

1                    HOUSE    BILL NO. 62  
 2    INTRODUCED BY BARDANOUVE

3  
 4    A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
 5    CLARIFY THE LAWS RELATING TO FIREMEN'S RETIREMENT AND DEATH  
 6    AND DISABILITY BENEFITS."

7  
 8    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9            Section 1. There is a new R.C.M. section numbered  
 10    11-1910.1 that reads as follows:

11            11-1910.1. Definitions. Unless the context requires  
 12    otherwise, the following definitions apply in 11-1910  
 13    through 11-1930, 11-1927.1, 11-1927.2, and 11-3524:

14            (1) "Association" means the fire department relief  
 15    association provided for in 11-1922.

16            (2) "Disability and pension fund" or "fund" means the  
 17    fund provided for in 11-1910.

18            (3) "Fire department" includes all fire departments,  
 19    consisiting of paid, part-paid, or volunteer firemen or any  
 20    combination thereof, recognized by the city or town council  
 21    of an incorporated city or town of this state.

22            (4) "Incorporated city or town" includes county seats  
 23    whether incorporated or not.

24            Section 2. Section 11-1910, R.C.M. 1947, is amended to  
 25    read as follows:

1            "11-1910. Disability and pension fund. (1) A fund to  
 2    be known as the "disability and pension fund" of the fire  
 3    department relief association of the city or town There  
 4    shall be ~~created and established and maintained~~ in each  
 5    ~~incorporated every~~ city or town ~~of the state of Montana~~  
 6    where ~~there is an organized fire department, recognized by~~  
 7    ~~city council, which said the~~ fire department has formed or  
 8    shall hereafter ~~form~~ forms themselves into an association  
 9    ~~known as the fire department relief an association under~~  
 10    11-1922, of the city or town of ~~.... (name of the city or~~  
 11    ~~town) and incorporated under the laws of the state of~~  
 12    ~~Montana, a fund to be known as "disability and pension fund"~~  
 13    ~~of the fire department relief association of the city or~~  
 14    ~~town of .... (naming the city or town)~~

15            (2) said The fund shall be kept separate from other  
 16    fynds and shall to be held by the treasurer of each the  
 17    ~~association,~~ as provided by law, ~~and to be kept in a~~  
 18    ~~separate fund. No fire department relief association shall~~  
 19    ~~be organized and incorporated under the provisions of this~~  
 20    ~~act, unless it is in an incorporated city or town of this~~  
 21    ~~state, and has a duly organized fire department, consisting~~  
 22    ~~of either paid, part paid, or volunteer firemen, or any or~~  
 23    ~~all such firemen, which said fire department must have fire~~  
 24    ~~fighting equipment in serviceable condition, of the value of~~  
 25    ~~seven hundred fifty dollars (\$750.00), or more, provided~~

1 ~~that the words "incorporated city or town" appearing in this~~  
 2 ~~act shall include any county seats whether incorporated or~~  
 3 ~~not."~~

4 Section 3. Section 11-1911, R.C.M. 1947, is amended to  
 5 read as follows:

6 "11-1911. ~~Source of Contributions to fund. (1) The~~  
 7 ~~disability and pension fund of the fire department relief~~  
 8 ~~association of such city or town shall consist of:~~

9 (a) all bequests, fees, gifts, emoluments, or  
 10 donations ~~or money from other sources~~ given or paid to ~~such~~  
 11 ~~the fund, or any of its members, except as otherwise~~  
 12 ~~designated by the donor;~~

13 (b) ~~and a monthly fee which shall be paid into the~~  
 14 ~~fund by each paid member and or part-paid member of said~~  
 15 ~~fire department relief the association amounting to six per~~  
 16 ~~cent (6%) of the member's regular monthly salary;~~

17 (c) the proceeds of a ~~the tax levy as provided by~~  
 18 ~~section for in 11-1912, R.C.M. 1947, and;~~

19 (d) all moneys received from the state of Montana as  
 20 ~~provided for by section 11-1919, R.C.M. 1947, including~~  
 21 ~~those provided for in 11-1919; and the interest of any~~  
 22 ~~portion of such fund.~~

23 (e) ~~all interest and other income earned from the~~  
 24 ~~investment of the fund.~~

25 (2) ~~any such paid or part-paid A fireman shall be is~~

1 entitled to a ~~return refund, in a lump sum, and without~~  
 2 interest, of all his monthly contributions ~~made by the~~  
 3 ~~fireman to such funds the fund, within sixty (60) days of~~  
 4 ~~after his permanent separation from service in the fire~~  
 5 ~~department of such city, town or municipality, except for~~  
 6 ~~separation by reason of retirement, death, or disability,~~  
 7 ~~which would otherwise qualify such separated fireman, his or~~  
 8 ~~the his surviving spouse or ~~orphan, children~~ to receive~~  
 9 ~~benefits or allowances an allowance from such fire~~  
 10 ~~department relief the association.~~

11 Section 4. Section 11-1912, R.C.M. 1947, is amended to  
 12 read as follows:

13 "11-1912. ~~For Special tax~~ levy for fund. ~~For the~~  
 14 ~~purpose of maintaining said disability and pension funds of~~  
 15 ~~such fire department relief association, is an amount~~

16 (1) (a) ~~The purpose of this section is to provide a~~  
 17 ~~means by which each disability and pension fund may be~~  
 18 ~~maintained at a level equal to two per centum (2%) of the~~  
 19 ~~taxable valuation of all taxable property within the limits~~  
 20 ~~of any the city, or town or municipality,~~

21 (b) ~~Whenever the fund contains less than 2% of the~~  
 22 ~~taxable valuation of all taxable property within the limits~~  
 23 ~~of the city or town, the city or town council or the~~  
 24 ~~commission or such other proper authority of any~~  
 25 ~~municipality, as is now or may hereafter be established,~~

1 ~~under special or local laws passed by the legislative~~  
 2 ~~assembly and adopted by the electors within such city, town~~  
 3 ~~or municipality, entitled to vote thereon, at all times when~~  
 4 ~~the said relief association fund is in a total amount of~~  
 5 ~~less than two per centum (2%) of the taxable valuation of~~  
 6 ~~all taxable property within the limits of the city, town or~~  
 7 ~~municipality, governing body of the city or town shall,~~  
 8 ~~annually, in the manner provided by law, at the time of the~~  
 9 ~~levy of the annual tax, levy a special tax as hereinbelow~~  
 10 ~~set forth, which said provided in subsection (2). The~~  
 11 ~~special tax shall be collected as other taxes are collected~~  
 12 ~~and, when so collected, shall be paid into the disability~~  
 13 ~~and pension fund, of the fire department relief association~~  
 14 ~~of said city, town or municipality.~~

15 ~~4. (2) (a) Whenever the total amount of a fire~~  
 16 ~~department relief association's fund is less than two~~  
 17 ~~per centum (2%) of the taxable valuation of all taxable~~  
 18 ~~property within the limits of the city, or town or~~  
 19 ~~municipality, the special tax levy shall be:~~

20 ~~(i) not less than one (1) mill nor or more than four~~  
 21 ~~(4) mills on each dollar of taxable valuation of all taxable~~  
 22 ~~property assessed for taxes within the limits of said the~~  
 23 ~~city, or town or municipality; and~~

24 ~~(ii) said special tax levy shall be an amount~~  
 25 ~~sufficient as will to provide a growth per year in such fire~~

1 ~~department relief association's the fund, considering all~~  
 2 ~~sources of income to such the fund and the payment of~~  
 3 ~~obligations out of each the fund, in an amount equal to the~~  
 4 ~~sum produced by one (1) mill levied on the taxable valuation~~  
 5 ~~of all the taxable property in said the city, or town or~~  
 6 ~~municipality.~~

7 ~~2. (b) Whenever The special tax levy shall be a~~  
 8 ~~fractional part of 1 mill whenever:~~

9 ~~(i) the total amount of the fire department relief~~  
 10 ~~association's fund is less than two per centum (2%) but more~~  
 11 ~~than 1% of the taxable valuation of all taxable property~~  
 12 ~~within said the city, or town or municipality, but more than~~  
 13 ~~one per centum (1%) of said taxable valuation; and~~

14 ~~(ii) when the special tax levy of one (1) mill on each~~  
 15 ~~dollar of taxable valuation within said city, town or~~  
 16 ~~municipality, a fractional part of 1 mill will produce~~  
 17 ~~sufficient revenue to cause such the fund, considering all~~  
 18 ~~sources of income, to the fund and all payments to be made~~  
 19 ~~out of such the fund, to exceed two per centum (2%) of the~~  
 20 ~~taxable valuation of all taxable property within said the~~  
 21 ~~city, or town or municipality, the tax levy shall be such~~  
 22 ~~fractional part of one (1) mill as will produce sufficient~~  
 23 ~~revenue to cause the fire department relief association's~~  
 24 ~~disability and pension fund to be more than two per centum~~  
 25 ~~(2%) of the taxable valuation of all taxable property in~~

1 ~~said city, town or municipality.~~  
 2 3. (c) In cities of the third class, when the fire  
 3 ~~department relief association's disability and pension fund~~  
 4 contains an amount of which is less than ~~two per centum (2%)~~  
 5 of the taxable valuation of all taxable property ~~within the~~  
 6 ~~city limits of~~ in the city, ~~or town or municipality,~~ the  
 7 city council shall levy an annual special tax of not less  
 8 than ~~one (1) mill and not to exceed more than four (4) mills~~  
 9 on the each dollar of all taxable valuation of all taxable  
 10 property ~~assessed~~ within the ~~said city, or town or~~  
 11 ~~municipality."~~

12 Section 5. Section 11-1914, R.C.M. 1947, is amended to  
 13 read as follows:

14 "11-1914. Duties of trustees Management of  
 15 association and investment of surplus funds fund. (1) The  
 16 board of trustees of the ~~fire department relief~~ association  
 17 shall audit the accounts of the association at least every  
 18 ~~six (6) months~~ and shall report the condition of them at the  
 19 next regular meeting of the association.

