

HOUSE BILL NO. 81

INTRODUCED BY J. HAMILTON

BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT BOARD

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE ADMINISTRATION OF THE PUBLIC EMPLOYEE RETIREMENT SYSTEMS ADMINISTERED BY THE PUBLIC EMPLOYEES' RETIREMENT BOARD; REVISING PROVISIONS RELATED TO ALTERNATE PAYEE RIGHTS UNDER FAMILY LAW ORDERS, REQUIRED BENEFIT DISTRIBUTIONS UNDER FEDERAL LAW, AND MILITARY SERVICE PURCHASE ELIGIBILITY; CLARIFYING WHEN GUARANTEED ANNUAL BENEFIT ADJUSTMENTS MAY COMMENCE; CLARIFYING THE AMOUNT OF THE GUARANTEED ANNUAL BENEFIT ADJUSTMENT PAYABLE UNDER THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM DEFINED BENEFIT PLAN; CLARIFYING PROVISIONS GOVERNING LONG-TERM DISABILITY BENEFIT PAYMENTS UNDER THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM DEFINED CONTRIBUTION PLAN; AMENDING SECTIONS 19-2-907, 19-2-908, 19-2-1007, 19-3-503, 19-3-1605, 19-3-2114, 19-3-2124, 19-3-2141, 19-5-410, 19-6-801, 19-7-803, 19-8-901, 19-9-403, AND 19-13-403, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 19-2-907, MCA, is amended to read:

"19-2-907. Alternate payees -- family law orders -- rulemaking. (1) A participant in a retirement system may have the participant's rights modified or recognized by a family law order.

(2) For purposes of this section:

(a) "family law order" means a judgment, decree, or order of a court of competent jurisdiction under Title 40 concerning child support, parental support, spousal maintenance, or marital property rights that includes a transfer of all or a portion of a participant's payment rights in a retirement system to an alternate payee in compliance with this section and with section 414(p) of the Internal Revenue Code, 26 U.S.C. 414(p); and

(b) "participant" means an identified person who is a member or an actual or potential beneficiary,

1 survivor, or contingent annuitant of a retirement system or plan designated pursuant to Title 19, chapter 3, 5, 6,
2 7, 8, 9, 13, or 17.

3 (3) A family law order must identify a participant and an alternate payee by full name, current address,
4 date of birth, and social security number. An alternate payee's rights and interests granted in compliance with
5 this section are not subject to assignment, execution, garnishment, attachment, or other process. An alternate
6 payee's rights or interests may be modified only by a family law order amending the family law order that
7 established the right or interest.

8 (4) Except as provided in subsection (6)(a), a family law order may not require:

9 (a) a type or form of benefit, option, or payment not available to the affected participant under the
10 appropriate retirement system or plan; or

11 (b) an amount or duration of payment greater than that available to a participant under the appropriate
12 retirement system or plan.

13 (5) With respect to a defined benefit plan, a family law order may provide for payment to an alternate
14 payee only as follows:

15 (a) Retirement benefit payments or refunds may be apportioned by directing payment of either a
16 percentage of the amount payable or a fixed amount of no more than the amount payable to the participant.
17 Payments to an alternate payee may be limited to a specific amount each month if the number of payments is
18 specified.

19 (b) The maximum amount of disability or survivorship benefits that may be paid to alternate payees is
20 the monthly benefit amount that would have been payable on the date of termination of service if the member
21 had retired without disability or death. The maximum amount paid may be zero, depending on the member's
22 age and service credit at the time of disability or death. Conversion of a disability retirement to a service
23 retirement pursuant to 19-2-406(5), 19-3-1015(2), 19-6-612(2), or 19-8-712(2) does not increase the maximum
24 monthly amount that may be paid to an alternate payee.

25 (c) Retirement benefit adjustments for which a participant is eligible after retirement may be paid as a
26 percentage only if existing benefit payments are paid as a percentage. The adjustments must be paid as a
27 percentage in the same ratio as existing benefit payments unless the family law order specifies that the
28 alternate payee is not entitled to benefit adjustments.

1 (d) The participant may be required to choose a specified form of benefit payment or designate a
2 beneficiary or contingent annuitant if the retirement system or plan allows for that option.

3 (6) With respect to a defined contribution plan, a family law order may provide for payment to an
4 alternate payee only as follows:

5 (a) The vested account of the participant may be apportioned by directing payment of either a
6 percentage or a fixed amount. The total amount paid may not exceed the amount in the participant's vested
7 account. The alternate payee may receive the payment only as a direct payment, rollover, or transfer. The
8 alternate payee's portion must be totally disbursed to the alternate payee as soon as administratively feasible
9 upon the board's approval of the family law order.

