

SENATE BILL 38

Introduced by Halligan, et al.

12/06 Introduced
12/06 Referred to
12/06 First Reading
12/06 Fiscal Note Requested
12/08 Fiscal Note Received
12/10 Fiscal Note Printed
12/10 Hearing
12/11 Committee Report--Bill Passed as Amended
12/13 2nd Reading Passed
12/13 3rd Reading Passed

Transmitted to House
12/14 First Reading
12/14 Referred to State Administration
12/16 Hearing
12/17 Tabled in Committee
12/18 Motion Failed to Take from Committee and
Place on 2nd Reading
(3/5 Vote Required for this Motion to
Pass)

1 *Senate* BILL NO. 38
2 INTRODUCED BY *Holligan* *Bob Brown*
3 *Bartlett* *John* *Drady*
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AD HOC
5 SUPPLEMENTAL PAYMENTS TO RETIREES OF STATE RETIREMENT
6 SYSTEMS, THE TEACHERS' RETIREMENT SYSTEM, AND THE VOLUNTEER
7 FIREFIGHTERS' RETIREMENT SYSTEM; PROVIDING A STATUTORY
8 APPROPRIATION FOR THE SUPPLEMENTAL PAYMENTS; AMENDING
9 SECTION 17-7-502, MCA; AND PROVIDING A DELAYED EFFECTIVE
10 DATE."
11

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

13 NEW SECTION. **Section 1.** Ad hoc supplemental payments
14 -- certification -- annual transfer of funds. (1) There is
15 transferred from the general fund to the board the amount
16 provided for in subsection (3) for distribution to benefit
17 recipients of the retirement systems pursuant to [section
18 2].

19 (2) No later than May 15 of each year, the board shall
20 certify to the state treasurer the amount of the total
21 benefits paid by the public retirement systems in Title 19,
22 chapters 3, 5 through 9, 13, and 17 during the prior
23 calendar year.

24 (3) On or before July 1 of each year, the state
25 treasurer shall pay to the board from the general fund an

1 amount equal to 2 1/2% of the total benefits paid by the
2 systems during the prior calendar year to fund the
3 supplemental payments.

4 NEW SECTION. **Section 2.** Ad hoc supplemental payments
5 -- eligibility -- statutory appropriation -- distribution.
6 (1) In addition to any benefit payable under a system
7 administered by the board, a benefit recipient determined by
8 the board to be eligible under subsection (2) must receive
9 an annual lump-sum payment beginning in July 1995 and
10 continuing for each succeeding year that the benefit
11 recipient remains eligible and in which sufficient funds are
12 appropriated.

13 (2) To be eligible for the payments under this section,
14 a person must have received a monthly benefit from a public
15 retirement system in Title 19, chapters 3, 5 through 9, 13,
16 and 17 during the prior calendar year.

17 (3) No later than July 31 of each year, the board shall
18 fix and pay to each eligible benefit recipient a lump-sum
19 supplemental payment equal to 2 1/2% of the total benefit
20 amount received during the prior calendar year.

21 (4) (a) The money transferred by the state treasurer
22 under [section 1] is statutorily appropriated, as provided
23 in 17-7-502, to the board for supplemental payments under
24 this section to eligible benefit recipients. Any balance
25 remaining must be returned to the state treasurer by August

1 15.

2 (b) The board shall distribute the supplemental
3 payments in lump-sum form to eligible benefit recipients, to
4 be included with their normal benefits.

5 NEW SECTION. **Section 3. Ad hoc supplemental payments**

6 -- certification -- annual transfer of funds. (1) There is
7 transferred from the general fund to the retirement board
8 the amount provided for in subsection (3) for distribution
9 to benefit recipients of the retirement system pursuant to
10 [section 4].

11 (2) No later than May 15 of each year, the retirement
12 board shall certify to the state treasurer the amount of the
13 total benefits paid by the retirement system during the
14 prior calendar year.

15 (3) On or before July 1 of each year, the state
16 treasurer shall pay to the retirement board from the general
17 fund an amount equal to 2 1/2% of the total benefits paid by
18 the system during the prior calendar year to fund the
19 supplemental payments.

20 (4) For purposes of this section, "benefit" means the
21 monthly service or disability retirement or survivorship
22 benefit paid for the life of the eligible recipient.

23 NEW SECTION. **Section 4. Ad hoc supplemental payments**

24 -- eligibility -- statutory appropriation -- distribution.

