LC 1268

enate BILL NO.328 Carr mehren de 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT VOLUNTEER 4 FIREMEN OR DISSOLVED FIRE COMPANIES IN UNINCORPORATED AREAS 5 TO BE ELIGIBLE FOR PENSION BENEFITS FOR SERVICE PRIOR TO 6 JULY 1, 1965; AMENDING SECTION 11-2023, R.C.M. 1947." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 10 Section 1. Section 11-2023, R.C.M. 1947, is amended to read as follows: 11 *11-2023. Qualification for compensation. (1) In order 12 to gualify for the compensation provided under subparagraphs 13 one (1), two (2), three (3) and four (4) of section 11-2022, 14 15 the fireman must be an enrolled active member of a fire 16 company organized under the laws of the state of Montana in 17 an unincorporated area, town or village, at the time of such 18 injury or sickness for which compensation hereunder is claimed. 19

(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:

24 (A) Years of service. (I) To qualify for full25 participation he must have completed a total of at least

INTRODUCED BILL

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

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

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

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

25 (D) He must have ceased to be an active member of any

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volunteer fire company organized under the laws of the state
 of Montana in an unincorporated area, town or village, and
 if he applies for and receives pension benefits hereunder,
 he shall not thereafter be eligible to become an active
 member of any such volunteer fire company;

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

(F) Provided, however, that any volunteer fireman who 9 is an active member of a volunteer fire company organized 10 11 under the laws of the state of Montana in an unincorporated area, town or village at the time of passage of this act 12 shall receive credit against the said service requirement to 13 14 the extent of one (1) year's credit for each two (2) years' service completed or to be completed by him prior to July 1, 15 1965, as such active member of any such volunteer fire 16 17 company or companies; for the purpose of this credit for prior service it shall not be necessary either that the 18 volunteer fire company or companies with which such service 19 has been rendered shall satisfy the requirements of 20 subparagraph (A) above, or that the individual volunteer 21 fireman shall during such prior service have satisfied the 22 requirements of subparagraph (C) above; but in any event no 23 more than ten (10) years' credit shall be allowed any such 24 volunteer fireman by reason of such service prior to July 1, 25

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1965. For the purpose of establishing such prior service 1 credit, the chief of each volunteer fire company shall en-er 2 before-September-17-1968, prepare and file with the public 3 employees' retirement system of the state of Montana a 4 certificate, subscribed and verified under oath, setting 5 б forth the names and residence addresses of each of the members of his volunteer fire company who shall have 7 qualified for one (1) or more years' credit for prior 8 9 service, and setting forth the number of years of credit to 10 which each thereof shall be entitled.

11 (G) Provided, however, that any volunteer fireman who 12 was an active member of a volunteer fire company organized 13 under the laws of the state in an unincorporated area, town, 14 or village prior to July 1, 1965, shall receive credit 15 against the said service requirement to the extent of one (1) year's credit for each two (2) years' service completed 16 17 by him prior to July 1, 1965; but in no event shall more 18 than ten (10) years' credit be allowed any such volunteer by 19 reason of such service prior to July 1, 1965. For the 20 purpose of establishing such prior service under this 21 section, the chief or former chief of each volunteer fire company shall on or before September 1, 1975, file with the 22 23 public employees' retirement system a certificate, 24 subscribed and verified under oath, setting the names and 25 residence addresses of each of the members of said volunteer

1	fire company who shall have qualified for one (1) or more
2	years of credit to which each therefore shall be entitled.
3	In addition, the reporting chief shall include in his report
4	a sworn statement as to the reason for the delayed filing.
5	The acceptance of this report will be subject to the
6	approval of the board of administration, public employees'
7	retirement system.
8	If it is not possible to secure a report from the chief
9	or former chief, an individual may receive credit for
10	service upon proper documentation acceptable to the board of
11	administration."

-End-

LC 1268

STATE OF MONTANA

REQUEST NO. 162-75

FISCAL NOTE

Form BD-15

In compliance with a written request received <u>Eebruary 3</u>, 19 <u>75</u>, there is hereby submitted a Fiscal Note for <u>Senate Bill 328</u> 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:

Senate Bill 328 permits volunteer firemen in unincorporated areas to be eligible for pension benefits for service prior to July 1, 1965.