10 (b) If the participant is receiving periodic payments or an annuity provided under the plan, those
11 payments may be apportioned as a percentage of the amount payable to the participant. Payments to the
12 alternate payee may be limited to a specific amount each month if the number of payments is specified.
13 Payments may not total more than the amount payable to the payee.

14 (7) The duration of monthly payments paid from a defined benefit or defined contribution plan
15 participant to an alternate payee may not exceed the lifetime of the appropriate participant. The duration of the
16 monthly payments may be further limited only to a specified maximum time, the life of the alternate payee, or
17 the life of another specified participant. ~~The~~ Unless a family law order specifies the alternate payee's rights and
18 interests revert to the participant upon the alternate payee's death, the alternate payee's rights and interests
19 survive the alternate payee's death and may be transferred by inheritance or by designation of a beneficiary.

20 (8) The board may assess a participant or an alternate payee for all costs of reviewing and
21 administering a family law order, including reasonable attorney fees. The board may adopt rules to implement
22 this section.

23 (9) Each family law order establishing a final obligation concerning payments by the retirement
24 system must contain a statement that the order is subject to review and approval by the board.

25 (10) The board shall adopt rules to provide for the administration of family law orders."
26

27 **Section 2.** Section 19-2-908, MCA, is amended to read:

28 **"19-2-908. Time of commencement of benefit -- rulemaking.** (1) (a) The board shall grant a

1 benefit to any active or inactive member who is vested, or the member's statutory or designated beneficiary,
2 who has fulfilled all eligibility requirements, terminated service, and filed the appropriate written application with
3 the board. However, the board may, on its own accord and without a written application, begin benefit
4 payments to a member or beneficiary in order to comply with section 401(a)(9) of the Internal Revenue Code.

5 (b) A member may apply for retirement benefits before termination from employment, but
6 commencement of the benefits must be as provided in this section.

7 (2) (a) Except as provided in subsection (2)(b), the service retirement benefit may commence on the
8 first day of the month following the eligible member's last day of employment or, if requested by the member in
9 writing, on the first day of a later month.

10 (b) If an elected official's term of office expires before the 15th day of the month, the official may elect
11 that service retirement benefits from a defined benefit plan commence on the first day of the month following
12 the official's last full month in office. An official electing this option shall file a written application with the board.
13 An official electing this option may not earn membership service, service credit, or compensation for purposes
14 of calculating highest average compensation or final average compensation, as defined under the provisions of
15 the appropriate retirement system, in the partial month ending the official's term, and compensation earned in
16 that partial month is not subject to employer or employee contributions.

17 (3) (a) Subject to the provisions of subsection (3)(b), the disability retirement benefit payable to a
18 member must commence on the day following the member's termination from employment.

19 (b) If a disabled member continues with a purchase of service or chooses to purchase service
20 following termination of employment, the member's disability benefit may not commence until the service
21 purchase is completed.

22 (4) If a member begins receiving retirement benefits payments later than when the member is initially
23 eligible, the guaranteed annual benefit adjustment payable pursuant to 19-3-1605, 19-5-901, 19-6-710, 19-6-
24 711, 19-7-711, 19-8-1105, 19-9-1009, 19-9-1010, 19-9-1013, 19-13-1010, and 19-13-1011 does not commence
25 until January 1 of the year after the year in which the member ~~begins to receive the member's retirement benefit~~
26 payment has received a monthly retirement benefit payment in each of the year's 12 months. The guaranteed
27 annual benefit adjustment may not be paid retroactively.

28 (5) A designated beneficiary eligible to receive a death payment may instead elect a survivorship

1 benefit if the designated beneficiary is a natural person and notifies the board of the designated beneficiary's
 2 election in writing within 90 days after the designated beneficiary receives notice that the designated beneficiary
 3 is eligible to receive a death payment. Monthly survivorship benefits from a defined benefit plan must
 4 commence on the day following the death of the member.

5 (6) Estimated and finalized benefit payments must be issued as provided in rules adopted by the
 6 board.

7 (7) With respect to the defined contribution plan, the board shall adopt rules regarding the
 8 commencement of benefits that are consistent with applicable provisions of the Internal Revenue Code and its
 9 implementing regulations."

