



# **DRAFT 2024 LEGISLATOR'S GUIDE TO MONTANA'S PUBLIC EMPLOYEE RETIREMENT SYSTEMS**



**State Administration and Veterans'  
Affairs Interim Committee**

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# INTRODUCTION

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## OVERVIEW

The 2024 Legislator's Guide to Montana's Public Employee Retirement Systems is intended to serve as a tool for legislators to use when examining Montana's public employee retirement systems and related policy issues. The State Administration and Veterans' Affairs Interim Committee (SAVA) has been producing the Legislator's Guide since 2008 to provide background information, reference material, and context for legislators as they make decisions related to the state's retirement systems.

## IMPACT TO MONTANA

As of June 30, 2024, the actuarial value of trust fund assets in Montana's nine defined benefit public employee retirement systems totaled more than \$XXX billion. The actuarially accrued liability (AAL) totaled more than \$XXX billion, of which roughly \$XXX billion is considered unfunded (UAAL).

There are currently XXX active members enrolled and XXX retirees and benefit recipients - roughly X% of the state's population or X out of every X Montanans. There are over XXX employers across the state, including local governments, school districts, community colleges, and state agencies.

## ROLE OF THE SAVA INTERIM COMMITTEE

Under section 5-5-228, Montana Code Annotated, the SAVA committee shall:

- a. consider the actuarial and fiscal soundness of the state's public employee retirement systems, based on reports from the teachers' retirement board, the public employees' retirement board, and the board of investments, and study and evaluate the equity and benefit structure of the state's public employee retirement systems;
- b. establish principles of sound fiscal and public policy as guidelines;
- c. as necessary, develop legislation to keep the retirement systems consistent with sound policy principles; and
- d. publish, for legislators' use, information on the public employee retirement systems that the committee considers will be valuable to legislators when considering retirement legislation.

## NOTE ABOUT TERMINOLOGY

Throughout this guide, the terms retirement system and retirement plan are used interchangeably. Nearly all of the public employee retirement plans are named systems in Montana statute. All but one of these systems consists of a single plan. However, one system, the Public Employees' Retirement System (PERS), consists of two different retirement plans, a defined benefit plan and a defined contribution plan. Therefore, with respect to PERS, the term system refers to both plans.

For the purposes of this guide, the terms retirement plan and pension plan are used interchangeably. The actual names of most of the public employee retirement plans include the words retirement system.

A list of pension acronyms can be found in Appendix A and a glossary of pension terms can be found in Appendix B at the end of this report.

## GREEN SHEETS

In addition to this guide, the staff from Legislative Services (LSD), in partnership with the Montana Public Employee Retirement Administration (MPERA), the Teachers' Retirement System (TRS), the Montana Board of Investments (BOI), the Office of the Commissioner of Higher Education (OCHE), and the Legislative Fiscal Division (LFD), produces the Green Sheets each fall containing the benefit, actuarial and investment data from the previous fiscal year. [The FY 24 Green Sheets can be found here: XXX.](#)

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# CHAPTER 1: PRIMER ON RETIREMENT PLANS

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## PURPOSE OF RETIREMENT PLANS

Retirement plans started as an alternate method for employers to compensate their employees for services rendered. Later, employers used retirement plans as a recruiting and retention tool that supplemented regular compensation. Today, employers often view retirement plans as a method to recruit, compensate, and retain employees. Employees typically view employer-sponsored retirement plans as their primary way to save and invest their earned compensation to ensure financial security in retirement.

## TYPES OF RETIREMENT PLANS

There are three major types of retirement plans in the public sector: defined benefit (DB), defined contribution (DC), and hybrid plans. There is no universal answer as to what is considered the optimal retirement plan structure, as this varies based on the needs and objectives of the plan sponsor and population covered, and the legal and regulatory environment of the state or municipality.

Regardless of the type of plan, all use the same basic retirement funding equation:

$$\mathbf{C + I = B + E}$$

**Contributions + Investment Income = Benefits Paid + Expenses (Administration)**

## DEFINED BENEFIT PLANS

- A defined benefit (DB) plan is an employer-sponsored retirement plan that provides a specific monthly benefit at retirement. The employee's salary and length of service determine the retirement benefit.
- DB plan funds typically include a combination of employer contributions, employee contributions, and investment earnings. Actuarial valuation results determine recommendations for contribution rates.
- Public pension assets are put into a pooled trust fund and are managed by professionals at the state level. The pooled trust fund assets are invested to pre-fund the cost of pension benefits, providing economies of scale that lower fees and increase returns. Retirees receive set monthly installments rather than a lump sum and the benefit is guaranteed for the rest of their life.
- Investment performance does not affect the value of a DB plan benefit but may affect or cap cost-of-living adjustments.
- The typical DB plan places some responsibility and risk on both the employer and employee.
- DB plans are the most prevalent plan design in the public sector.

## DEFINED CONTRIBUTION PLANS

- A defined contribution (DC) plan is an employer-sponsored retirement savings vehicle that accumulates savings based on contributions to an employee's individual retirement account. DC plans do not promise a specific retirement benefit.
- In a DC plan, the employee, employer, or both contribute to the plan. The contribution amount is typically a certain percentage of the employee's salary.

- DC plans typically do not pool assets, and instead, employees have a range of investment options to manage individually. The employee receives the balance in their account upon retirement. The 401(k) plan is the most popular form of DC plan.
- Employees assume the investment and longevity risks in DC plans. Employers fulfill their annual obligations as their contributions are made but may face some uncertainty about timely retirements if investment returns drop close to an employee's retirement date and the employee decides to delay.
- Many states offer employees a DC plan as a supplemental retirement savings plan or as an optional alternative to the DB plan. Three states - Alaska, Michigan, and Oklahoma - and the District of Columbia offer only a DC plan on a statewide basis for broad employee groups.

## HYBRID PLANS

- Hybrid pension plans combine elements of both DB and DC plans. The most common government-sponsored hybrid plan types are combination plans and cash balance plans.
- Combination plans feature a DB component that is typically more modest than a traditional DB plan combined with a mandatory DC plan. Eleven states offer combination hybrid plans, either optional or compulsory.
- Cash balance plans combine elements of traditional pensions with individual savings accounts into a single plan. Employers generally guarantee an annual rate of return on an account the employer, employee, or both contribute. Five states offer cash balance hybrid plans: California, Kansas, Kentucky, Nebraska, and Texas.
- Core elements of all hybrid plans include mandatory participation, shared financing and risk among employers and employees, pooled assets, and required lifetime benefit payouts.

## TYPES OF RETIREMENT PLANS - COMPARISON CHART

ISSUE	DB PLANS	DC PLANS	HYBRID PLANS
<b>Philosophical Perspective</b>	<p><b>Employer Responsibility.</b></p> <ul style="list-style-type: none"> <li>• Employer is obligated to provide a base retirement benefit.</li> <li>• Contributions are pooled and debts or gains, usually caused by market fluctuations, are shared by employers in the pool.</li> <li>• Unfunded liabilities are typical.</li> <li>• Reasonable amortization schedule provides financial security.</li> </ul>	<p><b>Employee Responsibility.</b></p> <ul style="list-style-type: none"> <li>• Employer responsibility ends with contribution to the plan.</li> <li>• Employee bears investment risks and responsibilities.</li> <li>• No gains or losses to a shared plan, so no unfunded liabilities, no amortization schedule, and no actuarial valuations.</li> </ul>	<p><b>Shared Responsibility.</b></p> <ul style="list-style-type: none"> <li>• The employer guarantees a certain defined benefit amount, which alone is not sufficient.</li> <li>• Depending on the plan's design, the employee's benefit will depend also on the employee's individual account balance, so the employee also has responsibility and bears a risk.</li> </ul>
<b>Flexibility</b>	<p><b>Less.</b></p> <ul style="list-style-type: none"> <li>• A DB plan usually provides only the option of how the defined benefit is to be paid out, e.g., as a single life annuity, joint and survivor annuity, term certain, etc.</li> </ul>	<p><b>More.</b></p> <ul style="list-style-type: none"> <li>• Depending on design, the plan may allow participants to choose contribution amount, investment options, and form of payout.</li> </ul>	<p><b>Depends on Plan.</b></p> <ul style="list-style-type: none"> <li>• Flexibility will depend on plan features, but the DB portion will be less flexible, while the DC portion will add some flexibility.</li> </ul>

