SENATE BILL NO. 216

INTRODUCED BY STIMATZ

BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT DIVISION

IN THE SENATE

| January 19, 1983 | Introduced and referred to Committee on State Administration. |
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| January 27, 1983 | Committee recommend bill do pass. Report adopted. |
| January 28, 1983 | Bill printed and placed on members' desks. |
| January 29, 1983 | Second reading, do pass. |
| January 31, 1983 | Correctly engrossed. |
| February 1, 1983 | Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House. |
| IN THE HOUSE | |
| February 2, 1983 | Introduced and referred to Committee on State Administration. |
| February 19, 1983 | Committee recommend bill be concurred in. Report adopted. |
| March 2, 1983 | Second reading, concurred in. |
| March 3, 1983 | Third reading, concurred in. |

IN THE SENATE

March 4, 1983

Returned to Senate. Sent to enrolling.

Reported correctly enrolled.

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| 1 | Senate BILL NO. 216 |
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| 3 | BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT DIVISION |
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| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A CONSISTENT |
| 6 | EFFECTIVE DATE FOR SERVICE RETIREMENT BENEFITS PAID TO |
| 7 | MEMBERS OF THE PUBLIC EMPLOYEES. HIGHWAY PATROLNENS, |
| 8 | SHERIFFS*, GAME WARDENS*, MUNICIPAL POLICE OFFICERS*, AND |
| 9 | FIREFIGHTERS UNIFIED RETIREMENT SYSTEMS; CLARIFYING |
| 10 | PROVISIONS CONCERNING THE GAME WARDENS* RETIREMENT SYSTEM; |
| 11 | AMENDING SECTIONS 19-3-903, 19-6-501, 19-7-501, 19-8-601, |
| 12 | 19-8-604, 19-9-801, AND 19-13-701, MCA; REPEALING SECTION |
| 13 | 19-8-602, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. |
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| 15 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 16 | Section 1. Section 19-3-903, MCA, is amended to read: |
| 17 | #19-3-903. Time of commencement of allowance. The |
| 18 | board shall grant a retirement allowance to any member who |
| 19 | has fulfilled the eligibility requirements of 19-3-901 or |
| 20 | 19-3-902 and filed the appropriate written application. The |

retirement allowance shall must commence on the first day of

the month following the member's last day of membership

service or--on--the--first--doy--of--the-month-in-which his

Section 2. Section 19-4-501, MCA, is amended to read:

application-is-filed-with-the-beardy-whichever-is-later."

| 1 | #19-6-501. Eligibility and application for service |
|----|---|
| 2 | retirement allowance commencement of allowance. (1) |
| 3 | member in service who has completed at least 20 years o |
| 4 | creditable service may retire on a service retiremen |
| 5 | allowance upon written application to the department settin |
| 6 | forth at what time he desires to be retired, not less than |
| 7 | 30 days or more than 90 days subsequent to the filing |
| 8 | thereof. |
| 9 | (2) The retirement allowance must commence on the |
| 10 | first day of the month following the member's last day o |
| 11 | covered employment." |

Section 3. Section 19-7-501, MCA, is amended to read: *19-7-501. Eligibility and application for service retirement - commencement of allowance. (1) A sheriff in service who has completed at least 25 years of service and who has reached the age of 55 years may retire on a service retirement allowance upon written application to the board, submitted not less than 30 days or more than 90 days from the desired date of retirement. The application - must - state the-date-he-desires-to-be-retired.

- (2) Retirement is compulsory for any nonelected sheriff at age 65, except in the case of undersheriffs.
- 23 (3) The retirement allowance must commence on the first day of the month following the member's last day of membership service."

