

1 INTRODUCTION BY Senate BILL NO. 328
2 Nealy Ingham Lee

3
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."

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
18 injury or sickness for which compensation hereunder is
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:

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

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
4 an unincorporated area, town or village. (II) If prevented
5 from completing at least twenty (20) years' service by
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

1 ten (10) by the board of fire underwriters for the purpose
 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
 6 total of separate periods of active service with different
 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
 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

1 volunteer fire company organized under the laws of the state
 2 of Montana in an unincorporated area, town or village, and
 3 if he applies for and receives pension benefits hereunder,
 4 he shall not thereafter be eligible to become an active
 5 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
 13 shall receive credit against the said service requirement to
 14 the extent of one (1) year's credit for each two (2) years'
 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
 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
 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,

1 1965. For the purpose of establishing such prior service
 2 credit, the chief of each volunteer fire company shall ~~on or~~
 3 ~~before September 17, 1960~~, prepare and file with the public
 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
 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.

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
 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
 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-

STATE OF MONTANA

REQUEST NO. 162-75

FISCAL NOTE

Form BD-15

In compliance with a written request received February 3, 19 75, there is hereby submitted a Fiscal Note for Senate Bill 328 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.

Michael J. Billings
by *Karen Wilson*
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: February 5, 1975

Approved by Comm.
on Local Government

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2 INTRODUCED BY Nealy Mahrens Lee
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11 read as follows:

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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
18 injury or sickness for which compensation hereunder is
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:

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

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
4 an unincorporated area, town or village. (II) If prevented
5 from completing at least twenty (20) years' service by
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
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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

SECOND READING

-2- SB 328

1 ten (10) by the board of fire underwriters for the purpose
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
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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

1 volunteer fire company organized under the laws of the state
2 of Montana in an unincorporated area, town or village, and
3 if he applies for and receives pension benefits hereunder,
4 he shall not thereafter be eligible to become an active
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 17 years (but he need not be an active volunteer fireman or an
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20 (C) During each of the years for which he claims credit
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 22 minimum of thirty (30) hours of instruction in matters
 23 pertaining to fire fighting, under a program formulated and
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25 (D) He must have ceased to be an active member of any

1 volunteer fire company organized under the laws of the state
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 8 area.

9 (F) Provided, however, that any volunteer fireman who
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SENATE BILL NO. 328

INTRODUCED BY HEALY, MEHRENS, LEE

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(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 participation he must have completed a total of at least

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2 INTRODUCED BY HEALY, MEHRENS, LEE

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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

1 ten (10) by the board of fire underwriters for the purpose
 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
 6 total of separate periods of active service with different
 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
 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

1 volunteer fire company organized under the laws of the state
 2 of Montana in an unincorporated area, town or village, and
 3 if he applies for and receives pension benefits hereunder,
 4 he shall not thereafter be eligible to become an active
 5 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
 13 shall receive credit against the said service requirement to
 14 the extent of one (1) year's credit for each two (2) years'
 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
 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
 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,

1 1965. For the purpose of establishing such prior service
 2 credit, the chief of each volunteer fire company shall ~~en-er~~
 3 ~~before-September-17-1968~~, prepare and file with the public
 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
 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.

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
 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
 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-