10

11 **Section 3.** Section 19-2-1007, MCA, is amended to read:

12 **"19-2-1007. Required distributions.** The benefits payable by a retirement system or plan subject to
 13 this chapter are subject to the requirements of section 401(a)(9) of the Internal Revenue Code as follows:

14 (1) (a) Benefits must begin by ~~the later of~~ April 1 of the calendar year following the later of:

15 (i) the calendar year in which the member reaches 70 1/2 years of age if the member was born before
 16 July 1, 1949, or 72 years of age if the member was born after June 30, 1949; or April 1 of

17 (ii) the calendar year following the calendar year in which the member terminates employment.

18 (b) ~~If a member fails to apply for retirement benefits by April 1 of the year following the calendar year~~
 19 ~~in which the member attains age 70 1/2 or April 1st of the year following the calendar year in which the member~~
 20 ~~terminates employment, whichever is later~~ benefits must begin under subsection (1)(a), the board shall begin
 21 distribution of the ~~benefit~~ benefits as required by the retirement system or plan to which the member belongs or,
 22 subject to subsection (2), as an option 4 benefit in chapters 3, 5, 7, and 8 of this title.

23 (2) The member's entire interest in a retirement system or plan must be distributed over the life of the
 24 member or the lives of the member and a designated beneficiary or over a period not extending beyond the life
 25 expectancy of the member or the life expectancy of the member and a designated beneficiary. Death benefits
 26 must be distributed in accordance with section 401(a)(9) of the Internal Revenue Code and the regulations
 27 implementing that section.

28 (3) The life expectancy of a member or the member's beneficiary may not be recalculated after

1 payment of the benefits has begun.

2 (4) When a member dies after distribution of benefits has begun, the remaining portion of the
3 member's interest must be distributed beginning within 3 months of notification to the board of the death of the
4 member and, if necessary, the identification of the beneficiary pursuant to 19-2-802 and must be distributed at
5 least as rapidly as under the method of distribution prior to the member's death.

6 (5) When a member dies before distribution of benefits has begun, the entire interest of the member
7 must be distributed within 5 years of the member's death. The 5-year payment rule does not apply to any
8 portion of the member's interest that is payable to a designated beneficiary over the life or life expectancy of the
9 beneficiary and that begins within 1 year after the date of the member's death. The 5-year payment rule does
10 not apply to any portion of the member's interest that is payable to a surviving spouse, that is payable over the
11 life or life expectancy of the spouse, and that begins no later than the date the member would have reached
12 70 1/2 years of age if the member was born before July 1, 1949, or 72 years of age if the member was born
13 after June 30, 1949. Distributions to a member's beneficiary must begin as soon as administratively feasible,
14 but must begin no later than December 31 of the calendar year immediately following the calendar year in
15 which the member died. If the beneficiary has not elected the form of payment by that date, payment to the
16 beneficiary must be made in the form of a lifetime monthly benefit payment if the beneficiary is eligible for a
17 monthly benefit or in a lump sum if that is the only benefit payable to the beneficiary.

18 (6) The benefits payable must meet the minimum distribution incidental benefit requirements of
19 section 401(a)(9)(G) of the Internal Revenue Code."
20

21 **Section 4.** Section 19-3-503, MCA, is amended to read:

22 **"19-3-503. Application to purchase military service.** (1) (a) Except as provided in subsection (1)(b)
23 and subject to 19-3-514, a member with at least 5 years of membership service may, at any time prior to
24 retirement, file a written application with the board to purchase service credit and membership service for up to
25 5 years of the member's active service in the armed forces of the United States, including the first special
26 service force or the American merchant marine in oceangoing service during the period of armed conflict,
27 December 7, 1941, to August 15, 1945.

28 (b) A member is not eligible to purchase active military service credit and membership service under

1 subsection (1)(a) if the member:

- 2 ~~(i) has retired from active duty in the armed forces of the United States, including the first special~~
 3 ~~service force or the American merchant marine in oceangoing service during the period of armed conflict,~~
 4 ~~December 7, 1941, to August 15, 1945, with a military service retirement benefit based on that military service;~~
 5 ~~(ii) is eligible, pursuant to 19-2-707, to receive credit in the system for that service under 19-2-707; or~~
 6 ~~(iii) is eligible to receive credit for that service in any other retirement system or plan.~~

7 (2) (a) Except as provided in subsection (2)(b) and subject to 19-3-514, a member with at least 5
 8 years of membership service may, at any time prior to retirement, file a written application with the board to
 9 purchase service credit and membership service for up to 5 years of the member's reserve military service in
 10 the armed forces of the United States.

