

SENATE BILL NO. 61

INTRODUCED BY J. TESTER

BY REQUEST OF THE STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING MONTANA AIR NATIONAL GUARD FIREFIGHTERS COVERED BY THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO TRANSFER TO THE FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM; AMENDING SECTION 19-13-210, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 19-13-210, MCA, is amended to read:

"19-13-210. Participation in retirement system. (1) Cities of the first and second class that employ full-paid firefighters shall participate in the retirement system. If a city of the first or second class is reduced to a city of the third class or a town under 7-1-4118, it shall continue to participate in the retirement system as long as it has retired firefighters or survivors eligible to receive retirement benefits.

(2) (a) Firefighters hired by the Montana air national guard on or after October 1, 2001, or on or after the date of the execution of an agreement between the department of military affairs and the board, whichever is later, shall participate in the retirement system.

(b) A Montana air national guard firefighter who is a member of the public employees' retirement system on or before [the effective date of this act] may elect to become a member of the firefighters' unified retirement system by filing a written election with the board during September 2003. An election pursuant to this subsection (2)(b) is effective on the first day of the first full pay period after November 1, 2003. Failure to make an election pursuant to this subsection (2)(b) must be considered an election to remain in the public employees' retirement system. A firefighter who elects to become a member of the firefighters' unified retirement system pursuant to this subsection (2)(b) may transfer the member's service from the public employees' retirement system under the provisions of 19-13-404."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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