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*Senate* BILL NO. 133  
*Roberts*

INTRODUCED BY \_\_\_\_\_

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 11-2023, R.C.M. 1947, TO DELETE THE LANGUAGE THAT PROHIBITS A RETIRED VOLUNTEER FIREMAN FROM RECEIVING BENEFITS FROM A RETIREMENT SYSTEM OTHER THAN THE VOLUNTEER FIREMEN'S PENSION FUND."

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

Section 1. Section 11-2023, R.C.M. 1947, is amended to read as follows:

"11-2023. Qualification for compensation. (1) In order to qualify for the compensation provided under subparagraphs one (1), two (2), three (3) and four (4) of section 11-2022, the fireman must be an enrolled active member of a fire company organized under the laws of the state of Montana in an unincorporated area, town or village, at the time of such injury or sickness for which compensation hereunder is claimed.

(2) In order to qualify for participation in the volunteer firemen's pension plan under subparagraph five (5) of section 11-2022, a volunteer fireman must meet each of the following requirements:

(A) Years of service. (I) To qualify for full

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participation he must have completed a total of at least twenty (20) years' service as an active volunteer fireman and as an active member of a qualified volunteer fire company organized under the laws of the state of Montana in an unincorporated area, town or village. (II) If prevented from completing at least twenty (20) years' service by dissolution or discontinuance of his volunteer fire company, or by personal relocation due to transfer or loss of employment, or by personal disability, or by other factor beyond his reasonable control, then he may qualify for partial participation if he has completed at least ten (10) years' service; in that event, he shall be eligible for only a proportion of the benefits specified in subparagraph five (5) of section 11-2022, determined by multiplying such specified benefits by a fraction, the numerator of which shall be the number of years active service completed, and the denominator of which shall be twenty (20). (III) Provided, that from and after July 1, 1965, no volunteer fireman shall receive credit for any year of membership in any such volunteer fire company unless throughout such year such volunteer fire company shall have maintained fire-fighting equipment in serviceable condition of a value of two thousand five hundred dollars (\$2,500) or more, and unless throughout such year such volunteer fire company, or the fire district served thereby, shall have been rated in

1 class five (5), six (6), seven (7), eight (8), nine (9) or  
 2 ten (10) by the board of fire underwriters for the purpose  
 3 of fire insurance premium rates; provided, further, that  
 4 such years of active service shall be cumulative and need  
 5 not be continuous, and that such service need not be  
 6 acquired with one (1) single fire company, but may be a  
 7 total of separate periods of active service with different  
 8 fire companies organized under the laws of the state of  
 9 Montana in different fire districts in unincorporated areas,  
 10 towns or villages. From and after passage of this act, the  
 11 annual period of service for the purpose of this act shall  
 12 be the fiscal year; no fractional part of any year shall  
 13 count toward the service requirement, and to receive credit  
 14 for any particular year a volunteer fireman must serve with  
 15 one (1) particular volunteer fire company throughout that  
 16 entire fiscal year;

17 (B) He must have attained the age of fifty-five (55)  
 18 years (but he need not be an active volunteer fireman or an  
 19 active member of any volunteer fire company at the time of  
 20 reaching such age);

21 (C) During each of the years for which he claims  
 22 credit under subparagraph (A) above, he must have completed  
 23 a minimum of thirty (30) hours of instruction in matters  
 24 pertaining to fire fighting, under a program formulated and  
 25 supervised by the chief of his volunteer fire company;

1 (D) He must have ceased to be an active member of any  
 2 volunteer fire company organized under the laws of the state  
 3 of Montana in an unincorporated area, town or village, and  
 4 if he applies for and receives pension benefits hereunder,  
 5 he shall not thereafter be eligible to become an active  
 6 member of any such volunteer fire company;

7 ~~(E) He must not be eligible for benefits under any~~  
 8 ~~fire department relief association organized in any~~  
 9 ~~incorporated area.~~