11 (b) A member is not eligible to purchase reserve military service credit and membership service under
 12 subsection (2)(a) if the member is eligible, ~~pursuant to 19-2-707, to receive credit in the system for that service~~
 13 ~~under 19-2-707.~~

14 (3) To purchase service credit and membership service under this section, the member shall pay the
 15 actuarial cost of the member's active or reserve military service credit based on the system's most recent
 16 actuarial valuation."

17

18 **Section 5.** Section 19-3-1605, MCA, is amended to read:

19 **"19-3-1605. Guaranteed annual benefit adjustment.** (1) Subject to subsection (2), on January 1 of
 20 each year, the permanent monthly benefit payable during the preceding January to each recipient who is
 21 eligible under subsection (3) must be increased by the applicable percentage provided in subsection (4).

22 (2) (a) If a recipient's benefit payable during the preceding January has been increased by one or
 23 more adjustments not provided for in this section and the adjustments amount to less than an annualized
 24 increase of the applicable percentage provided in subsection (4), then the recipient's benefit must be adjusted
 25 by an amount that will provide a total annualized increase of the applicable percentage in the benefit paid since
 26 the preceding January.

27 (b) If a recipient's benefit payable during the preceding January has been increased by one or more
 28 adjustments not provided for in this section and the increases amount to more than an annualized increase of

1 the applicable percentage provided in subsection (4), then the benefit increase provided under this section must
2 be 0%.

3 (c) If a benefit recipient is a contingent annuitant receiving an optional benefit upon the death of the
4 original payee that occurred since the preceding January, the new recipient's monthly benefit must be
5 increased to the applicable percentage provided in subsection (4)(b) more than the amount that the contingent
6 annuitant would have received had the contingent annuitant received a benefit during the preceding January.

7 (3) Except as provided in subsection (2)(b), a benefit recipient is eligible for and must receive the
8 minimum annual benefit adjustment provided for in this section if the benefit's commencement date is at least
9 12 months prior to January 1 of the year in which the adjustment is to be made.

10 (4) (a) ~~Subject to subsection (5), the applicable percentage rate is 1.5% for benefit recipients hired or~~
11 ~~assuming office:~~

12 ~~(i) before July 1, 2007;~~

13 ~~(ii) on or after July 1, 2007, and prior to July 1, 2013, if the benefit recipient is an existing member of a~~
14 ~~benefit plan for which the applicable percentage before July 1, 2013, was either 3% or 1.5%; or~~

15 ~~(iii) on or after July 1, 2013.~~

16 ~~(b) The applicable percentage rate for a contingent annuitant described in subsection (2)(c) is the~~
17 ~~same as the applicable percentage rate applicable to the original payee under subsection (4)(a). The applicable~~
18 ~~percentage increase under subsection (1) is 3% if the member was hired or assumed office:~~

19 ~~(i) before July 1, 2007; or~~

20 ~~(ii) on or after July 1, 2007, and before July 1, 2013, and the benefit recipient is a member of a~~
21 ~~retirement system provided for in this title, and the guaranteed annual benefit adjustment provision for that~~
22 ~~member under that system is a 3% benefit increase.~~

23 ~~(b) The applicable percentage increase under subsection (1) is 1.5% if the member was hired or~~
24 ~~assumed office on or after July 1, 2007, and before June 30, 2013, and the benefit recipient is not otherwise~~
25 ~~covered under subsection (4)(a)(ii).~~

26 ~~(c) The applicable percentage increase under subsection (1) is 1.5% if the member was hired or~~
27 ~~assumed office on or after July 1, 2013, subject to reduction as provided in subsection (5).~~

28 (5) (a) Except as provided in subsection (5)(b), if the most recent actuarial valuation of the retirement

1 system shows that retirement system liabilities are less than 90% funded, the applicable percentage ~~rate~~
2 increase in subsection (4)(c) must be reduced by 0.1% for each 2% below that 90% funding level.

3 (b) If the amortization period is 40 years or greater, the applicable percentage ~~rate is~~ increase in
4 subsection (4)(c) must be reduced to 0% and the retirement allowance may not be increased.

