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 2 *Senate* BILL NO. *274*  
 3 INTRODUCED BY *Turnage, Halder, Double, Peltch*  
 4 *Blaylock, Peltch*

5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION  
 6 68-2618, R.C.M. 1947, TO PROVIDE INCREASED BENEFITS FOR THE  
 7 SURVIVING SPOUSES AND MINOR CHILDREN OF MEMBERS OF THE  
 8 SHERIFFS' RETIREMENT SYSTEM WHO DIE AS A RESULT OF  
 9 DUTY-RELATED INJURIES; TO PROVIDE FOR RETROACTIVE  
 10 APPLICATION OF SUCH BENEFITS; AND TO PROVIDE FOR AN  
 11 IMMEDIATE EFFECTIVE DATE."

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

13 Section 1. Section 68-2618, R.C.M. 1947, is amended to  
 14 read as follows:

15 "68-2618. Payments in case of death before retirement.

16 (1) If a member dies before retirement, his beneficiary  
 17 shall be entitled to elect among those of the following  
 18 options for which the member ~~qualifies and the beneficiary~~  
 19 qualify:

20 (1)(a) \* a lump sum payment of the accumulated  
 21 deductions standing to the member's credit at his death;

22 (1)(b) ~~if~~ if a member were not eligible to retire at  
 23 the time of death, a retirement allowance commencing on the  
 24 member's death which is the actuarial equivalent of a  
 25 retirement in the amount of two percent (2%) of the final

1 salary for each year of service to a maximum of twenty-five  
 2 (25) years;

3 ~~(1)(c) if~~ if the member were eligible to retire at the  
 4 time of death, a retirement allowance commencing on the  
 5 member's death in the amount of two percent (2%) of the  
 6 final salary for each year of service to a maximum of  
 7 twenty-five (25) years;

8 ~~(1)(d) if~~ if the board ~~shall~~ finds that the  
 9 member died as a direct and proximate result of injuries  
 10 received in the course of employment and the beneficiary is  
 11 other than the surviving spouse or minor children, a  
 12 retirement allowance commencing on the member's death in the  
 13 amount of fifty percent (50%) of the final salary, less the  
 14 amount which is paid to any such beneficiary under the  
 15 Workmen's Compensation Act of the state of Montana, during  
 16 the period such compensation is paid or payable; provided  
 17 that in no event shall a beneficiary be paid for a period  
 18 longer than the time it would have taken the deceased member  
 19 to reach the age of sixty-five (65) years or more than  
 20 fifteen (15) years, whichever is greater;

21 (e) if the board finds that the member died as a  
 22 direct and proximate result of injuries received in the  
 23 course of employment and the beneficiary is the surviving  
 24 spouse or minor children, whichever of the following that  
 25 the beneficiary or the beneficiary's guardian elects:

1        (i) the retirement allowance provided for in  
2 subsection (1)(d); or

3        (ii) a retirement allowance to be paid to the guardian  
4 of the surviving minor children commencing on the member's  
5 death and consisting of \$100 per month per surviving minor  
6 child of the deceased member, up to a maximum of \$300 per  
7 month.

8        (2) Under the circumstances described in subsection  
9 (1)(d), the surviving spouse or, if there is no surviving  
10 spouse, the surviving minor children are entitled to the  
11 benefit provided for in subsection (1)(e)(ii)."

12        Section 2. There is a new R.C.M. section that reads as  
13 follows:

14        Retroactive application. The provisions of subsections  
15 (1)(e) and (2) of 68-2618 apply retroactively to cases  
16 involving the death of a member, after July 1, 1976, as a  
17 direct and proximate result of injuries received in the  
18 course of employment.

19        Section 3. Effective date. This act is effective upon  
20 its passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 245-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 26, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 274 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 274 proposes to provide increased benefits for the surviving spouses and minor children of members of the Sheriffs' Retirement System who die as a result of duty related injuries and to provide for retroactive application and an immediate effective date.

FISCAL IMPACT:

Actuarial estimates project a \$499 cost per year to the retirement system on the one incident of occurrence based on an 18 month experience.

