

SENATE BILL 199

IN THE SENATE

January 23, 1979	Introduced and referred to Committee on State Administration.
February 12, 1979	Committee recommend bill, as amended.
February 13, 1979	Printed and placed on members' desks.
February 14, 1979	Second reading, do pass.
February 15, 1979	Considered correctly engrossed.
February 16, 1979	Third reading, passed.

IN THE HOUSE

February 17, 1979	Introduced and referred to Committee on State Administration.
March 8, 1979	Committee recommend bill, not concurring.
March 9, 1979	Report adopted.

IN THE SENATE

March 10, 1979	Returned from House, not concurring.
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1 *Amended* BILL NO. *199*
 2 INTRODUCED BY *Turriage*
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE
 5 REQUIREMENTS FOR ELIGIBILITY FOR DISABILITY RETIREMENT IN
 6 THE MONTANA JUDGES' RETIREMENT SYSTEM AND TO CLARIFY THE
 7 PROCEDURE FOR DETERMINING SUCH ELIGIBILITY, AMENDING
 8 SECTIONS 19-5-101 AND 19-5-601, MCA."
 9

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

11 Section 1. Section 19-5-101, MCA, is amended to read:

12 "19-5-101. Definitions. Unless a different meaning is
 13 plainly implied by the context, the following definitions
 14 apply in this chapter:

15 (1) "Accumulated deductions" means the total of the
 16 amounts deducted from the salary of a contributor, paid into
 17 the fund, and standing to his credit in the fund, together
 18 with the regular interest thereon.

19 (2) "Actuarial equivalent" means a benefit of equal
 20 value when computed upon the basis of the actuarial tables
 21 in use by the system.

22 (3) "Beneficiary" means the person whom the
 23 contributor nominates by written designation, duly
 24 acknowledged and filed with the board.

25 (4) "Board" means the public employees' retirement

1 board.

2 (5) "Contributor" means any person who has accumulated
 3 deductions in the fund standing to his credit.

4 ~~(6) "Disability", as a basis of retirement, means the~~
 5 ~~inability of a judge or justice to perform his duties~~
 6 ~~because of physical or mental incapacity. Such inability~~
 7 ~~may be of permanent duration or of extended and uncertain~~
 8 ~~duration, as determined by the board on the basis of~~
 9 ~~competent medical opinion.~~

10 ~~(7)~~ (7) "Final salary" means the annual current salary
 11 for the office retired from.

12 ~~(8)~~ (8) "Fund" means the Montana judges' retirement
 13 system agency account.

14 ~~(9)~~ (9) "Involuntary retirement" means a retirement not
 15 for cause and before retirement age.

16 ~~(10)~~ (10) "Member's annuity" means payments for life
 17 derived from contributions made by the contributor.

18 ~~(11)~~ (11) "Penalty retirement age" means 70 years of
 19 age.

20 ~~(12)~~ (12) "Retired judge" means any judge or justice in
 21 receipt of a retirement allowance under this chapter.

22 ~~(13)~~ (13) "Retirement allowance" means the state annuity
 23 plus the member's annuity.

24 ~~(14)~~ (14) "State annuity" means payments for life
 25 derived from contributions made by the state of Montana."

1 Section 2. Section 19-5-601, MCA, is amended to read:

2 "19-5-601. Disability retirement allowance. (1) In
3 case of the ~~total~~ disability of a contributor, permanent-in-
4 character, regardless of length of service of the
5 contributor, a disability retirement allowance shall be
6 granted the contributor in an amount calculated on the
7 actuarial equivalent of the member's annuity and the state
8 annuity standing to his credit at the time of his disability
9 retirement. If such ~~total~~ disability is a direct result of
10 any service to the Montana judiciary in line of duty, then
11 such judge or justice who is ~~totally--and--permanently~~
12 disabled shall be retired on total retirement allowance of a
13 minimum of one-half of his final salary or the allowance
14 provided in 19-5-502, whichever is greater. In the event of
15 any disability not caused in the line of duty after
16 ~~attaining-the-age-of-60-years~~, the maximum monthly payment
17 shall be the retirement allowance as provided in 19-5-502.