5 (6) The board shall adopt rules to administer the provisions of this section."
6

7 **Section 6.** Section 19-3-2114, MCA, is amended to read:

8 **"19-3-2114. Amount available to transfer.** ~~(1) (a) For an employee who was an active member of~~
9 ~~the system on the day before the effective date of the defined contribution plan and who elects to transfer to the~~
10 ~~plan:~~

11 ~~(i) for amounts contributed prior to July 1, 2002, the board shall transfer from the defined benefit plan~~
12 ~~to the member's retirement account the employee's contributions and the percentage of the employer's~~
13 ~~contributions specified in subsection (1)(b), plus 8% compounded annual interest on the total of the transferred~~
14 ~~employee and employer contributions from the month that the contributions were received; and~~

15 ~~(ii) for amounts contributed on or after July 1, 2002, the board shall transfer from the defined benefit~~
16 ~~plan to the member's retirement account an amount equal to the amount that would have been allocated to the~~
17 ~~member's account pursuant to 19-3-2117, plus 8% compounded annual interest from the month that the~~
18 ~~contributions were received.~~

19 ~~(b) Based on the contribution amount historically available to pay unfunded liabilities in the defined~~
20 ~~benefit plan and the transferring member's years of membership service, the percentage of the employer~~
21 ~~contributions that may be transferred are as follows:~~

Years of membership service	Percentage of employer contributions available to transfer
Less than 5 years	65.53%
5 to 9 years	58.59%
10 to 14 years	55.26%
15 to 19 years	55.42%
20 or more years	57.53%

1 ~~(2) For an employee hired on or after the effective date of the defined contribution plan who elects to~~
 2 become a member of the plan, the board shall transfer from the defined benefit plan to the member's retirement
 3 account an amount equal to the amount that would have been allocated to the member's account pursuant to
 4 19-3-2117 had the employee become a plan member on the employee's hire date, plus:

5 ~~(a) 8% compounded annual interest from the initial month that the contributions were received~~
 6 ~~through the last month that the contributions were received prior to July 1, 2011; and~~

7 ~~(b) 7.75% compounded annual interest from July 1, 2011, forward~~ compounded annual interest equal
 8 to the assumed rate of return on investments adopted by the board as of the effective date of the transfer.

9 ~~(3) For an employee who was an inactive member of the defined benefit plan on the date that the~~
 10 ~~defined contribution plan became effective and who after that date became an active member and elected to~~
 11 ~~transfer to the defined contribution plan:~~

12 ~~(a) for amounts contributed prior to July 1, 2002, the board shall transfer from the defined benefit plan~~
 13 ~~to the member's retirement account the employee's contributions and the percentage of the employer's~~
 14 ~~contributions specified in subsection (1)(b), plus 8% compounded annual interest on the total of the transferred~~
 15 ~~employee and employer contributions from the month that the contributions were received; and~~

16 ~~(b) for amounts contributed on or after July 1, 2002, the board shall transfer from the defined benefit~~
 17 ~~plan to the member's retirement account an amount equal to the amount that would have been allocated to the~~
 18 ~~member's account pursuant to 19-3-2117, plus:~~

19 ~~(i) 8% compounded annual interest from the initial month that the contributions were received through~~
 20 ~~the last month that the contributions were received prior to July 1, 2011; and~~

21 ~~(ii) 7.75% compounded annual interest from July 1, 2011, forward."~~

22
 23 **Section 7.** Section 19-3-2124, MCA, is amended to read:

24 **"19-3-2124. Distribution options for plan members -- rulemaking -- minimum distribution**
 25 **requirements -- restrictions.** (1) Subject to 19-3-2116, 19-3-2126, and 19-3-2142, a member may, after
 26 termination of service, leave the member's vested account balance in the plan, and the member is eligible for a
 27 distribution as provided in this section.

28 (2) After termination of service and upon filing a written application with the board, a member may, if

1 provided for by the board, select a distribution option offered pursuant to a contract negotiated by the board
2 with a plan vendor or vendors.

3 (3) A member who is less than 70 1/2 years of age if the member was born before July 1, 1949, or
4 less than 72 years of age if the member was born after June 30, 1949, who returns to service may not continue
5 to receive a distribution under this section while actively employed in a covered position.

6 (4) The board shall adopt rules to administer this section and to provide that distributions comply with
7 the minimum distribution requirements established in the Internal Revenue Code and applicable under 19-2-
8 1007."