10 ~~(F)~~(E) Provided, however, that any volunteer fireman  
 11 who is an active member of a volunteer fire company  
 12 organized under the laws of the state of Montana in an  
 13 unincorporated area, town or village at the time of passage  
 14 of this act shall receive credit against the said service  
 15 requirement to the extent of one (1) year's credit for each  
 16 two (2) years' service completed or to be completed by him  
 17 prior to July 1, 1965, as such active member of any such  
 18 volunteer fire company or companies; for the purpose of this  
 19 credit for prior service it shall not be necessary either  
 20 that the volunteer fire company or companies with which such  
 21 service has been rendered shall satisfy the requirements of  
 22 subparagraph (A) above, or that the individual volunteer  
 23 fireman shall during such prior service have satisfied the  
 24 requirements of subparagraph (C) above; but in any event no  
 25 more than ten (10) years' credit shall be allowed any such

1 volunteer fireman by reason of such service prior to July 1,  
2 1965. For the purpose of establishing such prior service  
3 credit, the chief of each volunteer fire company shall on or  
4 before September 1, 1968, prepare and file with the public  
5 employees' retirement system of the state of Montana a  
6 certificate, subscribed and verified under oath, setting  
7 forth the names and residence addresses of each of the  
8 members of his volunteer fire company who shall have  
9 qualified for one (1) or more years' credit for prior  
10 service, and setting forth the number of years of credit to  
11 which each thereof shall be entitled."

-End-

STATE OF MONTANA

REQUEST NO. 65-75

FISCAL NOTE

Form BD-15

In compliance with a written request received January 21, 19 75, there is hereby submitted a Fiscal Note for Senate Bill 133 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to allow a retired volunteer fireman to receive a volunteer fireman's pension even though he is receiving benefits from another retirement system.

FISCAL IMPACT:

Under the volunteer firemen's retirement system, no minimum benefit is statutorily established. Benefits each year are prorated to the eligible retired fireman based on 95% of the previous year's income subject to a maximum benefit of \$50 per month. The income to the fund is currently sufficient to pay all retirees the maximum \$50 per month. Increasing the number of persons eligible for benefits would not require increased funding under current fund income projections. In the event that 95% of the previous year's fund income would not be sufficient to pay the maximum benefit, all retirees under the system would receive a lesser prorated share.

*Michael B. Pallings*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: January 23, 1975

Approved by Comm.  
on Local Government

1 Senete BILL NO. 133  
2 INTRODUCED BY Roberts

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7 RETIREMENT SYSTEM OTHER THAN THE VOLUNTEER FIREMEN'S PENSION  
8 FUND."

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11 Section 1. Section 11-2023, R.C.M. 1947, is amended to  
12 read as follows:

13 "11-2023. Qualification for compensation. (1) In order  
14 to qualify for the compensation provided under subparagraphs  
15 one (1), two (2), three (3) and four (4) of section 11-2022,  
16 the fireman must be an enrolled active member of a fire  
17 company organized under the laws of the state of Montana in  
18 an unincorporated area, town or village, at the time of such  
19 injury or sickness for which compensation hereunder is  
20 claimed.

21 (2) In order to qualify for participation in the  
22 volunteer firemen's pension plan under subparagraph five (5)  
23 of section 11-2022, a volunteer fireman must meet each of  
24 the following requirements:

25 (A) Years of service. (I) To qualify for full

1 participation he must have completed a total of at least  
2 twenty (20) years' service as an active volunteer fireman  
3 and as an active member of a qualified volunteer fire  
4 company organized under the laws of the state of Montana in  
5 an unincorporated area, town or village. (II) If prevented  
6 from completing at least twenty (20) years' service by  
7 dissolution or discontinuance of his volunteer fire company,  
8 or by personal relocation due to transfer or loss of  
9 employment, or by personal disability, or by other factor  
10 beyond his reasonable control, then he may qualify for  
11 partial participation if he has completed at least ten (10)  
12 years' service; in that event, he shall be eligible for only  
13 a proportion of the benefits specified in subparagraph five  
14 (5) of section 11-2022, determined by multiplying such  
15 specified benefits by a fraction, the numerator of which  
16 shall be the number of years active service completed, and  
17 the denominator of which shall be twenty (20). (III)  
18 Provided, that from and after July 1, 1965, no volunteer  
19 fireman shall receive credit for any year of membership in  
20 any such volunteer fire company unless throughout such year  
21 such volunteer fire company shall have maintained  
22 fire-fighting equipment in serviceable condition of a value  
23 of two thousand five hundred dollars (\$2,500) or more, and  
24 unless throughout such year such volunteer fire company, or  
25 the fire district served thereby, shall have been rated in