20 (2) (a) The management of the fire department relief  
 21 associations in municipalities other than ~~in~~ first and  
 22 second class cities ~~shall be is~~ vested in the ~~board boards~~  
 23 of trustees, except as provided in subsections (2)(b) and  
 24 (c).

25 (b) ~~When~~ Subject to the provisions of subsection

1 (2) (c), when so directed by a majority vote of the members  
 2 of the association, the board of trustees ~~may~~ invest the  
 3 surplus ~~funds of the association~~ money in the fund or any  
 4 part ~~of them, thereof~~ thereof in any time or saving deposits, in ~~any~~  
 5 a solvent bank, building and loan association, or savings  
 6 and loan association operating in the county where the city  
 7 or town is located, in bonds or other securities of the  
 8 United States government, or in general obligation bonds or  
 9 warrants of any state, county, or city ~~as that~~ that are  
 10 recommended by the state auditor and approved by the  
 11 department of community affairs. At the time of purchase the  
 12 investments must be stamped in boldface type, substantially  
 13 as follows: "Property property of the .... ~~Fire Department~~  
 14 ~~Relief Association, fire department relief association~~ and  
 15 negotiable only upon the order of the board of trustees of  
 16 such association." ~~Provided, however, that~~

17 (c) ~~when~~ When the average yield on investments of  
 18 public retirement funds under the state board of investments  
 19 exceeds by ~~one percent (1%)~~ in any fiscal year the  
 20 ~~investment average yield on investments~~ of said fire  
 21 ~~department relief association funds such funds~~ the fund made  
 22 pursuant to subsection (2)(b), the surplus money in the fund  
 23 shall be remitted to the state treasurer for investment by  
 24 the state board of investments as is provided in the  
 25 ~~provisions of this section~~ subsection (3) (c) for

1 associations in first and second class cities, ~~and said~~  
 2 ~~fire department relief~~ Every 6 months the association shall  
 3 submit ~~every six (6) months~~ a financial statement detailing  
 4 ~~their its~~ investments to the department of community  
 5 affairs, ~~and the department shall advise said fire~~  
 6 ~~department relief the~~ association of the current yield of  
 7 ~~investment on investments~~ of public retirement funds.

8 ~~(2)(3)~~ (a) The management of the fire department  
 9 relief associations in first and second class cities shall  
 10 be ~~is~~ vested in the ~~board boards~~ of trustees of ~~such the~~  
 11 associations subject to the ~~following~~ provisions of ~~this~~  
 12 ~~section subsections (3)(b) and (c)~~.

13 (b) The board of trustees shall submit to the  
 14 department of community affairs before October 1 in each  
 15 odd-numbered year, all information requested by the  
 16 department of ~~community affairs~~ necessary to complete an  
 17 actuarial valuation of the ~~funds of the association fund~~.  
 18 ~~This~~ The valuation shall consider the actuarial soundness of  
 19 the fund for the 2 preceding fiscal years. The valuation is  
 20 to be prepared by a qualified actuary selected by the  
 21 department of ~~community affairs~~. ~~This valuation shall~~  
 22 ~~consider the actuarial soundness of the association's funds~~  
 23 ~~for the two (2) preceding fiscal years.~~ A qualified actuary  
 24 is a member of the American Academy academy of Actuaries  
 25 actuaries or of any other organization ~~deemed~~ considered by

1 the municipal audit division to have similar standards. In  
 2 each fiscal year in which an actuarial valuation is  
 3 prepared, the department of ~~community affairs~~ shall submit  
 4 to the state auditor a request for payment of the expenses  
 5 incurred in securing the actuarial valuation. These expenses  
 6 may not exceed ~~six thousand dollars (\$6,000)~~ in any fiscal  
 7 year, ~~and the~~ The state auditor shall make payment to the  
 8 actuary designated by the request.

9 ~~(3)(c) whenever the moneys~~ The board of trustees shall  
 10 remit the excess over the greater of the following amounts  
 11 to the state treasurer, who shall invest the remittances  
 12 under the direction of the board of investments as provided  
 13 by 79-311, whenever the moneys in the disability and pension  
 14 fund exceed:

15 ~~(a)(i) one and one half (1 1/2)~~ times the monthly  
 16 benefit paid in the preceding month; or

17 ~~(b)(ii) five thousand dollars (\$5,000), whichever is~~  
 18 ~~greater, then the board shall remit such excess amounts to~~  
 19 ~~the state treasurer. The state treasurer shall invest such~~  
 20 ~~remittances under the direction of the state board of~~  
 21 ~~investments as provided by section 79-311."~~

22 Section 6. Section 11-1919, R.C.M. 1947, is amended to  
 23 read as follows:

24 "11-1919. State auditor to pay ~~fire department relief~~  
 25 association out of insurance premium taxes ~~collected from~~

1 ~~insurance companies.~~ (1) At the end of the fiscal year, the  
 2 state auditor shall issue and deliver the payment described  
 3 in this subsection to the treasurer of every city or town of  
 4 the first and second class, which has a fire department  
 5 relief association entitled by law to receive payments. The  
 6 payment shall be for the use and benefit of the fire  
 7 ~~department relief association, legally existing in every~~  
 8 ~~such city or town entitled by law to receive the same, It~~  
 9 shall be paid out of the premium taxes on insurance risks  
 10 enumerated in subsection (6) collected by him, ~~an amount~~  
 11 the state auditor and shall be equal to ten per centum (10%)  
 12 of the total annual compensation paid by ~~such~~ the city or  
 13 town to its paid or part-paid firemen for services in the  
 14 previous calendar year. The city clerk of ~~each such~~ the  
 15 city or town shall certify in writing to the state auditor,  
 16 on or before April 1 of each year, the amount so paid by  
 17 ~~such~~ the city or town as compensation for services to paid  
 18 or part-paid firemen.

19 (2) ~~In the event of~~ When there is a disaster resulting  
 20 in the death or injury sufficient to draw ~~pension~~ the  
 21 pensions of ~~ten percent (10%)~~ of the active force and ~~when~~  
 22 the fund of ~~such fire department relief association,~~ after  
 23 receiving all moneys ~~as designated provided for~~ in section  
 24 ~~11-1911, and section 11-1912, and the ten percent (10%) of~~  
 25 ~~annual compensation as designated in this chapter subsection~~

1 (1) of this section, does not show at least the ~~one (1) mill~~  
 2 1-mill growth as referred to in ~~section 11-1912,~~ then the  
 3 treasurer of ~~such relief~~ the association shall request and  
 4 the state auditor shall issue and deliver an additional  
 5 payment under the same conditions described in subsection  
 6 (1), to the treasurer of every city or town of the first and  
 7 ~~second class, for the use and benefit of the fire department~~  
 8 ~~relief association legally existing in every city or town~~  
 9 ~~entitled to receive the same, out of the premium tax~~  
 10 ~~collected by him, The payment shall be in an additional~~  
 11 amount sufficient to show cause at least the ~~above-mentioned~~  
 12 ~~one (1) mill 1-mill~~ growth in the fund referred to in  
 13 ~~section 11-1912.~~

14 (3) ~~In the event~~ If a city ~~of the first or second~~  
 15 ~~class~~ is not entitled to receive a sum equal to ~~forty-five~~  
 16 ~~one-hundredths (45/100) mills~~ of a mill of its total  
 17 assessed valuation under ~~the foregoing method of computation~~  
 18 ~~then, in that event~~ subsections (1) and (2), the fire  
 19 ~~department relief association of that~~ the city shall receive  
 20 its money in the ~~same~~ manner as provided ~~below~~ in  
 21 subsections (4) and (5) for cities of the third class.

22 (4) At the end of the fiscal year, the state auditor  
 23 shall issue and deliver the warrant described in this  
 24 subsection to the treasurer of every city or town, except  
 25 cities ~~or~~ and towns of the first or second class, which has

1 a fire department relief association entitled by law to  
 2 receive payments. The warrant shall be for the use and  
 3 benefit of the fire department relief association, legally  
 4 existing in every such city or town entitled by law to  
 5 receive the same, his warrant it shall be for an amount  
 6 equal to forty-five one hundredths (45/100) mills of a mill  
 7 of the total assessed valuation of the city or town to and  
 8 shall be paid from out of the premium taxes, after deducting  
 9 cancellations and return premiums, on insurance risks  
 10 enumerated in subsection (6) collected by the state  
 11 auditor, ex officio insurance commissioner, from insurers  
 12 authorized to effect insurance on risks enumerated in  
 13 subsection (6) of this section, as said cities or towns are  
 14 each severally entitled to.