25 (1) In addition to any benefit payable under this chapter, a

1 benefit recipient determined by the retirement board to be
2 eligible under subsection (2) must receive an annual
3 lump-sum payment beginning in July 1995 and continuing for
4 each succeeding year that the benefit recipient remains
5 eligible and in which sufficient funds are appropriated.

6 (2) To be eligible for the payments under this section,
7 a person must have received a monthly benefit from the
8 retirement system during the prior calendar year.

9 (3) No later than July 31 of each year, the retirement
10 board shall fix and pay to each eligible benefit recipient a
11 lump-sum supplemental payment equal to 2 1/2% of the total
12 benefit amount received during the prior calendar year.

13 (4) (a) The money transferred by the state treasurer
14 under [section 3] is statutorily appropriated, as provided
15 in 17-7-502, to the retirement board for supplemental
16 payments under this section to eligible benefit recipients.
17 Any balance remaining must be returned to the state
18 treasurer by August 15.

19 (b) The retirement board shall distribute the
20 supplemental payments in lump-sum form to eligible benefit
21 recipients, to be included with their normal benefits.

22 **Section 5.** Section 17-7-502, MCA, is amended to read:

23 "17-7-502. Statutory appropriations -- definition --
24 requisites for validity. (1) A statutory appropriation is an
25 appropriation made by permanent law that authorizes spending

1 by a state agency without the need for a biennial
2 legislative appropriation or budget amendment.

3 (2) Except as provided in subsection (4), to be
4 effective, a statutory appropriation must comply with both
5 of the following provisions:

6 (a) The law containing the statutory authority must be
7 listed in subsection (3).

8 (b) The law or portion of the law making a statutory
9 appropriation must specifically state that a statutory
10 appropriation is made as provided in this section.

11 (3) The following laws are the only laws containing
12 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
13 3-5-901; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301;
14 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112;
15 15-37-117; 15-38-202; 15-65-121; 16-1-404; 16-1-410;
16 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704;
17 17-5-804; 17-6-101; 17-6-201; 17-6-409; 17-7-304; 18-11-112;
18 19-2-502; [section 2]; 19-6-709; 19-9-1007; 19-15-101;
19 19-17-301; [section 2]; 19-18-512; 19-18-513; 19-18-606;
20 19-19-205; 19-19-305; 19-19-506; [section 4]; 20-4-109;
21 20-6-406; 20-8-111; 20-9-361; 20-26-1403; 20-26-1503;
22 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612;
23 23-5-631; 23-7-301; 23-7-402; 27-12-206; 32-1-537;
24 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321;
25 39-71-2504; 44-12-206; 44-13-102; 50-5-232; 50-40-206;

1 53-6-150; 53-24-206; 60-2-220; 61-2-107; 67-3-205;
2 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123;
3 77-1-808; 80-2-103; 80-2-222; 80-4-416; 80-11-310; 81-5-111;
4 82-11-136; 82-11-161; 85-1-220; 85-2-707; 90-3-301;
5 90-4-215; 90-6-331; 90-7-220; 90-9-306; and 90-14-107.

6 (4) There is a statutory appropriation to pay the
7 principal, interest, premiums, and costs of issuing, paying,
8 and securing all bonds, notes, or other obligations, as due,
9 that have been authorized and issued pursuant to the laws of
10 Montana. Agencies that have entered into agreements
11 authorized by the laws of Montana to pay the state
12 treasurer, for deposit in accordance with 17-2-101 through
13 17-2-107, as determined by the state treasurer, an amount
14 sufficient to pay the principal and interest as due on the
15 bonds or notes have statutory appropriation authority for
16 the payments. (In subsection (3): pursuant to sec. 7, Ch.
17 567, L. 1991, the inclusion of 19-6-709 terminates upon
18 death of last recipient eligible for supplemental benefit;
19 and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of
20 90-14-107 terminates July 1, 1995.)"

21 **NEW SECTION. Section 6.** Codification instruction. (1)
22 [Sections 1 and 2] are intended to be codified as an
23 integral part of Title 19, chapters 2 and 17, and the
24 provisions of Title 19, chapters 2 and 17, apply to
25 [sections 1 and 2].

LC 0185/01

1 (2) [Sections 3 and 4] are intended to be codified as
2 an integral part of Title 19, chapter 20, and the provisions
3 of Title 19, chapter 20, apply to [sections 3 and 4].

