

SENATE BILL NO. 192

INTRODUCED BY WATERMAN, HARPER

IN THE SENATE

JANUARY 19, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 8, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 9, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 10, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 44; NOES, 5.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 10, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED..
MARCH 13, 1993	SECOND READING, CONCURRED IN.
MARCH 16, 1993	THIRD READING, CONCURRED IN. AYES, 77; NOES, 22.
MARCH 17, 1993	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 19, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
MARCH 20, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.  
MARCH 24, 1993 REPORTED CORRECTLY ENROLLED.  
SIGNED BY PRESIDENT.  
IN THE HOUSE  
MARCH 25, 1993 SIGNED BY SPEAKER.  
IN THE SENATE  
MARCH 29, 1993 DELIVERED TO GOVERNOR.  
APRIL 1, 1993 RETURNED FROM GOVERNOR WITH  
RECOMMENDED AMENDMENTS.  
APRIL 5, 1993 SECOND READING, GOVERNOR'S RECOM-  
MENDED AMENDMENTS CONCURRED IN.  
APRIL 6, 1993 THIRD READING, GOVERNOR'S RECOM-  
MENDED AMENDMENTS CONCURRED IN.  
IN THE HOUSE  
APRIL 12, 1993 SECOND READING, GOVERNOR'S RECOM-  
MENDED AMENDMENTS CONCURRED IN.  
APRIL 13, 1993 THIRD READING, GOVERNOR'S RECOM-  
MENDED AMENDMENTS CONCURRED IN.  
TRANSMITTED TO SENATE.  
IN THE SENATE  
APRIL 15, 1993 SENT TO ENROLLING.  
REPORTED CORRECTLY ENROLLED.

1                    Senolt BILL NO. 192  
2    INTRODUCED BY Waterman  
3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE PUBLIC  
5    EMPLOYEES' RETIREMENT BOARD TO MAXIMIZE THE RETIREMENT  
6    BENEFITS OF THE MEMBERS AND BENEFICIARIES OF EACH SYSTEM  
7    THAT THE BOARD ADMINISTERS; AND AMENDING SECTION 19-3-304,  
8    MCA."

9  
10    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11            **Section 1.** Section 19-3-304, MCA, is amended to read:

12            "19-3-304. Powers and duties of board. (1) The board  
13    may establish such rules as that it deems considers proper  
14    for the administration and operation of the retirement  
15    system and enforcement of this chapter, subject to its  
16    limitation. The board shall establish these uniform rules as  
17    that are necessary to determine credit for fractional years  
18    of service.

19            (2) The board shall determine who are employees within  
20    the meaning of this chapter. The board ~~shall-be~~ is the sole  
21    authority under this chapter ~~as--to~~ for determining the  
22    conditions under which persons may become members of and  
23    receive benefits under the retirement system. The board  
24    shall determine and may modify allowances for service and  
25    disability under this chapter. All persons in similar

1    circumstances ~~shall~~ must be treated alike.

2            (3) The board shall maintain such records and accounts  
3    it determines necessary for the administration of this  
4    chapter.

5            (4) Upon the basis of the findings of the actuary  
6    pursuant to 19-3-305, the board shall adopt those actuarial  
7    tables and those rates of regular interest it determines  
8    appropriate to comply with the provisions of this chapter.

9            (5) The board shall administer each retirement system  
10    to maximize the retirement benefits of each system's members  
11    and beneficiaries."

-End-

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

SENATE BILL NO. 192

INTRODUCED BY WATERMAN, HARPER

A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE PUBLIC EMPLOYEES' RETIREMENT BOARD TO ~~MAXIMIZE--THE--RETIREMENT BENEFITS--OF--THE--MEMBERS--AND--BENEFICIARIES--OF--EACH--SYSTEM THAT--THE--BOARD--ADMINISTERS~~ REVIEW BENEFITS PAID BY THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND TO RECOMMEND COST-OF-LIVING ADJUSTMENTS TO THE LEGISLATURE; AND AMENDING ~~SECTION~~ SECTIONS 19-3-304, 19-5-201, 19-6-201, 19-7-201, 19-8-201, 19-9-201, 19-12-201, AND 19-13-202, MCA."

