

HOUSE BILL NO. 531

INTRODUCED BY CLARK, GIACOMETTO, KEATING, THOMAS,
PATTERSON, ZOOK, HOFFMAN, O'CONNELL, BISHOP, BROOKE

IN THE HOUSE

FEBRUARY 1, 1989 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

FIRST READING.

FEBRUARY 9, 1989 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 10, 1989 PRINTING REPORT.

FEBRUARY 11, 1989 SECOND READING, DO PASS.

FEBRUARY 13, 1989 ENGROSSING REPORT.

FEBRUARY 14, 1989 THIRD READING, PASSED.
AYES, 86; NOES, 11.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1989 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

FIRST READING.

FEBRUARY 28, 1989 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 2, 1989 SECOND READING, CONCURRED IN.

MARCH 4, 1989 THIRD READING, CONCURRED IN.
AYES, 45; NOES, 2.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 4, 1989 RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. *531*

INTRODUCED BY

Thomas Patrick Ryan - Hoffman - Donnell - Beck

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A SURVIVING SPOUSE WHO HAS REMARRIED TO RECEIVE A SERVICE, DISABILITY, OR SURVIVORSHIP ALLOWANCE UNDER THE MONTANA HIGHWAY PATROLMEN'S RETIREMENT SYSTEM; AMENDING SECTION 19-6-505, MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

Section 1. Section 19-6-505, MCA, is amended to read:

***19-6-505. Payment of retirement allowance.** (1) The department shall pay the service retirement allowance provided for in 19-6-502 to the retired patrolman for the remainder of his life.

(2) Upon the retired patrolman's death, the department shall pay the retirement allowance to the patrolman's surviving spouse, if there is one, for as long as the spouse remains unmarried.

(3) (a) If upon the retired patrolman's death there is no surviving spouse or if the spouse remarries or dies, the department shall pay the retirement allowance as provided in subsection (3)(c) to the retired patrolman's child, if there is one, for as long as the child remains dependent as

defined in 19-6-101.

(b) If there is more than one dependent child, the retirement allowance must be paid as provided in subsection (3)(c) to the children collectively. When a child no longer qualifies as dependent as defined in 19-6-101, the pro rata payments to that child must cease and be made to the remaining child or children until all the children are no longer dependent.

(c) Payments to a dependent child must be made to the child's appointed guardian for the child's use.

(4) If upon the retired patrolman's death there is no surviving spouse or dependent child and if the member had designated a beneficiary as provided in 19-6-602, the department shall pay to the designated beneficiary an amount equal to the retired patrolman's accumulated deductions less any retirement benefits paid to the member before his death.

(5) If the retired patrolman did not designate a beneficiary or if the beneficiary predeceased the retired patrolman, the amount provided in subsection (4) must be paid to the patrolman's estate."

NEW SECTION. **Section 2.** Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. **Section 3.** Effective date. [This act] is

LC 1451/01

1 effective July 1, 1989.

2 NEW SECTION. **Section 4.** Retroactive applicability.

3 [This act] applies retroactively, within the meaning of

4 1-2-109, to surviving spouses who remarry on or after

5 January 1, 1989.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 531

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PATTERSON, ZOOK, HOFFMAN, O'CONNELL, BISHOP, BROOKE

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A SURVIVING SPOUSE WHO HAS REMARRIED TO RECEIVE A SERVICE, DISABILITY, OR SURVIVORSHIP ALLOWANCE UNDER THE MONTANA HIGHWAY PATROLMEN'S, MUNICIPAL POLICE OFFICERS', AND FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM SYSTEMS; AMENDING SECTION SECTIONS 19-6-505, 19-9-804, 19-13-704, 19-13-901, AND 19-13-902, MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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(2) Upon the retired patrolman's death, the department shall pay the retirement allowance to the patrolman's surviving spouse, if there is one, ~~for as long as the spouse remains unmarried.~~

(3) (a) If upon the retired patrolman's death there is no surviving spouse or if the spouse ~~remarries or dies,~~ the

department shall pay the retirement allowance as provided in subsection (3)(c) to the retired patrolman's child, if there is one, for as long as the child remains dependent as defined in 19-6-101.

(b) If there is more than one dependent child, the retirement allowance must be paid as provided in subsection (3)(c) to the children collectively. When a child no longer qualifies as dependent as defined in 19-6-101, the pro rata payments to that child must cease and be made to the remaining child or children until all the children are no longer dependent.

