



AN ACT INCREASING THE TIME PERIOD FOR CALCULATING HIGHEST AVERAGE COMPENSATION FOR INDIVIDUALS WHO INITIALLY BECOME MEMBERS OF THE SHERIFFS' RETIREMENT SYSTEM AFTER JUNE 30, 2011; AMENDING SECTION 19-7-101, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1.** Section 19-7-101, MCA, is amended to read:

**"19-7-101. Definitions.** Unless the context requires otherwise, the following definitions apply in this chapter:

(1) (a) "Compensation" means remuneration paid from funds controlled by an employer for the member's services or for time during which the member is excused from work because the member has taken compensatory leave, sick leave, annual leave, or a leave of absence before any pretax deductions allowed by state or federal law are made.

(b) Compensation does not include maintenance, allowances, and expenses.

(2) "Detention officer" means any detention officer who is hired by a sheriff, employed in a detention center, and acting as a detention officer for the sheriff and who has received or is expected to receive training to meet the employment standards set for detention officers by the Montana public safety officer standards and training council established in 2-15-2029.

(3) (a) "Highest average compensation" means:

(i) for members hired prior to [the effective date of this act], the member's highest average monthly compensation during any 36 consecutive months of membership service;

(ii) for members hired on or after [the effective date of this act], the highest average compensation during any 60 consecutive months of membership service; or;

(iii) if a member has not served at least 36 months the minimum specified period of membership service as applicable in subsection (3)(a)(i) or (3)(a)(ii), the total compensation earned divided by the number of months of service.

(b) Lump-sum payments for severance pay, including payment for compensatory leave, sick leave, and annual leave, paid to the member upon termination of employment may be used in the calculation of a retirement benefit only to the extent that they are used to replace, on a month-for-month basis, the normal compensation for a month or months included in the calculation of the highest average compensation. A lump-sum payment may not be added to a single month's compensation.

(4) "Investigator" means a person who is employed by the department of justice as a criminal investigator or as a gambling investigator.

(5) "Sheriff" means any elected or appointed county sheriff or undersheriff or any appointed, lawfully trained, appropriately salaried, and regularly acting deputy sheriff with the requisite professional certification and licensing."

**Section 2. Effective date.** [This act] is effective July 1, 2011.

- END -

I hereby certify that the within bill,  
HB 0135, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

HOUSE BILL NO. 135

INTRODUCED BY C. SQUIRES

BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT BOARD

AN ACT INCREASING THE TIME PERIOD FOR CALCULATING HIGHEST AVERAGE COMPENSATION FOR INDIVIDUALS WHO INITIALLY BECOME MEMBERS OF THE SHERIFFS' RETIREMENT SYSTEM AFTER JUNE 30, 2011; AMENDING SECTION 19-7-101, MCA; AND PROVIDING AN EFFECTIVE DATE.