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

**Section 1.** Section 19-3-304, MCA, is amended to read:

"19-3-304. Powers and duties of board. (1) The board may establish such rules as that it deems considers proper for the administration and operation of the retirement system and enforcement of this chapter, subject to its limitation. The board shall establish those uniform rules as that are necessary to determine credit for fractional years of service.

(2) The board shall determine who are employees within the meaning of this chapter. The board ~~shall-be~~ is the sole authority under this chapter ~~as--to~~ for determining the conditions under which persons may become members of and

receive benefits under the retirement system. The board shall determine and may modify allowances for service and disability under this chapter. All persons in similar circumstances ~~shall~~ must be treated alike.

(3) The board shall maintain such records and accounts it determines necessary for the administration of this chapter.

(4) Upon the basis of the findings of the actuary pursuant to 19-3-305, the board shall adopt those actuarial tables and those rates of regular interest it determines appropriate to comply with the provisions of this chapter.

(5) The board shall ~~administer each--retirement--system to--maximize--the--retirement--benefits--of--each--system's--members and--beneficiaries~~ REVIEW THE SUFFICIENCY OF BENEFITS PAID BY THE RETIREMENT SYSTEM AND RECOMMEND TO THE LEGISLATURE THOSE CHANGES IN BENEFITS THAT MAY BE NECESSARY FOR RETIRED MEMBERS AND THEIR BENEFICIARIES TO MAINTAIN A STABLE STANDARD OF LIVING."

**SECTION 2.** SECTION 19-5-201, MCA, IS AMENDED TO READ:

"19-5-201. Powers and duties of board. (1) The board is the trustee of all moneys collected for the retirement system and may establish such rules as it considers necessary. Within the limitations of this chapter, the board is charged with and is the authority as to its proper administration, operation, and enforcement. The board shall

review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living.

(2) The board is the authority as to the conditions under which persons may become members of and receive benefits under the retirement system. All persons in similar circumstances shall be treated alike.

(3) The board shall keep such data as is necessary for actuarial valuation purposes. It shall cause to be made periodic actuarial investigations into the mortality and service experience of the contributors to and the beneficiaries of the fund and shall adopt for the retirement system one or more mortality tables."

**SECTION 3. SECTION 19-6-201, MCA, IS AMENDED TO READ:**

"19-6-201. Board to make rules. The board is the trustee of all moneys collected for the retirement system. It may establish such rules as it considers necessary to carry out its functions under this chapter. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living. The board shall determine the conditions under which persons may become members of and receive benefits under the retirement

system. All persons in similar circumstances shall be treated alike."

**SECTION 4. SECTION 19-7-201, MCA, IS AMENDED TO READ:**

"19-7-201. Functions of the board. (1) The board is the trustee of all moneys collected for the retirement system and is charged with the proper administration, operation, and enforcement of this chapter. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living. It may establish such rules as it considers necessary.

(2) The board shall prescribe the conditions under which persons may become members of and receive benefits under the retirement system. All persons in similar circumstances shall be treated alike.

(3) It shall keep the data necessary for actuarial valuation purposes. It shall have biennial actuarial investigations made into the mortality and service experience of the members and the beneficiaries of the account and shall adopt one or more mortality tables."

**SECTION 5. SECTION 19-8-201, MCA, IS AMENDED TO READ:**

"19-8-201. Board to make rules. The board is charged with the proper administration, operation, and enforcement of this chapter. The board shall review the sufficiency of

benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living. The board may make such rules as it considers necessary and shall determine the conditions under which persons may become members of and receive benefits under the retirement system. All persons in similar circumstances shall be treated alike."

**SECTION 6.** SECTION 19-9-201, MCA, IS AMENDED TO READ:

"19-9-201. Powers and duties of board. (1) The board is authorized to administer, interpret, and enforce the provisions of this chapter.