INTRODUCED BILL

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| 1 | Section 4. Section 19-8-601, MCA, is amended to read: |
|-----|--|
| 2 | #19-8-601. Time of retirement commencement of |
| 3 . | allowance. (1) Any member in service who has completed at |
| 4 | least 20 years of creditable service and who has reached the |
| 5 | age of 55 years may retire on service retirement allowance |
| 6 | upon written application to the board setting forth at what |
| 7 | time, not less than 30 days or more than 90 days subsequent |
| 8 | to the filing thereof, he desires to be retired. |

(2) Retirement shall be compulsory at age 60.

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- 10 (3) The retirement allowance must commence on the 11 first day of the month following the member's last day of covered employment." 12
 - Section 5. Section 19-8-604. MCA, is amended to read: *19-8-604. Involuntary retirement allowance. If a contributor is involuntarily discontinued from service after having completed 10 years of total service but before reaching retirement age, he shall, upon filing a written application with the board, be paid in one of the following ways that he elects:
 - (1) the full amount of his accumulated deductions; or
- 21 (2) a retirement allowance beginning on his 55th 22 birthday calculated under the provisions of 19-8-602 23 19-8-603.*
- 24 Section 6. Section 19~9-801. MCA, is amended to read: 25 #19-9-801. Eligibility for service retirement ==

- 1 commencement of allowance. Members are eligible for retirement and shall retire as provided in this section: 2
- (1) A member who was employed by an employer as a 3 police officer on July 1, 1975, is eligible to receive a service retirement allowance when he has completed 20 years or more in the aggregate as a probationary officer, a regular officer, or a special officer, in any capacity or rank.
- (2) A member who was or is first employed by an 9 10 employer as a police officer after July 1, 1975, is eligible 11 to receive a service retirement allowance when he has 12 reached the age of 50 and has completed 20 years or more in the aggregate as a probationary officer, a regular officer, 13 or a special officer, in any capacity or rank. 14
- 15 (3) Police officers, whether first employed before or 16 after July 1, 1975, who reach the age of 65 while in active 17 service shall retire.
- (4) The retirement allowance must commence on the 18 19 first day of the month following the member's last day of 20 membership service."
- Section 7. Section 19-13-701. MCA, is amended to read: 21 *19-13-701. Eligibility for service retirement == 22 commencement of allowance. (1) The following members are 23 24 eligible for service retirement:
- (1)(a) a member who has reached age 50 and has 25

- 1 completed 10 years or more in the aggregate as a firefighter
- 2 in any capacity or rank;
- 3 (2)(b) a member who has reached mandatory retirement
- 4 age under 19-13-702 regardless of his number of years of
- 5 service.
- 6 (2) The retirement allowance must commence on the
- 7 first day of the month following the member's last day of
- 8 membership service."
- 9 NEW SECTION. Section 8. Repealer. Section 19-8-602.
- 10 MCA, is repealed.
- 11 NEH SECTION. Section 9. Effective date. This act is
- 12 effective on passage and approval.

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Approved by Committee on State Administration

INTRODUCED BY THE PUBLIC EMPLOYEES RETIREMENT DIVISION

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A CONSISTENT

EFFECTIVE DATE FOR SERVICE RETIREMENT BENEFITS PAID TO MEMBERS OF THE PUBLIC EMPLOYEES. HIGHWAY PATROLMEN.S. SHERIFFS. GAME WARDENS. MUNICIPAL POLICE OFFICERS. AND FIREFIGHTERS. UNIFIED RETIREMENT SYSTEMS; CLARIFYING PROVISIONS CONCERNING THE GAME WARDENS. RETIREMENT SYSTEM; AMENDING SECTIONS 19-3-903, 19-6-501, 19-7-501, 19-8-601, 19-8-604, 19-9-801, AND 19-13-701, MCA; REPEALING SECTION

19-8-602, MCA: AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 19-3-903, MCA, is amended to read:

"19-3-903. Time of commencement of allowance. The
board shall grant a retirement allowance to any member who
has fulfilled the eligibility requirements of 19-3-901 or
19-3-902 and filed the appropriate written application. The
retirement allowance shall must commence on the first day of
the month following the member's last day of membership
service or—on—the—first—day—of—the—month—in—which—his
application—is—filed—with—the—boardy—whichever—is—later."