18 (2) The board shall determine whether a member has
19 become disabled. In the discharge of its duty regarding
20 such determinations, the board, any member thereof, or any
21 duly authorized representative of the board shall have power
22 to order medical examinations, conduct hearings, administer
23 oaths and affirmations, take depositions, certify to
24 official acts, and issue subpoenas to compel the attendance
25 of witnesses and the production of books, papers,

1 correspondence, memoranda, and other records considered
2 necessary as evidence in connection with a claim for
3 disability retirement. The board shall secure medical
4 service and advice necessary to carry out the purposes of
5 this section and shall pay for those medical services and
6 advice compensation the board considers reasonable."

-End-

Approved by Committee
on State Administration

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2 INTRODUCED BY TURNAGE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE
5 REQUIREMENTS FOR ELIGIBILITY FOR DISABILITY RETIREMENT IN
6 THE MONTANA JUDGES' RETIREMENT SYSTEM AND TO CLARIFY THE
7 PROCEDURE FOR DETERMINING SUCH ELIGIBILITY AND PROVIDING
8 FUNDING, AMENDING SECTIONS 19-5-101, 19-5-402, 19-5-404, AND
9 19-5-601, MCA."

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12 Section 1. Section 19-5-101, MCA, is amended to read:

13 "19-5-101. Definitions. Unless a different meaning is
14 plainly implied by the context, the following definitions
15 apply in this chapter:

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17 amounts deducted from the salary of a contributor, paid into
18 the fund, and standing to his credit in the fund, together
19 with the regular interest thereon.

20 (2) "Actuarial equivalent" means a benefit of equal
21 value when computed upon the basis of the actuarial tables
22 in use by the system.

23 (3) "Beneficiary" means the person whom the
24 contributor nominates by written designation, duly
25 acknowledged and filed with the board.

1 (4) "Board" means the public employees' retirement
2 board.

3 (5) "Contributor" means any person who has accumulated
4 deductions in the fund standing to his credit.

5 ~~(6) "Disability", as a basis of retirement, means the~~
6 ~~inability of a judge or justice to perform his duties~~
7 ~~because of physical or mental incapacity. Such inability~~
8 ~~may be of permanent duration or of extended and uncertain~~
9 ~~duration, as determined by the board on the basis of~~
10 ~~competent medical opinions.~~

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12 ~~for the office retired from.~~

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22 ~~receipt of a retirement allowance under this chapter.~~

23 ~~(13) "Retirement allowance" means the state annuity~~
24 ~~plus the member's annuity.~~

25 ~~(14) "State annuity" means payments for life~~

1 derived from contributions made by the state of Montana."

2 ~~SECTION 2. SECTION 19-5-402, MCA, IS AMENDED TO READ:~~

3 "19-5-402. Member's contribution deducted from salary.

4 Every member shall be required to contribute into the fund a
5 sum equal to ~~6%~~ ~~1.275%~~ of his monthly salary, which sum
6 shall be deducted from his salary and credited to his
7 account in the fund."

8 ~~SECTION 3. SECTION 19-5-404, MCA, IS AMENDED TO READ:~~

9 "19-5-404. Contributions by the state. The state of
10 Montana shall contribute monthly to the fund a sum equal to
11 ~~6%~~ ~~1.275%~~ of the salary of each member. In addition, the
12 clerk of each district court shall transmit 60% of the fees
13 collected under 25-1-201 to the state, which shall first
14 deposit in the fund an amount equal to 20% of the salaries
15 paid to district judges and supreme court justices who are
16 covered by the judges' retirement system and then deposit
17 the balance in the state general fund. The clerk of the
18 supreme court shall pay one-fourth of the fees collected
19 under 3-2-403 to the public employees' retirement division
20 of the department of administration to be credited to the
21 fund."

22 Section 4. Section 19-5-601, MCA, is amended to read:

23 "19-5-601. Disability retirement allowance. (1) In
24 case of the ~~total~~ disability of a contributor, permanent-in
25 character, regardless of length of service of the

1 contributor, a disability retirement allowance shall be
2 granted the contributor in an amount calculated on the
3 actuarial equivalent of the member's annuity and the state
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6 any service to the Montana judiciary in line of duty, then
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11 any disability not caused in the line of duty after
12 ~~attaining-the-age-of-60-years~~, the maximum monthly payment
13 shall be the retirement allowance as provided in 19-5-502.

14 ~~(2) The board shall determine whether a member has~~
15 ~~become disabled. In the discharge of its duty regarding~~
16 ~~such determinations, the board, any member thereof, or any~~
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18 ~~to order medical examinations, conduct hearings, administer~~
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21 ~~of witnesses and the production of books, papers,~~
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-End-

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