15 ~~(5) The legally organized and existing fire department~~  
 16 ~~relief associations in all cities or towns where the taxes~~  
 17 ~~on premiums collected and distributed pursuant to subsection~~  
 18 ~~(4) above is insufficient to make an amount equal to one~~  
 19 ~~hundred dollars (\$100) shall receive such additional amount~~  
 20 ~~from the total taxes on premiums collected from insurers~~  
 21 ~~authorized to effect insurance against risks enumerated in~~  
 22 ~~subsection (6) of this section as may be necessary to make~~  
 23 ~~the total amount received by said fire department relief~~  
 24 ~~association equal to the sum of one hundred dollars (\$100).~~

25 (5) If the payment provided for in subsection (4) is

1 less than \$100, the association shall receive an additional  
 2 payment from the same tax moneys so that the total amount  
 3 received is \$100.

4 (6) The risks referred to in subsection subsections  
 5 (1) and (4) above, are, enumerated as follows:

6 (a) Insurance insurance of houses, buildings, and all  
 7 other kinds of property against loss or damage by fire or  
 8 other casualty;

9 (b) and all kinds of insurance on goods, merchandise,  
 10 or other property in the course of transportation, whether  
 11 on by land, or water, or air;

12 (c) insurance against loss or damage to motor vehicles  
 13 resulting from accident, collision, or marine and inland  
 14 navigation and transportation perils;

15 (d) insurance of growing crops against loss or damage  
 16 resulting from hail or the elements;

17 (e) insurance against loss or damage by water to any  
 18 goods or premises arising from the breakage or leakage of  
 19 sprinklers, pumps, or other apparatus;

20 (f) and insurance against loss or legal liability for  
 21 loss because of damage to property caused by the use of  
 22 teams or vehicles, whether by accident or collision or by  
 23 explosion of any engine, or tank, or boiler, or pipe, or  
 24 tire of any vehicle, and also including

25 (g) insurance against theft of the whole or any part

1 of any vehicle."

2 Section 7. Section 11-1922, R.C.M. 1947, is amended to  
3 read as follows:

4 "11-1922. Fire Formation of fire department relief  
5 association -- membership, officers. (1) The confirmed  
6 members of the a fire department, ~~or departments, together~~  
7 ~~with the volunteer fire department or departments recognized~~  
8 ~~by the city or town council in each incorporated city or~~  
9 ~~town of this state are hereby authorized to as defined in~~  
10 11-1910, 1, may form themselves into a local association, to  
11 be known as the fire department relief association of the  
12 city or town of .... (naming the city or town), and when so  
13 When an association is formed, it shall incorporate be  
14 incorporated under the laws of this state. No one who is  
15 servng as a substitute, who is on probation, or who has not  
16 been confirmed as a member of the fire department is  
17 eligible for membership in the association.

18 (2) In an association may only be formed and incorporated  
19 if:

20 (a) its formation is authorized by subsection (1); and

21 (b) the fire department has fire fighting equipment in  
22 serviceable condition which has a value of \$750 or more.

23 (3) ~~In the event of the formation of such fire~~  
24 ~~department relief association, there shall be elected~~ When  
25 an association is formed the members shall elect officers by

1 a majority vote, ~~of the members thereof, the following The~~  
2 ~~officers, to-wit: A shall be a~~ president, a secretary, a  
3 treasurer, and three five members to serve ~~as members of on~~  
4 the board of trustees, ~~which said board of trustees shall~~  
5 ~~consist of five members, of which the chief of the fire~~  
6 ~~department, and the president of the fire department relief~~  
7 ~~association shall be ex officio members thereof.~~ After the  
8 incorporation of ~~any such fire department relief an~~  
9 association, the said elective officers shall be elected  
10 annually on or before ~~the fifteenth day of~~ April 15 ~~of each~~  
11 ~~year. The members may elect the city or town treasurer ex~~  
12 officio treasurer of the association by a majority vote."

13 Section 8. Section 11-1923, R.C.M. 1947, is amended to  
14 read as follows:

15 "11-1923. Annual report of the secretary and  
16 treasurer, ~~prescribing qualifications for membership,~~  
17 ~~official bond of the treasurer and examination of books and~~  
18 ~~accounts protection of moneys.~~ (1) The secretary and  
19 treasurer of ~~every fire department relief the~~ association  
20 shall annually prepare a detailed report of its receipts and  
21 expenditures for the preceding year, showing to whom and for  
22 what purposes the money has been paid ~~and spent, and~~  
23 expended. They shall file it the report with the  
24 association, and a duplicate of it with the state auditor.  
25 No money may be paid to the treasurer of the ~~fire department~~



1 relief association until the report is filed. ~~No one serving~~  
 2 ~~as a substitute or on probation, nor a person who has not~~  
 3 ~~been confirmed a member of an organized fire department, is~~  
 4 ~~eligible for membership in the relief association.~~

5 (2) No treasurer of an association may enter upon his  
 6 duties until he has given to the association a sufficient  
 7 bond, of not less than ~~fifty per cent (50%)~~ of the amount of  
 8 the cash funds and securities of the association, for the  
 9 faithful performance of his duties according to law. The  
 10 amount of the bond shall be approved ~~and paid for~~ by the  
 11 association. ~~The official bond and~~ may not exceed  
 12 ~~twenty five thousand dollars (\$25,000).~~ (2) ~~Upon a~~  
 13 ~~majority vote of the members of the association, the city or~~  
 14 ~~town treasurer shall be ex officio treasurer of the fire~~  
 15 ~~department relief association and the~~ The bond shall be paid  
 16 for by the association. If the city or town treasurer has  
 17 been elected ex officio treasurer of the association, his  
 18 official bond of the city or town treasurer shall will cover  
 19 the faithful discharge of his duties as ex officio treasurer  
 20 of the fire department relief association such.

21 (3) The cash in the ~~firemen's relief~~ disability and  
 22 pension fund shall have the same protection as to depository  
 23 securities furnished by banks as the other funds of the city  
 24 or town.

25 (a) All of the financial books and accounts of the

1 association are subject at all times to examination by the  
 2 department of community affairs.

3 (2)(b) Upon ~~When~~ a complaint being is made to ~~it~~ the  
 4 department of community affairs that the any money ~~or any~~  
 5 ~~part of it~~ paid to the treasurer of the association has been  
 6 or is being spent for an unauthorized purpose, and, ~~if the~~  
 7 ~~money~~ upon examination, the money is found to have been  
 8 spent contrary to the authority given, the department of  
 9 ~~community affairs~~ shall so report to the governor, upon  
 10 whose directions to the state auditor no further warrants  
 11 may be issued to the ~~fire department relief~~ association  
 12 treasurer until the misspent money ~~so spent~~ has been  
 13 returned."

14 Section 9. Section 11-1920, R.C.M. 1947, is amended to  
 15 read as follows:

16 "11-1924. ~~Duties of association and city treasurers~~  
 17 Transfer of money into fund by city treasurer. Whenever ~~such~~  
 18 a fire department relief association ~~is~~ has been formed as  
 19 ~~provided by law~~ and ~~when~~ the treasurer of ~~such~~ the  
 20 association has furnished the bond ~~as provided by law~~  
 21 required by 11-1923(2), such ~~the~~ city treasurer shall pay to  
 22 ~~said fire department relief association~~ the treasurer of the  
 23 association all money ~~in the hands of~~ held by the city  
 24 treasurer to the credit of ~~said~~ the disability and pension  
 25 fund, taking ~~the~~ a proper receipt therefor. ~~of~~ ~~said~~

1 ~~treasurer and said~~ Thereafter, the city treasurer shall  
 2 ~~thereafter from time to time~~, as moneys are received by him  
 3 for the credit of ~~said the~~ fund or association, turn the  
 4 same over to the treasurer of ~~said relief the~~ association,  
 5 taking proper receipts therefor."

6 Section 10. Section 11-1925, R.C.M. 1947, is amended  
 7 to read as follows:

8 "11-1925. ~~Pensions to retired firemen~~ Service  
 9 pension. (1) ~~Each and every fire department relief~~ Each  
 10 association organized and existing under the laws of this  
 11 state shall pay, out of its disability and pension fund, a  
 12 service pension to each of its members who ~~elect~~ elects to  
 13 retire from active service after having completed ~~twenty~~  
 14 ~~(20)~~ years or more of active duty and has reached the age of  
 15 ~~fifty (50)~~ years as a fully paid member of a paid, or partly  
 16 paid and partly volunteer fire department of the city or  
 17 town ~~wherein such~~ in which the association ~~has been~~ was  
 18 ~~formed, out of any money in the association's "disability~~  
 19 ~~and pension fund," a "service pension" in an amount which~~  
 20 The pension shall be equal to one-half (1/2) of the sum last  
 21 received by the member as a monthly compensation, excluding  
 22 overtime and payments in lieu of sick leave and annual  
 23 leave, for his services as an active member of ~~said the~~ fire  
 24 department.