(2) The board shall establish such uniform rules as are necessary to administer the provisions of this chapter. The board is the sole authority under this chapter as to the conditions under which persons may become members of and receive benefits under the retirement system. The board shall determine and may modify allowances for retirement and disability under this chapter.

(3) The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living."

**SECTION 7.** SECTION 19-12-201, MCA, IS AMENDED TO READ:

"19-12-201. Administration of chapter. The board shall administer the Volunteer Firefighters' Compensation Act and the volunteer firefighters' pension plan, and all payments made under 19-12-103, 19-12-405, 19-12-407, and 19-12-506 shall be made by warrants drawn by the board. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living."

**SECTION 8.** SECTION 19-13-202, MCA, IS AMENDED TO READ:

"19-13-202. Power and duties of board. The powers and duties of the board include:

(1) administering, interpreting, and enforcing the provisions of this chapter;

(2) establishing uniform rules to administer the provisions of this chapter;

(3) determining the conditions under which persons may become members of and receive benefits under the retirement system; and

(4) determining allowances for retirement and disability under this chapter; and

(5) reviewing the sufficiency of benefits paid by the retirement system and recommending to the legislature those changes in benefits that may be necessary for retired

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- 1 members and their beneficiaries to maintain a stable
- 2 standard of living."

-End-

## 1 SENATE BILL NO. 192

2 INTRODUCED BY WATERMAN, HARPER

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE PUBLIC  
5 EMPLOYEES' RETIREMENT BOARD TO ~~MAXIMIZE--THE--RETIREMENT~~  
6 ~~BENEFITS--OF--THE--MEMBERS--AND--BENEFICIARIES--OF--EACH--SYSTEM~~  
7 ~~THAT--THE--BOARD--ADMINISTERS~~ REVIEW BENEFITS PAID BY THE  
8 PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND TO RECOMMEND  
9 COST-OF-LIVING ADJUSTMENTS TO THE LEGISLATURE; AND AMENDING  
10 SECTION SECTIONS 19-3-304, 19-5-201, 19-6-201, 19-7-201,  
11 19-8-201, 19-9-201, 19-12-201, AND 19-13-202, MCA."  
12

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

14 Section 1. Section 19-3-304, MCA, is amended to read:

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16 may establish such rules as that it deems considers proper  
17 for the administration and operation of the retirement  
18 system and enforcement of this chapter, subject to its  
19 limitation. The board shall establish those uniform rules as  
20 that are necessary to determine credit for fractional years  
21 of service.

22 (2) The board shall determine who are employees within  
23 the meaning of this chapter. The board ~~shall-be~~ is the sole  
24 authority under this chapter ~~as--to~~ for determining the  
25 conditions under which persons may become members of and

1 receive benefits under the retirement system. The board  
2 shall determine and may modify allowances for service and  
3 disability under this chapter. All persons in similar  
4 circumstances ~~shall~~ must be treated alike.

5 (3) The board shall maintain such records and accounts  
6 it determines necessary for the administration of this  
7 chapter.

8 (4) Upon the basis of the findings of the actuary  
9 pursuant to 19-3-305, the board shall adopt those actuarial  
10 tables and those rates of regular interest it determines  
11 appropriate to comply with the provisions of this chapter.

12 (5) ~~The board shall administer each--retirement--system~~  
13 ~~to-maximize-the-retirement-benefits-of-each-system's-members~~  
14 ~~and-beneficiaries~~ REVIEW THE SUFFICIENCY OF BENEFITS PAID BY  
15 THE RETIREMENT SYSTEM AND RECOMMEND TO THE LEGISLATURE THOSE  
16 CHANGES IN BENEFITS THAT MAY BE NECESSARY FOR RETIRED  
17 MEMBERS AND THEIR BENEFICIARIES TO MAINTAIN A STABLE  
18 STANDARD OF LIVING."