4 NEW SECTION. **Section 7.** Effective date. [This act] is
5 effective May 1, 1995.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0038, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for ad hoc supplemental payments to retirees of state retirements systems, the teachers' retirement system, and the volunteer firefighters' system; providing a statutory appropriation from the general fund for the supplemental payments.

ASSUMPTIONS:

1. Beginning in FY 1996, annual lump sum payments would be distributed to retired members of the PERS, Teachers, Highway Patrol Officers', Sheriffs', Game Wardens', Municipal Police Officers' and Firefighters' Unified retirement systems and to persons receiving benefits under the Volunteer Firefighters Compensation Act.
2. The annual payments to eligible recipients would be equal to 2.5% of the previous benefits received in the previous calendar year.
3. A statutory appropriation would be made from the General Fund equal to 2.5% of total benefits paid in the previous calendar year for distribution to eligible benefit recipients. Any balance remaining after payments to eligible recipients would be returned to the state treasury.
4. The state treasurer would distribute funds from the general fund to the retirement funds on July 1, beginning in FY 1996.
5. Total estimated benefits paid for all PERD-administered systems in calendar years 1994 and 1995 are \$86,160,000 and \$93,144,000, respectively.
6. Total estimated benefits paid by TRS in calendar years 1994 and 1995 are \$72,665,000 and \$77,752,000, respectively.

FISCAL IMPACT:


No supplemental retirement payments would be made during the current biennium. No amounts would be transferred from the general fund to the retirement funds in the 1995 biennium.


LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Estimated general fund distributions in the 1997 biennium would be as follows:

	<u>FY 1996</u>	<u>FY 1997</u>
PERD administered retirement systems	\$2,154,000	\$2,329,000
Teachers' Retirement System	<u>1,817,000</u>	<u>1,944,000</u>
Total	\$3,971,000	\$4,272,000

In succeeding biennia, funding requirements will continue to grow at the same pace as the actual growth in retirement benefits paid by the systems due to additional retirements and higher benefit levels of new retirees.

 12-10
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 12-10-93
MIKE HALLIGAN, PRIMARY SPONSOR DATE
Fiscal Note for SB0038, as introduced

SB 38

SENATE BILL NO. 38

INTRODUCED BY HALLIGAN, BROWN, BECK, BARTLETT,
WATERMAN, J. RICE, SCHYE, GRADY, COCCHIARELLA

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AD HOC
SUPPLEMENTAL PAYMENTS TO RETIREES OF STATE RETIREMENT
SYSTEMS, THE TEACHERS' RETIREMENT SYSTEM, AND THE VOLUNTEER
FIREFIGHTERS' RETIREMENT SYSTEM; PROVIDING--A--STATUTORY
APPROPRIATION--FOR--THE--SUPPLEMENTAL--PAYMENTS,---AMENDING
SECTION--17-7-502,--MCA; AND PROVIDING A DELAYED EFFECTIVE
DATE."

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

NEW SECTION. Section 1. Ad hoc supplemental payments

-- certification -- annual transfer of funds. (1) There is
transferred from the general fund to the board the amount
provided for in subsection (3) for distribution to benefit
recipients of the retirement systems pursuant to [section
2].

(2) No later than ~~May~~ JUNE 1 of each year, the board
shall certify to the state treasurer the amount of the total
benefits paid by the public retirement systems in Title 19,
chapters 3, 5 through 9, 13, and 17 during the prior
calendar year.

(3) On or before July 1 of each year, the state

treasurer shall pay to the board from the general fund an
amount equal to 2 1/2% of the total benefits paid by the
systems during the prior calendar year to fund the
supplemental payments.

NEW SECTION. Section 2. Ad hoc supplemental payments

-- eligibility -- statutory-appropriation---- distribution.

(1) In addition to any benefit payable under a system
administered by the board, a benefit recipient determined by
the board to be eligible under subsection (2) must receive
an annual lump-sum payment beginning in July 1995 and
continuing for each succeeding year that the benefit
recipient remains eligible and in which sufficient funds are
appropriated.

(2) To be eligible for the payments under this section,
a person must have received a monthly benefit from a public
retirement system in Title 19, chapters 3, 5 through 9, 13,
and 17 during the prior calendar year.