9

10 **Section 8.** Section 19-3-2141, MCA, is amended to read:

11 **"19-3-2141. Long-term disability plan -- benefit amount -- eligibility -- administration and**
12 **rulemaking.** (1) For members hired prior to July 1, 2011:

13 (a) except as provided in subsection (1)(b), a disabled member eligible under the provisions of this
14 section is entitled to a disability benefit equal to one fifty-sixth of the member's highest average compensation,
15 as defined in 19-3-108, multiplied by the member's years of service credit, including any service credit
16 purchased under 19-3-513;

17 (b) an eligible member with at least 25 years of membership service is entitled to a disability benefit
18 equal to 2% of the member's highest average compensation, as defined in 19-3-108, multiplied by the
19 member's years of service credit, including any service credit purchased under 19-3-513.

20 (2) For members hired on or after July 1, 2011, the monthly disability benefit payable to a disabled
21 member eligible under the provisions of this section who has:

22 (a) more than 5 but less than 10 years of membership service is equal to 1.5% of the member's
23 highest average compensation multiplied by the member's years of service credit, including any additional
24 service credit purchased under 19-3-513;

25 (b) 10 or more but less than 30 years of membership service is equal to one fifty-sixth of the
26 member's highest average compensation multiplied by the member's years of service credit, including any
27 additional service credit purchased under 19-3-513; or

28 (c) 30 or more years of membership service is equal to 2% of the member's highest average

1 compensation multiplied by the member's years of service credit, including any additional service credit
2 purchased under 19-3-513.

3 (3) Payment of the disability benefit provided in this section is subject to the following:

4 (a) the member must be vested in the plan as provided in 19-3-2116;

5 (b) for members hired prior to July 1, 2011:

6 (i) if the member's disability occurred when the member was 60 years of age or less, the benefit may
7 be paid only until the member reaches 65 years of age; and

8 (ii) if the member's disability occurred after the member reached 60 years of age, the benefit may be
9 paid for no more than 5 years;

10 (c) for members hired on or after July 1, 2011:

11 (i) if the member's disability occurred when the member was less than 65 years of age, the benefit
12 may be paid only until the member reaches 70 years of age; and

13 (ii) if the member's disability occurred after the member reached 65 years of age, the benefit may be
14 paid for no more than 5 years;

15 (d) the provisions of 19-3-1103 and 19-3-1104; and

16 ~~(d)~~(e) the member shall satisfy the other applicable requirements of this section and the board's rules
17 adopted to implement this section.

18 (4) Application for a disability benefit must be made in accordance with 19-2-406.

19 (5) The board shall make determinations on disability claims and conduct medical reviews in a
20 manner consistent with the provisions of 19-2-406 and 19-3-1015. A member may seek review of a board
21 determination as provided in rules adopted by the board.

22 (6) If a member receiving a disability benefit under this section dies, the disability benefit payments
23 cease and the member's beneficiary is entitled to death benefits only as provided for in 19-3-2125. Any
24 disability benefits paid in error after the member's death may be recovered by the board pursuant to 19-2-903.

25 (7) The board shall establish a long-term disability plan trust fund from which disability benefit costs
26 pursuant to this section must be paid. The trust fund must be entirely separate and distinct from the defined
27 benefit plan trust fund.

28 (8) The board shall perform the duties, exercise the powers, and adopt reasonable rules to implement

1 the provisions of this section."
2

3 **Section 9.** Section 19-5-410, MCA, is amended to read:

4 **"19-5-410. Application to purchase military service credit.** (1) (a) Except as provided in
5 subsection (1)(b) and subject to 19-5-411, a member with at least 5 years of membership service may, at any
6 time prior to retirement, file a written application with the board to purchase service credit and membership
7 service for up to 5 years of the member's active service in the armed forces of the United States.

8 (b) A member is not eligible to purchase active military service credit and membership service under
9 subsection (1)(a) if the member:

10 ~~(i) has retired from active duty in the armed forces of the United States with military retirement~~
11 ~~benefits based on that military service;~~

12 ~~(ii) is eligible, pursuant to 19-2-707, to receive credit in the system for that service under 19-2-707; or~~

13 ~~(iii) is eligible to receive credit for that service in any other retirement system or plan.~~

14 (2) (a) Except as provided in subsection (2)(b) and subject to 19-5-411, a member with at least 5
15 years of membership service may, at any time prior to retirement, file a written application with the board to
16 purchase service credit and membership service for up to 5 years of the member's reserve military service in
17 the armed forces of the United States.

18 (b) A member is not eligible to purchase reserve military service credit and membership service under
19 subsection (2)(a) if the member is eligible, pursuant to 19-2-707, to receive credit in the system for that service
20 under 19-2-707.

