

Montana Public Employee Retirement Administration
Table of General Revisions Legislation to be Considered for 2015
Last update 07/30/2014

Current Code Section	Proposed Change	Reason
15-30-2618(7)(c)	Add allowance for DOR to provide income info to us.	Information needed to audit disability earnings statements. Dept of Revenue supports but asked that MPERA sponsor
19-2-405(4)(b)	Strike 19-21-203 and replace with 19-21-214	Codification error not caught in 2013. Sheri Scurr requests we add to General Revisions bill. (We will want to compare with whatever we do with the ORP PCR)
19-2-505	Authority to collect overpayment on DC disabilities	Authority to collect if overpayment occurs if account stop dates are not entered correctly
19-2-702	Clarify what is required for membership service	Does 1st work day or 1 st report of member contributions by employer start the clock once t PERIS (Public Employee Retirement Information System) can capture 1 st day of work?
19-2-801	1) address process shift away from "membership cards" to forms 2) clarify (3) to indicate the old pre-terminated membership card is only good until they complete a new card upon reinstatement?	With advent of PERIS, MPERA is now using membership forms rather than cards
19-2-902(2)(a)	Research reason for 2009 amendment	lump sum v. benefit requirements of the IRS
19-2-902(3)	Consider whether to stop entire benefit for month of death or to forgive payout of that month's benefit –	Too much time and energy spent attempting to recover payouts after death
19-2-904	insurance withholding issue	Add contingent annuitants/spouses to cover present practice. Retain direct payment to insurance provider
19-2-907	allow reference to confidential disclosure statement	requires FLO to include sensitive info, policy shift to protect individual privacy
19-3-412/19-3-1106	clarify membership for "member" elected to positions and exceeding 960 hours	Discussion @ 05/3/13 Board leg meeting
19-3-412(1)(d)	10 months	Inquiry from Legislative Services Division
19-3-904 (3)	double of the member's accumulated contributions not entirely accurate	current process removes service purchases before the amount is doubled
19-3-1105	Benefit upon 2nd retirement	need concrete calculation information for members on a second retirement
19-3-1106	clarify reporting requirements for elected officials that opt out	need to include opted-out elected officials in NCE (non-contributing employee) reporting.
19-3-1204(1)(c),	90 day limit for requesting survivorship benefit	Only in PERS; should be in all systems.

Current Code Section	Proposed Change	Reason
19-3-1210(3) & rest of systems, 19-2-406(5), 19-2-303	explain why disability benefits are not deducted from accumulated contributions.	If disabled member dies before normal retirement age, their disability benefit is not converted to a service retirement benefit and no payment is deducted from the member's accumulated contributions prior to payment of death benefit to beneficiary
19-3-1501(5) 19-5-701(5), 19-7-1001(5), 19-8-801(5),	If member dies after retirement and w/in 30 days from the date the member's written application electing/changing an election of an optional retirement is received, then the election is void. Need to require a beneficiary designation.	PERIS review discovered that (5) is internally inconsistent – “after retirement and within 30 days from date of application” Should say "before receiving and accepting their first benefit check” – Ref 19-2-801 and notes in folder.
19-5-802(1)	Provide for a survivor benefit or death benefit if an inactive judge dies prior to retiring	PERIS review discovered that inactive judges can wait to 60 to retire but nothing in statute addresses payment of inactive judge's account if they die before retiring
19-7-301(4)	rewrite or provide default for when the PERS member doesn't make an election; use language from 19-13-210(4)(a)	PERS members transferring to an SRS covered position can elect to stay in PERS or transfer to SRS. Statute silent on impact of no election. FURS states that member stays in PERS if no election.
19-7-410	amend to provide that any SRS member who receives worker's comp, not just deputy sheriffs under 7-32-2113	Over sight from 2005 bill. Talk to Jim Smith and Kathy McGowan, SPOA.
19-8-302(3)	rewrite or provide default for when the PERS member doesn't make an election; use language from 19-13-210(4)(a)	PERS members transferring to a GWPORS covered position can elect to stay in PERS or transfer to GWPORS. Statute silent on impact of no election. FURS states that member stays in PERS if no election.
19-8-1001	Change 25 years of service credit to 20 years; change 2% to 2.5%	Consistency with 19-8-603 and 19-8-701.
19-9-301(1)(c)	rewrite or provide default for when the PERS member doesn't make an election; use language from 19-13-210(4)(a)	PERS members transferring to an MPORS covered position can elect to stay in PERS or transfer to MPORS. Statute silent on impact of no election. FURS states that member stays in PERS if no election.
19-9-1020	one-time permanent ad-hoc purchasing power adjustment	can we delete? There are still non-GABA police (not covered by 19-9-1013) but they are covered by the annual minimum benefit adjustment in 19-9-1007. Based on the wording in 19-9-1020, I assume we made this one-time ad-hoc purchasing power adjustment in/very shortly after April 2001 and Diane and June verified we are no longer running payments or calculations under § 1020. Talk to Jerry Williams, MPPA.
19-9-1206	Clarify survivor benefits when member elects DROP.	Terminology is inconsistent – DROP benefit v. DROP accrual.
19-13-601	Determine whether statute can't apply to 3 rd class cities and rural fire districts that join FURS	Information has been received that firefighters in 3 rd class cities and rural fire districts are treated differently. Contacting State Firefighters Association to determine need for change, if any.
19-13-1007	Non GABA elections PPF retirees	Looking at rule rather than statute.

Current Code Section	Proposed Change	Reason
19-17-108 and -112	Remove notarization requirement	New system will only require a checkbox certifying that information is correct. Subscribe and verify doesn't mean notarize. Again may be able to address by rule.
19-2-803; 19-3-1204(3)(b)	With respect to payment to a minor, in PERS if no one has filed on behalf of the minor, the minor can file upon reaching the "age of majority" (18). See 19-3-1204(3)(b).	No idea why this is only in PERS. Will check w/ tax counsel to determine if there is any reason to not move 19-3-1204(3)(b) to a new subsection (4) in 19-2-803, and add a 5 year (or less) statute of limitations.