Introduced: 02/03/83

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Referred to Committee on Local Government: 02/03/83 Hearing: 2/15/83 Died in Committee LC 0834/01

1 House BILL NO. 622 2 INTRODUCED BY Have D. BILL NO. 622 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING EMPLOYER CONTRIBUTIONS BY CITIES AND COUNTIES TO THE SHERIFFS . 5 MUNICIPAL POLICE OFFICERS'+ AND FIREFIGHTERS' UNIFIED 6 7 RETIREMENT SYSTEMS BY REQUIRING THAT THE AMOUNT DUE FROM 8 THESE EMPLOYERS BE PAID BY THE STATE THROUGH INSURANCE PREMIUM TAXES; REMOVING AN EMPLOYER'S TAXING AUTHORITY FOR 9 THE PURPOSE OF MAKING CONTRIBUTIONS TO THESE RETIREMENT 10 11 SYSTEMS; AMENDING SECTIONS 19-7-101, 19-7-402, 19-7-407, 12 19-9-104. 19-9-502. 19-9-503. 19-9-505. 19-9-701. 19-9-702. 13 19-9-705, 19-9-706, 19-9-1004, 19-13-503, 19-13-505, 14 19-13-604, AND 19-13-607, MCA; REPEALING SECTIONS 19-7-404, 19-9-703, 19-9-704, 19-13-605, AND 19-13-606, MCA; AND 15 16 **PROVIDING AN EFFECTIVE DATE.**"

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18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA:

19 <u>YEW_SECTION</u> Section 1. State contribution. The state 20 shall make its contributions through the state auditor from 21 the premium taxes on the insurance risks enumerated in 22 19-11-512. These payments must be made annually to the 23 administrator after the end of each fiscal year but no later 24 than September 1 from the gross premium taxes after 25 deduction for cancellations and returned premiums. The 1 administrator shall notify the auditor of the annual 2 compensation paid to all active members during the preceding 3 year. The state's contribution is 7.62% of this 4 compensation. As soon as practicable after receipt of the 5 state contribution, the administrator shall deposit it with 6 the state treasurer.

Section 2. Section 19-7-101, MCA, is amended to read:
#19-7-101. Definitions. Unless the context requires
otherwise, the following definitions apply in this chapter:
(1) "Account" means the Montana sheriffs' retirement
account administered by the sheriffs' retirement board.

12 (2) "Accumulated contributions" or "accumulated 13 deductions" means the total amount deducted from the salary 14 of a member during a period of membership service plus the 15 total amount deducted during a period of prior service and 16 transferred from the public employees' retirement system 17 standing to the member's credit in the account, together 18 with the accrued interest.

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

(4) "Beneficiary" means a person who is nominated by
the member in an acknowledged document which is filed with
the board.

25 (5) "Board" means the sheriffs' retirement board. The

-2- INTRODUCED BILL HB 622

board shall consist of five persons who shall be the same
 persons that comprise the public employees* retirement
 board+

4 (6) "Creditable service" means the aggregate of all of
5 a member's current and prior service.

6 (7) "Final salary" means the average annual salary 7 received by a member, before any deductions are made and 8 exclusive of maintenance, allowances, and expenses, for any 9 3 years of continuous service from which contributions were 10 deducted or, in the event that a member has not served 3 11 years, the total salary earned divided by the number of 12 years served. Lump-sum payments for sick leave and annual 13 leave paid to an employee upon termination of employment may 14 be used in the calculation of a retirement allowance only to the extent that they are used to replace, on a month for 15 16 month basis, the normal compensation for a wonth or months 17 included in the calculation of the final salary. A lump-sum 18 payment may not be added to a single wonth's compensation. 19 (8) "Member" means any person who has accumulated 20 deductions in the account to his credit.

(3) "Member's annuity" means payments for life derived
 from contributions made by the member while employed.

(10) "Nembership service" means service for which an
amount is deducted from the salary of a member and paid into
the account.

(11) "Prior service" means service for which credit was
 granted by the public employees' retirement system of the
 state of Montana.

4 (12) "Retired sheriff" means a person receiving a
5 retirement allowance under this chapter.

6 (13) "Retirement allowance" means the state annuity
7 plus the member's annuity.