(3) No later than July 31 of each year, the board shall
fix and pay to each eligible benefit recipient a lump-sum
supplemental payment equal to 2 1/2% of the total benefit
amount received during the prior calendar year.

~~(4)--(a)--The--money--transferred--by--the--state--treasurer
under--[section--1]--is--statutorily--appropriated,--as--provided
in--17-7-502,--to--the--board--for--supplemental--payments--under
this--section--to--eligible--benefit--recipients,--Any--balance~~

1 remaining--must-be--returned--to--the--state--treasurer--by--August
2 15;

3 (b)--The--board--shall---distribute---the---supplemental
4 payments--in--lump--sum--form--to--eligible--benefit--recipients--to
5 be--included--with--their--normal--benefits.

6 NEW SECTION. Section 3. Ad hoc supplemental payments
7 -- certification -- annual transfer of funds. (1) There is
8 transferred from the general fund to the retirement board
9 the amount provided for in subsection (3) for distribution
10 to benefit recipients of the retirement system pursuant to
11 [section 4].

12 (2) No later than May 15 JUNE 1 of each year, the
13 retirement board shall certify to the state treasurer the
14 amount of the total benefits paid by the retirement system
15 during the prior calendar year.

16 (3) On or before July 1 of each year, the state
17 treasurer shall pay to the retirement board from the general
18 fund an amount equal to 2 1/2% of the total benefits paid by
19 the system during the prior calendar year to fund the
20 supplemental payments.

21 (4) For purposes of this section, "benefit" means the
22 monthly service or disability retirement or survivorship
23 benefit paid for the life of the eligible recipient.

24 NEW SECTION. Section 4. Ad hoc supplemental payments
25 -- eligibility -- statutory appropriation --- distribution.

1 (1) In addition to any benefit payable under this chapter, a
2 benefit recipient determined by the retirement board to be
3 eligible under subsection (2) must receive an annual
4 lump-sum payment beginning in July 1995 and continuing for
5 each succeeding year that the benefit recipient remains
6 eligible and in which sufficient funds are appropriated.

7 (2) To be eligible for the payments under this section,
8 a person must have received a monthly benefit from the
9 retirement system during the prior calendar year.

10 (3) No later than July 31 of each year, the retirement
11 board shall fix and pay to each eligible benefit recipient a
12 lump-sum supplemental payment equal to 2 1/2% of the total
13 benefit amount received during the prior calendar year.

14 (4)--(a)--The--money--transferred--by--the--state--treasurer
15 under--[section--3]--is--statutorily--appropriated--as--provided
16 in--17-7-502--to--the--retirement--board--for--supplemental
17 payments--under--this--section--to--eligible--benefit--recipients--
18 Any---balance--remaining--must--be--returned--to--the--state
19 treasurer--by--August--15;

20 (b)--The---retirement---board---shall---distribute---the
21 supplemental--payments--in--lump--sum--form--to--eligible--benefit
22 recipients--to--be--included--with--their--normal--benefits.

23 Section 5.--Section 17-7-502, MCA, is amended to read:--
24 "17-7-502--Statutory--appropriations-----definition---
25 requisites--for--validity--(1)--A--statutory--appropriation--is--an

1 appropriation-made-by-permanent-law-that-authorizes-spending
2 by-a-state-agency-without-the-need-for-a-benefit
3 legislative-appropriation-or-budget-amendment
4 (2)-except-as-provided-in-subsection-(4)-to-be
5 effective-a-statutory-appropriation-must-comply-with-both
6 of-the-following-provisions:
7 (a)-the-law-containing-the-statutory-authority-must-be
8 stated-in-subsection-(3)-
9 (b)-the-law-or-portion-of-the-law-making-a-statutory
10 appropriation-must-specifically-state-that-a-statutory
11 appropriation-is-made-as-provided-in-this-section:
12 (3)-the-following-laws-are-the-only-laws-containing
13 statutory-appropriations:-2-9-2027-2-17-1857-2-18-8127
14 3-5-9017-5-13-4037-10-3-2037-10-3-3127-10-3-3147-10-4-3017
15 15-1-1117-15-23-7067-15-25-1237-15-31-7027-15-36-1127
16 15-37-1177-15-38-2027-15-65-1117-16-1-4047-16-1-4107
17 16-1-4117-17-3-1067-17-3-2127-17-5-4047-17-5-4247-17-5-7047
18 17-5-8047-17-6-1017-17-6-2017-17-6-4097-17-7-3047-18-1-1127
19 19-2-5027-section-27 19-6-7097-19-9-1007-19-15-1017
20 19-17-3017-section-27 19-18-5127-19-18-5137-19-18-6067
21 19-19-2057-19-19-3057-19-19-5067-section-47 20-4-1097
22 20-6-4067-20-8-1117-20-9-3617-20-26-14037-20-26-15037
23 23-2-0237-23-5-1367-23-5-3067-23-5-4097-23-5-6107-23-5-6127
24 23-5-6137-23-7-3017-23-7-4027-27-12-2067-32-1-5377
25 37-43-2047-37-51-5017-39-71-5037-39-71-9077-39-71-2327