Section 2. Section 19-6-501, MCA, is amended to read:

"19-6-501. Eligibility and application for service retirement allowance — commencement of allowance. (1) A member in service who has completed at least 20 years of creditable service may retire on a service retirement allowance upon written application to the department setting forth at what time he desires to be retired, not less than 30 days or more than 90 days subsequent to the filling thereof.

(2) The retirement allowance must commence on the first day of the month following the member's last day of covered employment."

Section 3. Section 19-7-501, MCA, is amended to read:
#19-7-501. Eligibility and application for service
retirement — commencement of allowance. (1) A sheriff in
service who has completed at least 25 years of service and
who has reached the age of 55 years may retire on a service
retirement allowance upon written application to the board,
submitted not less than 30 days or more than 90 days from
the desired date of retirement. The application — must— state
the date—he-desires—to—be-retired.

- (2) Retirement is compulsory for any nonelected sheriff at age 65, except in the case of undersheriffs.
- 23 (3) The retirement allowance must commence on the
 24 first day of the month following the member's last day of

membership service.

| Section 4. Section 19-8-601, MCA, is amended to read: |
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| #19-8-601. Time of retirement commencement of |
| allowance. (1) Any member in service who has completed at |
| least 20 years of creditable service and who has reached the |
| age of 55 years may retire on service retirement allowance |
| upon written application to the board setting forth at what |
| time, not less than 30 days or more than 90 days subsequent |
| to the filing thereof, he desires to be retired. |

(2) Retirement shall be compulsory at age 60.

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- (3) The retirement allowance must commence on the first day of the month following the member's last day of covered employment.
 - Section 5. Section 19-8-604, MCA, is amended to reads w19-8-604. Involuntary retirement allowance. If a contributor is involuntarily discontinued from service after having completed 10 years of total service but before reaching retirement age, he shall, upon filing a written application with the board, be paid in one of the following ways that he elects:
 - (1) the full amount of his accumulated deductions; or
- 21 (2) a retirement allowance beginning on his 55th
 22 birthday calculated under the provisions of 19-8-602
 23 19-8-603.**
- 24 Section 6. Section 19-9-801, MCA, is amended to read: 25 **19-9-801. Eligibility for service retirement ---

- 1 commencement of allowance. Members are eligible for
 2 retirement and shall retire as provided in this section:
- 3 (1) A member who was employed by an employer as a
 4 police officer on July 1, 1975, is eligible to receive a
 5 service retirement allowance when he has completed 20 years
 6 or more in the aggregate as a probationary officer, a
 7 regular officer, or a special officer, in any capacity or
 8 rank.
- 9 (2) A member who was or is first employed by an employer as a police officer after July 1, 1975, is eligible to receive a service retirement allowance when he has reached the age of 50 and has completed 20 years or more in the aggregate as a probationary officer, a regular officer, or a special officer, in any capacity or rank.
- 15 (3) Police officers, whether first employed before or 16 after July 1, 1975, who reach the age of 65 while in active 17 service shall retire.
- 18 (4) The retirement allowance must commence on the

 19 first day of the month following the member's last day of

 20 membership service."
- Section 7. Section 19-13-701, MCA, is amended to read:

 "19-13-701. Eligibility for service retirement ==

 commencement of allowance. (1) The following members are
 eligible for service retirement:
- 25 (1)(a) a member who has reached age 50 and has

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- 1 completed 10 years or more in the aggregate as a firefighter
- 2 in any capacity or rank;
- 3 (2)(b) a member who has reached mandatory retirement
- 4 age under 19-13-702 regardless of his number of years of
- 5 service.
- 6 (2) The retirement allowance must commence on the
- 7 first day of the wonth following the member's last day of
- 8 membership service."
- 9 NEW SECTION. Section 8. Repealer. Section 19-8-602,
- 10 MCA, is repealed.
- 11 NEW SECTION. Section 9. Effective date. This act is
- 12 effective on passage and approval.