(c) Payments to a dependent child must be made to the child's appointed guardian for the child's use.

(4) If upon the retired patrolman's death there is no surviving spouse or dependent child and if the member had designated a beneficiary as provided in 19-6-602, the department shall pay to the designated beneficiary an amount equal to the retired patrolman's accumulated deductions less any retirement benefits paid to the member before his death.

(5) If the retired patrolman did not designate a beneficiary or if the beneficiary predeceased the retired patrolman, the amount provided in subsection (4) must be paid to the patrolman's estate."

SECTION 2. SECTION 19-9-804, MCA, IS AMENDED TO READ:

"19-9-804. Amount of service retirement allowance --

1 continuation of allowance after death of member. (1) A
 2 police officer who is eligible under subsection (1) or (2)
 3 of 19-9-801 and does not elect to serve any additional years
 4 as an active police officer shall receive a service
 5 retirement allowance equal to one-half his final average
 6 salary.

7 (2) A police officer who is eligible for service
 8 retirement after 20 years of service and who elects to serve
 9 additional years shall receive the allowance provided for in
 10 subsection (1) plus an additional 1% of such allowance per
 11 year of additional service, up to a maximum of 60% of the
 12 final average salary.

13 (3) Upon the death of a police officer receiving a
 14 service retirement allowance under this section, his
 15 surviving spouse, if there is one, shall, ~~for as long as the~~
 16 ~~spouse--remains-unmarried,~~ receive from the fund a sum equal
 17 to one-half of the officer's final average salary. If the
 18 officer leaves one or more dependent children, then upon his
 19 death, if he leaves no surviving spouse or upon the death or
 20 remarriage of the surviving spouse, the officer's surviving
 21 dependent child, or children collectively if there are more
 22 than one, shall receive the same monthly payments a
 23 surviving spouse would receive for as long as the child or
 24 one of the children remains dependent as defined in
 25 19-9-104. The payments must be made to the child's

1 appointed guardian for the child's use. If there is more
 2 than one dependent child, upon each child no longer
 3 qualifying as dependent under 19-9-104, the pro rata
 4 payments to that child must cease and be made to the
 5 remaining children until all the children are no longer
 6 dependent."

7 **SECTION 3. SECTION 19-13-704, MCA, IS AMENDED TO READ:**

8 "19-13-704. Amount of retirement allowance. (1) (a) A
 9 member hired before July 1, 1981, who is eligible under
 10 19-13-701 and who elects to retire after completing 20 years
 11 of service and reaching age 50 as an active firefighter
 12 shall receive a service retirement allowance equal to
 13 one-half the monthly compensation last received by the
 14 member for his service as an active firefighter. A member
 15 who completes more than 20 years of service shall receive an
 16 additional 1% of his final monthly compensation for each
 17 year in excess of 20, up to a maximum of 60% of the monthly
 18 compensation last received by the member.

19 (b) A member hired before July 1, 1981, who is
 20 eligible under 19-13-701 and who elects to retire after
 21 completing 10 years or more of service but has not both
 22 completed 20 years of service and reached age 50 as an
 23 active firefighter shall receive a service retirement
 24 allowance equal to 2% of the monthly compensation last
 25 received by the member for each year of service up to a

1 maximum of 60% of his final monthly salary.

2 (i) If the member dies after he is permanently
3 separated from service and before he both reaches age 50 and
4 completes 20 years of service as an active firefighter, the
5 allowance prescribed in subsection (1)(b) must be made to
6 the surviving spouse beginning on the date the firefighter
7 would have both reached his 50th birthday and completed 20
8 years of service as an active firefighter and terminating
9 upon the surviving spouse's death ~~or remarriage~~. If there is
10 no surviving spouse or if the surviving spouse dies ~~or~~
11 ~~remarries~~ and if the firefighter leaves one or more
12 dependent children, the children are entitled to receive the
13 allowance as long as they remain dependent as defined in
14 19-13-104.

15 (ii) If the firefighter dies after he both reaches age
16 50 and completes 20 years of service as an active
17 firefighter, the payments must be made to the surviving
18 spouse or children as provided in subsection (1)(b)(i).

19 (2) A member hired on or after July 1, 1981, who is
20 eligible under 19-13-701 shall receive a service retirement
21 allowance equal to 2% of his final average salary for each
22 year of service up to a maximum of 30 years of service."

