

Benefits — Firemen's Relief Associations — Dues — Pensions.

Unless the by-laws provide that upon failure to pay the dues a fireman ceases to be a member of the association, such delinquent would still be entitled to benefits.

Section 5132 R. C. M. 1921 simply requires 20 years of active duty and this does not mean 20 consecutive years but may be at different times.

March 21, 1928.

George P. Porter, Esq.,
State Auditor and Commissioner of Insurance,
Helena, Montana.

My dear Mr. Porter:

You have requested my opinion on the following questions:

“Where the by-laws of a firemen's relief association provide for the payment of dues, is it necessary that these dues be paid before a member is entitled to receive benefits from the association?”

“Is it necessary that a member serve twenty consecutive years as a member of a fire department in order to entitle him to a service pension or may the twenty years be served at different times?”

In answer to your first question will say that I find no requirements of membership set forth in the firemen's relief association act. It does provide, however, that in order to entitle a fireman to benefits from the association he must be a member thereof. This would imply that a fireman must signify in some manner his intention of becoming a member of the association and that the manner in which a fireman shall become a member of the association must be provided in the by-laws.

The act provides that benefits must be paid to members of the association under certain conditions and it necessarily follows that as long as a fireman is a member he is entitled to benefits. Therefore, unless the by-laws provide that upon failure to pay the dues a fireman ceases to be a member of the association such delinquent would still be entitled to benefits.

In answer to your second question, section 5132 of said act simply requires twenty years of active duty and does not require twenty consecutive years; therefore, the twenty years may be served at different times.

Very truly yours,

L. A. FOOT,
Attorney General.