25 (2) ~~However, effective~~ Effective July 1, 1974, ~~and~~

1 ~~after an active a member has completed who completes~~ twenty  
 2 ~~(20)~~ years of service ~~the pension of the member who serves~~  
 3 ~~or has served an additional one (1) to ten (10) years shall~~  
 4 be and elects to serve additional years shall receive the  
 5 pension provided for in subsection (1), increased at the  
 6 rate of ~~one percent (1%)~~ per year for each additional year  
 7 of service completed, up to a maximum of ~~sixty percent (60%)~~  
 8 of the last ~~month's salary received sum last received by the~~  
 9 member as a monthly compensation, ~~excluding overtime and~~  
 10 payments in lieu of sick leave and annual leave, for his  
 11 services as an active member of ~~said the~~ fire department,  
 12 ~~provided that no~~ No member shall ~~be~~ is eligible to receive a  
 13 service pension prior to attaining the age of ~~fifty (50)~~  
 14 years.

15 (3) ~~However, the~~ The monthly ~~compensation~~ pension paid  
 16 to members retiring on or after July 1, 1973, ~~shall in no~~  
 17 ~~event become less than~~ must be at least one-half (1/2) the  
 18 regular monthly salary paid, excluding overtime and payments  
 19 in lieu of sick leave and annual leave, paid to a confirmed  
 20 active fireman of that city, as provided each ~~and every~~ year  
 21 in the ~~annual~~ budget of that city. ~~In no event shall the~~  
 22 The monthly ~~compensation~~ pension paid to a member retiring  
 23 prior to July 1, 1974, ~~be less than~~ must be at least ~~two~~  
 24 ~~hundred dollars (\$200).~~ In the case of volunteer ~~men~~  
 25 firemen, the ~~compensation shall in no event~~ pension may not

1 exceed the ~~sum of seventy-five dollars (\$75)~~ per month.

2 (4) A member of a pure volunteer fire department who  
 3 has served ~~twenty (20)~~ years or more as an active member of  
 4 ~~such the~~ fire department, ~~without qualifying as to any~~  
 5 ~~provisions pertaining to an attained age,~~ shall be is  
 6 entitled to the benefits provided for ~~by~~ in this act  
 7 ~~provided, that a~~ regardless of his age, A member of a pure  
 8 volunteer fire department who has completed ~~at least ten~~  
 9 ~~(10)~~ years' service as an active member of ~~such the~~ fire  
 10 department, but who is prevented from completing ~~at least~~  
 11 ~~twenty (20)~~ years' service by dissolution or discontinuance  
 12 of his volunteer fire department, ~~or by~~ personal relocation  
 13 due to transfer or loss of employment, ~~or by~~ personal  
 14 disability, or ~~by~~ any other factor beyond his reasonable  
 15 control, may nevertheless qualify for a partial or reduced  
 16 pension, in ~~such an~~ amount and to ~~such the~~ extent as shall  
 17 be determined by the board of trustees of the fire  
 18 department relief association, ~~without qualifying as to any~~  
 19 ~~provisions pertaining to an attained age~~ regardless of his  
 20 age."

21 Section 11. Section 11-1926, R.C.M. 1947, is amended  
 22 to read as follows:

23 "11-1926. Disability pension. (1) Each ~~and every~~ fire  
 24 department relief association, ~~organized and existing under~~  
 25 ~~the laws of this state,~~ shall pay a "disability pension,"

1 out of ~~any moneys in the association's~~ its "disability and  
 2 pension fund," to each ~~and every member of said association~~  
 3 of its members who has become ~~injured or~~ disabled by reason  
 4 of sickness or injury, ~~in an amount which~~ The pension shall  
 5 be equal to one-half ~~(1/2)~~ of the sum last received by the  
 6 member as a monthly compensation, excluding overtime and  
 7 payments in lieu of sick leave and annual leave, ~~by such~~  
 8 ~~injured or disabled member~~ for his services ~~rendered to~~ the  
 9 fire department of the city or town ~~wherein such~~ in which  
 10 the association has been was formed.

11 (2) ~~However, effective~~ Effective July 1, 1974, ~~and~~  
 12 ~~after an active a member has completed~~ who completes twenty  
 13 ~~(20)~~ years of service ~~the pension of the member who serves~~  
 14 ~~or has served an additional one (1) to ten (10) years shall~~  
 15 ~~be and elects to serve additional years shall receive the~~  
 16 pension provided for in subsection (1), increased at the  
 17 rate of ~~one per cent (1%)~~ per year for each additional year  
 18 of service completed, up to a maximum of ~~sixty per cent~~  
 19 ~~(60%)~~ of the ~~last month's salary received~~ sum last received  
 20 by the member as a monthly compensation, excluding overtime  
 21 and payments in lieu of sick leave and annual leave, for his  
 22 services as an active member of ~~said the~~ fire department.

23 (3) ~~However, the~~ The monthly compensation pension paid  
 24 to members retiring on or after July 1, 1973, ~~shall in no~~  
 25 ~~event become less than~~ must be at least one-half ~~(1/2)~~ the

1 regular monthly salary paid to a confirmed active fireman of  
 2 that city, as provided each ~~and every~~ year in the annual  
 3 budget of that city. ~~In no event shall the~~ The monthly  
 4 ~~compensation pension~~ paid to a member retiring prior to July  
 5 1, 1974, ~~be less than~~ must be at least two hundred dollars  
 6 ~~(\$200)~~. In the case of volunteer firemen, ~~such the~~  
 7 disability pension ~~shall in no event say not~~ may not exceed the ~~sum~~  
 8 ~~of seventy-five (\$75) dollars per month.~~

9 Section 12. Section 11-1927, R.C.M. 1947, is amended  
 10 to read as follows:

11 "11-1927. Pensions to surviving spouses and ~~orphans~~  
 12 children. (1) ~~Each and every fire department relief~~  
 13 ~~association, organized and existing under the laws of this~~  
 14 ~~state,~~ shall pay, out of its disability and pension fund, a  
 15 monthly pension to the surviving spouse or ~~orphans~~ children  
 16 of a deceased member of ~~said the~~ association, who, on the  
 17 date of his death, was an active member of the fire  
 18 department in the city or town ~~wherein such in which the~~  
 19 ~~association has been was~~ formed, ~~or who~~ had elected to  
 20 retire from active service ~~of said in the~~ fire department  
 21 and receive a "service pension" as provided for by section  
 22 11-1925, or who, prior to death, had suffered a sickness or  
 23 injury, and was receiving or was qualified to receive a  
 24 "disability pension," as provided by section 11-1926, ~~out~~  
 25 ~~of any money in relief association's "disability and pension~~

1 fund," a ~~monthly the~~ pension in an amount which shall be  
 2 equal to one-half ~~(1/2)~~ of the last month's salary received  
 3 as a monthly compensation, excluding overtime and payments  
 4 in lieu of sick leave and annual leave, ~~last received by~~  
 5 ~~such the~~ deceased member for services rendered as an active  
 6 member of the fire department in the city or town ~~wherein~~  
 7 ~~such in which the~~ association ~~has been was~~ formed.

8 (2) ~~However, effective effective~~ July 1, 1974, and  
 9 ~~after an active member has completed twenty (20) years of~~  
 10 ~~service if the deceased member had completed 20 years of~~  
 11 service and had elected to serve additional years, the  
 12 ~~pension of the member who serves or has served an additional~~  
 13 ~~one (1) to ten (10) years provided for in subsection (1)~~  
 14 shall be increased at the rate of ~~one per cent (1%)~~ per year  
 15 for each additional year of service completed, up to a  
 16 maximum of ~~sixty per cent (60%)~~ of the last month's salary  
 17 received as a monthly compensation, excluding overtime and  
 18 payments in lieu of sick leave and annual leave, by the  
 19 deceased member for his services as an active member of ~~said~~  
 20 the fire department.

21 (3) ~~However, the the~~ monthly compensation pension paid  
 22 to a the surviving spouse or ~~orphans~~ children of an active  
 23 member who ~~becomes deceased dies~~ after July 1, 1973, or an  
 24 active member who elects to retire after July 1, 1973, ~~shall~~  
 25 ~~in no event become less than~~ must be at least one-half (1/2)

1 the regular monthly salary paid to a confirmed active  
 2 fireman of that city, as provided each and every year in the  
 3 annual budget of that city. ~~In no event shall the~~ The  
 4 monthly ~~compensation~~ pension paid to a the surviving spouse  
 5 or ~~orphan~~ children of an active member who ~~became deceased~~  
 6 died prior to July 1, 1974, or an active member who elected  
 7 to retire before July 1, 1974, ~~be less than~~ must be at least  
 8 ~~two hundred dollars (\$200). In the case of volunteer~~  
 9 firemen, the pension may not exceed \$75 per month.