## 19 SECTION 2. SECTION 19-5-201, MCA, IS AMENDED TO READ:

20 "19-5-201. Powers and duties of board. (1) The board is  
21 the trustee of all moneys collected for the retirement  
22 system and may establish such rules as it considers  
23 necessary. Within the limitations of this chapter, the board  
24 is charged with and is the authority as to its proper  
25 administration, operation, and enforcement. The board shall



1 review the sufficiency of benefits paid by the retirement  
 2 system and recommend to the legislature those changes in  
 3 benefits that may be necessary for retired members and their  
 4 beneficiaries to maintain a stable standard of living.

5 (2) The board is the authority as to the conditions  
 6 under which persons may become members of and receive  
 7 benefits under the retirement system. All persons in similar  
 8 circumstances shall be treated alike.

9 (3) The board shall keep such data as is necessary  
 10 for actuarial valuation purposes. It shall cause to be made  
 11 periodic actuarial investigations into the mortality and  
 12 service experience of the contributors to and the  
 13 beneficiaries of the fund and shall adopt for the retirement  
 14 system one or more mortality tables."

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16 "19-6-201. Board to make rules. The board is the  
 17 trustee of all moneys collected for the retirement system.  
 18 It may establish such rules as it considers necessary to  
 19 carry out its functions under this chapter. The board shall  
 20 review the sufficiency of benefits paid by the retirement  
 21 system and recommend to the legislature those changes in  
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 23 beneficiaries to maintain a stable standard of living. The  
 24 board shall determine the conditions under which persons may  
 25 become members of and receive benefits under the retirement

1 system. All persons in similar circumstances shall be  
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 7 and enforcement of this chapter. The board shall review the  
 8 sufficiency of benefits paid by the retirement system and  
 9 recommend to the legislature those changes in benefits that  
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 11 to maintain a stable standard of living. It may establish  
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 14 which persons may become members of and receive benefits  
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 16 circumstances shall be treated alike.

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 18 valuation purposes. It shall have biennial actuarial  
 19 investigations made into the mortality and service  
 20 experience of the members and the beneficiaries of the  
 21 account and shall adopt one or more mortality tables."

22 **SECTION 5. SECTION 19-8-201, MCA, IS AMENDED TO READ:**

23 "19-8-201. Board to make rules. The board is charged  
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benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living. The board may make such rules as it considers necessary and shall determine the conditions under which persons may become members of and receive benefits under the retirement system. All persons in similar circumstances shall be treated alike."

**SECTION 6. SECTION 19-9-201, MCA, IS AMENDED TO READ:**

"19-9-201. Powers and duties of board. (1) The board is authorized to administer, interpret, and enforce the provisions of this chapter.

(2) The board shall establish such uniform rules as are necessary to administer the provisions of this chapter. The board is the sole authority under this chapter as to the conditions under which persons may become members of and receive benefits under the retirement system. The board shall determine and may modify allowances for retirement and disability under this chapter.

(3) The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living."

**SECTION 7. SECTION 19-12-201, MCA, IS AMENDED TO READ:**

"19-12-201. Administration of chapter. The board shall administer the Volunteer Firefighters' Compensation Act and the volunteer firefighters' pension plan, and all payments made under 19-12-103, 19-12-405, 19-12-407, and 19-12-506 shall be made by warrants drawn by the board. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living."

**SECTION 8. SECTION 19-13-202, MCA, IS AMENDED TO READ:**

"19-13-202. Power and duties of board. The powers and duties of the board include:

(1) administering, interpreting, and enforcing the provisions of this chapter;

(2) establishing uniform rules to administer the provisions of this chapter;

(3) determining the conditions under which persons may become members of and receive benefits under the retirement system; and

(4) determining allowances for retirement and disability under this chapter; and

(5) reviewing the sufficiency of benefits paid by the retirement system and recommending to the legislature those changes in benefits that may be necessary for retired

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- 1 members and their beneficiaries to maintain a stable
- 2 standard of living."