1 39-71-25047-44-12-2067-44-13-1027-50-5-2327-50-40-2067
2 53-6-1507-53-24-2067-60-2-2207-61-2-1077-67-3-2057
3 75-1-11017-75-5-5077-75-11-11077-75-11-3137-76-12-1237
4 77-1-8087-80-2-1037-80-2-2227-80-4-4167-80-11-3107-81-5-1117
5 82-1-1367-82-1-1617-85-1-2207-85-2-7077-90-3-3017
6 90-4-2157-90-6-3317-90-7-2207-90-9-3067-90-14-1077
7 (4)-there-is-a-statutory-appropriation-to-pay-the
8 principal-interest-premiums-and-costs-of-issuing
9 and-securing-all-bonds-notes-or-other-obligations-as-due
10 that-have-been-authorized-and-issued-pursuant-to-the-laws-of
11 Montana--agencies--that--have--entered--into--agreements
12 authorized-by-the-laws-of-Montana-to-pay-the--state
13 treasury-for-deposit-in-accordance-with-17-2-1017-through
14 17-2-1077-as-determined-by-the-state-treasury--an-amount
15 sufficient-to-pay-the-principal-and-interest-as-due-on-the
16 bonds-or-notes-have-a-statutory-appropriation-authority-for
17 the-payments--in-subsection-(3)-pursuant-to-section-77-Chapter
18 5677-by-19917-the-institution-of-19-6-7097-terminals-upon
19 death-of-last-recipient-eligible-for-supplemental-benefit
20 and-pursuant-to-section-157-Chapter-5347-by-19937-the-institution-of
21 90-14-1077-terminals-duty-17-19957
22 NEW SECTION. Section 5. Codification instruction. (1)
23 [Sections 1 and 2] are intended to be codified as an
24 integral part of Title 19, chapters 2 and 17, and the
25 provisions of Title 19, chapters 2 and 17, apply to

1 [sections 1 and 2].

2 (2) [Sections 3 and 4] are intended to be codified as
3 an integral part of Title 19, chapter 20, and the provisions
4 of Title 19, chapter 20, apply to [sections 3 and 4].

5 NEW SECTION. **Section 6.** Effective date. [This act] is
6 effective May JUNE 1, 1995, UNLESS SPECIFICALLY SUPERSEDED
7 BY LEGISLATION ENACTED PRIOR TO THAT DATE.

-End-

APPROVED BY COMM. ON
FINANCE AND CLAIMS

SENATE BILL NO. 38

INTRODUCED BY HALLIGAN, BROWN, BECK, BARTLETT,
WATERMAN, J. RICE, SCHYE, GRADY, COCCHIARELLA

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AD HOC
SUPPLEMENTAL PAYMENTS TO RETIREES OF STATE RETIREMENT
SYSTEMS, THE TEACHERS' RETIREMENT SYSTEM, AND THE VOLUNTEER
FIREFIGHTERS' RETIREMENT SYSTEM; ~~PROVIDING--A--STATUTORY~~
~~APPROPRIATION--FOR--THE--SUPPLEMENTAL--PAYMENTS;--AMENDING~~
~~SECTION--17-7-502;--MCA;~~ AND PROVIDING A DELAYED EFFECTIVE
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transferred from the general fund to the board the amount
provided for in subsection (3) for distribution to benefit
recipients of the retirement systems pursuant to [section
2].

(2) No later than ~~May-15~~ JUNE 1 of each year, the board
shall certify to the state treasurer the amount of the total
benefits paid by the public retirement systems in Title 19,
chapters 3, 5 through 9, 13, and 17 during the prior
calendar year.