8 (14) "Service" means employment as a sheriff.

9 (15) "Sheriff" means any elected or appointed county
10 sheriff, undersheriff, or regularly appointed and acting
11 deputy sheriff.

(16) "State annuity" means payments for life derived 12 13 from county contributions into made before July 1. 1983. and 14 state_contributions__made_on_or_after_duly_1.1983.10 the sheriffs* retirement account, together with any supplemental 15 16 legislative appropriations to the account. 17 (17) "Vested retirement" means a retirement not for 16 cause and before retirement age.* 19 Section 3. Section 19-7-402, MCA, is amended to read:

20 *19-7-402. Sources of money in the account. The 21 following money shall be paid to the board, which shall 22 credit such payments to the sheriffs* retirement system 23 account:

24 (1) all accumulated deductions paid into the public
 25 employees' retirement system by any sheriff during any

-3-

-4-

period of prior service, as defined in this chapter; plus 1 Z (2) all contributions paid into the public employees' 3 retirement system coincident with such accumulated deductions by the state of Montana or any county or city; 4 5 (3) all contributions by the verious-counties state as 6 required by this chapter: 7 (4) all contributions by sheriffs as defined in this 8 chapter: 9 (5) all interest on and increase of the investments 10 and moneys under this chapter; 11 (6) any supplemental appropriation or revenue from a 12 source or sources approved by the legislature or money 13 received directly from the federal government for funding of 14 law enforcement retirement systems." Section 4. Section 19~7-407, MCA. is awanded to read: 15 #19-7-407. Transfer of dormant accumulated deductions. 16 The board may, in its discretion, transfer the accumulated 17 deductions of a member to the employers state's account in 18 19 the sheriffs' retirement account if the member's account has 20 been dormant for a period of 10 years. However, no right of 21 the member may be jeopardized by the transfer, and the 22 accumulated deductions must be transferred back to the 23 member's name upon his subsequent reentry into the system." Section 5. Section 19-9-104, MCA, is amended to read: 24 *19-9-104. Definitions. Unless the context requires 25

otherwise, the following definitions apply in this chapter: 1 Z (1) "Administrator" means the public employees" 3 retirement division of the department of administration. 4 (2) "Base salary" means the sum of the monthly 5 compensations for each wonth in a given calendar year. 6 (3) "Board" means the retirement board described in 7 2-15-1009. 8 (4) "Credited service" means the aggregate of a 9 member's prior service and membership service. 10 (5) "Employer" means any city which participated in a 11 prior plan or which elects to join this plan under 19-9-107. 12 (6) "Employer State annuity" means monthly payments 13 for life derived from employer and state contributions made 14 before_July_1+_1983+_and_from_state_contributions_made_op_or 15 after July 1. 1983. (7) "Final average salary" means the monthly 16 17 compensation of a member, averaged over the last 36 months 18 of his active service or, in the event he has not been a 19 member that long, over the period of his membership. 20 (8) "Fund" means the agency account in the treasury 21 system designated for the use of the plan. 22 (9) "Mandatory retirement date" means the first day of the month coinciding with or immediately following, if none 23 coincides, the date on which a member attains age 65. 24 (10) "Member" means a person who is employed by an 25

-6-

employer as a police officer or who is entitled to a
 retirement allowance by virtue of his service to an employer
 as a police officer.

4 (11) "Nember contributions" means the total of the 5 deductions from the compensation of a member, either made 6 during a period of active membership hereunder or made under 7 a prior plan and transferred to this plan, standing to his 8 credit, together with the interest thereon.

9 (12) "Member's annuity" means monthly payments for life
 10 derived from member contributions.

11 (13) "Membership service" means a period of employment 12 with an employer occurring after June 30, 1977, during which 13 the withholdings required by this chapter have been made 14 from a member's monthly compensation and credited to his 15 member contributions account. Pro rata credit shall be 16 granted for employment on a part-time basis or for 17 employment over a period of less than a complete fiscal 18 year.

19 (14) "Minimum retirement date" or "normal retirement 20 date" means the first day of the month coinciding with or 21 immediately following, if none coincides, the date on which 22 a member becomes both age 50 or older and completes 20 or 23 more years of credited service.