23 **SECTION 4. SECTION 19-13-901, MCA, IS AMENDED TO READ:**

24 "19-13-901. Payment of service or disability allowance
25 upon death of member. A member's service or disability

1 allowance shall be paid first to the member during his
2 lifetime and, upon his death, to his surviving spouse ~~as~~
3 ~~long--as--such--spouse--remains--unmarried~~. If upon a member's
4 death he leaves no surviving spouse, or upon the death ~~or~~
5 ~~remarriage~~ of a surviving spouse, his allowance shall be
6 paid to his dependent children as long as they remain
7 dependent as defined in 19-13-104."

8 **SECTION 5. SECTION 19-13-902, MCA, IS AMENDED TO READ:**

9 "19-13-902. Survivorship allowance. (1) (a) Upon the
10 death before retirement of an active member hired before
11 July 1, 1981, his surviving spouse, if there is one, shall,
12 ~~as--long--as--such--spouse--remains--unmarried~~, receive a
13 survivorship allowance equal to one-half the monthly
14 compensation last received by the member for his service as
15 an active firefighter. If the member leaves one or more
16 dependent children, then, upon his death if he leaves no
17 surviving spouse or upon the death ~~or remarriage~~ of the
18 surviving spouse, his dependent children shall collectively
19 receive the same allowance that a surviving spouse would
20 have received as long as the children remain dependent as
21 defined in 19-13-104.

22 (b) If the deceased member completed over 20 years of
23 service, the survivorship allowance provided in subsection
24 (1)(a) must be increased at a rate of 1% for each year in
25 excess of 20, up to a maximum of 60% of the monthly

1 compensation last received by the member.

2 (2) Upon the death before retirement of a member hired
3 on or after July 1, 1981, his surviving spouse, if there is
4 one, shall, ~~as long as such spouse remains unmarried,~~
5 receive a survivorship allowance equal to one-half of the
6 member's final average salary. If the firefighter leaves one
7 or more dependent children, then, upon his death if he
8 leaves no surviving spouse or upon the death ~~or remarriage~~
9 of the surviving spouse, his dependent children shall
10 collectively receive the same allowance that a surviving
11 spouse would have received, as long as the children remain
12 dependent as defined in 19-13-104."

13 NEW SECTION. **Section 6.** Extension of authority. Any
14 existing authority to make rules on the subject of the
15 provisions of [this act] is extended to the provisions of
16 [this act].

17 NEW SECTION. **Section 7.** Effective date. [This act] is
18 effective July 1, 1989.

19 NEW SECTION. **Section 8.** Retroactive applicability.
20 [This act] applies retroactively, within the meaning of
21 1-2-109, to surviving spouses who remarry on or after
22 January 1, 1989.

-End-

1 HOUSE BILL NO. 531

2 INTRODUCED BY CLARK, GIACOMETTO, KEATING, THOMAS,
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5 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A SURVIVING
6 SPOUSE WHO HAS REMARRIED TO RECEIVE A SERVICE, DISABILITY,
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8 PATROLMEN'S, MUNICIPAL POLICE OFFICERS', AND FIREFIGHTERS'
9 UNIFIED RETIREMENT SYSTEM SYSTEMS; AMENDING SECTION SECTIONS
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11 MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE
12 APPLICABILITY DATE."

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

15 **Section 1.** Section 19-6-505, MCA, is amended to read:

16 "19-6-505. Payment of retirement allowance. (1) The
17 department shall pay the service retirement allowance
18 provided for in 19-6-502 to the retired patrolman for the
19 remainder of his life.

20 (2) Upon the retired patrolman's death, the department
21 shall pay the retirement allowance to the patrolman's
22 surviving spouse, if there is one, for as long as the spouse
23 remains-unmarried.

24 (3) (a) If upon the retired patrolman's death there is
25 no surviving spouse or if the spouse remarries or dies, the

1 department shall pay the retirement allowance as provided in
2 subsection (3)(c) to the retired patrolman's child, if there
3 is one, for as long as the child remains dependent as
4 defined in 19-6-101.

5 (b) If there is more than one dependent child, the
6 retirement allowance must be paid as provided in subsection
7 (3)(c) to the children collectively. When a child no
8 longer qualifies as dependent as defined in 19-6-101, the
9 pro rata payments to that child must cease and be made to
10 the remaining child or children until all the children are
11 no longer dependent.

