

HOUSE BILL NO. 68

INTRODUCED BY M. RYAN

BY REQUEST OF THE TEACHERS' RETIREMENT BOARD

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PUBLIC EMPLOYEE RETIREMENT SYSTEM MEMBERSHIP ELECTION PROVISIONS FOR EMPLOYEES HIRED BY THE MONTANA UNIVERSITY SYSTEM; AMENDING SECTION 19-21-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 19-21-201, MCA, is amended to read:

"19-21-201. Participation in program. (1) Except as provided in ~~subsection (2)~~ this section, academic and professional administrative personnel with individual contracts under the authority of the board of regents are eligible for and may elect to participate in the program instead of the teachers' retirement system. This election must be exercised:

- (a) before January 1, 1988, for an eligible person hired before July 1, 1987;
- (b) within 90 days after entry into service or before January 1, 1988, whichever is later, for a person hired in an eligible position on or after July 1, 1987; and
- (c) within 30 days after receiving written notice of eligibility or before January 1, 1988, whichever is later, for an employee who becomes eligible to participate in the program by reason of appointment, promotion, transfer, or reclassification to an eligible position.

(2) (a) An eligible person hired on or after July 1, 1993, shall become a member of the program unless the person is, on the date hired, an active, inactive, or retired member of a public retirement system created in Title 19, chapter 3 or 20.

(b) ~~An~~ Except as provided in subsection (3), an eligible person hired who is a member of a public retirement system created in Title 19, chapter 3 or 20, shall elect to:

- (i) remain with the retirement system of which the person is a member on the date hired, subject to subsection (7); or
- (ii) become a member of the program.
- (c) A person eligible to make an election under this subsection (2) shall exercise the election within 30

1 days of being hired.

2 ~~(d)~~(3) A person is ineligible to make an election under subsection (1) or (2) if the person previously
3 elected to remain in the teachers' retirement system pursuant to subsection (1) or to remain in the public
4 employees' retirement system or the teachers' retirement system pursuant to ~~this~~ subsection (2).

5 ~~(3)~~(4) ~~The~~ An election under this section must be exercised by filing a written irrevocable election with
6 the teachers' retirement system or the public employees' retirement system and the disbursing officer of the
7 employer. The election is effective as of the date the notice is filed or January 1, 1988, whichever is later.

8 ~~(4)~~(5) If an eligible ~~officer or staff member~~ person fails to exercise the an election, ~~as provided by~~ under
9 this section, ~~that~~ the person shall remain or become a member of the teachers' retirement system.

10 ~~(5)~~(6) An election under this section is not effective unless the notice filed with the disbursing officer of
11 the employer is accompanied by an appropriate application, if one is required, for the issuance of a contract or
12 contracts under the program.

13 (7) Beginning July 1, 2017, if a person making an election under subsection (2)(b) is an active, inactive,
14 or retired member of both the public employees' retirement system and the teachers' retirement system, the
15 person may only elect, under (2)(b)(i), to remain a member of the system to which the position is reportable under
16 the regular participation criteria specified in 19-3-401 or 19-20-302."

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

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