SB 133

1 class five (5), six (6), seven (7), eight (8), nine (9) or  
 2 ten (10) by the board of fire underwriters for the purpose  
 3 of fire insurance premium rates; provided, further, that  
 4 such years of active service shall be cumulative and need  
 5 not be continuous, and that such service need not be  
 6 acquired with one (1) single fire company, but may be a  
 7 total of separate periods of active service with different  
 8 fire companies organized under the laws of the state of  
 9 Montana in different fire districts in unincorporated areas,  
 10 towns or villages. From and after passage of this act, the  
 11 annual period of service for the purpose of this act shall  
 12 be the fiscal year; no fractional part of any year shall  
 13 count toward the service requirement, and to receive credit  
 14 for any particular year a volunteer fireman must serve with  
 15 one (1) particular volunteer fire company throughout that  
 16 entire fiscal year;

17 (B) He must have attained the age of fifty-five (55)  
 18 years (but he need not be an active volunteer fireman or an  
 19 active member of any volunteer fire company at the time of  
 20 reaching such age);

21 (C) During each of the years for which he claims  
 22 credit under subparagraph (A) above, he must have completed  
 23 a minimum of thirty (30) hours of instruction in matters  
 24 pertaining to fire fighting, under a program formulated and  
 25 supervised by the chief of his volunteer fire company;

1 (D) He must have ceased to be an active member of any  
 2 volunteer fire company organized under the laws of the state  
 3 of Montana in an unincorporated area, town or village, and  
 4 if he applies for and receives pension benefits hereunder,  
 5 he shall not thereafter be eligible to become an active  
 6 member of any such volunteer fire company;

7 ~~(E) He must not be eligible for benefits under any~~  
 8 ~~fire department relief association organized in any~~  
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10 ~~(F)~~(E) Provided, however, that any volunteer fireman  
 11 who is an active member of a volunteer fire company  
 12 organized under the laws of the state of Montana in an  
 13 unincorporated area, town or village at the time of passage  
 14 of this act shall receive credit against the said service  
 15 requirement to the extent of one (1) year's credit for each  
 16 two (2) years' service completed or to be completed by him  
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 19 credit for prior service it shall not be necessary either  
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 24 requirements of subparagraph (C) above; but in any event no  
 25 more than ten (10) years' credit shall be allowed any such

1 volunteer fireman by reason of such service prior to July 1,  
2 1965. For the purpose of establishing such prior service  
3 credit, the chief of each volunteer fire company shall on or  
4 before September 1, 1968, prepare and file with the public  
5 employees' retirement system of the state of Montana a  
6 certificate, subscribed and verified under oath, setting  
7 forth the names and residence addresses of each of the  
8 members of his volunteer fire company who shall have  
9 qualified for one (1) or more years' credit for prior  
10 service, and setting forth the number of years of credit to  
11 which each thereof shall be entitled."

-End-

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21 (2) In order to qualify for participation in the  
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25 (A) Years of service. (I) To qualify for full

1 participation he must have completed a total of at least  
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-End-

SB133

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INTRODUCED BY ROBERTS

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participation he must have completed a total of at least twenty (20) years' service as an active volunteer fireman and as an active member of a qualified volunteer fire company organized under the laws of the state of Montana in an unincorporated area, town or village. (II) If prevented from completing at least twenty (20) years' service by dissolution or discontinuance of his volunteer fire company, or by personal relocation due to transfer or loss of employment, or by personal disability, or by other factor beyond his reasonable control, then he may qualify for partial participation if he has completed at least ten (10) years' service; in that event, he shall be eligible for only a proportion of the benefits specified in subparagraph five (5) of section 11-2022, determined by multiplying such specified benefits by a fraction, the numerator of which shall be the number of years active service completed, and the denominator of which shall be twenty (20). (III) Provided, that from and after July 1, 1965, no volunteer fireman shall receive credit for any year of membership in any such volunteer fire company unless throughout such year such volunteer fire company shall have maintained fire-fighting equipment in serviceable condition of a value of two thousand five hundred dollars (\$2,500) or more, and unless throughout such year such volunteer fire company, or the fire district served thereby, shall have been rated in

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-End-