-End-

HOUSE STANDING COMMITTEE REPORT

March 9, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 192 (third reading copy -- blue) be concurred in as amended .

Signed: *Dick Simpkins*  
Dick Simpkins, Chair

And, that such amendments read:

Carried by: Rep. Harper

1. Page 7.

Following: following line 2

Insert:

"NEW SECTION. Section 9. Coordination instruction. If Senate Bill No. 385 is passed and approved and if it repeals 19-5-201, 19-6-201, 19-7-201, 19-8-201, 19-9-201, and 19-13-202, then [sections 2 through 6 and 8 of this act], which amend the sections previously enumerated, are void."

-END-

HOUSE *3/9/93*

Committee Vote:  
Yes 16, No 0.

SB 192  
531445SC.Hpf

## SENATE BILL NO. 192

INTRODUCED BY WATERMAN, HARPER

A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE PUBLIC EMPLOYEES' RETIREMENT BOARD TO ~~MAXIMIZE--THE--RETIREMENT BENEFITS--OF--THE--MEMBERS--AND--BENEFICIARIES--OF--EACH--SYSTEM THAT--THE--BOARD--ADMINISTERS~~ REVIEW BENEFITS PAID BY THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND TO RECOMMEND COST-OF-LIVING ADJUSTMENTS TO THE LEGISLATURE; AND AMENDING SECTION SECTIONS 19-3-304, 19-5-201, 19-6-201, 19-7-201, 19-8-201, 19-9-201, 19-12-201, AND 19-13-202, MCA."

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(2) The board shall determine who are employees within the meaning of this chapter. The board ~~shall-be~~ is the sole authority under this chapter ~~as--to~~ for determining the conditions under which persons may become members of and

receive benefits under the retirement system. The board shall determine and may modify allowances for service and disability under this chapter. All persons in similar circumstances ~~shall~~ must be treated alike.

(3) The board shall maintain such records and accounts it determines necessary for the administration of this chapter.

(4) Upon the basis of the findings of the actuary pursuant to 19-3-305, the board shall adopt those actuarial tables and those rates of regular interest it determines appropriate to comply with the provisions of this chapter.

(5) The board shall ~~administer--each--retirement--system to--maximize--the--retirement--benefits--of--each--system's--members and--beneficiaries~~ REVIEW THE SUFFICIENCY OF BENEFITS PAID BY THE RETIREMENT SYSTEM AND RECOMMEND TO THE LEGISLATURE THOSE CHANGES IN BENEFITS THAT MAY BE NECESSARY FOR RETIRED MEMBERS AND THEIR BENEFICIARIES TO MAINTAIN A STABLE STANDARD OF LIVING."

**SECTION 2.** SECTION 19-5-201, MCA, IS AMENDED TO READ:

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review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living.

(2) The board is the authority as to the conditions under which persons may become members of and receive benefits under the retirement system. All persons in similar circumstances shall be treated alike.

~~(2)~~(3) The board shall keep such data as is necessary for actuarial valuation purposes. It shall cause to be made periodic actuarial investigations into the mortality and service experience of the contributors to and the beneficiaries of the fund and shall adopt for the retirement system one or more mortality tables."

**SECTION 3. SECTION 19-6-201, MCA, IS AMENDED TO READ:**

"19-6-201. Board to make rules. The board is the trustee of all moneys collected for the retirement system. It may establish such rules as it considers necessary to carry out its functions under this chapter. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living. The board shall determine the conditions under which persons may become members of and receive benefits under the retirement

system. All persons in similar circumstances shall be treated alike."

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"19-7-201. Functions of the board. (1) The board is the trustee of all moneys collected for the retirement system and is charged with the proper administration, operation, and enforcement of this chapter. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living. It may establish such rules as it considers necessary.

(2) The board shall prescribe the conditions under which persons may become members of and receive benefits under the retirement system. All persons in similar circumstances shall be treated alike.