FISCAL IMPACT:

Under the volunteer firemens' retirement system, no minimum benefit is statutorily established. Benefits each year are prorated to the eligible retired firemen based on 95% of the previous years' fund income, subject to a maximum benefit of \$75 per month. Increasing some members service credit will not appreciably affect the benefits paid out. In the event 95% of the previous years' fund income is not sufficient to pay the maximum benefit, retirees under the system would receive a smaller prorated share.

DIRECTOR

Office of Budget and Program Planning Date: _____ February 5, 1975__ LC 1268

Approved by Comm. on Local Government Penate BILL NO. 3.28 Laly Juchen See 1 2 INTRODUCED BY 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT VOLUNTEER 4 5 FIREMEN OR DISSOLVED FIRE COMPANIES IN UNINCORPORATED AREAS TO BE ELIGIBLE FOR PENSION BENEFITS FOR SERVICE PRIOR TO 6 7 JULY 1, 1965: AMENDING SECTION 11-2023, R.C.M. 1947." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 11-2023, R.C.M. 1947, is amended to 10 read as follows: 11 *11-2023. Qualification for compensation. (1) In order 12 to qualify for the compensation provided under subparagraphs 13 14 one (1), two (2), three (3) and four (4) of section 11-2022, the fireman must be an enrolled active member of a fire 15 company organized under the laws of the state of Montana in 16 an unincorporated area. town or village, at the time of such 17 injury or sickness for which compensation hereunder is 18 19 claimed. (2) In order to qualify for participation in the 20 volunteer firemen's pension plan under subparagraph five (5) 21

of section 11-2022, a volunteer fireman must meet each of the following requirements:

24 (A) Years of service. (I) To qualify for full
25 participation he must have completed a total of at least

SECOND READING

1 twenty (20) years' service as an active volunteer fireman 2 and as an active member of a qualified volunteer fire company organized under the laws of the state of Montana in 3 an unincorporated area, town or village. (II) If prevented 4 5 from completing at least twenty (20) years' service by dissolution or discontinuance of his volunteer fire company, 6 or by personal relocation due to transfer or loss of 7 8 employment, or by personal disability, or by other factor 9 beyond his reasonable control, then he may gualify for 10 partial participation if he has completed at least ten (10) 11 years' service; in that event, he shall be eligible for only 12 a proportion of the benefits specified in subparagraph five 13 (5) of section 11-2022, determined by multiplying such 14 specified benefits by a fraction, the numerator of which 15 shall be the number of years active service completed, and 16 the denominator of which shall be twenty (20). (III) Provided, that from and after July 1, 1965, no volunteer 17 fireman shall receive credit for any year of membership in 18 any such volunteer fire company unless throughout such year 19 such volunteer fire company shall have maintained 20 fire-fighting equipment in serviceable condition of a value 21 22 of two thousand five hundred dollars (\$2,500) or more, and 23 unless throughout such year such volunteer fire company, or 24 the fire district served thereby, shall have been rated in 25 class five (5), six (6), seven (7), eight (8), nine (9) or -- 58 328

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

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

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

25 (D) He must have ceased to be an active member of any

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volunteer fire company organized under the laws of the state
 of Montana in an unincorporated area, town or village, and
 if he applies for and receives pension benefits hereunder,
 he shall not thereafter be eligible to become an active
 member of any such volunteer fire company;

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

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

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1 1965. For the purpose of establishing such prior service 2 credit, the chief of each volunteer fire company shall en-er before-September-17-19687 prepare and file with the public 3 employees' retirement system of the state of Montana a 4 5 certificate, subscribed and verified under oath, setting 6 forth the names and residence addresses of each of the members of his volunteer fire company who shall have 7 8 qualified for one (1) or more years' credit for prior 9 service, and setting forth the number of years of credit to 10 which each thereof shall be entitled.