21 (3) To purchase service credit and membership service under this section, the member shall pay the
22 actuarial cost of the member's active or reserve military service credit based on the system's most recent
23 actuarial valuation."
24

25 **Section 10.** Section 19-6-801, MCA, is amended to read:

26 **"19-6-801. Application to purchase military service.** (1) (a) Except as provided in subsection (1)(b)
27 and subject to 19-6-805, an eligible member may, at any time prior to retirement, file a written application with
28 the board to purchase service credit and membership service for up to 5 years of the member's active service in

1 the armed forces of the United States.

2 (b) A member is not eligible to purchase active military service credit and membership service under
3 subsection (1)(a) if the member:

4 ~~(i) has retired from active duty in the armed forces of the United States with military retirement~~
5 ~~benefits based on that military service;~~

6 ~~(ii) is eligible, pursuant to 19-2-707, to receive credit in the system for that service under 19-2-707; or~~

7 ~~(iii) is eligible to receive credit for that service in any other retirement system or plan.~~

8 (2) (a) Except as provided in subsection (3) and subject to subsection (2)(b) and 19-6-805, a member
9 may, at any time prior to retirement, file a written application with the board to purchase service credit and
10 membership service for up to 5 years of the member's reserve military service in the armed forces of the United
11 States.

12 (b) A member must have at least the following years of membership service to apply to purchase
13 service credit under subsection (2)(a):

14 (i) for a member hired before July 1, 2013, 5 years; and

15 (ii) for a member hired on or after July 1, 2013, 10 years.

16 (3) A member is not eligible to purchase reserve military service credit and membership service under
17 subsection (2)(a) if the member is eligible, pursuant to 19-2-707, to receive credit in the system for that service
18 under 19-2-707.

19 (4) To purchase service credit and membership service under this section:

20 (a) a member with at least 15 years of service credit who is not covered by 19-6-710 shall contribute
21 the amount determined by the board to be due based on the member's compensation and regular contribution
22 rate in the member's 16th year for the 1st year purchased and, for each subsequent year purchased, an
23 amount based on the member's compensation and contribution rate in each of as many years succeeding the
24 member's 16th year as are required to complete the purchase, with regular interest from the date the member
25 becomes eligible for this benefit to the date the purchase is complete. The combined total of active and reserve
26 military service credit and membership service that a member may purchase may be no more than the
27 member's service credit in excess of 15 years or 5 years, whichever is less.

28 (b) (i) a member with at least 5 years of membership service who is covered by 19-6-710 shall pay

1 the actuarial cost of the member's active or reserve military service credit based on the system's most recent
2 actuarial valuation;

3 (ii) a member with at least 10 years of membership service who is covered by 19-6-712 shall pay the
4 actuarial cost of the member's active or reserve military service credit based on the system's most recent
5 actuarial valuation."
6

7 **Section 11.** Section 19-7-803, MCA, is amended to read:

8 **"19-7-803. Application to purchase military service.** (1) (a) Except as provided in subsection (1)(b)
9 and subject to 19-7-805, a member with at least 5 years of membership service may, at any time prior to
10 retirement, file a written application with the board to purchase service credit and membership service for up to
11 5 years of the member's active service in the armed forces of the United States.

12 (b) A member is not eligible to purchase active military service credit and membership service under
13 subsection (1)(a) if the member:

14 (i) ~~has retired from active duty in the armed forces of the United States with military retirement~~
15 ~~benefits based on that military service;~~

16 (ii) ~~is eligible, pursuant to 19-2-707, to receive credit in the system for that service under 19-2-707; or~~

17 (iii) ~~is eligible to receive credit for that service in any other retirement system or plan.~~

18 (2) (a) Except as provided in subsection (2)(b) and subject to 19-7-805, a member with at least 5
19 years of membership service may, at any time prior to retirement, file a written application with the board to
20 purchase service credit and membership service for up to 5 years of the member's reserve military service in
21 the armed forces of the United States.

22 (b) A member is not eligible to purchase reserve military service credit and membership service under
23 subsection (2)(a) if the member is eligible, ~~pursuant to 19-2-707, to receive credit in the system for that service~~
24 under 19-2-707.

25 (3) To purchase service credit and membership service under this section, the member shall pay the
26 actuarial cost of the member's active or reserve military service credit based on the system's most recent
27 actuarial valuation."
28

1 **Section 12.** Section 19-8-901, MCA, is amended to read:

2 **"19-8-901. Application to purchase military service.** (1) (a) Except as provided in subsection (1)(b)
3 and subject to 19-8-906, a member with at least 5 years of membership service may, at any time prior to
4 retirement, file a written application with the board to purchase service credit and membership service for up to
5 5 years of the member's active service in the armed forces of the United States.

