

SENATE BILL 360

IN THE SENATE

February 3, 1979	Introduced and referred to Committee on State Adminis- tration.
February 5, 1979	Fiscal note requested.
February 8, 1979	Fiscal note returned.
February 16, 1979	Committee recommend bill, do not pass.

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INTRODUCED BY *Steve Stinner* *Robert Dorn*  
*Robert Dorn*  
BILL NO. *360*

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A HIGHWAY PATROLMAN'S RETIREMENT ALLOWANCE SHALL BE PAID TO HIS SURVIVING SPOUSE AND MINOR CHILDREN UPON HIS DEATH FOLLOWING RETIREMENT; AND TO PROVIDE THE FUNDING FOR SUCH BENEFIT; AMENDING SECTIONS 19-6-402, 19-6-404, 19-6-604, AND 61-5-111, MCA."

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

NEW SECTION. Section 1. Payments upon death following retirement. (1) A member's retirement allowance shall be paid first to the member during his lifetime and, upon his death, in the manner and to the persons designated in subsection (2).

(2) Upon the death of a highway patrolman after retirement, his surviving spouse, if there is one, shall, as long as such spouse remains the surviving spouse, receive the same retirement allowance the member was receiving. If the patrolman leaves one or more dependent minor children, then, upon his death if he leaves no surviving spouse or upon the death or remarriage of the surviving spouse, his surviving dependent minor children, collectively if there is more than one, shall receive the same monthly payments a

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surviving spouse would receive, until they reach the age of 18 years or are married. The payments shall be made to the duly appointed, qualified, and acting guardian for their use. If there is more than one child, upon each child reaching the age of 18 years or marrying, the pro rata payments to that child shall cease and shall be made to the remaining children until all the children have reached the age of 18 years or are married.

Section 2. Section 19-6-402, MCA, is amended to read: "19-6-402. Member's contribution. Every member shall be required to contribute into the account a sum equal to ~~6 2/3%~~ 8 1/2% of his monthly salary, which sum shall be deducted from his salary and deposited to his credit in the account."

Section 3. Section 19-6-404, MCA, is amended to read: "19-6-404. State's contribution. The state of Montana shall annually contribute to the account an amount equal to ~~6% 18%~~ of the salaries paid to the highway patrolmen who are covered by this account from the collection of the motor vehicle driver's license fee provided for under the laws of the state of Montana."

Section 4. Section 19-6-604, MCA, is amended to read: "19-6-604. Payments upon death from other causes. ~~if the retired patrolman dies before receiving in payments the present value of his member's annuity and the state~~

~~1 annuity as it was at the time of his retirement, the balance  
2 shall be paid to his beneficiary.~~

3 (2) If a member dies before reaching retirement age,  
4 his beneficiary shall be entitled to the actuarial  
5 equivalent of the options as provided in 19-6-503."

6 Section 5. Section 61-5-111, MCA, is amended to read:

7 "61-5-111. Licenses issued to operators and chauffeurs  
8 -- renewals and expiration thereof -- fees. (1) The division  
9 shall have authority to appoint county treasurers and other  
10 qualified officers to act as its agents for the sale of  
11 drivers' licenses, and shall make necessary rules governing  
12 such sales. The division, upon payment of the fees specified  
13 in this section, (of which sum 5% shall be retained by the  
14 county treasurers for use of the county general fund) shall  
15 issue to every applicant qualifying therefor an operator's  
16 or chauffeur's license as applied for. Such licenses shall  
17 contain a photograph of such licensee in such size and form  
18 as may be prescribed by the division, a distinguishing  
19 number issued to the licensee, the full name, date of birth,  
20 resident address, and a brief description of the licensee,  
21 and either a facsimile of the signature of the licensee or a  
22 space upon which he shall write his signature in pen and ink  
23 immediately upon receipt of the license. No license shall be  
24 valid until it has been so signed by the licensee.

25 (2) The division shall, when any person applies for

1 renewal of an operator's or chauffeur's license, test the  
2 applicant's eyesight, and may also in the division's  
3 discretion have such applicant demonstrate his physical  
4 ability to operate and to exercise ordinary and reasonable  
5 care in the operation of a motor vehicle. A person shall be  
6 deemed to have applied for renewal of a Montana operator's  
7 or chauffeur's license if such application is made within 3  
8 months of the expiration of such license.

9 (3) Licenses issued shall expire on the anniversary of  
10 the date of birth of the licensee 4 years or less after the  
11 date of issue.

12 (4) Whenever the division issues an original license  
13 to a person under the age of 18 years, such license shall be  
14 designated and clearly marked as a "provisional license".  
15 Any license so designated and marked may be suspended by the  
16 division for a period of not more than 12 months, when its  
17 record discloses that the licensee, subsequent to the  
18 issuance of such license, has been guilty of careless or  
19 negligent driving. Upon renewal as applicable to operator's  
20 licenses, the division may for any reasonable cause, as  
21 shown by its records, designate the renewal of the license  
22 as provisional, otherwise a license in usual form shall be  
23 issued subject to other provisions of the laws of Montana.

24 (5) It shall be unlawful for any person to have in his  
25 possession or under his control more than one Montana

1 operator's or chauffeur's license at any one time. Licenses  
2 shall not be valid for the operation of a motorcycle until  
3 the holder thereof has completed the requirements of  
4 61-5-110 and the license has been clearly marked with the  
5 words "motorcycle endorsement".

6 (6) Fees for drivers' licenses shall be as follows:

7 (a) driver's license -- ~~\$2~~ \$3 per year or fraction  
8 thereof;

9 (b) motorcycle endorsement -- 50 cents per year or  
10 fraction thereof.

11 (7) The state treasurer shall deposit to the credit of  
12 the state general fund all moneys received by him from the  
13 collection of motor vehicle driver's license fees.\*

14 Section 6. Codification. Section 1 is intended to be  
15 codified as an integral part of Title 19, chapter 6, part 6,  
16 and the provisions contained in Title 19, chapter 6, apply  
17 to section 1.

-End-

## STATE OF MONTANA

Request No. 220-79

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 5, 1979, there is hereby submitted a Fiscal Note for Senate Bill 360 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 360 is an act to provide that a highway patrolmen's retirement allowance shall be paid to his surviving spouse and minor children upon his death following retirement.

## ASSUMPTIONS:

1. The employees increased contribution from 6.5 percent to 8.5 percent will have no fiscal impact to the state.
2. Approximately 125,000 driver licenses are issued each year that are valid for four years.

## FISCAL IMPACT:

State contributions to Highway Patrol Retirement	<u>FY 80</u>	<u>FY 81</u>
Under current law	\$604,976	\$641,274
Under proposed law	<u>680,598</u>	<u>721,433</u>
Increased expenditures under proposed law	75,622	80,159
Increased revenue under proposed law	<u>500,000</u>	<u>500,000</u>
Net additional revenue to the State General Fund due to proposed legislation	<u>\$424,378</u>	<u>\$419,841</u>

## LONG-TERM IMPACT:

The increased benefit provided by the proposed legislation will require 4.37% of salary to amortize the past service liability over a 40-year period. The funding provided is only 4.0%.

*Richard L. Drayton*  
 BUDGET DIRECTOR  
 Office of Budget and Program Planning  
 Date: 2/18/79