<b>Portability</b>	<p><b>Less.</b></p> <ul style="list-style-type: none"> <li>• Employer contributions are not made to individual accounts, so if an employee leaves employment before vesting, the employee is usually not eligible for a retirement benefit or to take or transfer employer contributions.</li> </ul>	<p><b>More.</b></p> <ul style="list-style-type: none"> <li>• Employer contributions are made to individual accounts. Money in the account may not be accessible until retirement, but the employee can continue to manage the account.</li> <li>• Actual portability depends on the specific provisions of the plan, which may or may not limit transferability.</li> </ul>	<p><b>Depends on Plan.</b></p> <ul style="list-style-type: none"> <li>• Portability will depend on plan features, but the DB portion will be less portable, while the DC portion will add some portability.</li> </ul>
<b>Investment Risk and Return</b>	<p><b>Risk Assumed by Employer.</b></p> <ul style="list-style-type: none"> <li>• To the extent that assumptions or projections differ from actual experience, the pension funds may experience gains or losses.</li> <li>• Pension assets are pooled.</li> <li>• Gains and losses are smoothed over a long-term period.</li> <li>• Risk is therefore minimized.</li> </ul>	<p><b>Risk Assumed by Employee.</b></p> <ul style="list-style-type: none"> <li>• Employees may select a risk/return tradeoff to fit personal circumstances.</li> </ul>	<p><b>Shared Risk.</b></p> <ul style="list-style-type: none"> <li>• Exact details depend on the plan's design.</li> </ul>
<b>Who Benefits</b>	<p><b>Career Employees.</b></p> <ul style="list-style-type: none"> <li>• Typically, longer-term or older employees benefit most.</li> </ul>	<p><b>Short-Term Employees.</b></p> <ul style="list-style-type: none"> <li>• Typically, shorter-term and younger employees benefit most (depending on investment choices and realization of assumptions).</li> </ul>	<p><b>Depends on Plan.</b></p>
<b>Pension Security/ Longevity Risk</b>	<p><b>Higher.</b></p> <ul style="list-style-type: none"> <li>• The benefit amount is guaranteed and can be counted on for a lifetime.</li> </ul>	<p><b>Lower.</b></p> <ul style="list-style-type: none"> <li>• The actual benefit amount is not known in advance and a retiree could outlive the benefit.</li> </ul>	<p><b>DB Higher. DC Lower.</b></p> <ul style="list-style-type: none"> <li>• Actual pension security will depend on the plan's features.</li> </ul>
<b>Administrative Costs</b>	<p><b>Paid by Plan Sponsors.</b></p>	<p><b>Paid by Plan Participants.</b></p>	<p><b>Paid by Both Sponsors and Participants.</b></p> <ul style="list-style-type: none"> <li>• Exact amounts depend on the plan's features.</li> </ul>

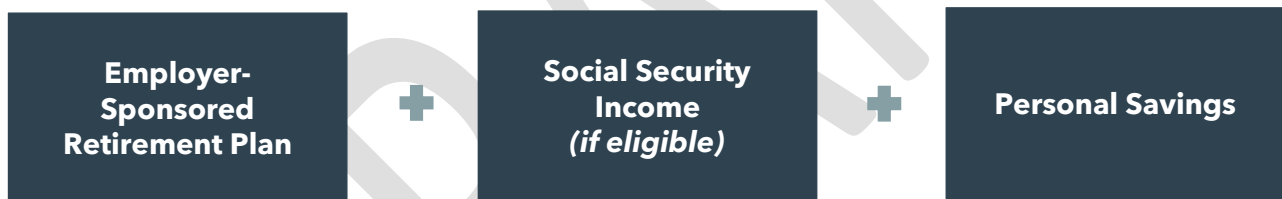
## INCOME NEEDED

A familiar metric used by financial planners to help calculate how much income a person will need to live comfortably in retirement is the income replacement ratio—retirement income expressed as a percentage of pre-retirement income.

An individual's ideal income replacement ratio may be higher or lower depending on the individual's pre-retirement salary. For example, a lower-income worker spends a larger proportion of their income on housing, food, and transportation, so they will need a higher income replacement ratio than an average or higher-income worker. Another consideration is that less income may be needed in retirement because certain costs are lower. For example, income taxes will be lower, a family may no longer have expenses related to raising children, and a house mortgage and car loan will be lower or fully paid off. Thus, how much income a retiree needs will vary from household to household.

Keeping in mind there is not a one-size-fits-all target income replacement ratio, studies have concluded that middle-class families need between 65 and 75 percent income replacement ratio to maintain their lifestyle in retirement, and some experts advise a 70 to 80 percent income replacement ratio.

To achieve an adequate income replacement ratio, a person may need to rely on more than one vehicle for retirement savings. Financial advisers often refer to financial security in retirement as resting on a three-legged stool consisting of an employer-sponsored retirement plan, Social Security income (*if eligible*), and personal savings.



## INHERENT RISKS

There are different perspectives concerning the advantages and risks of DB, DC, and hybrid plans. Although the risks are the same with any plan, the plan's design dictates how risk is managed and the extent to which the employer and employee share the responsibility for managing the risks.

Any retirement plan will have to cope with the following risks:

- Investment risks and market volatility
- Longevity risks (i.e., whether the benefit will last to the end of a retiree's life)
- Inflation risks (i.e., how to provide postretirement benefit increases to keep up with cost of living)

Also, DB, DC, and hybrid plans will offer different approaches about how to provide the following:

- Sufficient benefits in retirement
- Flexibility
- Portability

## **PUBLIC V. PRIVATE RETIREMENT PLANS**

Private sector employers have switched from primarily offering DB plans to primarily offering DC plans, such as 401(k) plans. According to the U.S. Bureau of Labor Statistics, as of March 2020, 76% percent of public state and local workers in the U.S. participated in defined benefit plans while 18% participated in defined contribution plans.

## **SUPPLEMENTAL PLANS**

Montana state government employees and some local government employees may also voluntarily participate in a 457(b) deferred compensation plan to help supplement their retirement plans. School districts and universities may establish 403(b) plans for their employees, and many Montana school districts, and the Montana University System have done so. An individual public employee may also establish a traditional IRA or Roth IRA. Contributions to a traditional IRA are tax deductible if the employee's income does not exceed a certain threshold.

## **SOCIAL SECURITY**

The 1935 Social Security Act did not originally allow state and local government employees - including public safety employees such as police officers and firefighters - to participate in Social Security. In 1950, the act was amended to make coverage optional for certain state and local government employees, but still left many public employee groups uncovered. The option for states to allow certain public employees to participate was expanded in subsequent amendments to the act. Congress made Social Security coverage mandatory, starting in July 1991, for most state and local government employees not already covered by a public pension plan. Coverage is provided to these employees through individual agreements with state and local governments. Today, many police officers and firefighters still are not covered by social security. Instead, their employers take the money they would have paid in social security taxes and put it towards the employees' pension funds.

## **PENSION REGULATION**

Sections 400 through 419 of Title 26, U.S.C.—Title 26 is the Internal Revenue Code (IRC)—and attendant federal administrative regulations govern public and private pension plans. Qualified pension plans are plans that comply with the IRC and applicable provisions of the Employee Retirement Income Security Act of 1974 (ERISA). ERISA specifies nondiscrimination standards and regulates reporting and accounting procedures. Qualified plans receive favorable tax treatment; nonqualified plans do not. Except for certain administrative and accounting standards, ERISA does not apply to public pension plans. However, public plans must be qualified under various sections of the IRC in order for employee contributions and accruing benefits to be tax deferred.

## **GASB FINANCIAL REPORTING**

New Governmental Accounting Standards Board (GASB) reporting requirements under GASB Statement No. 67, Financial Reporting for Pension Plans, and GASB Statement No. 68, Accounting and Financial Reporting for Pensions, in 2015 changed how public employers in Montana who participate in a public employee retirement plan must calculate and report pension costs and obligations on their individual governmental financial statements.

Under the new GASB statements, the employers who participate in cost-sharing multiple-employer retirement plans (such as Montana's statewide public employee retirement plans) are now required to show pension obligations on their individual financial statements rather than only on a combined financial statement.

The way that pension liabilities are calculated and shown under the new GASB requirements is different from the way actuaries calculate and show these liabilities for actuarial valuations. Because of these different calculations, the GASB reports may show a higher pension liability than the actuarially calculated liability and therefore also show a lower funded ratio for the plan.

Under GASB, the term "discount rate" is used when referring to the assumed rate of return on investments because the calculations involve discounting (or translating) the future value of assets and liabilities into present values. The discount rate used for the GASB report will be the same as the actuarial assumed rate of return used in the actuarial valuations as long as the assets are projected (under GASB calculations) to be sufficient to pay the future benefits.

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# CHAPTER 2: MONTANA'S STATEWIDE PUBLIC EMPLOYEE RETIREMENT SYSTEMS

## MONTANA'S STATEWIDE RETIREMENT SYSTEMS

Most of Montana's statewide public employee retirement systems originated as local government and school district plans. Over time, local jurisdictions opted to join the state's plans or to combine their local plans into one statewide plan. The first statewide system, the Teachers' Retirement Systems (TRS), was formed in 1937. The state's largest plan, the Public Employee Retirement System (PERS), was created in 1945 with the Public Employees Retirement Law. The most recent plan, the PERS Defined Contribution Plan (PERS-DC), was formed in 1999. There are now 11 public employee retirement systems in Montana – 9 DB plans and 2 DC plans. These systems cover nearly all state and local government employees and school district employees. In addition, many state employees are eligible to join the optional supplemental 457(b) Deferred Compensation Plan.

### CREATION OF MONTANA'S STATEWIDE PUBLIC EMPLOYEE RETIREMENT SYSTEMS

- 1937 – Teachers' Retirement System (TRS) is established.
- 1945 – Public Employees Retirement Law is passed; Public Employees' Retirement System (PERS-DB) and Highway Patrol Officers' Retirement System (HPORS) are established.
- 1963 – Game Wardens' and Peace Officers' Retirement System (GWPORS) is established.
- 1965 – Volunteer Firefighters' Compensation Act (VFCA) is passed.
- 1967 – Judges' Retirement System (JRS) is established.
- 1974 – Municipal Police Officers' Retirement System (MPORS) and Sheriffs' Retirement System (SRS) are established.
- 1981 – Firefighters' Unified Retirement System (FURS) is established.
- 1987 – Montana University System Retirement Program (MUS-RP) is established.
- 1999 – PERS Defined Contribution Retirement Program (PERS-DC) is created.