10 ~~(4) Provided, that said~~ a pension shall may be paid to  
 11 the ~~within named~~ surviving spouse only so long as such  
 12 spouse remains unmarried, ~~and further provided, that a~~ a  
 13 surviving spouse ~~of a deceased fireman shall~~ is not be  
 14 entitled to ~~the a~~ pension, ~~provided for by this act, in~~  
 15 ~~these cases where~~ under this section if the marriage was  
 16 ~~consented entered into~~ after the fireman had elected to  
 17 retire from active service and ~~received~~ had begun to receive  
 18 a "service pension" as provided for by ~~section~~ 11-1925, or  
 19 ~~in these cases where if~~ the marriage was ~~consented entered~~  
 20 into after the fireman had qualified for and ~~was receiving~~  
 21 had begun to receive a "disability pension" as provided for  
 22 by ~~section~~ 11-1926. ~~Provided further, that the~~ The pension  
 23 ~~herein provided for in this section shall~~ may not be paid to  
 24 the ~~orphans~~ children of deceased firemen after they have  
 25 attained the age of ~~eighteen (18) years. In case of~~

1 ~~volunteer firemen such pension shall in no event exceed the~~  
 2 ~~sum of seventy five (\$75) dollars per month."~~

3 Section 13. Section 11-1927.1, R.C.M. 1947, is amended  
 4 to read as follows:

5 "11-1927.1. Payment of death benefits in absence of  
 6 widow spouse or orphan child. If ~~any a~~ fireman ~~shall die not~~  
 7 dies without leaving a widow surviving spouse or ~~orphan~~  
 8 child, the fire department relief association shall compute  
 9 the total contributions made to the fund by ~~said the~~  
 10 deceased member, and, if the deceased member ~~has had~~  
 11 designated, a beneficiary in writing, to the association a  
 12 ~~beneficiary to whom such funds shall be paid,~~ the  
 13 association shall issue a warrant for ~~said sum~~ the amount  
 14 of the total contributions payable to that beneficiary, if  
 15 If the deceased member ~~has had~~ not nominated a beneficiary,  
 16 ~~said the~~ contributions shall be paid to his estate."

17 Section 14. Section 11-1927.2, R.C.M. 1947, is amended  
 18 to read as follows:

19 "11-1927.2. ~~Pension adjustment for retired firemen~~  
 20 Supplement to prior pensions. (1) In addition to the taxes  
 21 on premiums required by law to be paid by each insurer doing  
 22 business in this state, that is authorized to effect  
 23 insurance on risks enumerated in ~~section~~ 11-1919, there is a  
 24 tax of ~~one and one-half percent (1 1/2%)~~ on the fire portion  
 25 of the direct premiums received during the calendar year of

1 1975 and each succeeding year ~~thereof~~, with allowance for  
 2 cancellations and returned premiums. The insurance  
 3 commissioner shall collect the tax during March of each year  
 4 and deposit the moneys in ~~an~~ the earmarked revenue fund.  
 5 The auditor shall pay claims as provided in subsection (2)  
 6 of this section. As those persons who are to receive the  
 7 fund ~~decease die~~, the tax shall be reduced proportionately,  
 8 and when no eligible person, as ~~determined in~~ defined by  
 9 subsection (2) ~~of this section~~, survives, the tax terminates  
 10 and the remaining fund, if any, shall be transferred to the  
 11 general fund.

12 (2) Effective January 1, 1976, each ~~and every fire~~  
 13 ~~department relief association, organized and existing under~~  
 14 ~~the laws of this state~~, shall pay to the firemen retired  
 15 before July 1, 1973, or their widows surviving spouses and  
 16 orphans, children a monthly ~~compensation pension~~ of not less  
 17 than one-half ~~(1/2)~~ the regular monthly salary paid to a  
 18 confirmed active fireman of that city, as provided each ~~and~~  
 19 ~~every~~ year in the ~~annual~~ budget of that city. In the case  
 20 of volunteer firemen, ~~such the pension shall in no event may~~  
 21 not exceed ~~the sum of seventy five dollars (\$75)~~ per month.  
 22 Distribution of the funds provided for this purpose under  
 23 subsection (1) ~~of this section~~ shall be made as follows:

24 (a) At the beginning of each fiscal year the treasurer  
 25 of ~~the fire department relief~~ each association ~~legally~~

1 ~~existing in every city or town~~ shall request and the state  
 2 auditor shall issue from the earmarked revenue fund, and  
 3 deliver to the treasurer of ~~every~~ the respective city or  
 4 town, an amount certified to be equal to the ~~sum~~ total of  
 5 ~~the~~ annual dollar difference between what the retirees or  
 6 their widows surviving spouses and orphans children received  
 7 from the fund ~~of the relief association~~ and one-half ~~(1/2)~~  
 8 of the ~~sum~~ salary paid by the respective city or town to the  
 9 ~~position of~~ a confirmed active fireman for the fiscal year  
 10 just preceding.

11 (b) The treasurer of ~~each a~~ city or town receiving the  
 12 funds shall immediately disburse them to the treasurer of  
 13 the respective ~~relief~~ association.

14 (c) The treasurer of ~~each relief the~~ association shall  
 15 utilize these funds to supplement increase the monthly  
 16 pension of retirees or their widows surviving spouses and  
 17 orphans children to an amount equal to one-half ~~(1/2)~~ of the  
 18 salary that was paid to ~~the position of~~ a confirmed active  
 19 fireman in ~~said the~~ city or town for the preceding year."

20 Section 15. Section 11-1928, R.C.M. 1947, is amended  
 21 to read as follows:

22 "11-1928. Use of disability and pension fund ~~of fire~~  
 23 ~~department relief association. (1) The said fund shall may~~  
 24 not be used for any ~~other~~ purpose ~~whatsoever~~, other than ~~for~~  
 25 investment, as provided in 11-1914, and the payment of the

1 following:

2 ~~4-(a)~~ A a service pension to a member who, by reason  
3 of service, has become entitled to a service pension;

4 ~~2-(b)~~ A a pension to a member who has become  
5 permanently maimed or disabled;

6 ~~3-(c)~~ A a benefit or allowance to a member who has  
7 suffered a permanent disabling injury;

8 ~~4-(d)~~ A a benefit or allowance to a member who has  
9 contracted a permanent disabling sickness;

10 ~~5-(e)~~ To a benefit, not exceeding \$750, to defray the  
11 funeral expenses of a member; ~~in an amount not to exceed,~~  
12 ~~however, the sum of seven hundred fifty dollars (\$750).~~

13 ~~6-(f)~~ Payment benefits to the surviving spouse, orphan  
14 child, or ~~orphans~~ children of a deceased member as provided  
15 ~~by law~~ in this chapter;

16 ~~7-(g)~~ The ~~payment of~~ premiums upon a blanket policy  
17 of insurance covering the members of ~~each~~ the fire  
18 department and providing for payment of compensation in case  
19 of the death of or injury to any such member; ~~or any of~~  
20 ~~them.~~

21 ~~8-(h)~~ The the return of employee ~~contribution~~  
22 contributions as provided ~~by law~~ in this chapter;

23 ~~9-(2)~~ All claims shall be paid by warrant duly  
24 authorized, drawn by the secretary, and countersigned by the  
25 president of the association, ~~and on~~ On presentation thereof

1 ~~of the warrant,~~ the treasurer shall pay ~~the same~~ it out of  
2 the ~~said~~ disability and pension fund."

3 Section 16. Section 11-1929, R.C.M. 1947, is amended  
4 to read as follows:

5 "11-1929. ~~Pensions exempt~~ Protection of benefits from  
6 legal process ~~— nonassignability and nonassignable.~~ Any  
7 payments made or to be made ~~hereunder~~ under 11-1910 through  
8 11-1930, 11-1910.1, 11-1927.1, 11-1927.2, and 11-3524(2) are  
9 ~~shall not be~~ subject to judgments, garnishment, execution,  
10 or other legal process, ~~and any~~ a person entitled to ~~such a~~  
11 pension shall may not have ~~the right to~~ assign the ~~same~~  
12 right, nor shall and the association ~~or~~ and trustees have  
13 ~~the authority to~~ may not recognize any assignment or pay  
14 over any sum so assigned."

15 Section 17. Section 11-1930, R.C.M. 1947, is amended  
16 to read as follows:

17 "11-1930. ~~Source and control of funds~~ Management of  
18 fund. ~~Such~~ Except as otherwise provided in this chapter, the  
19 association and ~~such~~ its board of trustees shall have full  
20 charge, management, and control of the ~~funds herein provided~~  
21 ~~for, which said funds shall be derived from the following~~  
22 ~~sources:~~ disability and pension fund.

23 ~~1. From interest, rents, gifts, or money from other~~  
24 ~~sources.~~

25 ~~2. From funds received from the state of Montana.~~

~~3. From monies raised by taxation under section 11-1912 of this code."~~

Section 18. Section 11-2007, R.C.M. 1947, is amended to read as follows:

"11-2007. Duties of chief. (1) The chief of every fire department must inquire into the cause of every fire occurring in the town of in which he is the chief, and keep a record thereof, ~~he~~ He must aid in the enforcement of all fire ordinances duly enacted, examine buildings in the process of erection, report violations of ordinances relating to prevention or extinguishment of fires, and, when directed by the proper authorities, institute prosecutions therefor, and perform such other duties as may be by proper authority imposed upon him. His compensation, if any, must be fixed and paid by the city or town authorities. He must attend all fires with his badge of office conspicuously displayed, He must prevent injury to, take charge of, and preserve all property rescued from fires, and return the same it to the owner thereof on the payment of the expenses incurred in saving and keeping ~~the same, it, the~~ The amount thereof of the expenses, when not agreed to, to shall be fixed by ~~any~~ a justice of the peace.