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**SECTION 5. SECTION 19-8-201, MCA, IS AMENDED TO READ:**

"19-8-201. Board to make rules. The board is charged with the proper administration, operation, and enforcement of this chapter. The board shall review the sufficiency of

benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living. The board may make such rules as it considers necessary and shall determine the conditions under which persons may become members of and receive benefits under the retirement system. All persons in similar circumstances shall be treated alike."

**SECTION 6. SECTION 19-9-201, MCA, IS AMENDED TO READ:**

"19-9-201. Powers and duties of board. (1) The board is authorized to administer, interpret, and enforce the provisions of this chapter.

(2) The board shall establish such uniform rules as are necessary to administer the provisions of this chapter. The board is the sole authority under this chapter as to the conditions under which persons may become members of and receive benefits under the retirement system. The board shall determine and may modify allowances for retirement and disability under this chapter.

(3) The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living."

**SECTION 7. SECTION 19-12-201, MCA, IS AMENDED TO READ:**

"19-12-201. Administration of chapter. The board shall administer the Volunteer Firefighters' Compensation Act and the volunteer firefighters' pension plan, and all payments made under 19-12-103, 19-12-405, 19-12-407, and 19-12-506 shall be made by warrants drawn by the board. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living."

**SECTION 8. SECTION 19-13-202, MCA, IS AMENDED TO READ:**

"19-13-202. Power and duties of board. The powers and duties of the board include:

(1) administering, interpreting, and enforcing the provisions of this chapter;

(2) establishing uniform rules to administer the provisions of this chapter;

(3) determining the conditions under which persons may become members of and receive benefits under the retirement system; and

(4) determining allowances for retirement and disability under this chapter; and

(5) reviewing the sufficiency of benefits paid by the retirement system and recommending to the legislature those changes in benefits that may be necessary for retired

1 members and their beneficiaries to maintain a stable  
2 standard of living."

3 NEW SECTION. SECTION 9. COORDINATION INSTRUCTION. IF  
4 SENATE BILL NO. 385 IS PASSED AND APPROVED AND IF IT REPEALS  
5 19-5-201, 19-6-201, 19-7-201, 19-8-201, 19-9-201, AND  
6 19-13-202, THEN [SECTIONS 2 THROUGH 6 AND 8 OF THIS ACT],  
7 WHICH AMEND THE SECTIONS PREVIOUSLY ENUMERATED, ARE VOID.

-End-



# OFFICE OF THE GOVERNOR

STATE OF MONTANA



MARC RACICOT  
GOVERNOR

STATE CAPITOL  
HELENA, MONTANA 59620-0801

April 1, 1993

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

Dear President Van Valkenburg and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 192, "AN ACT DIRECTING THE PUBLIC EMPLOYEES' RETIREMENT BOARD TO ~~MAXIMIZE THE RETIREMENT BENEFITS OF THE MEMBERS AND BENEFICIARIES OF EACH SYSTEM THAT THE BOARD ADMINISTERS REVIEW BENEFITS PAID BY THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND TO RECOMMEND COST-OF-LIVING ADJUSTMENTS TO THE LEGISLATURE; AND AMENDING SECTION SECTIONS 19-3-304, 19-5-201, 19-6-201, 19-7-201, 19-8-201, 19-9-201, 19-12-210, AND 19-13-202, MCA,~~" with the attached amendments.

Senate Bill 192 was amended to direct the Public Employees' Requirement Board to review benefits paid by not only the Public Employees' Retirement System, but also all other public retirement systems. However, the bill's title was not changed to reflect those amendments.

Senator Waterman, the bill's sponsor agrees that this amendment correctly reflects what Senate Bill No. 192 is meant to accomplish.

Sincerely,

A handwritten signature in cursive script that reads "Marc Racicot".