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Senate BILL NO. 216 1 INTRODUCED BY Stomes

BY REQUEST OF THE PUBLIC EMPLOYEES RETIREMENT DIVISION

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A CONSISTENT EFFECTIVE DATE FOR SERVICE RETIREMENT BENEFITS PAID TO MEMBERS OF THE PUBLIC EMPLOYEES*, HIGHWAY PATROLMEN*S. SHERIFFS . GAME WARDENS . MUNICIPAL POLICE OFFICERS . AND FIREFIGHTERS' UNIFIED RETIREMENT SYSTEMS: CLARIFYING PROVISIONS CONCERNING THE GAME WARDENS* RETIREMENT SYSTEM: AMENDING SECTIONS 19-3-903, 19-6-501, 19-7-501, 19-8-601, 19-8-604, 19-9-801, AND 19-13-701, MCA; REPEALING SECTION 19-8-602, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.*

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

Section 1. Section 19-3-903, MCA, is amended to read: "19-3-903. Time of commencement of allowance. The board shall grant a retirement allowance to any member who has fulfilled the eligibility requirements of 19-3-901 or 19-3-902 and filed the appropriate written application. The retirement allowance shall must commence on the first day of the month following the member's last day of membership service or-on-the-first--doy--of-the-month-in-which-his application-is-filed-with-the-boardy-whichever-is-later.*

Section 2. Section 19-6-501, MCA, is amended to read:

*19-6-501. Eligibility and application for service 1 retirement allowance -- commencement of allowance. (1) A member in service who has completed at least 20 years of creditable service may retire on a service retirement allowance upon written application to the department setting forth at what time he desires to be retired, not less than 7 30 days or more than 90 days subsequent to the filing thereof.

12) The retirement allowance must commence on the first day of the month following the member's last day of covered employment."

Section 3. Section 19-7-501, MCA, is amended to read: *19-7-501. Eligibility and application for service retirement -- commencement of allowance. (1) A sheriff in service who has completed at least 25 years of service and who has reached the age of 55 years may retire on a service retirement allowance upon written application to the board. submitted not less than 30 days or more than 90 days from the desired date of retirement. The application -- must -- state the-date-he-desires-to-be-retired:

- (2) Retirement is compulsory for any nonelected sheriff at age 65, except in the case of undersheriffs.
- (3) The retirement allowance must commence on the first day of the month following the member's last day of
- 25 membership service."

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| Section 4. Section 19-8-601, MCA, is amended to read: |
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| #19-8-601. Time of retirement - commencement of |
| allowance. (1) Any member in service who has completed at |
| least 20 years of creditable service and who has reached the |
| age of 55 years may retire on service retirement allowance |
| upon written application to the board setting forth at what |
| time, not less than 30 days or more than 90 days subsequent |
| to the filing thereof, he desires to be retired. |

(2) Retirement shall be compulsory at age 60.

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- 10 (3) The retirement allowance must commence on the

 11 first day of the month following the member's last day of

 12 covered employment.*
 - Section 5. Section 19-8-604. MCA, is amended to read:
 "19-8-604. Involuntary retirement allowance. If a
 contributor is involuntarily discontinued from service after
 having completed 10 years of total service but before
 reaching retirement age. he shall, upon filing a written
 application with the board, be paid in one of the following
 ways that he elects:
 - (1) the full amount of his accumulated deductions; or
- 21 (2) a retirement allowance beginning on his 55th
 22 birthday calculated under the provisions of 19-8-602
 23 19-8-603.**
- Section 6. Section 19-9-801, MCA, is amended to read:

 "19-9-801. Fligibility for service retirement ==

- 1 <u>commencement of allowance</u>. Members are eligible for
 2 retirement and shall retire as provided in this section:
- 3 (1) A member who was employed by an employer as a
 4 police officer on July 1, 1975, is eligible to receive a
 5 service retirement allowance when he has completed 20 years
 6 or more in the aggregate as a probationary officer, a
 7 regular officer, or a special officer, in any capacity or
 8 rank.
- 9 (2) A member who was or is first employed by an employer as a police officer after July 1, 1975, is eligible to receive a service retirement allowance when he has reached the age of 50 and has completed 20 years or more in the aggregate as a probationary officer, a regular officer, or a special officer, in any capacity or rank.
- 15 (3) Police officers, whether first employed before or 16 after July 1, 1975, who reach the age of 65 while in active 17 service shall retire.
- 18 (4) The retirement allowance must commence on the

 19 first day of the month following the member's last day of

 20 membership service.*
- 21 Section 7. Section 19-13-701, MCA, is amended to read:
- 22 =19-13-701. Eligibility for service retirement ==
- 23 <u>commencement of allowance</u>. <u>(11)</u> The following members are
- 24 eligible for service retirement:
- 25 (1)(a) a member who has reached age 50 and has

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- completed 10 years or more in the aggregate as a firefighter
 in any capacity or rank;
- 42)(b) a member who has reached mandatory retirement
 age under 19-13-702 regardless of his number of years of
- 5 service.
- 6 121 The retirement allowance must commence on the
- 7 first day of the month following the member's last day of
- 8 membership service.**
- 9 NEW SECTION. Section 8. Repealer. Section 19-8-602.
- 10 MCA, is repealed.
- 11 NEW SECTION. Section 9. Effective date. This act is
- 12 effective on passage and approval.

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membership_service."

48th Legislature

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| 2 | INTRODUCED BY STIMATZ |
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| 3 | BY REQUEST OF THE PUBLIC EMPLOYEES! RETIREMENT DIVISION |
| 4 | |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A CONSISTENT |
| 6 | EFFECTIVE DATE FOR SERVICE RETIREMENT BENEFITS PAID TO |
| 7 | MEMBERS OF THE PUBLIC EMPLOYEES*, HIGHWAY PATROLMEN*S, |
| я | SHERIFFS*, GAME WARDENS*, MUNICIPAL POLICE OFFICERS*, AND |
| 9 | FIRSFIGHTERS* UNIFIED RETIREMENT SYSTEMS; CLARIFYING |
| 0 | PROVISIONS CONCERNING THE GAME WARDENS! RETIREMENT SYSTEM; |
| 1 | AMENDING SECTIONS 19-3-903, 19-6-501, 19-7-501, 19-8-601, |
| 2 | 19-8-504. 19-9-801. AND 19-13-701. MCA; REPEALING SECTION |
| 3 | 19-8-602, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." |
| 4 | |
| 5 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 6 | Section 1. Section 19-3-903, MCA, is amended to read: |
| 7 | #19-3-903. Time of commencement of allowance. The |
| 8 | board shall grant a retirement allowance to any member who |
| 9 | has fulfilled the eligibility requirements of 19-3-901 or |
| 0 | 19-3-902 and filed the appropriate written application. The |
| 1 | retirement allowance shell must commence on the first day of |
| 2 | the month following the member's last day of membership |

service or-con-the-first--day--of-the-month-in-which-his

Section 2. Section 19-6-501, MCA, is amended to read:

application-is-filed-with-the-boardy-whichever-is-later.*

SENATE BILL NO. 216

| 1 | #19-6-501. Eligibility and application for service |
|----|--|
| 2 | retirement allowance <u>commencement_of_allowance</u> . (1) |
| 3 | member in service who has completed at least 20 years of |
| 4 | creditable service may retire on a service retirement |
| 5 | allowance upon written application to the department setting |
| 6 | forth at what time he desires to be retired, not less than |
| 7 | 30 days or more than 90 days subsequent to the filing |
| 8 | thereof. |
| 9 | [21 The retirement allowance must commence on the |
| 10 | first day of the month following the member's last day of |
| 11 | coxeceq = embloxment = " |
| 12 | Section 3. Section 19-7-501, HCA, is amended to read: |
| 13 | *19-7-50l. Eligibility and application for service |
| 14 | retirement == commencement_of_allowance. (1) A sheriff in |
| 15 | service who has completed at least 25 years of service and |
| 16 | who has reached the age of 55 years may retire on a service |
| 17 | retirement allowance upon written application to the board. |
| 18 | submitted not less than 30 days or more than 90 days from |
| 19 | the desired date of retirement. The application must state |
| 20 | the-date-he-desires-to-be-retired: |
| 21 | (2) Retirement is compulsory for any nonelected |
| 2? | sheriff at age 65, except in the case of undersheriffs. |
| 23 | (3) The retirement allowance must commence on the |
| | |

first_day_of_the_month_following_the_member's_last_day_of

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| 1 | Section 4. Section 19-8-601, MCA, is amended to read: |
|---|--|
| 2 | *19-8-601. Time of retirement == commencement of |
| 3 | allomause. (1) Any member in service who has completed at |
| 4 | least 20 years of creditable service and who has reached the |
| 5 | age of 55 years may retire on service retirement allowance |
| 6 | upon written application to the board setting forth at what |
| 7 | time, not less than 30 days or more than 90 days subsequent |
| 8 | to the filing thereof, he desires to be retired. |

(2) Retirement shall be compulsory at age 60.

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- (3)__Ihe_retirement_allowance_must__commence_on_the
 first_day_of_the_month_following_the_member's last_day_of
 covered_employment=*
- Section 5. Section 19-8-604, MCA, is amended to read:

 "19-8-604. Involuntary retirement allowance. If a
 contributor is involuntarily discontinued from service after
 having completed 10 years of total service but before
 reaching retirement age, he shall, upon filing a written
 application with the board, be paid in one of the following
 ways that he elects:
 - (1) the full amount of his accumulated deductions; or
- (2) a retirement allowance beginning on his 55th birthday calculated under the provisions of 19-8-602
- Section 6. Section 19-9-801, MCA, is amended to read:

 #19-9-801. Eligibility for service retirement ==

- <u>commencement of allowance</u>. Members are eligible for retirement and shall retire as provided in this section:
- 3 (1) A member who was employed by an employer as a police officer on July 1, 1975, is eligible to receive a service retirement allowance when he has completed 20 years or more in the aggregate as a probationary officer, a regular officer, or a special officer, in any capacity or mank.
- 9 (2) A member who was or is first employed by an employer as a police officer after July 1, 1975, is eligible 11 to receive a service retirement allowance when he has 12 reached the age of 50 and has completed 20 years or more in the aggregate as a probationary officer, a regular officer, or a special officer, in any capacity or rank.
- 15 (3) Police officers, whether first employed before or 16 after July 1, 1975, who reach the age of 65 while in active 17 service shall retire.
- 18 (4) The retirement allowance must commence on the

 19 first day of the month following the member's last day of

 20 membership service."
- 21 Section 7. Section 19-13-701, MCA, is amended to read:
 22 "19-13-701. Eligibility for service retirement ==
- 23 <u>commencement of allowance</u>. (1) The following members are 24 eligible for service retirement:
- 25 (1)(a) a member who has reached age 50 and has

-3-

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- 1 completed 10 years or more in the aggregate as a firefighter
- 2 in any capacity or rank;
- 3 (2)(b) a member who has reached mandatory retirement
- 4 age under 19-13-702 regardless of his number of years of
- 5 service.
- 6 (2) The retirement allowance must commence on the
- 7 first day of the month following the member's last day of
- 8 membership_service."
- 9 NEW_SECTIONs Section 8. Repealer. Section 19-8-602,
- 10 MCA, is repealed.
- 11 <u>NEW_SECTION</u>. Section 9. Effective date. This act is
- 12 effective on passage and approval.