(3) On or before July 1 of each year, the state

treasurer shall pay to the board from the general fund an
amount equal to 2 1/2% of the total benefits paid by the
systems during the prior calendar year to fund the
supplemental payments.

NEW SECTION. **Section 2.** Ad hoc supplemental payments

-- eligibility -- ~~statutory-appropriation----~~ distribution.

(1) In addition to any benefit payable under a system
administered by the board, a benefit recipient determined by
the board to be eligible under subsection (2) must receive
an annual lump-sum payment beginning in July 1995 and
continuing for each succeeding year that the benefit
recipient remains eligible and in which sufficient funds are
appropriated.

(2) To be eligible for the payments under this section,
a person must have received a monthly benefit from a public
retirement system in Title 19, chapters 3, 5 through 9, 13,
and 17 during the prior calendar year.

(3) No later than July 31 of each year, the board shall
fix and pay to each eligible benefit recipient a lump-sum
supplemental payment equal to 2 1/2% of the total benefit
amount received during the prior calendar year.

~~(4)--(a)--The--money--transferred--by--the--state--treasurer~~
~~under--(section-1)--is--statutorily--appropriated;--as--provided~~
~~in--17-7-502;--to--the--board--for--supplemental--payments--under~~
~~this--section--to--eligible--benefit--recipients;--Any--balance~~

1 remaining--must-be-returned-to-the-state-treasurer-by-August
2 15;

3 ~~(b)--The--board--shall---distribute---the---supplemental~~
4 ~~payments-in-lump-sum-form-to-eligible-benefit-recipients,-to~~
5 ~~be-included-with-their-normal-benefits-~~

6 NEW SECTION. **Section 3.** Ad hoc supplemental payments
7 -- certification -- annual transfer of funds. (1) There is
8 transferred from the general fund to the retirement board
9 the amount provided for in subsection (3) for distribution
10 to benefit recipients of the retirement system pursuant to
11 [section 4].

12 (2) No later than May-15 JUNE 1 of each year, the
13 retirement board shall certify to the state treasurer the
14 amount of the total benefits paid by the retirement system
15 during the prior calendar year.

16 (3) On or before July 1 of each year, the state
17 treasurer shall pay to the retirement board from the general
18 fund an amount equal to 2 1/2% of the total benefits paid by
19 the system during the prior calendar year to fund the
20 supplemental payments.

21 (4) For purposes of this section, "benefit" means the
22 monthly service or disability retirement or survivorship
23 benefit paid for the life of the eligible recipient.

24 NEW SECTION. **Section 4.** Ad hoc supplemental payments
25 -- eligibility -- statutory-appropriation---- distribution.

1 (1) In addition to any benefit payable under this chapter, a
2 benefit recipient determined by the retirement board to be
3 eligible under subsection (2) must receive an annual
4 lump-sum payment beginning in July 1995 and continuing for
5 each succeeding year that the benefit recipient remains
6 eligible and in which sufficient funds are appropriated.

7 (2) To be eligible for the payments under this section,
8 a person must have received a monthly benefit from the
9 retirement system during the prior calendar year.

10 (3) No later than July 31 of each year, the retirement
11 board shall fix and pay to each eligible benefit recipient a
12 lump-sum supplemental payment equal to 2 1/2% of the total
13 benefit amount received during the prior calendar year.

14 ~~(4)--(a)--The-money-transferred-by--the--state--treasurer~~
15 ~~under--(section--3)--is-statutorily-appropriated,-as-provided~~
16 ~~in--17-7-502,-to--the--retirement--board--for--supplemental~~
17 ~~payments-under-this-section-to-eligible-benefit--recipients-~~
18 ~~Any---balance--remaining--must--be--returned--to--the--state~~
19 ~~treasurer-by-August-15-~~

20 ~~(b)--The---retirement---board---shall---distribute---the~~
21 ~~supplemental-payments-in-lump-sum-form-to-eligible--benefit~~
22 ~~recipients,-to-be-included-with-their-normal-benefits-~~

23 **Section 5.** ~~Section 17-7-502, MEA, is amended to read:--~~

24 ~~"17-7-502.---Statutory--appropriations-----definition---~~
25 ~~requisites-for-validity--(1)-A-statutory-appropriation-is-an~~

1 appropriation-made-by-permanent-law-that-authorizes-spending
2 by--a--state--agency--without--the--need--for---a---biennial
3 legislative-appropriation-or-budget-amendment;