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11 (G) Provided, however, that any volunteer fireman who 12 was an active member of a volunteer fire company organized 13 under the laws of the state in an unincorporated area, town, or village prior to July 1, 1965, shall receive credit 14 15 against the said service requirement to the extent of one 16 (1) year's credit for each two (2) years' service completed 17 by him prior to July 1, 1965; but in no event shall more 18 than ten (10) years' credit be allowed any such volunteer by 19 reason of such service prior to July 1, 1965. For the purpose of establishing such prior service under this 20 21 section, the chief or former chief of each volunteer fire 22 company shall on or before September 1, 1975, file with the public employees' retirement system a certificate, 23 24 subscribed and verified under oath, setting the names and residence addresses of each of the members of said volunteer 25

1	fire company who shall have qualified for one (1) or more
2	years of credit to which each therefore shall be entitled.
3	In addition, the reporting chief shall include in his report
4	a sworn statement as to the reason for the delayed filing.
5	The acceptance of this report will be subject to the
6	approval of the board of administration, public employees'
7	retirement system.
8	If it is not possible to secure a report from the chief
9	or former chief, an individual may receive credit for
10	service upon proper documentation acceptable to the board of
11	administration.*

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LC 1268

INTRODUCED BY Very mehren See

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT VOLUNTEER 5 FIREMEN OR DISSOLVED FIRE COMPANIES IN UNINCORPORATED AREAS 6 TO BE ELIGIBLE FOR PENSION BENEFITS FOR SERVICE PRIOR TO 7 JULY 1, 1965; AMENDING SECTION 11-2023, R.C.M. 1947."

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

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

"11-2023. Qualification for compensation. (1) In order 12 13 to gualify for the compensation provided under subparagraphs 14 one (1), two (2), three (3) and four (4) of section 11-2022, 15 the fireman must be an enrolled active member of a fire 16 company organized under the laws of the state of Montana in 17 an unincorporated area, town or village, at the time of such 18 injury or sickness for which compensation hereunder is 19 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:

24 (A) Years of service. (I) To qualify for full25 participation he must have completed a total of at least

THIRD READING

1 twenty (20) years' service as an active volunteer fireman 2 and as an active member of a qualified volunteer fire 3 company organized under the laws of the state of Montana in an unincorporated area, town or village. (II) If prevented 4 from completing at least twenty (20) years' service by 5 dissolution or discontinuance of his volunteer fire company. 6 7 or by personal relocation due to transfer or loss of 8 employment, cr by personal disability, or by other factor 9 beyond his reasonable control, then he may qualify for 10 partial participation if he has completed at least ten (10) 11 years' service; in that event, he shall be eligible for only 12 a proportion of the benefits specified in subparagraph five 13 (5) of section 11-2022, determined by multiplying such 14 specified benefits by a fraction, the numerator of which 15 shall be the number of years active service completed. and 16 the denominator of which shall be twenty (20). (III) 17 Provided, that from and after July 1, 1965, no volunteer 18 fireman shall receive credit for any year of membership in 19 any such volunteer fire company unless throughout such year 20 such volunteer fire company shall have maintained 21 fire-fighting equipment in serviceable condition of a value 22 of two thousand five hundred dollars (\$2,500) or more, and 23 unless throughout such year such volunteer fire company, or 24 the fire district served thereby, shall have been rated in 25 class five (5), six (6), seven (7), eight (8), nine (9) or -2-58 328

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

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

(C) During each of the years for which he claims credit
under subparagraph (A) above, he must have completed a
minimum of thirty (30) hours of instruction in matters
pertaining to fire fighting, under a program formulated and
supervised by the chief of his volunteer fire company;
(D) He must have ceased to be an active member of any

volunteer fire company organized under the laws of the state
 of Montana in an unincorporated area, town or village, and
 if he applies for and receives pension benefits hereunder,
 he shall not thereafter be eligible to become an active
 member of any such volunteer fire company;

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

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

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1 1965. For the purpose of establishing such prior service 2 credit, the chief of each volunteer fire company shall en-er before-September-17-19687 prepare and file with the public 3 4 employees' retirement system of the state of Montana a 5 certificate, subscribed and verified under oath, setting 6 forth the names and residence addresses of each of the members of his volunteer fire company who shall have 7 qualified for one (1) or more years' credit for prior 8 9 service, and setting forth the number of years of credit to 10 which each thereof shall be entitled.