12 (c) Payments to a dependent child must be made to the
13 child's appointed guardian for the child's use.

14 (4) If upon the retired patrolman's death there is no
15 surviving spouse or dependent child and if the member had
16 designated a beneficiary as provided in 19-6-602, the
17 department shall pay to the designated beneficiary an amount
18 equal to the retired patrolman's accumulated deductions less
19 any retirement benefits paid to the member before his death.

20 (5) If the retired patrolman did not designate a
21 beneficiary or if the beneficiary predeceased the retired
22 patrolman, the amount provided in subsection (4) must be
23 paid to the patrolman's estate."

24 **SECTION 2. SECTION 19-9-804, MCA, IS AMENDED TO READ:**

25 "19-9-804. Amount of service retirement allowance --

1 continuation of allowance after death of member. (1) A
 2 police officer who is eligible under subsection (1) or (2)
 3 of 19-9-801 and does not elect to serve any additional years
 4 as an active police officer shall receive a service
 5 retirement allowance equal to one-half his final average
 6 salary.

7 (2) A police officer who is eligible for service
 8 retirement after 20 years of service and who elects to serve
 9 additional years shall receive the allowance provided for in
 10 subsection (1) plus an additional 1% of such allowance per
 11 year of additional service, up to a maximum of 60% of the
 12 final average salary.

13 (3) Upon the death of a police officer receiving a
 14 service retirement allowance under this section, his
 15 surviving spouse, if there is one, shall, ~~for as long as the~~
 16 ~~spouse--remains-unmarried,~~ receive from the fund a sum equal
 17 to one-half of the officer's final average salary. If the
 18 officer leaves one or more dependent children, then upon his
 19 death, if he leaves no surviving spouse or upon the death or
 20 remarriage of the surviving spouse, the officer's surviving
 21 dependent child, or children collectively if there are more
 22 than one, shall receive the same monthly payments a
 23 surviving spouse would receive for as long as the child or
 24 one of the children remains dependent as defined in
 25 19-9-104. The payments must be made to the child's

1 appointed guardian for the child's use. If there is more
 2 than one dependent child, upon each child no longer
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7 **SECTION 3. SECTION 19-13-704, MCA, IS AMENDED TO READ:**

8 "19-13-704. Amount of retirement allowance. (1) (a) A
 9 member hired before July 1, 1981, who is eligible under
 10 19-13-701 and who elects to retire after completing 20 years
 11 of service and reaching age 50 as an active firefighter
 12 shall receive a service retirement allowance equal to
 13 one-half the monthly compensation last received by the
 14 member for his service as an active firefighter. A member
 15 who completes more than 20 years of service shall receive an
 16 additional 1% of his final monthly compensation for each
 17 year in excess of 20, up to a maximum of 60% of the monthly
 18 compensation last received by the member.

19 (b) A member hired before July 1, 1981, who is
 20 eligible under 19-13-701 and who elects to retire after
 21 completing 10 years or more of service but has not both
 22 completed 20 years of service and reached age 50 as an
 23 active firefighter shall receive a service retirement
 24 allowance equal to 2% of the monthly compensation last
 25 received by the member for each year of service up to a

1 maximum of 60% of his final monthly salary.

2 (i) If the member dies after he is permanently
3 separated from service and before he both reaches age 50 and
4 completes 20 years of service as an active firefighter, the
5 allowance prescribed in subsection (1)(b) must be made to
6 the surviving spouse beginning on the date the firefighter
7 would have both reached his 50th birthday and completed 20
8 years of service as an active firefighter and terminating
9 upon the surviving spouse's death ~~or-remarriage~~. If there is
10 no surviving spouse or if the surviving spouse dies ~~or~~
11 ~~remarries~~ and if the firefighter leaves one or more
12 dependent children, the children are entitled to receive the
13 allowance as long as they remain dependent as defined in
14 19-13-104.

15 (ii) If the firefighter dies after he both reaches age
16 50 and completes 20 years of service as an active
17 firefighter, the payments must be made to the surviving
18 spouse or children as provided in subsection (1)(b)(i).

19 (2) A member hired on or after July 1, 1981, who is
20 eligible under 19-13-701 shall receive a service retirement
21 allowance equal to 2% of his final average salary for each
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24 "19-13-901. Payment of service or disability allowance
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14 compensation last received by the member for his service as
15 an active firefighter. If the member leaves one or more
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17 surviving spouse or upon the death ~~or-remarriage~~ of the
18 surviving spouse, his dependent children shall collectively
19 receive the same allowance that a surviving spouse would
20 have received as long as the children remain dependent as
21 defined in 19-13-104.