(2) He must devise and formulate or cause to be devised and formulated a course or plan of instruction or training program making available to each regular member of

his department not less than ~~thirty~~ (30) hours of instruction per year in matters pertaining to fire fighting, and he must supervise the operation of such plan or program. ~~On or before the first day of September of each year, he must prepare and file with the public employees' retirement system of the state of Montana a certificate, subscribed and verified under oath, stating whether or not his volunteer fire company qualified under the provisions of subparagraph two (2) A of section 11-2023 during the preceding fiscal year, and setting forth the full name and residence address of each member of his department who satisfactorily completed such thirty (30) hours of instruction during said preceding fiscal year, under the provisions of subparagraph two (2) C of section 11-2023. Such verified certificate must be maintained in a permanent file by said public employees' retirement system for the purpose of establishing eligibility for participation in the volunteer firemen's pension plan, and must be open for inspection as a public record."~~

Section 19. There is a new R.C.M. section numbered 11-2020.1 that reads as follows:

11-2020.1. Definitions. Unless the context requires otherwise, the following definitions apply in 11-2020 through 11-2031, 11-2020.2, and 11-2024.1:

(1) "Board of administration" means the board of



1 administration of the public employees' retirement system.

2 (2) "Division" means the division of workers'  
3 compensation of the department of labor and industry.

4 (3) "Fire company" means a fire company organized in  
5 an unincorporated area, town, or village under the laws of  
6 the state of Montana.

7 (4) "Fund" or "volunteer firemen's fund" means the  
8 volunteer firemen's compensation earmarked revenue account  
9 in the earmarked revenue fund.

10 Section 20. There is a new R.C.M. section numbered  
11 11-2020.2 that reads as follows:

12 11-2020.2. Certificate of eligibility. On or before  
13 September 1 of each year, the chief or foreman of every  
14 volunteer fire company shall prepare and file with the  
15 public employees' retirement system a certificate,  
16 subscribed and verified under oath, stating whether or not  
17 his company qualified under 11-2023(2)(d) during the  
18 preceding fiscal year and listing the full name and  
19 residence address of each member of his company who  
20 satisfactorily completed 30 hours of instruction during the  
21 preceding fiscal year, as required by 11-2023(2)(c). The  
22 verified certificate shall be maintained in a permanent file  
23 by the public employees' retirement system for the purpose  
24 of establishing eligibility for participation in the  
25 volunteer firemen's pension plan and shall be open for

1 inspection as a public record.

2 Section 21. Section 11-2022, R.C.M. 1947, is amended  
3 to read as follows:

4 "11-2022. Disability, death, insurance, and pension  
5 benefits. ~~1. (1) Every~~ Each member of a fire company  
6 ~~organized in an unincorporated area, town or village under~~  
7 ~~the laws of this state, shall be~~ is entitled to receive  
8 compensation for disability incurred while in the  
9 performance of his duties as ~~such a~~ fireman, when ~~such~~ the  
10 disability necessitates the services of a physician or  
11 surgeon, ~~while confined or nonconfined, in~~ whether the  
12 member is confined or not. The compensation shall equal the  
13 amount of his the member's necessary and reasonable medical  
14 expenses resulting directly from ~~such the~~ the disability, and  
15 incurred within ~~a period of not more than thirty six (36)~~  
16 months from the date of the injury which caused ~~such the~~ the  
17 disability. The total compensation may not ~~to~~ exceed a  
18 ~~total of twenty-five thousand dollars (\$25,000).~~

19 ~~2. (2) Where~~ When an injury incurred in the line of  
20 ~~such~~ duty results in the loss by amputation of an arm, hand,  
21 leg, or foot, ~~or~~ the enucleation of an eye, or the loss of  
22 any ~~of the~~ natural teeth, the board shall order ~~that~~ that an  
23 artificial member ~~or members~~ be furnished ~~to supply the loss~~  
24 thereof. The expense of furnishing ~~such members shall~~ an  
25 artificial member may not exceed ~~the sum of one thousand~~

1 ~~five hundred dollars~~ ~~(\$1,500)~~. The replacement of an  
 2 artificial member so furnished shall be ~~required~~ replaced  
 3 every ~~five~~ ~~(5)~~ years, if necessary.

4 ~~3.~~ (3) To aid in defraying the funeral expenses of a  
 5 fireman covered under this act whose death occurs in the  
 6 line of duty, an amount not to exceed the actual necessary  
 7 and reasonable expenses, or ~~the sum of one thousand five~~  
 8 ~~hundred dollars~~ ~~(\$1,500)~~, whichever is less, shall be  
 9 allowed.

10 ~~4.~~ (4) To encourage and aid volunteer fire departments  
 11 companies to maintain group insurance for benefits on  
 12 account of the death of or injury incurred by members while  
 13 in the performance of duties as volunteer firemen, ~~the sum~~  
 14 ~~of seventy-five dollars~~ ~~(\$75)~~ per year for each mobile unit  
 15 of fire-fighting equipment, not exceeding two ~~(2)~~ ~~such~~ units  
 16 ~~in number~~ for any ~~such~~ department one company, shall be paid  
 17 by the division from the volunteer firemen's fund to each  
 18 volunteer fire department company maintaining such  
 19 insurance, or to the organization or agency maintaining such  
 20 insurance for ~~any such a~~ volunteer fire department company.

21 ~~5.~~ (5) (a) ~~In the case of every~~ Each volunteer fireman  
 22 who shall meet meets the qualification requirements set  
 23 forth in ~~subparagraph two (2) of section 11-2023,~~ (2) and  
 24 ~~then if the who has completed and filed a claim as~~ provided  
 25 ~~for under subparagraph two (2) of section in 11-2024~~ (2)

1 ~~shall be completed and filed, the claimant shall be is~~  
 2 entitled thereafter to participate in the volunteer  
 3 firemen's pension plan and to receive payments as provided  
 4 in this act, subsection (5), ~~and to receive payments~~  
 5 ~~thereunder~~

6 (b) The payments shall be computed each year in the  
 7 following manner:

8 (i) Whenever at the close of business on the last day  
 9 of any a fiscal year there ~~shall be is~~ a balance in the  
 10 ~~volunteer firemen's compensation earmarked revenue account~~  
 11 ~~in the earmarked revenue fund~~ volunteer firemen's fund in  
 12 excess of ~~one million dollars~~ ~~(\$1,000,000)~~ \$1 million, then  
 13 the ~~industrial accident board~~ division shall set aside and  
 14 pay over to the public employees' retirement system, the  
 15 smaller of ~~such the~~ amount in excess of ~~one million dollars~~  
 16 ~~(\$1,000,000)~~, \$1 million ~~or~~ and an amount equal to  
 17 ~~ninety-five percent~~ ~~(95%)~~ of the increase of ~~said account~~  
 18 the balance over the ~~account~~ balance at the end of the  
 19 preceding fiscal year, for the payment by ~~said the~~ the public  
 20 employees' retirement system of pensions to qualified  
 21 claimants during the immediately succeeding fiscal year. The  
 22 amount to be paid to each qualifying claimant shall be  
 23 determined by dividing ~~said the~~ amount set aside by the  
 24 number of claimants qualifying to participate in ~~such the~~  
 25 pension plan at the beginning of such succeeding fiscal

1 year.

2 (ii) The total pension payable to a qualified claimant  
3 under this subsection (5) may not exceed \$50 per month, and  
4 the amount to be set aside from the volunteer firemen's fund  
5 may not exceed the amount necessary to pay the maximum of  
6 \$50 per month to each claimant qualified as of the beginning  
7 of the fiscal year during which the payments are to be made.

8 (iii) For the purpose of computation and payment of  
9 benefits under this subsection (5), if children of a  
10 volunteer fireman become eligible for benefits, all the  
11 children of the volunteer fireman shall be treated  
12 collectively as one claimant.

13 (c) If such the amount set aside shall be is  
14 sufficient to pay each such qualified claimant at least  
15 twenty dollars (\$20) per month throughout such the  
16 succeeding fiscal year, then such the pension shall be paid  
17 monthly, on or before the last day of each month, of such  
18 succeeding fiscal year, but if said If the amount set aside  
19 shall is not be sufficient to pay each qualified claimant at  
20 least twenty dollars (\$20) per month, then each qualified  
21 claimant's full pension for that year shall be paid to him  
22 in one lump payment on or before the fifteenth day of  
23 December 15 of such that year, provided, however, that in  
24 any event the total pension payable hereunder to any  
25 qualified claimant shall not exceed the sum of fifty dollars

1 ~~(\$50) per month, and the amount to be set aside hereunder~~  
2 ~~from the volunteer fireman's compensation earmarked revenue~~  
3 ~~account in the earmarked revenue fund at the beginning of~~  
4 ~~any fiscal year for the funding of such pensions shall not~~  
5 ~~in any event exceed the amount necessary to pay such maximum~~  
6 ~~of fifty dollars (\$50) per month to each claimant qualified~~  
7 ~~as of the beginning of such fiscal year. For the purpose of~~  
8 ~~computation and payment of benefits under this act, if~~  
9 ~~children of any volunteer fireman shall become eligible for~~  
10 ~~benefits hereunder, then all children of such volunteer~~  
11 ~~fireman shall be treated collectively as one (1) claimant.~~

12 (d) The fiscal year for the purpose purposes of this  
13 act shall begin begins on the first day of July 1 of each  
14 year and end ends on the last day of June 30 of each year."

