



ADMINISTRATIVE RULES OF MONTANA



2.43.2312 PURCHASE OF SERVICE THROUGH DIRECT TRUSTEE-TO-TRUSTEE TRANSFER OF FUNDS

- (1) Subject to (2), any time prior to retirement, a member who is statutorily eligible to do so may purchase service in the member's current retirement system through a rollover of funds from an eligible retirement plan account belonging to the member or a direct trustee-to-trustee transfer of funds from the member's 26 USC 403(b) tax-sheltered annuity or 26 USC 457 governmental plan.
- (2) A direct trustee-to-trustee transfer of funds from the member's 26 USC 403(b) tax-sheltered annuity or 26 USC 457 governmental plan prior to the member's severance from employment can be made only if the transfer is either for the purchase of permissive service credit (as defined in section 415(n)(3)(A) of the Internal Revenue Code) under the receiving defined benefit governmental plan or a repayment to which section 415 of the Code does not apply by reason of section 415(k)(3) of the Code. A purchase of service pursuant to 19-3-513, 19-5-409, 19-6-804, 19-7-804, 19-8-904, 19-9-411, or 19-13-405, MCA, is a purchase of permissive service credit.

Authorizing statute(s): 19-2-403, 19-2-1010, 19-3-2104, MCA

Implementing statute(s): 19-2-704, 19-3-2113, 19-3-2115, MCA

History: NEW, 2002 MAR p. 1889, Eff. 7/12/02; AMD, 2003 MAR p. 1800, Eff. 8/15/03; AMD, 2005 MAR p. 913, Eff. 6/17/05; AMD, 2008 MAR p. 117, Eff. 2/1/08; TRANS, from ARM 2.43.441, 2009 MAR p. 78, Eff. 12/1/08.