6 (b) A member is not eligible to purchase active military service credit and membership service under
7 subsection (1)(a) if the member:

8 ~~(i) has retired from active duty in the armed forces of the United States with military retirement~~
9 ~~benefits based on that military service;~~

10 ~~(ii) is eligible, pursuant to 19-2-707, to receive credit in the system for that service under 19-2-707; or~~

11 ~~(iii) is eligible to receive credit for that service in any other retirement system or plan.~~

12 (2) (a) Except as provided in subsection (2)(b) and subject to 19-8-906, a member with at least 5
13 years of membership service may, at any time prior to retirement, file a written application with the board to
14 purchase service credit and membership service for up to 5 years of the member's reserve military service in
15 the armed forces of the United States.

16 (b) A member is not eligible to purchase reserve military service credit and membership service under
17 subsection (2)(a) if the member is eligible, ~~pursuant to 19-2-707~~, to receive credit in the system for that service
18 under 19-2-707.

19 (3) To purchase service credit and membership service under this section, the member shall pay the
20 actuarial cost of the member's active or reserve military service based on the system's most recent actuarial
21 valuation."
22

23 **Section 13.** Section 19-9-403, MCA, is amended to read:

24 **"19-9-403. Application to purchase military service.** (1) (a) Except as provided in subsection (1)(b)
25 and subject to 19-9-406, a member with at least 5 years of membership service may, at any time prior to
26 retirement, file a written application with the board to purchase service credit and membership service for up to
27 5 years of the member's active duty service in the armed forces of the United States.

28 (b) A member is not eligible to purchase active military service credit and membership service under

1 subsection (1)(a) if the member:

2 ~~(i) has retired from active duty in the armed forces of the United States with a military retirement~~
3 ~~benefit based on that military service;~~

4 ~~(ii) is eligible, pursuant to 19-2-707, to receive credit in the system for that service under 19-2-707; or~~

5 ~~(iii) is eligible to receive credit for that service in any other retirement system or plan.~~

6 (2) (a) Except as provided in subsection (2)(b) and subject to 19-9-406, a member with at least 5
7 years of membership service may, at any time prior to retirement, file a written application with the board to
8 purchase service credit and membership service for up to 5 years of the member's reserve military service in
9 the armed forces of the United States.

10 (b) A member is not eligible to purchase reserve military service credit and membership service under
11 subsection (2)(a) if the member is eligible, pursuant to 19-2-707, to receive credit in the system for that service
12 under 19-2-707.

13 (3) To purchase service credit and membership service under this section, the member shall pay the
14 actuarial cost of the member's active or reserve military service credit based on the system's most recent
15 actuarial valuation."
16

17 **Section 14.** Section 19-13-403, MCA, is amended to read:

18 **"19-13-403. Application to purchase military service.** (1) (a) Except as provided in subsection
19 (1)(b) and subject to 19-13-406, a member with at least 5 years of membership service may, at any time prior to
20 retirement, file a written application with the board to purchase service credit and membership service for up to
21 5 years of the member's active duty service in the armed forces of the United States.

22 (b) A member is not eligible to purchase active military service credit and membership service under
23 subsection (1)(a) if the member:

24 ~~(i) has retired from active duty in the armed forces of the United States with military retirement~~
25 ~~benefits based on that military service;~~

26 ~~(ii) is eligible, pursuant to 19-2-707, to receive credit in the system for that service under 19-2-707; or~~

27 ~~(iii) is eligible to receive credit for that service in any other retirement system or plan.~~

28 (2) (a) Except as provided in subsection (2)(b) and subject to 19-13-406, a member with at least 5

1 years of membership service may, at any time prior to retirement, file a written application with the board to
2 purchase service credit and membership service for up to 5 years of the member's reserve military service in
3 the armed forces of the United States.

4 (b) A member is not eligible to purchase reserve military service credit and membership service under
5 subsection (2)(a) if the member is eligible, pursuant to ~~19-2-707~~, to receive credit in the system for that service
6 under 19-2-707.

7 (3) To purchase service credit and membership service under this section, the member shall pay the
8 actuarial cost of the service credit based on the system's most recent actuarial valuation."
9

10 NEW SECTION. Section 15. Effective date. [This act] is effective July 1, 2021.

11 - END -