(15) "Monthly compensation" means the wage, excluding
overtime, holiday payments, shift differential payments,

1 compensation time payments, and payments in lieu of sick 2 leave and annual leave, a member receives as an active police officer. з (16) Any reference to "municipality", "city", or "town" 4 includes those jurisdictions which, prior to the effective 5 date of a county-municipal consolidation, were incorporated 6 municipalities, subsequent districts created for urban law 7 enforcement services, or the entire county included in the 8 9 county-municipal consolidation. means the municipal police officers* 10 (17) "Plan" 11 retirement system created by this chapter. (18) "Police officer" means a law enforcement officer 12 13 employed by an employer. (19) "Prior plan" means the local police reserve or 14 15 retirement fund of a city which elects to join the plan 16 under 19-9-107 or the statewide police reserve fund administered by the department of administration in 17 18 accordance with Chapter 335, Laws of 1974. (20) "Prior service" means a period of employment as a 19 police officer for which credit was granted to a member 20 21 under a prior plan and has been transferred to this plan. (21) "Retirement allowance" means the employer state 2Z 23 annuity plus the member's annuity. 24 (22) "Retirement date" means the date on which the 25 first payment of the retirement, disability, or survivor

-8-

~7-

1 benefits of a member or a beneficiary is payable.

2 (23) "Totally and permanently disabled" means that the board, upon certification by a licensed and practicing physician, has determined that a member's disability is of such a nature as to permanently impair his ability to discharge his normal duties as a police officer."

7 Saction 6. Section 19-9-502, MCA, is amended to read: 8 #19-9-502. Management of funds by department of 9 administration. Except as otherwise provided in this 10 chapter, the department of administration, through the 11 administrator and the board of investments, shall 12 administer, invest, account for, and treat the funds 13 deposited with it under this chapter in accordance with the rules dealing with the public employees' retirement system. 14 insofar as such rules are not inconsistent with those 15 16 promulgated and adopted by the board. The contributions of 17 the statey-employersy and members paid to the administrator 18 under this chapter may be commingled for investment 19 purposes....

20 Section 7. Section 19-9-503, MCA, is amended to read: 21 "19-9-503. Unfunded liabilities. (1) It is found and 22 declared by the legislature that many cities operating under 23 prior plans have excess and unfunded liabilities under such 24 prior plans, which liabilities cannot be amortized by the 25 percentage contributions set forth in 19-9-702 and 19-9-703.

1 (2) The administrator shall, on or before October 1, 2 1977, determine the excess and unfunded liability of each 3 city which participates in the plan created by this chapter. 4 The determination of the administrator, in the absence of 5 fraud, abuse of discretion, or arithmetic error, is final and binding on each city. Each city found 6 by the 7 administrator to have an excess and unfunded liability under 8 a prior plan which as of July 1, 1977, is not funded by sugs 9 on deposit or funds available for deposit with the 10 administrator shall pay an additional sum over a period of 11 time to amortize its excess liability as determined by the 12 administrator. If any city and the administrator are unable 13 by January 1, 1978, to negotiate and reduce to writing the 14 terms of an agreement satisfactory to both of them for the 15 city to amortize its excess liability, the administrator 16 shall require such city to pay an additional sum to amortize 17 its excess liability on July 1, 1977, over a period of not 18 more than 40 years.

19 (3) Each city found by the administrator to be paying
20 an amount in excess of the amount necessary to amortize its
21 liabilities under the prior plan and under this chapter
22 shall receive a credit in the accounts of the administrator
23 for any such excess payments.

(4) The excess unfunded liabiliity for each city shall
be revaluated by the administrator on July 1, 1980, as part

-9-

-10-

of the normal actuarial valuations required in 19-9-504 reflecting the change in the contribution rates made in 19-9-601, 19-9-702, and 19-9-703, as amended by Chapter 375, Laws of 1979, and each city's funding position will be changed using the procedures of 19-9-107. The resulting report will be made available to the cities no later than October 1, 1980.