### MEMBERSHIP & SYSTEM DETAILS - CHART

SYSTEM	EMPLOYER TYPES	DESCRIPTION	CURRENT MEMBERSHIP*
<b>Teachers' Retirement System (TRS)</b>	<ul style="list-style-type: none"> <li>• School Districts</li> <li>• Community Colleges</li> <li>• Education Co-ops</li> <li>• Counties</li> <li>• MUS</li> <li>• State Agencies</li> </ul>	<ul style="list-style-type: none"> <li>• DB Plan</li> <li>• Covers teachers in school districts and some state institutions, excluding the faculty of the Montana University System</li> </ul>	<ul style="list-style-type: none"> <li>• Active: 19,975</li> <li>• Retirees: 17,369</li> </ul>
<b>Public Employees' Retirement System (PERS)</b>	<ul style="list-style-type: none"> <li>• State Agencies</li> <li>• MUS</li> <li>• Counties</li> <li>• Cities</li> <li>• Schools &amp; Community Colleges</li> <li>• Special Districts</li> <li>• Some Smaller Police and Rural Fire Depts</li> </ul>	<ul style="list-style-type: none"> <li>• DB Plan (default)</li> <li>• DC Plan (optional)</li> <li>• Largest of Montana's public employee retirement systems</li> <li>• Covers most of the general classified positions in state agencies, legislators, and</li> </ul>	<ul style="list-style-type: none"> <li>• DB Active: 28,508</li> <li>• DB Retirees: 25,026</li> <li>• DC Contributing Members: 5,085</li> </ul>

		<p>participating local governments, including school districts</p> <ul style="list-style-type: none"> <li>Local governments and school districts contract with MPERA to participate in PERS</li> </ul>	
<b>Sheriffs' Retirement System (SRS)</b>	<ul style="list-style-type: none"> <li>Dept of Justice <ul style="list-style-type: none"> <li>Investigators</li> </ul> </li> <li>Counties <ul style="list-style-type: none"> <li>Sheriffs</li> <li>Deputies</li> <li>Detention Officers</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>DB plan</li> <li>Covers sheriffs, sheriffs' deputies, certain others employed in the county sheriff's office, and state investigators employed by the Montana Department of Justice</li> </ul>	<ul style="list-style-type: none"> <li>Active: 1,481</li> <li>Retirees: 809</li> </ul>
<b>Municipal Police Officers' Retirement System (MPORS)</b>	<ul style="list-style-type: none"> <li>City Police Departments</li> </ul>	<ul style="list-style-type: none"> <li>DB plan</li> <li>Covers police officers employed by participating cities, towns, and municipalities</li> </ul>	<ul style="list-style-type: none"> <li>Active: 841</li> <li>Retirees: 908</li> </ul>
<b>Game Wardens' and Peace Officers' Retirement System (GWORS)</b>	<ul style="list-style-type: none"> <li>Dept. of FWP <ul style="list-style-type: none"> <li>Game Wardens</li> </ul> </li> <li>Dept. of Corrections <ul style="list-style-type: none"> <li>Security Guards</li> <li>Probation/Parole</li> </ul> </li> <li>MUS <ul style="list-style-type: none"> <li>Campus Security</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>DB Plan</li> <li>Covers game wardens employed by the state and specified state law enforcement positions, including campus security officers and security guards and probation and parole officers under the Department of Corrections</li> </ul>	<ul style="list-style-type: none"> <li>Active: 977</li> <li>Retirees: 442</li> </ul>
<b>Firefighters' Unified Retirement System (FURS)</b>	<ul style="list-style-type: none"> <li>City Fire Departments</li> </ul>	<ul style="list-style-type: none"> <li>DB Plan</li> <li>Covers paid firefighters employed by participating cities, towns, and municipalities</li> </ul>	<ul style="list-style-type: none"> <li>Active: 749</li> <li>Retirees: 691</li> </ul>
<b>Highway Patrol Officers' Retirement System (HPORS)</b>	<ul style="list-style-type: none"> <li>Dept. of Justice <ul style="list-style-type: none"> <li>Highway Patrol Officers</li> <li>Supervisors</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>DB Plan</li> <li>Covers state highway patrol officers</li> </ul>	<ul style="list-style-type: none"> <li>Active: 252</li> <li>Retirees: 354</li> </ul>
<b>Judges' Retirement System (JRS)</b>	<ul style="list-style-type: none"> <li>Judicial Branch <ul style="list-style-type: none"> <li>Justices/Judges</li> <li>Supreme Court</li> <li>District Courts</li> <li>Water Court</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>DB Plan</li> <li>Covers district court judges, the supreme court justices, the chief water judge, and the associate water judge employed by the state judicial branch</li> </ul>	<ul style="list-style-type: none"> <li>Active: 59</li> <li>Retirees: 74</li> </ul>
<b>Volunteer Firefighters' Compensation Act (VFCA)</b>	<ul style="list-style-type: none"> <li>Fire Companies as defined in 19-17-109, MCA</li> </ul>	<ul style="list-style-type: none"> <li>DB Plan</li> <li>Covers the volunteer (uncompensated) firefighters of qualifying volunteer fire companies organized in unincorporated areas</li> </ul>	<ul style="list-style-type: none"> <li>Active: 2,233</li> <li>Retirees: 1,523</li> </ul>



<b>Montana University System Retirement Program (MUS-RP)</b>	<ul style="list-style-type: none"> <li>Montana University System</li> </ul>	<ul style="list-style-type: none"> <li>DC Plan</li> <li>Covers faculty and administrators of state-funded higher education institutions</li> </ul>	<ul style="list-style-type: none"> <li>Active: 4,139</li> <li>Retirees: 6,882</li> </ul>
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\*Active member and retiree numbers from FY24 actuarial valuations.

## GOVERNING BOARDS

Each plan's governing board members are the plan's responsible fiduciaries, meaning they must act only in the best interest of plan members and their beneficiaries. Nine of Montana's retirement plans (8 DB & 1 DC) are governed by the Public Employees' Retirement Board (PER Board), a seven-member board, appointed by the Governor. TRS is governed by the Teachers' Retirement System Board (TRS Board), a six-member board, appointed by the Governor. The Montana University System Retirement Program (MUS-RP) is governed by the Board of Regents (BOR), a seven-member board appointed by the Governor.

## INVESTMENT MANAGEMENT

For the MPERA and TRS DB plans, assets are managed and invested by the Montana Board of Investments (BOI) as part of the state's unified investment program. For the PERS-DC plan, MPERA contracts with several retirement fund companies to provide a menu of investment options for plan members. For the MUS-RP, the Board of Regents contracts with the Teachers Insurance and Annuity Association (TIAA) for plan administration and investment options.

## CONTRIBUTIONS

As tax-qualified plans, contributions to Montana's public employee retirement plans are made on a pre-tax basis each pay period. Employee contributions, which are a percentage of the employee's compensation, are withheld from the employee's paycheck and paid directly to the pension plan. Employer contributions are also made directly to the retirement plan.

In addition, several of the retirement systems receive supplemental funding from the general fund through statutory appropriations ([details on page 28 and in appendices](#)).

SYSTEM	EMPLOYER CONTRIBUTION FY 24	EMPLOYEE CONTRIBUTION FY 24	ADDITIONAL FUNDING FROM STATE GENERAL FUND FY 24
<b>Teachers' Retirement System (TRS)</b>	<p><b>State &amp; MUS</b> 9.85% base + 1.8% supplemental* = <b>11.65%</b></p> <p><b>School Districts &amp; Community Colleges &amp; Local Government</b> 7.47% base + 1.8% supplemental* = <b>9.27%</b></p>	<p><b>Tier One (before 7/1/13)</b> 7.15% + 1% additional contribution until system is 90% funded = <b>8.15%</b></p> <p><b>Tier Two (after 7/1/13)</b> <b>8.15%</b></p>	<p><b>State General Fund</b> \$25 million + 2.385 for schools/CC + 0.11% for all = <b>\$47.99 Million</b></p>

<b>Public Employees' Retirement System (PERS)</b>	<p><b>State &amp; MUS</b> 6.9% base + 2.07% supplemental* = <b>8.97%</b></p> <p><b>Local Governments &amp; School Districts</b> 6.8% base + 2.07% supplemental = <b>8.87%</b></p>	<b>7.9%*</b>	<p><b>State General Fund</b> 0.1% for local gov't + 0.27% for schools + 101% of previous year's contribution = <b>\$35.9 Million</b></p>
<b>Sheriffs' Retirement System (SRS)</b>	<b>13.115%</b>	<b>10.495%</b>	<b>None</b>
<b>Municipal Police Officers' Retirement System (MPORS)</b>	<b>14.41%</b>	<b>9.00%</b>	<b>\$18.1 Million</b>
<b>Game Wardens' and Peace Officers' Retirement System (GWORS)</b>	<b>9.00%</b>	<b>10.56%</b>	<b>None</b>
<b>Firefighters' Unified Retirement System (FURS)</b>	<b>14.36%</b>	<b>10.69%</b>	<b>None</b>
<b>Highway Patrol Officers' Retirement System (HPORS)</b>	<b>28.15%</b>	<b>13.05%</b>	<b>\$1.9 Million</b>
<b>Judges' Retirement System (SRS)</b>	<b>0%*</b>	<b>7.00%</b>	<b>None</b>
<b>Volunteer Firefighters' Compensation Act (VFCA)</b>	<b>0%*</b>	<b>0%*</b>	5% of certain fire insurance premiums = <b>\$2.9 Million</b>

**\*NOTES ABOUT TABLE:**

- PERS Employee Contribution: Decreases to 6.9% when amortization period drops below 25 years and remains below 25 years following the termination of the temporary 1% increase and the additional employer contribution rate
- VFCA Contributions: VFCA are volunteers and not paid for their work, so they do not have a member contribution rate; there is no employer contribution rate, rather there is a GF appropriation (19-17-301, MCA)

## ACTUARIAL ASSUMPTIONS

Actuaries use economic and demographic assumptions when conducting actuarial valuations. These assumptions are developed based on a long-term analysis of actual experience based on standards adopted by the Actuarial Standards Board. The governing boards for the retirement systems set these assumptions based on the actuary's recommendations.

