7 functions provided for in 82A-223, which ~~shall be~~ exercised
8 ~~by the board of retirement."~~

9 Section 16. Section 82A-223, R.C.M. 1947, is amended
10 to read as follows:

11 "82A-223. Quasi-judicial functions transferred. The
12 quasi-judicial functions of the following are transferred or
13 shall originally exist, as the case may be, to or in the
14 board provided for in 82A-210:

15 (1) boards of trustees of police reserve funds of
16 cities of the first and second class;

17 (2) boards of trustees of police reserve funds of
18 created under section 8, Chapter 100, Laws of 1927, in
19 cities other than those of the first and second class,
20 ~~presently having boards of trustees of police reserve funds~~
21 ~~pursuant to section 11-1824, R.C.M. 1947, and electing to~~
22 ~~come within the provisions of this act which elect to join~~
23 the statewide fund defined in 11-1839; and

24 (3) boards of trustees which would, but for this act,
25 have been created hereafter by cities other than those of

1 the first and second class under the provisions of section
2 ~~11-1824v R.C.M. 1947v are transferred or shall originally~~
3 ~~exist as the case may be to or in the board of retirement~~
4 ~~created by section 82A-215v R.C.M. 1947v as amended~~ section
5 6, Chapter 100, Laws of 1927.*

6 Section 17. Repealer. Sections 11-1821.1 and 11-1824v
7 R.C.M. 1947, are repealed.

-End-