8 (5) If a majority of the cities participating in the 9 municipal police officers' retirement system do not agree with the results of the revaluation outlined in subsection 10 11 (4), they may, by mutual agreement of the cities, select a 12 qualified actuary, as defined in 19-9-504, to perform a 13 second actuaria) valuation as of July 1, 1980, with the 14 conclusions of the second actuarial valuation to replace the actuarial valuation discussed in subsection (4). The cost of 15 the second actuarial valuation shall be paid by all cities 16 17 participating in the system in proportion to their active 18 membership in the system as of July 1, 1980.

19 (6) The time and method of settlement on the unfunded 20 liability will be as agreed on by the administrator and the 21 city. The minimum allowable payment must be equal to or 22 greater than the interest due at the interest rate used in 23 the actuarial study for the unfunded balance.

24 (I)_______ is under____agreement___negotiated___between__tbe
 25 administrator__and__a__city___tbe__city__is_required_to__make

1 payments_on_or_after_July_la_1983a to__amortize__its__excess Z and_upfunded_liability_under_a_prior_plans_these_payments 3 must be made by the state auditor from the premium taxes...op 4 insurance_risks_enumerated_in_19=11=512.** 5 Section 8. Section 19-9-505, MCA, is amended to read: 6 #19-9-505. Transfer of dormant member account. The 7 board may, in its discretion, transfer member contributions - 8 to the employers statels account if the member's 9 contribution account has been dormant for a period of 10 years. No right of the member may be jeopardized by such a 10 11 transfer. and the member contributions shall be transferred back to the member's name upon his subsequent reinstatement 12 as a member." 13 14 Section 9. Section 19-9-701, MCA, is amended to read: 15 #19-9-701. Payment of emptoyer----ond state 16 contributions. Employer-and-state State contributions shall 17 be paid to the administrator who shally as soon as 18 practicable after their receipt, deposit them with the state 19 treasurer." 20 Section 10. Section 19-9-702, MCA, is amended to read: 21 #19-9-702. State contribution. The state of Montana 22 shall make its contributions through the state auditor out 23 of the premium tax on motor vehicle property and casualty 24 insurance policies. Such payments shall be made annually 25 after the end of each fiscal year but no later than

-12-

-11-

September 1 from the gross premium tax after deduction for 1 cancellations and returned premiums. The administrator shall 2

2 cancellations and returned premiums. The administrator shall 3 notify the auditor by April 1 of each year of the annual 4 compensation paid to all active members during the preceding 5 year, and the state's contribution shall be 14+04% 20+08% of 6 such compensation."

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7 Section 11. Section 19-9-705. MCA. is amended to read: #19-9-705. Other moneys credited 8 employer as. 9 contributions. All gifts, bequests, or emoluments given to 10 an employer or member for the benefit of the plan or because 11 of any member's service as a police officer, except when 12 specifically allowed to be retained by the member by his 13 employer, and all moneys withheld from the monthly 14 compensation of a member for violation of the rules of his 15 employer shall be paid to the administrator. The administrator shall credit them to the fund and, as soon as 16 17 practicable after their receipt, deposit them with the state 18 treasurer. Such amounts are employer state contributions but 19 are in addition to the amounts required by 19~9-703 20 19=9=702.**

21 Section 12. Section 19-9-706, NCA, is amended to read: 22 "19-9-706. Contributions based on disability 23 compensation. (1) When an officer receives compensation 24 under 7-32-4132, the member contributions for retirement 25 required under 19-9-601 will be paid on the total 1 compensation received under 7-32-4132 and-the--employer 2 contribution-paid-by-the-municipalities-under-19-9-703g and 3 the state contribution under 19-9-702 shall include as part 4 of the salaries paid to police officers all compensation 5 received under 7-32-4132. The service represented by these 6 contributions will be credited in the same manner as 7 provided in 19-9-401.

8 (2) When an injured officer accepts a transfer under 7-32-4136 to a nonpolice position within the municipality 9 10 covered under 19-3-401, all service and contributions 11 previously credited with the municipal police officers* 12 retirement system shall be transferred from the municipal police officers' retirement system retirement account in the 13 14 agency fund along with the interest to the public employees! retirement system agency fund. The employer contributions 15 16 and interest transferred will be equal to the amount that 17 would have been contributed had the transferred service been 18 normal employment covered under the public employees. 19 retirement system."

