

HOUSE BILL NO. 389

INTRODUCED BY EUDAILY

BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT BOARD

IN THE HOUSE

January 23, 1985	Introduced and referred to Committee on State Administration.
February 1, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 2, 1985	Second reading, do pass. Considered correctly engrossed.
February 4, 1985	Third reading, passed. Ayes, 96; Noes, 4. Transmitted to Senate.

IN THE SENATE

February 7, 1985	Introduced and referred to Committee on State Administration.
March 13, 1985	Committee recommend bill be concurrent in as amended. Report adopted.
March 15, 1985	Second reading, concurred in.
March 18, 1985	Third reading, concurred in. Ayes, 49; Noes, 0. Returned to House with amendments.

IN THE HOUSE

March 19, 1985

Received from Senate.

April 5, 1985

Second reading, amendments
concurrent in.

April 8, 1985

Third reading, amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

1 (ii) the member has been divorced from the original
2 contingent annuitant and the member submits with his request
3 a sworn statement that the original contingent annuitant has
4 not been granted the right to receive the optional
5 retirement allowance as part of the divorce settlement.

6 (b) Upon receipt of the request, the board shall
7 actuarially adjust the member's monthly retirement allowance
8 to reflect the change."

9 NEW SECTION. Section 2. Extension of authority. Any
10 existing authority of the public employees' retirement board
11 to make rules on the subject of the provisions of this act
12 is extended to the provisions of this act.

13 NEW SECTION. Section 3. Effective date. This act is
14 effective on passage and approval.

-End-

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6 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A RETIRED
7 MEMBER OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO IS
8 RECEIVING AN OPTIONAL RETIREMENT ALLOWANCE TO DESIGNATE A
9 DIFFERENT CONTINGENT ANNUITANT, SELECT A DIFFERENT OPTION,
10 OR CONVERT HIS OPTIONAL RETIREMENT ALLOWANCE TO A REGULAR
11 RETIREMENT ALLOWANCE UNDER CERTAIN CIRCUMSTANCES; AMENDING
12 SECTION 19-3-1101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
13 DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 19-3-1101, MCA, is amended to read:
17 "19-3-1101. Optional retirement allowance. (1) The
18 retirement allowance of a member who so elects shall be
19 converted, in lieu of all other benefits under this chapter,
20 into an optional retirement allowance which is the actuarial
21 equivalent of the regular retirement allowance. The optional
22 retirement allowance is a reduced amount payable during the
23 member's lifetime with a subsequent benefit as follows:

24 (a) option 2--a continuation of the reduced retirement
25 allowance during the lifetime of his named contingent

annuitant;

(b) option 3--a continuation of one-half of the
reduced retirement allowance during the lifetime of his
named contingent annuitant;

(c) option 4--such other actuarially equivalent
benefit as may be approved by the board.

(2) Election of an optional retirement allowance must
be by written application filed prior to the first payment
of the regular retirement allowance.

(3) If either the member or his contingent annuitant
dies before the member has received the first payment under
option 2 or 3, the election of the option is automatically
canceled.

(4) If a member dies after retirement and within 30
days from the date his election or changed election of an
optional retirement allowance is received by the board, then
the election is void and the death is considered as that of
a member before retirement.

(5) (a) Upon written request to the board, a retired
member who is receiving an optional retirement allowance may
on a one-time basis designate a different contingent
annuitant, select a different option, or convert his
optional retirement allowance to a regular retirement
allowance if:

(i) the original contingent annuitant has died; or

1 (ii) the member has been divorced from the original
2 contingent annuitant and the member submits with his request
3 a sworn statement that the original contingent annuitant has
4 not been granted the right to receive the optional
5 retirement allowance as part of the divorce settlement.

6 (b) Upon receipt of the request, the board shall
7 actuarially adjust the member's monthly retirement allowance
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STANDING COMMITTEE REPORT

SENATE

March 13, 1985

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE BILL No. 389

third reading copy (blue)
color

(Senator Lynch will carry this)

PERMITTING CHANGES IN OPTIONAL RETIREMENT ALLOWANCES UNDER PERS

Respectfully report as follows: That HOUSE BILL No. 389

be amended as follows:

1. Page 2, line 21.

Following: line 20

Strike: "on a one-time basis"

2. Page 3, lines 2 and 3.

Following: "and" on line 2

Strike: the remainder of line 2 through "that" on line 3

AND AS AMENDED
BE CONCURRED IN

~~XXXXXXXX~~

~~XXXXXXXXXX~~

Jack Haffey

Chairman.

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 6 benefit as may be approved by the board.

7 (2) Election of an optional retirement allowance must
 8 be by written application filed prior to the first payment
 9 of the regular retirement allowance.

10 (3) If either the member or his contingent annuitant
 11 dies before the member has received the first payment under
 12 option 2 or 3, the election of the option is automatically
 13 canceled.

14 (4) If a member dies after retirement and within 30
 15 days from the date his election or changed election of an
 16 optional retirement allowance is received by the board, then
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 18 a member before retirement.

19 (5) (a) Upon written request to the board, a retired
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