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 192  
(REFERENCE COPY)  
April 1, 1993

1. Title, line 7.  
Strike: "THE"
2. Title, line 8.  
Strike: "EMPLOYEES'"
3. Title, line 8.  
Strike: "SYSTEM"  
Insert: "SYSTEMS"

*Gov. Amend*  
*SB 192*

## 1 SENATE BILL NO. 192

2 INTRODUCED BY WATERMAN, HARPER

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE PUBLIC  
5 EMPLOYEES' RETIREMENT BOARD TO ~~MAXIMIZE--THE--RETIREMENT~~  
6 ~~BENEFITS--OF--THE--MEMBERS--AND--BENEFICIARIES--OF--EACH--SYSTEM~~  
7 ~~THAT--THE--BOARD--ADMINISTERS~~ REVIEW BENEFITS PAID BY THE  
8 PUBLIC EMPLOYEES' RETIREMENT SYSTEM SYSTEMS AND TO RECOMMEND  
9 COST-OF-LIVING ADJUSTMENTS TO THE LEGISLATURE; AND AMENDING  
10 ~~SECTION SECTIONS~~ 19-3-304, 19-5-201, 19-6-201, 19-7-201,  
11 19-8-201, 19-9-201, 19-12-201, AND 19-13-202, MCA."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:14 **Section 1.** Section 19-3-304, MCA, is amended to read:

15 "19-3-304. Powers and duties of board. (1) The board  
16 may establish such rules as that it ~~deems~~ considers proper  
17 for the administration and operation of the retirement  
18 system and enforcement of this chapter, subject to its  
19 limitation. The board shall establish those uniform rules as  
20 that are necessary to determine credit for fractional years  
21 of service.

22 (2) The board shall determine who are employees within  
23 the meaning of this chapter. The board ~~shall-be~~ is the sole  
24 authority under this chapter ~~as--to~~ for determining the  
25 conditions under which persons may become members of and

1 receive benefits under the retirement system. The board  
2 shall determine and may modify allowances for service and  
3 disability under this chapter. All persons in similar  
4 circumstances ~~shall~~ must be treated alike.

5 (3) The board shall maintain such records and accounts  
6 it determines necessary for the administration of this  
7 chapter.

8 (4) Upon the basis of the findings of the actuary  
9 pursuant to 19-3-305, the board shall adopt those actuarial  
10 tables and those rates of regular interest it determines  
11 appropriate to comply with the provisions of this chapter.

12 (5) The board shall administer each retirement system  
13 to maximize the retirement benefits of each system's members  
14 and beneficiaries REVIEW THE SUFFICIENCY OF BENEFITS PAID BY  
15 THE RETIREMENT SYSTEM AND RECOMMEND TO THE LEGISLATURE THOSE  
16 CHANGES IN BENEFITS THAT MAY BE NECESSARY FOR RETIRED  
17 MEMBERS AND THEIR BENEFICIARIES TO MAINTAIN A STABLE  
18 STANDARD OF LIVING."

19 **SECTION 2.** SECTION 19-5-201, MCA, IS AMENDED TO READ:

20 "19-5-201. Powers and duties of board. (1) The board is  
21 the trustee of all moneys collected for the retirement  
22 system and may establish such rules as it considers  
23 necessary. Within the limitations of this chapter, the board  
24 is charged with and is the authority as to its proper  
25 administration, operation, and enforcement. The board shall

1 review the sufficiency of benefits paid by the retirement  
 2 system and recommend to the legislature those changes in  
 3 benefits that may be necessary for retired members and their  
 4 beneficiaries to maintain a stable standard of living.

5 (2) The board is the authority as to the conditions  
 6 under which persons may become members of and receive  
 7 benefits under the retirement system. All persons in similar  
 8 circumstances shall be treated alike.

9 ~~(2)~~(3) The board shall keep such data as is necessary  
 10 for actuarial valuation purposes. It shall cause to be made  
 11 periodic actuarial investigations into the mortality and  
 12 service experience of the contributors to and the  
 13 beneficiaries of the fund and shall adopt for the retirement  
 14 system one or more mortality tables."