20 Section 13. Section 19-9-1004, MCA, is amended to 21 read:

22 "19-9-1004. Board's authority to refuse to make 23 payments. The board may revoke, refuse to grant, or suspend 24 a member's annuity for disability or death caused by 25 wrongful conduct. If the disability causing a member to retire or the death of a member is directly and proximately
 caused by the member's immoral or intemperate conduct or
 gross negligence, the board may refuse to grant, revoke, or
 suspend the employer state annuity."

5 Section 14. Section 19-13-503, MCA, is amended to 6 read:

7 "19-13-503. Unfunded liabilities. (1) The legislature 8 finds and declares that many cities operating under prior 9 plans have excess and unfunded liabilities, and the 10 liabilities cannot be amortized by the percentage 11 contributions set forth in this chapter.

12 (2) The administrator shall, on or before October 1, 13 1984, determine the excess and unfunded liability of each 14 city participating in the plan created by this chapter. The 15 determination--must--ba-negotiated-between-each-city-and-the 16 administrator. Each Eor each city determined by the 17 administrator to have an excess and unfunded liability under 18 a prior plan that, as of July 1, 1984, is not funded by sums 19 deposit or funds available for deposit with the on 20 administrator<u>.the_state_auditor</u>_shall_pay_an_additional_sum 21 over a period of time from the premium taxes on insurance 22 risks enumerated in 19-11-512 to amortize its each city's 23 excess liability og-determined-by-agreement-between-the-city 24 and-the-administrator.

<u>determines that the state auditor is</u> paying an amount in
 excess of the amount necessary to amortize its <u>gach city's</u>
 liabilities under the prior plan and under this chapter
 shall-receive-at the administrator shall credit in the
 accounts of the administrator for the excess payments.

6 (4) For each city with an unfunded llability, any
7 portion of the member--employer, and state contributions
8 that exceeds the amount necessary to maintain the current
9 level of unfunded liability must be applied to the reduction
10 of the unfunded liability."

11 Section 15. Section 19-13-505, MCA, is amended to 12 read:

13 #19-13-505. Transfer of dormant member account. The 14 board may, in its discretion, transfer member contributions 15 to the employer's state's account if the member's 16 contribution account has been dormant for a period of 10 17 years. No right of the member may be jeopardized by such a transfer, and the member contributions shall be transferred 18 19 back to the member's name upon his subsequent reinstatement 20 as an active member."

21 Section 16. Section 19-13-604, MCA, is amended to 22 read:

23 *19-13-604. State contribution. The state shall make
24 its contributions through the state auditor from the premium
25 taxes on the insurance risks enumerated in 19-11-512. These

-15-

(3) Each-city-determined-by If the administrator to-be

-16-

1 payments shall be made annually to the administrator after 2 the end of each fiscal year but no later than September 1 3 from the gross premium taxes after deduction for 4 cancellations and returned premiums. The administrator shall 5 notify the auditor of the annual compensation, excluding 6 overtime, holiday payments, shift differential payments, 7 compensatory time payments, and payments in lieu of sick 8 leave, paid to all active members during the preceding yeary 9 and-effective-July-ly-l98ly-the-state-s-contribution-is--l2% 10 of--this--componention. This Ibe_state's contribution shall 11 +ncrease--to--15#--effective--duiv--iy--iy82+--and--to--18#1 12 effective July 1, 1983, is 36% of this compensation. As soon 13 as practicable after receipt of the state contribution, the 14 administrator shall deposit it with the state treasurer." 15 Section 17. Section 19-13-607, MCA, is amended to

17 "19-13-607. Other money credited as employer 18 contributions. All gifts, bequests, and emoluments given to an employer or member for the benefit of the plan or because 19 20 of any member's service as a firefighter, except when 21 specifically allowed to be retained by the member by his 22 employer, shall be paid to the administrator. The 23 administrator shall credit them to the fund and, as soon as 24 practicable after their receipt, deposit them with the state 25 treasurer. Such amounts are employer state contributions but

16

read:

1 are in addition to the amounts required by 19-13-605
2 19:13-604.**

NEW_SECTIONS Section 18. Repeater. Sections 19-7-404,
 19-9-703, 19-9-704, 19-13-605, and 19-13-606, MCA, are
 repeated.