15 Section 22. Section 11-2023, R.C.M. 1947, is amended  
16 to read as follows:

17 "11-2023. Qualification for compensation. (1) In order  
18 to qualify for the compensation provided benefits under  
19 subparagraphs one subsections (1), two (2), and three (3)  
20 and four (4) of section 11-2022, the a fireman must, be at  
21 the time the injury or sickness for which benefits are  
22 claimed was incurred or, in the case of a claim under  
23 11-2022(3), at the time of death, have been an enrolled  
24 active member of a fire company organized under the laws of  
25 the state of Montana in an unincorporated area, town or

1 ~~village, at the time of such injury or sickness for which~~  
2 ~~compensation hereunder is claimed.~~

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

7 ~~(I) (a) (i) Years of service. (I) To qualify for full~~  
8 ~~participation, he must have completed a total of at least~~  
9 ~~twenty (20) years' service as an active volunteer fireman~~  
10 ~~and as an active member of a qualified volunteer fire~~  
11 ~~company organized under the laws of the state of Montana in~~  
12 ~~an unincorporated area, town or village.~~

13 ~~(II) (ii) If a fireman is prevented from completing at~~  
14 ~~least twenty (20) years' service by dissolution or~~  
15 ~~discontinuance of his volunteer fire company, or by personal~~  
16 ~~relocation due to transfer or loss of employment, or by~~  
17 ~~personal disability, or by any other factor beyond his~~  
18 ~~reasonable control, then he may qualify for partial~~  
19 ~~participation if he has completed at least ten (10) years'~~  
20 ~~service, in that event, he shall be is eligible for only~~  
21 ~~a proportion of the benefits specified in subparagraph five~~  
22 ~~(5) of section 11-2022(5), determined by multiplying such~~  
23 ~~specified the benefits by a fraction, the numerator of which~~  
24 ~~shall be is the number of years of active service completed,~~  
25 ~~and the denominator of which is shall be twenty (20). (III)~~

1 ~~Provided, that from and after July 1, 1965, no volunteer~~  
2 ~~fireman shall receive credit for any year of membership in~~  
3 ~~any such volunteer fire company unless throughout such year~~  
4 ~~such volunteer fire company shall have maintained~~  
5 ~~fire fighting equipment in serviceable condition of a value~~  
6 ~~of two thousand five hundred dollars (\$2,500) or more, and~~  
7 ~~unless throughout such year such volunteer fire company, or~~  
8 ~~the fire district served thereby, shall have been rated in~~  
9 ~~class five (5), six (6), seven (7), eight (8), nine (9) or~~  
10 ~~ten (10) by the board of fire underwriters for the purpose~~  
11 ~~of fire insurance premium rates; provided, further, that~~  
12 ~~such~~

13 ~~(iii) The years of active service shall be are~~  
14 ~~cumulative and need not be continuous, and that such The~~  
15 ~~service need not be acquired with one (1) single fire~~  
16 ~~company, but may be a total of separate periods of active~~  
17 ~~service with different fire companies organized under the~~  
18 ~~laws of the state of Montana in different fire districts in~~  
19 ~~unincorporated areas, towns or villages.~~

20 ~~(iv) From and after passage of this act Effective March~~  
21 ~~1, 1965, the annual period of service for the purpose of~~  
22 ~~this act shall be is the fiscal year, no No fractional part~~  
23 ~~of any year shall may count toward the service requirement,~~  
24 ~~and to receive credit for any particular year, a volunteer~~  
25 ~~fireman must serve with one (1) particular volunteer fire~~

1 company throughout that entire fiscal year+.

2 ~~(B)~~ (b) He must have attained the age of ~~fifty-five~~  
3 ~~(55) years,~~ (but he need not be an active volunteer fireman  
4 or an active member of any volunteer fire company at the  
5 ~~time of reaching such when he reaches that age~~)+.

6 ~~(C)~~ (c) During each of the years for which he claims  
7 credit under ~~subparagraph (A) above~~ subsection (2) (a), he  
8 must have completed a minimum of ~~thirty~~ (30) hours of  
9 instruction in matters pertaining to fire fighting, under a  
10 program formulated and supervised by the chief or foreman of  
11 his volunteer fire company+.

12 (d) Effective July 1, 1965, no volunteer fireman may  
13 receive credit for any year of membership in a volunteer  
14 fire company unless, throughout the year:

15 (i) the company maintained fire-fighting equipment in  
16 serviceable condition of a value of \$2,500 or more; and

17 (ii) the company or the fire district served by it was  
18 rated in class 5, 6, 7, 8, 9, or 10 by the board of fire  
19 underwriters for the purpose of fire insurance premium  
20 rates.

21 ~~(D)~~ (d) He must have ceased to be an active member of  
22 any volunteer fire company ~~organized under the laws of the~~  
23 ~~state of Montana in an unincorporated area, town or village,~~  
24 and, if he applies for and receives pension benefits  
25 hereunder, he ~~shall~~ will not thereafter be eligible to

1 become an active member of any ~~such~~ volunteer fire company+.

2 ~~(B)~~ (3) (a) ~~Provided, however, that any A volunteer~~  
3 fireman who is was an active member of a volunteer fire  
4 company ~~organized under the laws of the state of Montana in~~  
5 ~~an unincorporated area, town or village at the time of~~  
6 ~~passage of this act on March 1, 1965,~~ shall receive credit  
7 ~~against the said service requirement for his service under~~  
8 subsection (2) (a) to the extent of ~~one~~ (1) year's credit for  
9 each ~~two~~ (2) years' service completed ~~or to be completed~~ by  
10 his prior to July 1, 1965, as ~~such an~~ active member of any  
11 ~~such~~ volunteer fire company or companies+, ~~for the purpose~~  
12 ~~of this credit~~ Credit for such prior service ~~it shall not be~~  
13 ~~necessary either that shall be given whether or not the~~  
14 volunteer fire company or companies with which ~~such the~~  
15 service ~~has been was~~ rendered ~~shall satisfy~~ satisfied the  
16 requirements of ~~subparagraph (A) above, or that subsection~~  
17 (2) (d) and ~~whether or not~~ the individual volunteer fireman  
18 ~~shall during such prior service have~~ satisfied the  
19 requirements of ~~subparagraph (C) above, but in any event no~~  
20 subsection (2) (c) during his prior service. No more than ~~ten~~  
21 (10) years' credit ~~shall may~~ be allowed any ~~such~~ volunteer  
22 fireman ~~by reason of for~~ such prior service prior to July 1,  
23 1965.

24 (b) For the purpose of establishing ~~such~~ prior service  
25 credit, the chief or foreman of each volunteer fire company

1 shall prepare and file with the public employees' retirement  
 2 system ~~of the state of Montana~~ a certificate, subscribed and  
 3 verified under oath, ~~setting forth~~ listing the names and  
 4 residence addresses of each of the members of his volunteer  
 5 fire company who ~~shall have qualified~~ qualify for ~~one (1)~~ or  
 6 more years' credit for prior service, and ~~setting forth~~  
 7 stating the number of years of credit to which each thereof  
 8 shall be is entitled.

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

1 years of credit and stating the number of years of credit to  
 2 which each ~~therefore shall be~~ is entitled. In addition, the  
 3 reporting chief shall include in his report a sworn  
 4 statement as to the reason for the delayed filing. The  
 5 acceptance of this report will be subject to the approval of  
 6 the board of administration, ~~public employees' retirement~~  
 7 ~~system.~~

8 (d) If it is not possible to secure a report from the  
 9 chief or former chief, an individual may receive credit for  
 10 service upon proper documentation acceptable to the board of  
 11 administration."

12 Section 23. Section 11-2024, R.C.M. 1947, is amended  
 13 to read as follows:

14 "11-2024. ~~Claim for compensation contents~~  
 15 ~~filing limitation on time for filing addition of name to~~  
 16 ~~pension list~~ Procedure for claiming benefits. 4.(1) (a) A  
 17 fireman claiming compensation benefits under subparagraphs  
 18 ~~one subsection~~ (1), ~~two or~~ (2), ~~three (3) or four (4)~~, of  
 19 section 11-2022, must file his claim with the ~~industrial~~  
 20 ~~accident board upon division on~~ a form to be provided  
 21 therefor, The claim must be verified by the claimant, the  
 22 attending physician or surgeon and nurse, if any, and the  
 23 person in charge of the hospital, if the claimant was  
 24 confined. The claim must be filed with the division within 1  
 25 year from the date of disability.