11 (G) Provided, however, that any volunteer fireman who 12 was an active member of a volunteer fire company organized 13 under the laws of the state in an unincorporated area, town, 14 or village prior to July 1, 1965, shall receive credit 15 against the said service requirement to the extent of one (1) year's credit for each two (2) years' service completed 16 17 by him prior to July 1, 1965; but in no event shall more 18 than ten (10) years' credit be allowed any such volunteer by 19 reason of such service prior to July 1, 1965. For the 20 purpose of establishing such prior service under this 21 section, the chief or former chief of each volunteer fire 22 company shall on or before September 1, 1975, file with the 23 public employees' retirement system a certificate, 24 subscribed and verified under oath, setting the names and 25 residence addresses of each of the members of said volunteer

1	fire company who shall have qualified for one (1) or more
2	years of credit to which each therefore shall be entitled.
3	In addition, the reporting chief shall include in his report
4	a sworn statement as to the reason for the delayed filing.
5	The acceptance of this report will be subject to the
6	approval of the board of administration, public employees'
7	retirement system.
8	If it is not possible to secure a report from the chief
9	or former chief, an individual may receive credit for
10	service upon proper documentation acceptable to the board of
11	administration."

-End-

LC 1268

1	SENATE BILL NO. 328	1
2	INTRODUCED BY HEALY, MEHRENS, LEE	2
3		3
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT VOLUNTEER	4
5	FIREMEN OR DISSOLVED FIRE COMPANIES IN UNINCORPORATED AREAS	5
6	TO BE ELIGIBLE FOR PENSION BENEFITS FOR SERVICE PRIOR TO	6
7	JULY 1, 1965; AMENDING SECTION 11-2023, R.C.M. 1947."	7
8		8
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9
10	Section I. Section 11-2023, R.C.M. 1947, is amended to	10
11	read as follows:	11
12	"11-2023. Qualification for compensation. (1) In order	12
13	to qualify for the compensation provided under subparagraphs	13
14	one (1), two (2), three (3) and four (4) of section 11-2022,	14
15	the fireman must be an enrolled active member of a fire	15
16	company organized under the laws of the state of Montana in	16
17	an unincorporated area, town or village, at the time of such	17
18	injury or sickness for which compensation hereunder is	18
19	claimed.	19
20	(2) In order to qualify for participation in the	20
21	volunteer firemen's pension plan under subparagraph five (5)	21
22	of section 11-2022, a volunteer fireman must meet each of	22
23	the following requirements:	23
24	(A) Years of service. (I) To qualify for full	24
25	participation he must have completed a total of at least	25
	REFERENCE BILL	

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 eliqible 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 class five (5), six (6), seven (7), eight (8), nine (9) or -2-SB 328

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

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

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under subparagraph (A) above, he must have completed a
minimum of thirty (30) hours of instruction in matters
pertaining to fire fighting, under a program formulated and
supervised by the chief of his volunteer fire company;

(D) He must have ceased to be an active member of any -3- SB 328

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volunteer fire company organized under the laws of the state
 of Montana in an unincorporated area, town or village, and
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1 SENATE BILL NO. 328 2 INTRODUCED BY HEALY, MEHRENS, LEE 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT VOLUNTEER 5 FIREMEN OR DISSOLVED FIRE COMPANIES IN UNINCORPORATED AREAS TO BE ELIGIBLE FOR PENSION BENEFITS FOR SERVICE PRIOR TO 6 7 JULY 1, 1965; AMENDING SECTION 11-2023, R.C.M. 1947." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 11-2023, R.C.M. 1947, is amended to 11 read as follows: 12 "11-2023. Qualification for compensation. (1) In order 13 to qualify for the compensation provided under subparagraphs 14 one (1), two (2), three (3) and four (4) of section 11-2022, 15 the fireman must be an enrolled active member of a fire 16 company organized under the laws of the state of Montana in 17 an unincorporated area, town or village, at the time of such injury or sickness for which compensation hereunder is 18 19 claimed.