### CURRENT ECONOMIC ASSUMPTIONS FOR MONTANA'S PLANS

ECONOMIC ASSUMPTIONS	MPERA SYSTEMS	TRS
Investment Rate of Return	7.30%	7.30%
Wage Growth	3.25%	3.50%
Inflation	2.75%	2.75%

### INVESTMENT RETURN ASSUMPTION

Because investment income is the primary source of funding for any retirement plan (about 60% of the income for Montana's PERS), the investment return assumption is the most significant assumption used when estimating costs. Actuaries make the investment return assumption recommendation based on an extensive long-term analysis of investment returns.

PERS INVESTMENT RETURN ASSUMPTION CHANGES SINCE FY 2000	
FISCAL YEAR	INVESTMENT RETURN ASSUMPTION
Effective FY 2018	7.65%
Effective FY 2010	7.75%
Effective FY 2009	8.00%

TRS INVESTMENT RETURN ASSUMPTION CHANGES SINCE FY 2000	
FISCAL YEAR	INVESTMENT RETURN ASSUMPTION
Effective FY 2018	7.50%
Effective FY 2005	7.75%
Effective FY 2004	8.00%

## SMOOTHING GAINS AND LOSSES

The actuaries for Montana's plans smooth investment gains and losses over four years. This reduces the impact of market volatility when assessing the long-term fiscal soundness of the pension plan. This in turn allows for a steadier approach to funding decisions.

## CONSTITUTIONAL PROTECTIONS

Retirement fund assets, including contributions and investment earnings, are protected trust funds under the Montana Constitution.

### **Article VIII, Section 13**

(1) The legislature shall provide for a unified investment program for public funds and public retirement system and state compensation insurance fund assets and provide rules therefor, including supervision of investment of surplus funds of all counties, cities, towns, and other local governmental entities. Each fund forming a part of the unified investment program shall be separately identified. Except as provided in subsections (3) and (4), no public funds shall be invested in private corporate capital stock. The investment program shall be audited at least annually and a report thereof submitted to the governor and legislature.

(2) The public school fund and the permanent funds of the Montana university system and all other state institutions of learning shall be safely and conservatively invested in:

(a) Public securities of the state, its subdivisions, local government units, and districts within the state, or

(b) Bonds of the United States or other securities fully guaranteed as to principal and interest by the United States, or

(c) Such other safe investments bearing a fixed rate of interest as may be provided by law.

(3) Investment of public retirement system assets shall be managed in a fiduciary capacity in the same manner that a prudent expert acting in a fiduciary capacity and familiar with the circumstances would use in the conduct of an enterprise of a similar character with similar aims. Public retirement system assets may be invested in private corporate capital stock.

(4) Investment of state compensation insurance fund assets shall be managed in a fiduciary capacity in the same manner that a prudent expert acting in a fiduciary capacity and familiar with the circumstances would use in the conduct of a private insurance organization. State compensation insurance fund assets may be invested in private corporate capital stock. However, the stock investments shall not exceed 25 percent of the book value of the state compensation insurance fund's total invested assets.

### **Article VIII, Section 15**

(1) Public retirement systems shall be funded on an actuarially sound basis. Public retirement system assets, including income and actuarially required contributions, shall not be encumbered, diverted, reduced, or terminated and shall be held in trust to provide benefits to participants and their beneficiaries and to defray administrative expenses.

(2) The governing boards of public retirement systems shall administer the system, including actuarial determinations, as fiduciaries of system participants and their beneficiaries.

# CHAPTER 3: RECENT HISTORY OF MONTANA'S PUBLIC EMPLOYEE RETIREMENT SYSTEMS

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## RECENT LEGISLATIVE HISTORY

1997 is more or less considered the start of the modern pension era in Montana. In 1997, the financial markets were strong, and thus the pensions were more than fully funded, so the Legislature enacted a 1.5% Guaranteed Annual Benefit Adjustment (GABA) for the systems administered by MPERA. A 1.5% GABA for TRS was added during the 1999 session. In 2001, again in light of strong markets, the GABA was increased to 3.0% for both MPERA and TRS.

After the 2001 session, the financial markets took a sharp turn causing significant increases to the actuarial unfunded liabilities of the pension systems. By 2004, PERS did not amortize in any amount of time and TRS' amortization rate was over 70 years. The Legislature held a special session in December 2005 and approved a cash infusion of \$25M to PERS and \$100M to TRS.

In 2007, the Legislature decreased the GABA to 1.5% for new hires in the MPERA systems. They increased the employer contribution rate for TRS and added a \$50M cash infusion (to TRS). In 2011, the Legislature reduced benefits and increased contribution rates for new hires in PERS and adjusted some benefit provisions in TRS.

In 2013, the Legislature passed what are considered the major pension reform bills of recent history\*:

- **HB 377** - Applies to TRS; creates two membership tiers; changes employee and employer contributions; reduces GABA for new, current, and retired members; establishes \$25M supplemental funding; changes retirement and early retirement eligibility criteria; changes calculation for average final compensation; and changes eligibility for disability retirement; mandates yearly actuarial report to SAVA.
- **HB 454** - Applies to PERS-DB; changes employee and employer contributions; appropriates unallocated portion of coal severance tax collections and revises the allocation of interest income from the coal tax permanent fund; and reduces GABA for new, current, and retired members.
- *\*The provisions of both bills changing benefits for existing members were challenged in court and subsequently struck down.*

In 2017, the Legislature passed HB 648, eliminating the coal tax appropriation to PERS and replacing it with a general fund statutory appropriation.

## TREASURE STATE ENDOWMENT PROGRAM (TSEP)

Mentioned above, HB 454 (2013) added an appropriation from the coal severance taxes and interest income from the coal permanent fund to PERS. To facilitate this, two Treasure State Endowment sub trusts - the Treasure State Endowment (TSE) Fund and the Treasure State Endowment (TSE) Regional Water System Fund - were sunsetted four fiscal years earlier than originally planned, ending in FY16 rather than FY 20. As a result, the trust balances have not grown since FY 2016 and the interest income has remained relatively flat. In 2017, the Legislature passed HB 648 ending the appropriation from the coal severance taxes and interest income from the coal permanent fund and replacing it with a statutory appropriation directly from the general fund (no longer tied to coal revenues).

## GENERAL FUND CONTRIBUTION HISTORY - CHART

	TRS	PERS-DB	MPORS	FURS	HPORS	VFCA
<b>2002</b>			\$ 6,529,108	\$ 5,764,368		\$ 1,133,741
<b>2003</b>			\$ 6,798,457	\$ 6,006,253		\$ 1,310,088
<b>2004</b>			\$ 7,208,135	\$ 6,532,708		\$ 1,434,068
<b>2005</b>			\$ 7,704,884	\$ 6,718,625		\$ 1,527,264
<b>2006</b>			\$ 8,181,861	\$ 7,532,591	\$ 813,429	\$ 1,610,462
<b>2007</b>			\$ 8,677,428	\$ 7,957,373	\$ 1,003,569	\$ 1,660,695
<b>2008</b>	\$ 13,492,375	\$ 652,741	\$ 9,451,808	\$ 9,568,388	\$ 1,106,188	\$ 1,562,019
<b>2009</b>	\$ 14,147,324	\$ 685,704	\$ 10,185,974	\$ 9,831,417	\$ 1,163,055	\$ 1,579,887
<b>2010</b>	\$ 17,241,610	\$ 899,513	\$ 10,931,612	\$ 10,871,717	\$ 1,327,062	\$ 1,574,589
<b>2011</b>	\$ 17,437,366	\$ 920,805	\$ 11,593,690	\$ 11,365,441	\$ 1,269,772	\$ 1,596,436
<b>2012</b>	\$ 16,843,766	\$ 932,690	\$ 12,273,769	\$ 11,797,130	\$ 1,469,539	\$ 1,635,400
<b>2013</b>	\$ 17,521,347	\$ 940,919	\$ 12,572,545	\$ 12,357,856	\$ 1,559,569	\$ 1,711,321
<b>2014</b>	\$ 42,855,576	\$ 36,696,610	\$ 13,048,938	\$ 13,007,210	\$ 1,618,559	\$ 1,818,237
<b>2015</b>	\$ 43,389,534	\$ 32,458,886	\$ 13,432,838	\$ 13,572,990	\$ 1,648,026	\$ 1,913,482
<b>2016</b>	\$ 43,902,606	\$ 30,848,405	\$ 13,751,561	\$ 13,969,719	\$ 1,715,507	\$ 2,036,297
<b>2017</b>	\$ 44,414,109	\$ 28,807,314	\$ 13,960,572	\$ 14,438,412	\$ 1,686,173	\$ 2,064,561
<b>2018</b>	\$ 45,005,672	\$ 32,354,637	\$ 15,857,660	\$ 16,156,512	\$ 1,709,764	\$ 2,212,113
<b>2019</b>	\$ 45,495,334	\$ 33,073,273	\$ 15,981,505	\$ 16,605,850	\$ 1,694,015	\$ 2,370,449
<b>2020</b>	\$ 45,948,388	\$ 35,102,627	\$ 16,636,173	\$ 17,721,053	\$ 1,709,685	\$ 2,486,769
<b>2021</b>	\$ 47,020,467	\$ 35,494,697	\$ 17,387,351	\$ 18,437,718	\$ 1,836,687	\$ 2,591,791
<b>2022</b>	\$ 47,999,500	\$ 35,873,500	\$ 18,122,207	\$ 19,436,203	\$ 1,864,976	\$ 2,851,974

*\*NOTE: Some systems have multiple statutory appropriations; figures listed represent totals from all appropriations for each year. SRS, GWPORS, and JRS do not receive statutory appropriations. Additional information can be found in the appendices.*

## CHAPTER 4: DEFINED BENEFIT PLANS

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### HOW BENEFITS ARE DEFINED

Defined Benefit (DB) plans provide a predictable formula-driven monthly benefit for the life of a member and sometimes for the life of a beneficiary. Benefits within a DB plan often also provide disability and death benefits. The traditional formula used to calculate the benefit amount paid in a DB plan is: Multiplier (%) x Years of Service x Final Average Salary.

