

HOUSE BILL 626

IN THE HOUSE

February 7, 1979

Introduced and referred
to Committee on State
Administration.

1 *House* BILL NO. *626*
 2 INTRODUCED BY *O'Donnell*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE CREDIT FOR
 5 MILITARY SERVICE IN THE SHERIFFS' RETIREMENT SYSTEM ON THE
 6 SAME BASIS AS CREDIT FOR SUCH SERVICE IS ALLOWED UNDER THE
 7 PUBLIC EMPLOYEES' RETIREMENT SYSTEM; REPEALING SECTION
 8 19-7-303, MCA."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Absence in military service. (1) Any period
 12 of absence from compensated employment as a sheriff for one
 13 of the following reasons, occurring either during a war
 14 involving the United States as a belligerent or during any
 15 other national emergency and 90 days thereafter, is
 16 considered service for the purpose of qualification for
 17 retirement and death benefits but not for calculation of
 18 retirement benefits:

- 19 (a) by reason of having been ordered on duty with the
- 20 armed forces of the United States;
- 21 (b) by reason of voluntary service in such forces or
- 22 on ships operated by or for the United States government; or
- 23 (c) by reason of direct assignment to the department
- 24 of defense for duties pursuant to the national defense
- 25 efforts when a leave of absence has been granted by the

1 employer.

2 (2) A member so absent has the right to contribute to
 3 the retirement system, either during his period of absence
 4 or upon his return to service, at times and in the manner
 5 fixed by the board, amounts equal to the contributions which
 6 would have been made by him to the system on the basis of
 7 his compensation at the commencement of his absence. If he
 8 does contribute, he shall receive credit for service for
 9 such time in the same manner as if he had not been absent
 10 from service. Whenever a member elects to continue his
 11 contributions, the county shall thereupon contribute an
 12 amount equal to what its contributions would have been had
 13 the member not been absent from service.

14 (3) A member so absent loses the right to contribute
 15 under this section if all of his accumulated contributions
 16 are refunded pursuant to 19-7-304 or 19-7-305.

17 Section 2. Election to qualify military service for
 18 full credit. (1) (a) A member with 10 years or more of
 19 service as a sheriff qualified under this chapter may, at
 20 any time prior to retirement, make a written election with
 21 the board to qualify all or any portion of his active
 22 service in the armed forces of the United States for the
 23 purpose of calculating retirement benefits, up to a maximum
 24 of 5 years, if he is not otherwise eligible to receive
 25 credit for this same service pursuant to [section 1].

1 (b) To qualify this service he must contribute to the
2 account the amount determined by the board to be due based
3 on his compensation and normal contribution rate as of his
4 11th year and as many succeeding years as are required to
5 qualify this service, with interest from the date he becomes
6 eligible for this benefit to the date he so contributes. He
7 may not qualify more of this service than he has service as
8 a sheriff in excess of 10 years.

9 (2) If a member has retired from active duty in the
10 armed forces of the United States with a normal service
11 retirement benefit, he may not qualify his military service
12 under subsection (1). However, a member who is serving or
13 has served in the military reserves with the expectation of
14 receiving a military service pension may qualify his active
15 military service under subsection (1) if his active duty in
16 the armed forces of the United States is not more than 25%
17 of the total sum of all years of military service including
18 reserve and active duty time.

19 Section 3. Codification. Sections 1 and 2 are intended
20 to be codified as an integral part of Title 19, chapter 7,
21 and the provisions contained in Title 19, chapter 7, apply
22 to sections 1 and 2.

23 Section 4. Repealer. Section 19-7-303, MCA, is
24 repealed.

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