

State Retirement Annuity* Case Law

(See Two Memorandums to Senator Lewis)

Casey v. Brewer
(MT Retirement - No
Contract)
Wage Appeal v. BOPA
(terms of employment)
Sheehy v. PERD
(Income tax)

Clark v. Ireland
Evans v. Fire Dept.
Bartles v. Miles City
Sullivan v. State
(MT Retirement - No
Modification Allowed?)

Gulbrandson v. Carey
(MT Retirement -
Modification Allowed)

Butte v. Roberts
Matter of Yellowstone
River
Neel v. First Fed.
Carmichael v. WCC
Buckman v. MT D.H
(MT Non Retirement -
Modification Allowed)

Maryland St. T. Assn v.
Hughes
(Non MT Retirement -
Modification Allowed)

Retirement pension a gratuity
that can be changed or
terminated at will of the grantor
(Casey)

or

Intent of statute governs
(Wage Appeal and Sheehy)

Retirement annuity governed by
contract - perhaps cannot be
modified, but see Butte v.
Roberts (1933)

Retirement annuity is governed
by contract that can be modified
under certain circumstances

One sentence citing
nonretirement case law
(Yellowstone)

Contracts can be modified under
certain circumstances:

1. Does the law substantially
impairment the contract?
2. Does the State have a
significant and legitimate
purpose?
3. Does law impose reasonable
conditions reasonably related to
that purpose?

Same for retirement annuity

1. Is the contract right a vested
right?
2. How substantial is the
interference?
3. What does the legislation
hope to achieve?
4. Does the legislation achieve
that goal?
5. Was the situation resulting in
the legislation foreseeable?
6. What will happen if the
legislation is not passed?
7. Other alternatives?
8. What advantages for
employees?

*Actually an annuity hybrid