15 **SECTION 3. SECTION 19-6-201, MCA, IS AMENDED TO READ:**

16 "19-6-201. Board to make rules. The board is the  
 17 trustee of all moneys collected for the retirement system.  
 18 It may establish such rules as it considers necessary to  
 19 carry out its functions under this chapter. The board shall  
 20 review the sufficiency of benefits paid by the retirement  
 21 system and recommend to the legislature those changes in  
 22 benefits that may be necessary for retired members and their  
 23 beneficiaries to maintain a stable standard of living. The  
 24 board shall determine the conditions under which persons may  
 25 become members of and receive benefits under the retirement

1 system. All persons in similar circumstances shall be  
 2 treated alike."

3 **SECTION 4. SECTION 19-7-201, MCA, IS AMENDED TO READ:**

4 "19-7-201. Functions of the board. (1) The board is the  
 5 trustee of all moneys collected for the retirement system  
 6 and is charged with the proper administration, operation,  
 7 and enforcement of this chapter. The board shall review the  
 8 sufficiency of benefits paid by the retirement system and  
 9 recommend to the legislature those changes in benefits that  
 10 may be necessary for retired members and their beneficiaries  
 11 to maintain a stable standard of living. It may establish  
 12 such rules as it considers necessary.

13 (2) The board shall prescribe the conditions under  
 14 which persons may become members of and receive benefits  
 15 under the retirement system. All persons in similar  
 16 circumstances shall be treated alike.

17 (3) It shall keep the data necessary for actuarial  
 18 valuation purposes. It shall have biennial actuarial  
 19 investigations made into the mortality and service  
 20 experience of the members and the beneficiaries of the  
 21 account and shall adopt one or more mortality tables."

22 **SECTION 5. SECTION 19-8-201, MCA, IS AMENDED TO READ:**

23 "19-8-201. Board to make rules. The board is charged  
 24 with the proper administration, operation, and enforcement  
 25 of this chapter. The board shall review the sufficiency of

benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living. The board may make such rules as it considers necessary and shall determine the conditions under which persons may become members of and receive benefits under the retirement system. All persons in similar circumstances shall be treated alike."

**SECTION 6. SECTION 19-9-201, MCA, IS AMENDED TO READ:**

"19-9-201. Powers and duties of board. (1) The board is authorized to administer, interpret, and enforce the provisions of this chapter.

(2) The board shall establish such uniform rules as are necessary to administer the provisions of this chapter. The board is the sole authority under this chapter as to the conditions under which persons may become members of and receive benefits under the retirement system. The board shall determine and may modify allowances for retirement and disability under this chapter.

(3) The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living."

**SECTION 7. SECTION 19-12-201, MCA, IS AMENDED TO READ:**

"19-12-201. Administration of chapter. The board shall administer the Volunteer Firefighters' Compensation Act and the volunteer firefighters' pension plan, and all payments made under 19-12-103, 19-12-405, 19-12-407, and 19-12-506 shall be made by warrants drawn by the board. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living."

**SECTION 8. SECTION 19-13-202, MCA, IS AMENDED TO READ:**

"19-13-202. Power and duties of board. The powers and duties of the board include:

(1) administering, interpreting, and enforcing the provisions of this chapter;

(2) establishing uniform rules to administer the provisions of this chapter;

(3) determining the conditions under which persons may become members of and receive benefits under the retirement system; and

(4) determining allowances for retirement and disability under this chapter; and

(5) reviewing the sufficiency of benefits paid by the retirement system and recommending to the legislature those changes in benefits that may be necessary for retired

1 members and their beneficiaries to maintain a stable  
2 standard of living."

3 NEW SECTION. SECTION 9. COORDINATION INSTRUCTION. IF  
4 SENATE BILL NO. 385 IS PASSED AND APPROVED AND IF IT REPEALS  
5 19-5-201, 19-6-201, 19-7-201, 19-8-201, 19-9-201, AND  
6 19-13-202, THEN [SECTIONS 2 THROUGH 6 AND 8 OF THIS ACT],  
7 WHICH AMEND THE SECTIONS PREVIOUSLY ENUMERATED, ARE VOID.

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