6 NEW_SECTION_ Section 19. Codification instruction. 7 Section 1 is intended to be codified as an integral part of 8 Title 19, chapter 7, part 4, and the provisions of Title 19, 9 chapter 7, apply to section 1.

10 <u>NEW SECTION</u> Section 20. Effective date. This act is

11 effective July 1, 1983.

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-18-

STATE OF MONTANA

REQUEST NO. ______

FISCAL NOTE

Form BD-15

n	compliance with a written	request received February 7,, 198	$\frac{3}{2}$, there is hereby submitted a Fiscal Note
for	House Bill 622	pursuant to Title 5. Chapter 4. Part 2 of t	the Montana Code Annotated (MCA)

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:

House Bill 622 is an act to fund existing city and county employer contributions and excess unfunded liability payments for the Sheriffs, Municipal Police Officers and Firefighers' Unified Retirement Systems from taxes collected on insurance premiums.

ASSUMPTIONS:

- 1) Recent monthly payroll reports plus projected salary increases were used to develop the fiscal impact for FY 84 and FY 85.
- Projected costs are based upon a 40 year valuation period and assumes a 5½% increase in salaries beyond FY 85.
- 3) The existing unfunded liabilities will be assumed by the state.
- 4) The potential fiscal impact related to locally administered police and fire departments, which may elect to join the unified retirement system upon passing of this act, has not been calculated.

FISCAL IMPACT:

	FY 84	FY 85
Sheriffs:		
Under Current Law	\$ -0-	\$ -0-
Under Proposed Law	882,928	1,006,538
Increase	\$ 882,928	\$1,006,538
Police Officers		
Under Current Law	\$1,958,875	\$2,108,560
Under Proposed Law	3,268,630	3,536,193
Increase	\$1,309,755	\$1,427,633
Firefighters:		
Under Current Law	\$2,375,038	\$2,508,267
Under Proposed Law	3,906,947	4,132,091
Increase	\$1,531,909	\$1,623,824

The increased cost will be assumed by the state and will reduce revenues to the general fund in a like amount.

LOCAL IMPACT:

This bill will relieve county, city and town governments' general funds in employers' payroll contributions.

FISCAL NOTE 12:F/1

BUDGET DIRECTOR Office of Budget and Program Planning Date: 2-9-8

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. ______ Revised Fiscal Note

Form BD-15

п	compliance	with	a written	request receivedFebruary 7,, 19, there is hereby submitted a Fiscal Note	
for	House I	<u>Bill</u>	622	pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).	
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.					

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DESCRIPTION OF PROPOSED LEGISLATION:

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ASSUMPTIONS:

ETCOAL IMDACT.

- 1) Recent monthly payroll reports plus projected salary increases were used to develop the fiscal impact for FY 84 and FY 85.
- Projected costs are based upon a 40 year valuation period and assumes a 5½% increase in salaries beyond FY 85.
- 3) The existing unfunded liabilities will be assumed by the state.
- 4) The potential fiscal impact related to locally administered police and fire departments, which may elect to join the unified retirement system upon passing of this act, has not been calculated.

FISCAL IMPACT:		
	FY 84	FY 85
Sheriffs:	<u></u>	
Under Current Law	\$ -0-	\$ -0-
Under Proposed Law	882,928	1,006,538
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Firefighters:		
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Under Proposed Law	3,906,947	4,132,091
Increase	\$1,531,909	\$1,623,824

Continued

BUDGET DIRECTOR Office of Budget and Program Planning Date: ______ (8 - 8 3

EXCESS UNFUNDED LIABILITIES:

In addition to the contributions for the police system, \$131,032 dollars per year for ten years will be needed to fund the \$560,000 excess unfunded liability and \$356,654 in payment credits to the police system. No excess unfunded liabilities are calculated in the fire system prior to July 1, 1984 - 19-13-503 MCA.

The increased cost will be assumed by the state and will reduce revenues to the general fund in a like amount.

LOCAL IMPACT:

This bill will relieve county, city and town governments' general funds in employers' payroll contributions.

FISCAL NOTE 12:F/2

-2-