**Multiplier (%) x Years of Service x Final Average Salary**

### ASSETS INVESTED IN POOLED TRUST FUND

To help pay for future benefits, current contributions are deposited into a pooled pension trust fund. In Montana, the trust fund's assets are invested by the Montana Board of Investments (BOI). As the investments yield returns, the trust fund grows and must ultimately be sufficient to pay for benefits as members retire and the defined monthly benefits come due.

### DETERMINING COSTS

The costs of a defined benefit plan - how much employees and employers need to contribute to the plan to pay for future benefits - are estimated based on actuarial valuations. An actuarial valuation is a mathematical investigation by an actuary. These actuarial valuations assess the financial condition of the plan at a particular point in time. When estimating costs, actuaries evaluate whether current and expected contributions are sufficient to cover the estimated cost of benefits as they are expected to accrue and be paid in the future. The cost of benefits as they accrue is called the "normal cost." Other costs accrue when or if the experience of the plan is different from actuarial projections.

Montana law requires that actuarial valuations be conducted annually for each of Montana's DB plans and the results be presented to the State Administration and Veterans' Affairs Interim Committee, the Legislative Finance Committee, and the Board of Investments.

### ACTUARIAL VALUATIONS & EXPERIENCE STUDIES

#### ACTUARIAL ASSUMPTIONS

When making the projections that help determine the expected normal cost of benefits, an actuary applies various demographic and economic assumptions about future experience. Key demographic assumptions are made about the following:

- Individual salary increases
- Retirement rates
- Disablement rates
- Mortality rates
- Terminations of employment
- Probability of an employee retaining membership in system

Key economic assumptions are made about the following:

- General salary increases
- Investment returns
- Price inflation
- Growth in membership
- Interest on member accounts
- Administrative expenses

These demographic and economic assumptions are developed based on a long-term analysis of actual experience based on standards adopted by the Actuarial Standards Board. Governing boards for retirement systems set these assumptions based on the actuary's recommendations.

## **INVESTMENT RATE OF RETURN ASSUMPTION**

Because retirement plans rely on investment returns for a significant portion of their funding, the most significant economic assumption actuaries make is what the rate of return will be on pension fund investments. An assumption that is too high will cause liabilities and funding needs to be understated, which means the plan's funding will likely be too low to keep the plan solvent. An assumption that is too low will cause liabilities and funding needs to be overstated, which places a burden on current employees and taxpayers to make higher contributions than necessary to keep the plan solvent. The investment rate of return assumption is the sum of two rates—an inflation rate and the real rate of return.

Actuaries for public employee retirement plans focus on a long-term investment horizon of at least 20 to 30 years, which is the typical length of an employee's working career and eligibility criteria for earning a full-service retirement benefit. Short-term volatility in the market does affect the funded ratio and amortization schedules for pension plan liabilities so a plan that is less than 100% funded will be more sensitive.

## **EXPERIENCE STUDIES**

Actuarial assumptions are tested and adjusted from time to time based on experience studies. An experience study examines the actual history and experience of the system and measures the assumptions against the actual history. Assumptions about mortality, disability, investment returns, and others, may then be adjusted accordingly. If plan experience shows that the actuarial assumptions need to be adjusted, an actuary will recommend that certain adjustments be made. The governing boards of the plans, who are the fiduciaries of the plan, set the assumptions after receiving recommendations from the actuary. Fiduciaries are legally and ethically accountable for their decisions.

Montana law requires that regular experience studies be conducted for the statewide public employee retirement plans to compare actual experience with the actuarial assumptions. The most recent experience studies were conducted in the spring of 2021 and can be found here:

- MPERA: [https://mpera.mt.gov/docs/actuarial\\_info/2022/2022ActuarialExperienceStudyCONFIDENTIAL-Final.pdf](https://mpera.mt.gov/docs/actuarial_info/2022/2022ActuarialExperienceStudyCONFIDENTIAL-Final.pdf)
- TRS: [https://trs.mt.gov/miscellaneous/PdfFiles/Information/expstudies/2021\\_TRS\\_expstudy.pdf](https://trs.mt.gov/miscellaneous/PdfFiles/Information/expstudies/2021_TRS_expstudy.pdf)

## **AMORTIZATION PERIOD**

A plan is considered actuarially sound if the unfunded liabilities are being paid for within a reasonable amount of time, or amortization period. In Montana, this is set at 30 years or less in 19-2-409, MCA.



## FUNDED RATIO

Another key indicator of actuarial soundness is the extent to which current assets cover current liabilities. Current assets include the value of all of the trust fund's investments. Current liabilities include the value of all accrued benefit obligations. The ratio of assets to liabilities is called the funded ratio. If a DB plan has an unfunded actuarial liability, a DB plan's funded ratio will be less than 100%.

## ANNUAL REQUIRED CONTRIBUTION (ARC)

Annual required contribution (ARC) refers to the total contribution needed (based on an actuarial valuation) to fund the normal cost of benefits as they accrue and to pay down the plan's unfunded liabilities in a reasonable amount of time.

## ACTUARIAL GAINS AND LOSSES

If actual experience is different from the assumed experience, the DB plan will have an actuarial gain or loss. For example, if investment returns are better than projected by the actuary, the actuarial valuation will show an actuarial gain equal to the amount that actual investment returns exceeded the actuarial assumed rate of return. If experience is worse than expected, then the retirement plan will have an actuarial loss. Each actuarial valuation includes a section about the plan's actuarial gains and losses.

## UNFUNDED LIABILITIES

Actuarial losses or benefit increases applied to past service will result in an actuarial unfunded liability. Unfunded liabilities are typical in DB plans because projections cannot perfectly predict the future. Because these liabilities are typical, it is recommended that contributions to DB retirement plans should cover more than the normal cost of benefits. This allows the extra contributions to be made available to cover the ups and downs of the plan's experience. So, although these liabilities are called unfunded, if contributions are sufficient to pay more than just the normal cost of benefits, then the balance of the contributions after covering the normal cost fund the actuarial unfunded liabilities over time.

## SUMMARY

In summary, in defined benefit (DB) plans:

- Contributions are pooled and invested as a whole.
- Benefits are defined, but costs are estimated through actuarial valuations.
- Actuarial valuations are based on economic and demographic assumptions, which are adjusted based on experience studies.
- Unfunded liabilities are typical because long-term assumptions will differ from short-term experience. Therefore, the long-term trend is what matters most.
- In general, to be actuarially sound, contributions must be sufficient to allow the amortization period to absorb the ups and downs of short-term experience and still remain at 30 years or less.

# CHAPTER 5: DEFINED CONTRIBUTION PLANS AND HYBRID PLANS

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## DEFINED CONTRIBUTION PLANS

Defined contribution (DC) plans provide for a set contribution rate but do not promise a certain benefit at retirement. Plan members have individual accounts to which the contributions are made. The member then directs how those contributions are invested. Investment options available depend on what the plan sponsor provides. Each participant's account balance at retirement depends on total contributions plus investment earnings (or losses) to that point in time. When the participant retires, the balance of the account may be rolled over and reinvested or converted to a monthly annuity. Because contribution amounts are defined and costs are known, a DC plan has no unfunded liabilities and does not rely on actuarial projections about the future. In a DC plan, the employee is responsible for making investment choices and takes the risk of contributions plus investment earnings being insufficient to provide adequate income in retirement.

## HYBRID PLANS

Hybrid plans combine different elements of a DB plan and a DC plan. There are two broad categories of hybrid plans: cash balance plans and combination plans.

### CASH BALANCE PLANS

Under a cash balance plan, members have individual retirement accounts. Contributions, as in a DB plan, are set as a percentage of pay. Then, each account is credited with a certain amount of interest, as defined by the plan, depending on plan goals. The benefit ultimately paid, as in a DC plan, depends on the individual's account balance at retirement. However, as in a DB plan, the individual's account balance is a guaranteed amount based on the contributions and interest credited to the account, not on actual investment earnings. There are numerous variations of cash balance plans.

### COMBINATION DB/DC PLANS

The most common hybrid plan is a combination DB/DC plan. Under this type of plan, part is a traditional DB plan, while the other part is a traditional DC plan. For example, the plan may provide that the employer contribution is deposited to a pooled DB plan trust fund, which guarantees a minimum benefit to the member. Meanwhile, the employee's contributions are deposited to the DC portion of the plan, which is an individual account invested by the employee in the investment options provided by the plan. At retirement, the member's benefit is the minimum DB benefit plus the member's DC account balance.

## SUMMARY

In summary, in DC plans:

- The employer is obligated to contribute a certain defined amount to an employee's account, not to provide a defined benefit, so the employer's costs are known.
- Members take the risk and responsibility of directing their own investments based on a set menu of investment options.
- Benefits at retirement depend on an individual's account balance at retirement.