*Richard L. Grayson*  
BUDGET DIRECTOR  
Office of Budget and Program Planning  
Date: 2-1-77

Approved by Committee  
on State Administration

SENATE BILL NO. 274  
INTRODUCED BY Turnage, Hallock, Donnell, Roberts  
Blaylock, President

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 68-2618, R.C.M. 1947, TO PROVIDE INCREASED BENEFITS FOR THE SURVIVING SPOUSES AND MINOR CHILDREN OF MEMBERS OF THE SHERIFFS' RETIREMENT SYSTEM WHO DIE AS A RESULT OF DUTY-RELATED INJURIES; TO PROVIDE FOR RETROACTIVE APPLICATION OF SUCH BENEFITS; AND TO PROVIDE FOR AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 68-2618, R.C.M. 1947, is amended to read as follows:

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

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

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

(b) If if a member were not eligible to retire at the time of death, a retirement allowance commencing on the member's death which is the actuarial equivalent of a retirement in the amount of two percent (2%) of the final

salary for each year of service to a maximum of twenty-five (25) years;

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

~~(4)(d)~~ If if the board ~~shall find~~ finds that the member died as a direct and proximate result of injuries received in the course of employment and the beneficiary is other than the surviving spouse or minor children, a retirement allowance commencing on the member's death in the amount of fifty percent (50%) of the final salary, less the amount which is paid to any such beneficiary under the Workmen's Compensation Act of the state of Montana, during the period such compensation is paid or payable; provided that in no event shall a beneficiary be paid for a period longer than the time it would have taken the deceased member to reach the age of sixty-five (65) years or more than fifteen (15) years, whichever is greater;

(e) if the board finds that the member died as a direct and proximate result of injuries received in the course of employment and the beneficiary is the surviving spouse or minor children, whichever of the following that the beneficiary or the beneficiary's guardian elects:

1 ~~(ii) the retirement allowance provided for in~~  
2 ~~subsection (1)(d) or~~

3 ~~(iii) a retirement allowance to be paid to the guardian~~  
4 ~~of the surviving minor children commencing on the member's~~  
5 ~~death and consisting of \$100 per month per surviving minor~~  
6 ~~child of the deceased member, up to a maximum of \$300 per~~  
7 ~~month;~~

8 ~~(2) Under the circumstances described in subsection~~  
9 ~~(1)(d), the surviving spouse or, if there is no surviving~~  
10 ~~spouse, the surviving minor children are entitled to the~~  
11 ~~benefit provided for in subsection (1)(iii)."~~

12 Section 2. There is a new R.C.W. section that reads as  
13 follows:

14 Retroactive application. The provisions of subsections  
15 (1)(e) and (2) of 68-2610 apply retroactively to cases  
16 involving the death of a member, after July 1, 1976, as a  
17 direct and proximate result of injuries received in the  
18 course of employment.

19 Section 3. Effective date. This act is effective upon  
20 its passage and approval.

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SENATE BILL NO. 274  
 INTRODUCED BY Turnage, Haller, Dunde, Peltch  
Blaylock, President

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

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

(b) if if a member were not eligible to retire at the time of death, a retirement allowance commencing on the member's death which is the actuarial equivalent of a retirement in the amount of two percent (2%) of the final

salary for each year of service to a maximum of twenty-five (25) years;

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

(d) if if the board shall find finds that the member died as a direct and proximate result of injuries received in the course of employment and the beneficiary is other than the surviving spouse or minor children, a retirement allowance commencing on the member's death in the amount of fifty percent (50%) of the final salary, less the amount which is paid to any such beneficiary under the Workmen's Compensation Act of the state of Montana, during the period such compensation is paid or payable; provided that in no event shall a beneficiary be paid for a period longer than the time it would have taken the deceased member to reach the age of sixty-five (65) years or more than fifteen (15) years, whichever is greater;

(e) if the board finds that the member died as a direct and proximate result of injuries received in the course of employment and the beneficiary is the surviving spouse or minor children, whichever of the following that the beneficiary or the beneficiary's guardian elects:

1 ~~(ii) the retirement allowance provided for in~~  
2 ~~subsection (1)(d); or~~

3 ~~(iii) a retirement allowance to be paid to the guardian~~  
4 ~~of the surviving minor children commencing on the member's~~  
5 ~~death and consisting of \$100 per month per surviving minor~~  
6 ~~child of the deceased member, up to a maximum of \$300 per~~  
7 ~~month.~~

8 ~~(2) Under the circumstances described in subsection~~  
9 ~~(1)(d), the surviving spouse or, if there is no surviving~~  
10 ~~spouse, the surviving minor children are entitled to the~~  
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12 Section 2. There is a new R.C.M. section that reads as  
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14 Retroactive application. The provisions of subsections  
15 (1)(e) and (2) of 68-2618 apply retroactively to cases  
16 involving the death of a member, after July 1, 1976, as a  
17 direct and proximate result of injuries received in the  
18 course of employment.

19 Section 3. Effective date. This act is effective upon  
20 its passage and approval.

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