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

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REFERENCE BILL

1 twenty (20) years' service as an active volunteer fireman 2 and as an active member of a qualified volunteer fire 3 company organized under the laws of the state of Montana in an unincorporated area, town or village. (II) If prevented 4 from completing at least twenty (20) years' service by 5 6 dissolution or discontinuance of his volunteer fire company, 7 or by personal relocation due to transfer or loss of 8 employment, or by personal disability, or by other factor 9 beyond his reasonable control, then he may qualify for 10 partial participation if he has completed at least ten (10) 11 years' service; in that event, he shall be eligible for only 12 a proportion of the benefits specified in subparagraph five 13 (5) of section 11-2022, determined by multiplying such 14 specified benefits by a fraction, the numerator of which 15 shall be the number of years active service completed, and 16 the denominator of which shall be twenty (20). (III) 17 Provided, that from and after July 1, 1965, no volunteer 18 fireman shall receive credit for any year of membership in 19 any such volunteer fire company unless throughout such year 20 such volunteer fire company shall have maintained 21 fire-fighting equipment in serviceable condition of a value 22 of two thousand five hundred dollars (\$2,500) or more, and 23 unless throughout such year such volunteer fire company, or 24 the fire district served thereby, shall have been rated in 25 class five (5), six (6), seven (7), eight (8), nine (9) or -2-SB 328

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17 years (but he need not be an active volunteer fireman or an
18 active member of any volunteer fire company at the time of
19 reaching such age);

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

(D) He must have ceased to be an active member of any -3- SB 328

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volunteer fire company organized under the laws of the state
 of Montana in an unincorporated area, town or village, and
 if he applies for and receives pension benefits hereunder,
 he shall not thereafter be eligible to become an active
 member of any such volunteer fire company;

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

9 (F) Provided, however, that any volunteer fireman who 10 is an active member of a volunteer fire company organized 11 under the laws of the state of Montana in an unincorporated 12 area, town or village at the time of passage of this act shall receive credit against the said service requirement to 13 the extent of one (1) year's credit for each two (2) years' 14 15 service completed or to be completed by him prior to July 1, 16 1965, as such active member of any such volunteer fire 17 company or companies; for the purpose of this credit for 18 prior service it shall not be necessary either that the 1.9 volunteer fire company or companies with which such service 20 has been rendered shall satisfy the requirements of 21 subparagraph (A) above, or that the individual volunteer 22 fireman shall during such prior service have satisfied the 23 requirements of subparagraph (C) above; but in any event no 24 more than ten (10) years' credit shall be allowed any such 25 volunteer fireman by reason of such service prior to July 1, -4-SB 328

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

(G) Provided, however, that any volunteer fireman who 11 12 was an active member of a volunteer fire company organized 13 under the laws of the state in an unincorporated area, town, 14 or village prior to July 1, 1965, shall receive credit 15 against the said service requirement to the extent of one 16 (1) year's credit for each two (2) years' service completed 17 by him prior to July 1, 1965; but in no event shall more 18 than ten (10) years' credit be allowed any such volunteer by 19 reason of such service prior to July 1, 1965. For the 20 purpose of establishing such prior service under this 21 section, the chief or former chief of each volunteer fire 22 company shall on or before September 1, 1975, file with the retirement system a certificate, 23 public employees' subscribed and verified under oath, setting the names and 24 25 residence addresses of each of the members of said volunteer -5-SB 328

1	fire company who shall have qualified for one (1) or more
2	years of credit to which each therefore shall be entitled.
3	In addition, the reporting chief shall include in his report
4	a sworn statement as to the reason for the delayed filing.
5	The acceptance of this report will be subject to the
6	approval of the board of administration, public employees'
7	retirement system.
8	If it is not possible to secure a report from the chief
9	or former chief, an individual may receive credit for
10	service upon proper documentation acceptable to the board of
11	administration."

-End-

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