# CHAPTER 6: POLICY CONSIDERATIONS, RISK ASSESSMENTS, AND THE ROLE OF THE LEGISLATURE

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## POLICY CONSIDERATIONS

Legislators considering bills to change benefits in the state's DB plans may find it helpful to consider some of the following funding and policy implications.

### PAST-SERVICE LIABILITY

Additional unfunded liabilities are created whenever a benefit enhancement is applied to past service. The liability occurs because the contribution rates for past service were set based on the projected costs of the previous benefits. A benefit enhancement increases the normal cost of the system going forward. But, if it also applied to service that was performed in the past, a past-service liability is created. One way to avoid liability for past service is to make a benefit enhancement applicable only to new members. This does create a tiered benefit structure and results in different treatment of members within the same retirement system, which can cause pressure to equalize benefits.

### RATCHET EFFECT

Another policy consideration involves what is termed the "ratchet effect." Just as a ratchet can be tightened but not loosened, legal protections related to contract rights often mean that once a retirement benefit is promised to members, it cannot be withdrawn from or reduced for those members. Although the Legislature has reduced benefits of future employees, equity and fairness arguments have resulted in bills passed by the Legislature to reinstate the higher benefits for all employees. As mentioned above, this creates a past-service liability and costs that may be beyond what would have been the costs if the benefit had never been reduced.

### BENEFIT SWAPS

Benefit-for-benefit "swaps" can sometimes be designed and are legal, provided that the new benefit is of equal or greater value than the old benefit. Such swaps were used to help fund a portion of the costs of the 1.5% GABA granted to certain plans by the Legislature in 1997.

### LEAPFROG EFFECT

Another policy consideration may arise if the Legislature passes a benefit enhancement in one system, but not in the other similar systems. If a benefit is increased for members of one system during a legislative session, the Legislature is likely to see a bill to grant that benefit enhancement, or a better benefit, in the other systems as well. This is often referred to as the "leapfrog effect." Granting benefit enhancements by allowing the retirement plans to play leapfrog with each other can lead to inconsistent and inequitable retirement policy as well as additional costs and unfunded liabilities. To help prevent leapfrogging, legislators may want to ask proponents of benefits enhancements this question: "If the proposed benefit enhancement is appropriate for members of this system, is it appropriate and should it be granted for members of other systems?"

## FUNDING OPTIONS

The following are funding mechanisms that can be considered when making changes to funding policy:

- **Increase Contributions to Sufficiently Fund the Enhancement.** It is considered good funding policy that contributions should be sufficient to fund both the normal cost of the benefit enhancement and to amortize in 30 years or less. Consideration for legislators include:
  - Raising employer contributions in a retirement system places an additional burden on the employer's budgets.
  - Increased employer contribution requirements for local governments may be considered unfunded mandates.
  - Employees cannot legally be asked to contribute more than the normal cost of their benefits.
- **Extend the Amortization Schedule.** If contributions are not increased to cover the costs of enhancing benefits, the system's unfunded liability will increase. A system's unfunded liabilities may be refinanced by extending the amortization schedule. Policymakers asked to extend the amortization period should consider sound policy principles to determine how far the amortization period may be extended before the system is no longer responsibly funded.
- **Apply the Enhancement to New Hires Only.** Applying a benefit enhancement only to new hires will help control costs because no debt for past service is created. This results in a tiered system in which members of the same plan will receive different benefits, which may cause calls for equalized benefits.

National organizations such as the National Association of State Retirement Administrators (NASRA) and the National Conference of State Legislatures (NCSL) have put together tools for legislators to use when considering different funding options and policies:

- NASRA: <https://www.nasra.org/funding>
- NCSL: <https://www.ncsl.org/research/fiscal-policy/pensions.aspx>

## FIXING FUNDING SHORTFALLS

To address funding shortfalls, legislative options are limited to increasing contributions and reducing benefits.

With respect to increasing contributions, an employee's contributions may not be increased to an amount that is more than the normal cost of the employee's benefits. Thus, increasing the employer contributions or finding an additional source of funding are the primary options available.

With respect to benefit reductions, courts have determined that because of contract rights, benefits cannot be reduced for current members, only for new hires. This means it will take about 10 to 20 years before the lower costs for reduced benefits will significantly help a plan's funding status.

## BEST PRACTICES

The Government Finance Officers Association (GFOA) has published a summary of best practices on sustainable funding practices for DB plans, most of which are reflected in the funding policies adopted by the retirement boards administering Montana's plans. Board policies are posted on their respective websites. The GFOA best practices can be found here: <https://www.gfoa.org/materials/responsible-management-and-design-practices-for-defined->

## RISK ASSESSMENTS AND REPORTING REQUIREMENTS

### ADVERSE EXPERIENCE

Due to significant market losses in 2001 and the financial crisis sometimes referred to as the 2008 Great Recession, public employee pension plans in Montana and across the country suffered serious investment losses. Negative market returns were dramatically lower than the actuarially assumed rate of return and unfunded liabilities increased significantly. To keep retirement plans solvent, many state legislatures, including the Montana Legislature, provided cash infusions, significantly increased contributions, and reduced benefits for future members. Policymakers became aware of how sensitive public pension plans are to stress in the financial markets and to adverse plan experience compared to actuarial assumptions.

### CURRENT ACTUARIAL REPORTING

Every annual actuarial valuation report includes a section detailing the plan's actuarial gains and losses over the last fiscal year. Every valuation also includes a section on the investment rate of return assumption and the plan's sensitivity to future experience if the investment return is above or below the assumed rate of return. Additionally, experience studies examine whether actuarial assumptions should be adjusted to better anticipate actual experience. Changes in assumptions, particularly in the investment rate of return assumption, will increase or decrease the actuarial liabilities of the plan and therefore change the contribution rate the actuary recommends.

## ROLE OF THE LEGISLATURE

### FISCAL IMPACT OF LEGISLATIVE CHANGES

In recent years, the Legislature has considered various pension reform bills seeking to redesign the DB plans to shift some or all of the risk and responsibility from the employer to the employee by creating hybrid plans or freezing the DB plans and moving employees to a DC plan. One of the key policy challenges legislators encounter when crafting reform bills is how to address the fiscal impact these reforms have on the long-term benefit obligations in the DB plans. Because DB plan funding relies on future contributions to meet funding obligations, if those contributions are diverted to the new plan or the horizon for realizing investment returns on those contributions is reduced, then the long-term experience of the plan will be fundamentally changed from the actuarial assumptions used when contribution amounts were set. Such changes will increase unfunded liabilities. Thus, any fundamental reform of the DB plans requires careful actuarial analysis and consideration of how to continue to pay for the DB plan's liabilities if employees (and the contributions for those employees) are moved out of the DB plan and into a DC or hybrid plan.

### FISCAL NOTES

The Governor's Office of Budget and Program Planning (OBPP), assisted by retirement system staff and their actuaries, prepares the fiscal notes for all retirement legislation with fiscal implications. Each fiscal note is required to show anticipated costs over the near term. However, the financial obligations incurred when retirement legislation is passed will be ongoing. In an effort to provide legislators and others with information necessary to make an informed assessment, the OBPP has developed a specialized format for fiscal notes prepared on retirement system-related legislation. Whenever retirement legislation with a fiscal impact is passed and the future of the affected retirement system is changed, an actuarial calculation is required in order to project the long-term costs.

Key funding information to look for in the fiscal note are:

- How will the normal cost of benefits be changed?
- Will new unfunded liabilities be created?
- How will the amortization period and funded ratio be affected?

## LEGISLATIVE OPTIONS

What can legislators do with the information provided by risk assessments, stress tests, sensitivity studies, experience studies, and actuarial valuations? The Legislature may enact legislation to revise the following aspects of a retirement plan and its funding going forward:

- contribution amounts;
- benefit amounts;
- plan design; and
- certain investment criteria.

Legislative changes in each of these areas have fiscal and policy implications and involve pros and cons. Asking for increased reporting on potential risks may assist in understanding the fiscal and policy implications of a proposed change.

If the Legislature believes that the risk of adverse experience is too high or the actuarial assumptions are too optimistic (i.e. the assumed rate of return is too high) the Legislature may choose to fund the system based on a scenario in which the plan's experience is more adverse than the assumptions (i.e. a lower rate of return assumption). This will help mitigate the potential financial consequences if adverse scenarios - such as a market crash - come to pass. However, it will also require higher contributions.

The challenge for legislators is how best to balance potential risks of adverse future experience with the policy goal of keeping pension funding obligations contemporary. Keeping pension funding obligations contemporary means trying to ensure future generations are not saddled with past liabilities and that current employees and employers/taxpayers are not required to pay more than the actual cost of their benefits. Because estimating costs requires actuarial assumptions, the risks and potential consequences of actuarial losses will always be part of this equation.