22 (b) If the deceased member completed over 20 years of
23 service, the survivorship allowance provided in subsection
24 (1)(a) must be increased at a rate of 1% for each year in
25 excess of 20, up to a maximum of 60% of the monthly

1 compensation last received by the member.

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25 no surviving spouse or if the spouse remarries or dies, the

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6 retirement allowance must be paid as provided in subsection
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10 the remaining child or children until all the children are
11 no longer dependent.

12 (c) Payments to a dependent child must be made to the
13 child's appointed guardian for the child's use.

14 (4) If upon the retired patrolman's death there is no
15 surviving spouse or dependent child and if the member had
16 designated a beneficiary as provided in 19-6-602, the
17 department shall pay to the designated beneficiary an amount
18 equal to the retired patrolman's accumulated deductions less
19 any retirement benefits paid to the member before his death.

20 (5) If the retired patrolman did not designate a
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3 separated from service and before he both reaches age 50 and
4 completes 20 years of service as an active firefighter, the
5 allowance prescribed in subsection (1)(b) must be made to
6 the surviving spouse beginning on the date the firefighter
7 would have both reached his 50th birthday and completed 20
8 years of service as an active firefighter and terminating
9 upon the surviving spouse's death ~~or remarriage~~. If there is
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13 allowance as long as they remain dependent as defined in
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16 50 and completes 20 years of service as an active
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20 eligible under 19-13-701 shall receive a service retirement
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22 year of service up to a maximum of 30 years of service."

23 **SECTION 4. SECTION 19-13-901, MCA, IS AMENDED TO READ:**

24 "19-13-901. Payment of service or disability allowance
25 upon death of member. A member's service or disability

1 allowance shall be paid first to the member during his
2 lifetime and, upon his death, to his surviving spouse ~~as
3 long--as--such--spouse--remains--unmarried~~. If upon a member's
4 death he leaves no surviving spouse, or upon the death ~~or
5 remarriage~~ of a surviving spouse, his allowance shall be
6 paid to his dependent children as long as they remain
7 dependent as defined in 19-13-104."

8 **SECTION 5. SECTION 19-13-902, MCA, IS AMENDED TO READ:**

9 "19-13-902. Survivorship allowance. (1) (a) Upon the
10 death before retirement of an active member hired before
11 July 1, 1981, his surviving spouse, if there is one, shall
12 ~~as--long--as--such--spouse--remains--unmarried~~, receive a
13 survivorship allowance equal to one-half the monthly
14 compensation last received by the member for his service as
15 an active firefighter. If the member leaves one or more
16 dependent children, then, upon his death if he leaves no
17 surviving spouse or upon the death ~~or remarriage~~ of the
18 surviving spouse, his dependent children shall collectively
19 receive the same allowance that a surviving spouse would
20 have received as long as the children remain dependent as
21 defined in 19-13-104.

22 (b) If the deceased member completed over 20 years of
23 service, the survivorship allowance provided in subsection
24 (1)(a) must be increased at a rate of 1% for each year in
25 excess of 20, up to a maximum of 60% of the monthly

1 compensation last received by the member.

2 (2) Upon the death before retirement of a member hired
3 on or after July 1, 1981, his surviving spouse, if there is
4 one, shall ~~as long as such spouse remains unmarried,~~
5 receive a survivorship allowance equal to one-half of the
6 member's final average salary. If the firefighter leaves one
7 or more dependent children, then, upon his death if he
8 leaves no surviving spouse or upon the death ~~or remarriage~~
9 of the surviving spouse, his dependent children shall
10 collectively receive the same allowance that a surviving
11 spouse would have received, as long as the children remain
12 dependent as defined in 19-13-104."

13 NEW SECTION. **Section 6.** Extension of authority. Any
14 existing authority to make rules on the subject of the
15 provisions of [this act] is extended to the provisions of
16 [this act].

17 NEW SECTION. **Section 7.** Effective date. [This act] is
18 effective July 1, 1989.

19 NEW SECTION. **Section 8.** Retroactive applicability.
20 [This act] applies retroactively, within the meaning of
21 1-2-109, to surviving spouses who remarry on or after
22 January 1, 1989.

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