

Firemen's Relief Association—Associations—Funds—Firemen.

Only members of the Firemen's Relief Association are entitled to participate in the funds of the association.

George P. Porter, Esq.,
State Auditor and State Fire Marshal Ex-officio,
Helena, Montana.

August 11, 1926.

My dear Mr. Porter:

You have requested my opinion whether two members of the Missoula fire department who have passed the civil service requirements and have become members of that department and who did not join the relief association (one at this time having a goiter and not being able to pass an examination) are entitled to participate in the firemen's relief association fund?

Section 5130 R. C. M. 1921 provides in part as follows:

"No one serving as a substitute or on probation, nor any fireman in the city having such association who is not a member thereof, shall be deemed a fireman within the meaning of this act. * * *"

Section 5132 R. C. M. 1921 further provides:

"Every fire department relief association, whenever certificate of incorporation or by-laws so provide, and every board of trustees, may pay out of any moneys in the fund a service pension in an amount not exceeding one-half of the monthly salary last received by such pensioner as may be provided for, to each of its members who has heretofore retired, or may hereafter retire. * * *"

From the above it is clear that firemen in order to participate in the firemen's relief association fund must be members of the association, and it is, therefore, my opinion that the two members mentioned in your inquiry may not so participate.

Very truly yours,

L. A. FOOT,
Attorney General.