## APPENDIX A: PENSION ACRONYMS

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- **457:** Deferred Compensation (457) Plan
- **AAL:** Actuarially Accrued Liability
- **ADEC:** Actuarially Determined Employer Contribution
- **ARC:** Annual Required Contribution
- **ASOP:** Actuarial Standard of Practice
- **COLA:** Cost of Living Adjustment
- **ERISA:** Employee Retirement Income Security Act of 1974
- **FAC:** Final Average Compensation
- **FURS:** Firefighters' Unified Retirement System
- **GABA:** Guaranteed Annual Benefit Adjustment
- **GASB:** Governmental Accounting Standards Board
- **GWPORS:** Game Wardens' and Peace Officers' Retirement System
- **HAC:** Highest Average Compensation
- **HPORS:** Highway Patrol Officers' Retirement System
- **IRA:** Individual Retirement Account
- **IRC:** Internal Revenue Code
- **JRS:** Judges' Retirement System
- **MBOI/BOI:** Montana Board of Investments or Board of Investments
- **MPERA:** Montana Public Employee Retirement Administration
- **MPORS:** Municipal Police Officers' Retirement System
- **MUS-RP:** Montana University System Retirement Program
- **PERS:** Public Employees' Retirement System
- **PERS-DB:** PERS Defined Benefit Retirement Plan
- **PERS-DC:** PERS Defined Contribution Retirement Plan
- **PER Board/PERB:** Public Employees' Retirement Board
- **SAVA:** State Administration and Veterans' Affairs Interim Committee
- **SRS:** Sheriffs' Retirement System
- **TRS:** Teachers' Retirement System
- **UAAL:** Unfunded Actuarially Accrued Liability
- **VFCA:** Volunteer Firefighters' Compensation Act

## APPENDIX B: PENSION TERMS

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- **401(k) Plan:** A defined contribution plan governed by section 401(k) of the Internal Revenue Code (IRC) that is offered to employees in the private sector. Employees voluntarily participate on an individual basis. A 401(k) allows an employee to set aside tax-deferred income for retirement purposes. In some 401(k) plans, the employer will match an employee's contributions dollar-for-dollar.
- **403(b) Plan:** A retirement plan governed by section 403(b) of the IRC that is similar but not identical to a 401(k) plan and is offered by nonprofit organizations, such as schools, universities, and some charitable organizations.
- **457 Plan:** A tax-exempt deferred compensation program governed by section 457 of the IRC that is made available to employees of state and federal governments and agencies. A 457 plan is similar to a 401(k) plan, except there are never employer matching contributions and the IRS does not consider it a qualified retirement plan.
- **Accrued Benefit:** A retirement, pension, or disability benefit that an employee has earned based on years of service. Accrued benefits are often calculated in relation to the employee's salary and years of service.
- **Accumulated Contributions:** The sum of all the regular and any additional contributions made by a member in a defined benefit plan, together with the regular interest on the contributions.
- **Active Member:** A member who is a paid employee making the required contributions and is properly reported for the most current reporting period.
- **Actuarial Assumption:** An assumption applied by an actuary for the purposes of estimating benefit costs. Assumptions are demographic and economic and include variables such as life expectancy, return on investments, interest rates, and compensation.
- **Actuarial Cost:** The cost determined by an actuarial analysis to represent the present value of benefits.
- **Actuarially Accrued Liabilities (AAL):** The portion of liabilities that exceed of the present value of all benefits payable under a defined benefit retirement plan compared to the present value of future normal costs.
- **Actuarially Determined Employer Contribution (ADEC):** The amount actuarially calculated each year that is required to be contributed by an employer to a pension plan's pool of assets to ensure there will be enough funds to pay promised pension benefits. The contribution rate can be reported either in dollars or a percent of salary. Actuaries annually determine how much should be paid by employers in a given year in order to properly fund a pension plan. This amount is a combination of the employer's share of normal cost plus the unfunded liability amortization payment.
- **Actuarial Valuation:** An analysis conducted by an actuary that helps estimate future costs or liabilities using economic and demographic assumptions. The assumptions are based on professional actuarial standards and involve a mix of statistical studies and experienced judgment.



- **Actuary:** An accredited professional with expertise in applying statistics, mathematics, and financial theory to quantify risk and uncertainty to determine liabilities and costs.
- **Additional Contributions:** A member's payments to purchase various types of optional service credit.
- **Annual Required Contribution (ARC):** Annual Required Contribution rate necessary to amortize unfunded liabilities in a DB plan over the number of years set by the retirement board's amortization policy (e.g., 30 years) as determined by the system's actuary.
- **Annuity:** In the case of a defined benefit plan, equal and fixed payments for life that are the actuarial equivalent of a lump-sum payment under a retirement plan and as such are not benefits paid by a retirement plan and are not subject to periodic or one-time increases. In the case of the defined contribution plan, an annuity is a payment of a fixed sum of money at regular intervals, which may or may not be for life.
- **Amortization Period:** The amount of time required to pay off a retirement system's unfunded actuarial accrued liabilities, or UAAL, calculated by the retirement system's actuary based on projected contributions and investment earnings.
- **Benefit Recipient:** A retired member, a joint annuitant, or a beneficiary who is receiving a retirement allowance.
- **Closed Amortization:** Under this approach, the unfunded liability is amortized over a set number of years (ex: 30 years). Each year the unfunded liability is re-determined, reflecting any gains and losses that have occurred, and amortized in 1 fewer year (ex: 29 years, 28 years, etc.). Every year the amortization period gets shorter, until it reaches one year, at which point the unfunded liability has been paid off and the plan is fully funded.
- **Cost of Living Adjustment (COLA):** Increases in a retirement benefit amount, usually a percentage and based on national economic data, e.g., consumer price index.
- **Deferred Compensation:** An arrangement, subject to IRC conditions and requirements, in which a portion of an employee's income is paid out at a date after which that income is actually earned. The primary benefit of most deferred compensation is that any taxes due on the income are deferred until funds are withdrawn under the arrangement. A 457 plan is a deferred compensation plan.
- **Defined Benefit Plan (DB):** A pension plan in which a retired employee is entitled to receive upon retirement a regular, periodic, specific amount based on the retiree's salary history and years of service.
- **Defined Contribution Plan (DC):** A retirement plan in which the employee is required to or elects to contribute some amount of salary into an individual account over which the employee has some control for investing the assets and options when making withdrawals at retirement.
- **Designated Beneficiary:** the person a member names to receive any survivorship benefits or lump-sum payments upon the member's death. Designated beneficiaries are either primary or contingent.

- **Direct Rollover:** A distribution from a qualified pension plan, 401(k) plan, 403(b) plan, and so forth, that is remitted directly to the trustee, custodian, or issuer of the receiving retirement plan or IRA and is reported to the IRS as a rollover.
- **Disability:** Total physical or mental incapacity of a member to do the essential functions of the member's job even with reasonable accommodations required by the ADA, for a permanent or extended and uncertain duration.
- **Early Retirement:** A retirement plan provision that allows an employee to retire before the normal retirement age or required years of service for a full retirement.
- **Employee:** A person employed in any capacity by a PERS employer who pays the person's salary.
- **Employee Retirement Income Security Act (ERISA):** The federal law enacted in 1974 that established legal guidelines for private pension plan administration and investment practices. Public retirement plans generally are not subject to ERISA.
- **Employer:** The state, its university system, or political subdivisions that contract with the Board to cover their employees under PERS.
- **Experience Study:** A regular study of the economic and demographic experience of a retirement system, typically administered every five years. The purpose is to assess the reasonability of the actuarial assumptions of a retirement system in order to make judgments about future experience and assumptions.
- **Fiduciary:** A person or institution legally responsible for the management, investment and distribution of a fund. The trustees and administrators who are responsible for the oversight of employee benefit trust funds are considered fiduciaries. Fiduciaries are any person who (1) exercises any discretionary authority or control over the management of a plan or the management or disposition of its assets; (2) renders investment advice for a fee or other compensation with respect to the funds or property of a plan or has the authority to do so; or (3) has any discretionary authority or responsibility in the administration of a plan.
- **Funded Ratio:** The value of a pension plan's assets in proportion to the pension liability. When a plan is 100% funded, it means current assets are sufficient to pay 100% of benefits due now, as well as the benefits that active and inactive members have accrued to date.
- **Government Accounting Standards Board (GASB):** An independent, private-sector organization based in Norwalk, Connecticut, that establishes accounting and financial reporting standards for U.S. state and local governments that follow generally accepted accounting principles.
- **Guaranteed Annual Benefit Adjustment (GABA):** An annual increase in the prior year's benefit amount, usually as a percentage of the benefit, similar to a cost-of-living adjustment.
- **Highest Average Compensation (HAC):** A member's highest average monthly compensation during a set period of consecutive months of membership service.

- **Inactive Member:** A member who terminates service and does not retire or take a refund of the member's accumulated contributions.
- **Individual Retirement Account (IRA):** A tax-deferred retirement account for an individual that permits the individual to set aside money each year, with earnings tax-deferred until withdrawals begin.
- **Internal Revenue Code (IRC):** Title 26 of the United States Code. It is also known as the federal tax code.
- **Layered Amortization:** This approach is considered a hybrid of open and closed amortization approaches. Similar to closed amortization, the initial unfunded liability is amortized over a set amount of time (ex: 30 years). Any gains or losses that arise in future years will be amortized over new amortization periods, which is similar to the open amortization approach. With each valuation, a new closed layer gets added to the amortization schedule. The amortization of the original unfunded liability and gains and losses from prior years remain unchanged, providing the expectation that the plan will become fully funded over the original amortization period if there are no significant gains or losses.
- **Member:** Any person with contributions and service on account with the PERS. Persons receiving retirement benefits based on previous service credit are also members.
- **Money Purchase Plan:** A type of defined contribution retirement plan in which the annual contribution amount is in proportion to the employee's wages and is mandatory every year.
- **Normal Cost:** An amount calculated under an actuarial cost method that is the estimated cost of the accruing benefits for members of a defined benefit retirement plan. It is determined for each valuation period. Normal cost does not include any portion of the supplemental costs of a retirement plan. The normal cost rate is the contribution amount necessary, when added to investment income, to pay for benefits earned each year.
- **Normal Retirement Age:** The age at which a member is eligible to immediately receive a retirement benefit based on the member's age, length of service, or both, as specified under the member's retirement system, without disability and without an actuarial or similar reduction in the benefit.
- **Open Amortization:** Under this approach, the unfunded liability is amortized over a set amount of years (ex: 30 years). Each year the unfunded liability is re-calculated and amortized over a new set amount of years (ex: 30 years). This is the approach used in Montana with a 30-year amortization period.
- **Pension:** Steady income given to a person as the result of service (e.g., employee, military) that begins when a specific event (e.g., disability, retirement) occurs. Pensions are typically paid monthly and based on factors such as years of service and prior compensation. The payment may be made by a government, employer, pension fund, or life insurance company.
- **Portability:** The ability of an employee to retain benefits, such as in a pension plan or insurance coverage, when switching employers.
- **Qualified Plan:** A plan that meets the applicable requirements of the Internal Revenue Code and, if applicable, the Employee Retirement Income Security Act. A qualified plan is eligible for favorable tax treatment.