4 {2}--Except---as--provided--in--subsection--{4}--to--be
5 effective--a--statutory-appropriation-must-comply--with--both
6 of-the-following-provisions:

7 {a}--The--law-containing-the-statutory-authority-must-be
8 listed-in-subsection-{3};

9 {b}--The-law-or-portion-of-the-law--making--a--statutory
10 appropriation--must--specifically--state--that--a--statutory
11 appropriation-is-made-as-provided-in-this-section;

12 {3}--The--following--laws--are--the--only--laws-containing
13 statutory-appropriations:--2-9-202;--2-17-105;--2-18-812;
14 3-5-901;--5-13-403;--10-3-203;--10-3-312;--10-3-314;--10-4-301;
15 15-1-111;--15-23-706;--15-25-123;--15-31-702;--15-36-112;
16 15-37-117;--15-38-202;--15-65-121;--16-1-404;--16-1-410;
17 16-1-411;--17-3-106;--17-3-212;--17-5-404;--17-5-424;--17-5-704;
18 17-5-804;--17-6-101;--17-6-201;--17-6-409;--17-7-304;--18-11-112;
19 19-2-502; {section--2}; 19-6-709;--19-9-1007;--19-15-101;
20 19-17-301; {section--2}; 19-18-512;--19-18-513;--19-18-606;
21 19-19-205;--19-19-305;--19-19-506; {section--4}; 20-4-109;
22 20-6-406;--20-8-111;--20-9-361;--20-26-1403;--20-26-1503;
23 23-2-823;--23-5-136;--23-5-306;--23-5-409;--23-5-610;--23-5-612;
24 23-5-631;--23-7-301;--23-7-402;--27-12-206;--32-1-537;
25 37-43-204;--37-51-501;--39-71-503;--39-71-907;--39-71-2321;

1 39-71-2504;--44-12-206;--44-13-102;--50-5-232;--50-40-206;
2 53-6-150;--53-24-206;--60-2-220;--61-2-107;--67-3-205;
3 75-1-1101;--75-5-507;--75-5-1108;--75-11-313;--76-12-123;
4 77-1-800;--80-2-103;--80-2-222;--80-4-416;--80-11-310;--81-5-111;
5 82-11-136;--82-11-161;--85-1-220;--85-2-707;--90-3-301;
6 90-4-215;--90-6-331;--90-7-220;--90-9-306;--and--90-14-107;

7 {4}--There-is--a--statutory--appropriation--to--pay--the
8 principal;--interest;--premiums;--and--costs--of--issuing;--paying;
9 and--securing--all--bonds;--notes;--or--other--obligations;--as--due;
10 that--have--been--authorized--and--issued--pursuant--to--the--laws--of
11 Montana;--Agencies;--that;--have;--entered;--into;--agreements
12 authorized--by--the--laws--of--Montana--to--pay--the--state
13 treasury;--for--deposit--in--accordance--with--17-2-101--through
14 17-2-107;--as--determined--by--the--state--treasurer;--an--amount
15 sufficient--to--pay--the--principal--and--interest--as--due--on--the
16 bonds--or--notes--have--statutory--appropriation--authority--for
17 the--payments;--{in--subsection--{3};--pursuant--to--sec--77-Ch-
18 567;--Lr-1991;--the--inclusion--of--19-6-709--terminates--upon
19 death--of--last--recipient--eligible--for--supplemental--benefit;
20 and--pursuant--to--sec--15-Ch-534;--Lr-1993;--the--inclusion--of
21 90-14-107--terminates--July-17-1995;}"

22 NEW SECTION. Section 5. Codification instruction. (1)
23 [Sections 1 and 2] are intended to be codified as an
24 integral part of Title 19, chapters 2 and 17, and the
25 provisions of Title 19, chapters 2 and 17, apply to

1 [sections 1 and 2].

2 (2) [Sections 3 and 4] are intended to be codified as
3 an integral part of Title 19, chapter 20, and the provisions
4 of Title 19, chapter 20, apply to [sections 3 and 4].

5 NEW SECTION. Section 6. Effective date. [This act] is
6 effective May JUNE 1, 1995, UNLESS SPECIFICALLY SUPERSEDED
7 BY LEGISLATION ENACTED PRIOR TO THAT DATE.

-End-