- **Roth IRA:** A type of IRA established under the Taxpayer Relief Act of 1997 that allows taxpayers, subject to certain income limits, to save for retirement while allowing the savings to grow tax-free. Taxes are paid on contributions, but withdrawals, subject to certain rules, are not taxed.
- **Smoothing:** The process of amortizing investment gains and losses over a period of time to help reduce volatility in contribution rates.
- **Stress Testing:** The process of evaluating how pension systems would respond to a variety of potential scenarios, allowing states to gauge the effects of hypothetical adverse market conditions on their retirement systems.
- **Tax Deferred:** The payment of taxes in the future on income earned in the current period.
- **Termination or Termination of Service:** Means the member has left the employment relationship for at least 30 days, has no written or verbal agreement to return, and has been paid all compensation due, including but not limited to payment of accrued annual and sick leave. Upon termination, the member will cease to accrue benefits attributable to that employment.
- **Unfunded Actuarial Accrued Liabilities (UAAL):** The excess of a defined benefit retirement plan's actuarial liabilities at any given point in time over the value of its cash and investments on that same date.
- **Vested:** The status of a plan member who meets the minimum membership service requirement of the system or plan to which the member belongs and who is thus eligible to receive a benefit.

# APPENDIX C: A BRIEF HISTORY OF MONTANA'S PUBLIC EMPLOYEE PENSION SYSTEMS<sup>i</sup>

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## CREATION OF MONTANA'S STATEWIDE PUBLIC EMPLOYEE PENSION SYSTEMS

### DEFINED BENEFIT PROGRAMS

- **1937** - Teachers' Retirement System (TRS) is established.
- **1945** - Public Employees Retirement Law is passed; Public Employees' Retirement System (PERS-DB) and Highway Patrol Officers' Retirement System (HPORS) are established.
- **1963** - Game Wardens' and Peace Officers' Retirement System (GWPORS) is established.<sup>ii</sup>
- **1965** - Volunteer Firefighters' Compensation Act (VFCA) is passed.
- **1967** - Judges' Retirement System (JRS) is established.
- **1974** - Municipal Police Officers' Retirement System (MPORS) and Sheriffs' Retirement System (SRS) are established.
- **1981** - Firefighters' Unified Retirement System (FURS) is established.

### DEFINED CONTRIBUTION PROGRAMS

- **1987** - Montana University System Retirement Program (MUS-RP) is established.<sup>iii</sup>
- **1999** - PERS Defined Contribution Retirement Program (PERS-DC) is created.

## LEGISLATION IMPACTING MONTANA'S PUBLIC EMPLOYEE PENSION SYSTEMS: 1997-PRESENT<sup>iv</sup>

### 1997 REGULAR SESSION

- **HB 170** - Establishes Guaranteed Annual Benefit Adjustments (GABA) for the MPERA<sup>v</sup> pension systems.
- **HB 90** - Calls for an interim study of public pension systems and the development of a defined contribution plan within PERS.<sup>vi</sup>

### 1999 REGULAR SESSION

- **HB 72** - Establishes GABA for TRS.
- **HB 79** - Creates the Defined Contribution plan within PERS.

### 2001 REGULAR SESSION

- **HB 294** - Increases GABA amount for MPERA systems and TRS (with conditions for TRS).
- **HB 472** - Transfers Peace Officers from PERS to GWPORS.

### 2003 REGULAR SESSION

- No significant legislation related to public pension systems.

## 2005 REGULAR SESSION

- **HB 102** - Changes appropriation source and schedule for HPORS.
- **SB 370** - Adds Detention Officers to SRS.

## 2005 SPECIAL SESSION

- **HB 1** - Provides infusion of funds to TRS and PERS-DB.

## 2007 REGULAR SESSION

- **HB 63** - Increases employer contributions and adds \$50M cash infusion to TRS.
- **HB 131** - Decreases GABA for new hires and increases employer contributions for MPERA systems.
- **HJ 59** - Calls for a study of public retirement systems and the creation of the Legislator's Guide to Montana's Public Retirement Systems.<sup>vii</sup>

## 2007 SPECIAL SESSION

- No legislation related to public pension systems.

## 2009 REGULAR SESSION

- **HB 659** - Calls for the SAVA Committee to examine the public pension systems and provide funding and benefit change recommendations to the next Legislature.<sup>viii</sup>

## 2011 REGULAR SESSION

- **HB 116** - Changes some benefit provisions in TRS to improve actuarial soundness.
- **HB 122** - Reduces benefits and increases contribution rate for new hires in PERS-DB.
- **HB 134** - Reduces benefits and increases contribution rate for new hires in GWPORS.
- **HB 135** - Reduces benefits and increases contribution rate for new hires in SRS.

## 2013 REGULAR SESSION

- **HB 377** - Applies to TRS; creates two membership tiers; changes employee and employer contributions; reduces GABA for new, current, and retired members; establishes \$25M supplemental funding; changes retirement and early retirement eligibility criteria; changes calculation for average final compensation; and changes eligibility for disability retirement; mandates yearly actuarial report to SAVA.
- **HB 454** - Applies to PERS-DB; changes employee and employer contributions; appropriates unallocated portion of coal severance tax collections and revises the allocation of interest income from the coal tax permanent fund; and reduces GABA for new, current, and retired members.<sup>ix</sup>

## 2015 REGULAR SESSION

- No significant legislation related to public pension systems.

## 2017 REGULAR SESSION

- **HB 383** - Increases employee and employer contribution rates and increases funding to SRS to improve actuarial soundness.

- **HB 648** - eliminates coal tax appropriation to the PERS-DB trust fund.

## 2017 SPECIAL SESSION

- No significant legislation related to public pension systems.

## 2019 REGULAR SESSION

- **HJ 39** - Requests that the Legislative Audit Committee prioritize a performance audit to assess the viability and efficiency of combining TRS and MPERA administrative operations.<sup>x</sup>

## 2021 REGULAR SESSION

- **HB 72** - Revises funding of HPORS to improve actuarial soundness.
- **HJ 8** - Calls for a study of public DB systems and recommendations for a long-term strategic approach to funding.
- **SB 175** - Changes the employer contribution rate for JRS to reduce the system's funding surplus.

## 2023 REGULAR SESSION

- **HB 117** - Adjusts provisions for working retirees in TRS
- **HB 569** - Appropriated OTO funds to HPORS, SRS, and GWPORS; moves JRS, HPORS, SRS, and GWPORS to layered amortization policy; changes retirement eligibility criteria for HPORS and SRS
- **SB 18** - Adds benefit policy statement to all pension systems to prohibit the addition of new benefits without funding
- **SJ 4** - Calls for a study of PERS and TRS DB systems and recommendations for a long-term strategic approach to funding

## NOTES & ADDITIONAL RESOURCES

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<sup>i</sup> Includes bills and actions related primarily to the state's defined benefit plans (e.g. major funding changes, GABA changes, contribution changes, etc.). Does not include routine housekeeping bills, minor plan changes, or defined contribution plan changes.

<sup>ii</sup> The plan was originally called the Game Wardens' Retirement System. The name was changed to GWPORS in 2001 with HB 472.

<sup>iii</sup> The plan was originally called the Optional Retirement Program (ORP). The name was changed to MUS-RP in 2013 with HB 320.

<sup>iv</sup> 1997 has been used as the starting point in the past several pension history documents and Legislative guides.

<sup>v</sup> MPERA = Montana Public Employee Retirement Administration

<sup>vi</sup> Materials are not available online.

<sup>vii</sup> All materials related to the study are under the Publications tab on the 2007-2008 SAVA website:

<https://leg.mt.gov/committees/interim/past-interim-committees/2007-2008/2007-2008-state-administration-and-veterans-affairs-committee/>

<sup>viii</sup> All materials related to the study are on the HB 659 study page on the SAVA 2009-2010 website:

<https://leg.mt.gov/committees/interim/past-interim-committees/2009-2010/2009-2010-state-administration-and-veterans-affairs-committee/hb-659-retirement-plan-study-and-redesign/>

<sup>ix</sup> Two lawsuits - *Association of Montana Retired Public Employees v. State* (HB 454) and *Byrne v. State* (HB 377) - were filed after the session challenging the GABA changes for current and retired members and those provisions were later removed, applying the GABA decreases only to new hires hired after July 1, 2013. <https://leg.mt.gov/content/Committees/Interim/2015-2016/State-Administration-and-Veterans-Affairs/Meetings/August-2015/5217GAFA.pdf>

<sup>x</sup> The Legislative Audit Committee did review the request, but it did not get enough votes in either 2020 or 2021 to make the final list of performance audits planned for either year.