1 ~~(b) The which claim shall must~~ contain:

2 (i) the name and address of the claimant;

3 (ii) the date, place, and manner of incurring of

4 disability;

5 (iii) the name and address of the attending physician

6 or surgeon and/or nurse, if any;

7 (iv) the dates of confinement, if confined, or, if not

8 confined, the dates of attendance by a physician or surgeon,

9 and the dates of attendance by a nurse;

10 (v) the affidavit of the attending physician or

11 surgeon as to the nature of the disability, the number and

12 dates of ~~attendance~~ visits, and ~~statement of the~~ charges;

13 (vi) if confined ~~to in a~~ hospital, ~~an~~ the affidavit of

14 a person in charge stating the nature of the disability, the

15 dates of confinement, and the expenses incurred while so

16 confined;

17 (vii) the affidavit of the chief or secretary of the

18 fire company stating that ~~said the~~ fire company was duly

19 organized under the laws of Montana in an unincorporated

20 town or village, ~~statement~~ that the claimant was, at the

21 date of disability, an active enrolled member of ~~such the~~

22 company, and that the disability was incurred in the line of

23 duty;

24 (viii) the ~~an~~ affidavit of the nurse stating the nature

25 of the disability, the dates of attendance, and ~~statement of~~

1 the charges for services; ~~said claim shall be verified by~~

2 ~~the claimant, the attending physician or surgeon and nurse,~~

3 ~~if any, and by the person in charge of the hospital, if~~

4 ~~confined; said claim shall be filed with the board within~~

5 ~~one (1) year from the date of disability.~~

6 ~~2. (2) (a) A claimant~~ Anyone claiming eligibility under

7 the volunteer firemen's pension plan must file his claim

8 with the public employees' retirement system upon a form to

9 be provided therefor by ~~the public employees' retirement~~

10 ~~that system. The claim must be filed on or before May 1 of~~

11 ~~the calendar year in which the claimant seeks to qualify for~~

12 ~~participation in the pension plan.~~

13 (b) The which claim shall must contain:

14 (i) the name, address, and date of birth of the

15 claimant, and of the volunteer fireman, if ~~other than he is~~

16 not the claimant;

17 (ii) the fiscal year ~~for~~ during which eligibility ~~shall~~

18 will commence; and

19 (iii) the years during which service as a volunteer

20 fireman was rendered and the ~~name or~~ names of the volunteer

21 fire ~~company or~~ companies with which ~~such the~~ service was

22 rendered. ~~Such claim shall be filed on or before the first~~

23 ~~day of May of any year.~~

24 (c) The public employees' retirement system may

25 require such proof of age and service as it may ~~deem~~

1 ~~consider~~ proper, but ~~the certificates it must accept a~~  
 2 ~~certificate~~ filed ~~or to be filed~~ under ~~section 11-2007 and~~  
 3 ~~subparagraph 2 of section 11-2020.2 or 11-2023(3)~~ shall be  
 4 ~~accepted by the public employees' retirement system~~ as prima  
 5 facie proof of such service.

6 (d) If ~~such the~~ claim ~~be is~~ properly filed and ~~such~~  
 7 ~~the~~ claimant ~~be is~~ found by the public employees' retirement  
 8 system ~~to be~~ properly qualified to participate in ~~such the~~  
 9 volunteer firemen's pension plan, ~~then~~ the name of the  
 10 claimant shall be added to the list of qualified persons and  
 11 the claimant shall will then be entitled to participate in  
 12 ~~said the~~ volunteer firemen's pension plan as of the fiscal  
 13 year beginning ~~the first day of July 1 next~~ following the  
 14 filing of ~~such the~~ claim."

15 Section 24. There is a new R.C.M. section numbered  
 16 11-2024.1 that reads as follows:

17 11-2024.1. Procedure for claiming death benefit.  
 18 Anyone claiming the benefit provided for in 11-2022(3) must  
 19 file his claim with the division upon a form to be provided  
 20 therefor by the division, in accordance with such rules as  
 21 the division may make.

22 Section 25. Section 11-2025, R.C.M. 1947, is amended  
 23 to read as follows:

24 "11-2025. Payment of ~~claim~~ ~~beneficiaries~~ of  
 25 decedent benefits. ~~1- (1) Upon receipt of When~~ a claim under

1 ~~subparagraphs one subsections (1), two (2), three or (3) and~~  
 2 ~~four (4), or any thereof, of section 11-2022, is received~~ by  
 3 the industrial accident board, ~~if the case division and is~~  
 4 found to be in compliance with ~~the provisions of subsection~~  
 5 ~~one (1) of section 11-2024(1) or, in the case of a claim~~  
 6 ~~under 11-2022(3), with 11-2024.1, the board division~~ must  
 7 order the allowance thereof, and pay ~~the same it~~ by warrants  
 8 drawn upon the volunteer firemen's fund to the order of the  
 9 attending physician or surgeon, attending nurse, and  
 10 hospital or the provider of funeral services, as applicable.

11 ~~2- (2)~~ All payments under the volunteer firemen's  
 12 pension plan shall must be approved by the public employees'  
 13 retirement system and paid by warrants drawn upon the  
 14 earmarked revenue fund, payable to the order of the  
 15 individual qualified volunteer fireman or the beneficiary  
 16 as provided in subsection (3).

17 (3) The full or partial participation pension shall be  
 18 paid or continue to be paid to the surviving spouse, if any,  
 19 until such spouse's death or remarriage or, if the deceased  
 20 volunteer fireman left no surviving spouse but left a child  
 21 or children under the age of 18, to the guardian or other  
 22 person having custody of the children until the youngest  
 23 child reaches the age of 18. The pension shall be paid in  
 24 each of the following circumstances:

25 (a) ~~provided, however, that in the event of the death~~



1 of ~~any a~~ volunteer fireman who has not reached the age of  
2 ~~fifty five (55) years~~ but who has otherwise qualified for  
3 full participation hereunder,<sup>i</sup>

4 ~~(b) or in the event of the death after February 27,~~  
5 1971, of ~~any a~~ volunteer fireman who has not reached the age  
6 of ~~fifty five (55) years~~ but who has otherwise qualified for  
7 partial participation hereunder,<sup>i</sup>

8 ~~(c) or in the event of the death of any such a~~  
9 volunteer fireman after qualifying for full participation  
10 hereunder but before receiving payments hereunder totaling  
11 at least ~~two thousand dollars (\$2,000)~~<sup>i</sup> or

12 ~~(d) in the event of the death of any such a~~ volunteer  
13 fireman after February 27, 1971,<sup>i</sup> and after he has qualified  
14 for partial participation hereunder but before he has  
15 received payments hereunder totaling a the proportion of ~~two~~  
16 ~~thousand dollars (\$2,000)~~ determined under the formula set  
17 ~~forth prescribed in section 11-2023(2) (1)-(II)~~<sup>i</sup> (a)(ii), and  
18 ~~if such deceased volunteer fireman shall have left a~~  
19 ~~surviving spouse, then such full or partial participation~~  
20 ~~pension shall be paid or continue to be paid to the~~  
21 ~~surviving spouse by a warrant or warrants drawn upon the~~  
22 ~~earmarked revenue fund and payable to the order of the~~  
23 ~~surviving spouse, until such spouse's death or remarriage,~~  
24 ~~or if said deceased volunteer fireman shall have left no~~  
25 ~~surviving spouse but shall have left a child or children~~

1 ~~under the age of eighteen (18) years, then such full or~~  
2 ~~partial participation pension shall be paid or continue to~~  
3 ~~be paid to the guardian or other person having custody of~~  
4 ~~the said child or children, until the youngest child shall~~  
5 ~~reach the age of eighteen (18) years. Provided, further,~~  
6 ~~that in the event of such payments after the death of a~~  
7 ~~volunteer fireman, to or for a surviving spouse or children,~~  
8 ~~then such pension~~

9 ~~(4) Payments under subsection (3) shall terminate, and~~  
10 ~~no further payments shall be made hereunder,~~ in the case of  
11 a full participation pension,<sup>i</sup> when a total of ~~two thousand~~  
12 ~~dollars (\$2,000) shall have has been paid upon such the~~  
13 pension, including any payments made to the volunteer  
14 fireman before his death, or,<sup>i</sup> in the case of a partial  
15 participation pension, when a total of ~~a the~~ proportion of  
16 ~~two thousand dollars (\$2,000) determined under the formula~~  
17 ~~set forth prescribed in section 11-2023(2) (1)-(II) shall~~  
18 ~~have (a)(ii) has been paid upon such the pension, including~~  
19 any payments made to the volunteer fireman before his death.

20 ~~(5) If such a deceased volunteer fireman shall leave~~  
21 ~~leaves~~ neither a surviving spouse nor a child under the age  
22 of ~~eighteen (18) years~~, then his pension shall terminate at  
23 the end of the month prior to the month in which his death  
24 occurs."

25 Section 26. Section 11-2026, R.C.M. 1947, is amended

1 to read as follows:

2 "11-2026. Administration of act. (1) Except as  
3 provided hereinafter in subsection (2), the industrial  
4 ~~accident board of the state of Montana~~ division shall  
5 administer the Volunteer Firemen's Compensation Act, and all  
6 payments made under ~~subparagraph (1) of section 11-2022(4)~~  
7 ~~and 11-2025(1), R.C.M. 1947,~~ shall be made by warrants  
8 drawn by the board division.

9 (2) The board of administration of the public  
10 employees' retirement system ~~of the state of Montana~~ shall  
11 administer the volunteer firemen's pension plan, and all  
12 payments made under ~~subparagraph (2) of section 11-2025(2)~~  
13 ~~and (3)~~ shall be made by warrants drawn by the public  
14 employees' retirement system. Annually, on or before ~~fifteen~~  
15 ~~(15) days the 15th day~~ after the close of ~~each~~ the fiscal  
16 year, the ~~industrial accident board division~~ shall notify  
17 the ~~secretary or~~ board of administration ~~of the public~~  
18 ~~employees' retirement system~~ in writing of the balance  
19 remaining in the volunteer firemen's ~~compensation~~ fund as of  
20 the end of said the fiscal year."

21 Section 27. Section 11-2027, R.C.M. 1947, is amended  
22 to read as follows:

23 "11-2027. Rules ~~and regulations~~ to be made by  
24 ~~industrial accident board division~~ and board of  
25 administration ~~of public employees' retirement system~~ ==

1 office supplies. (1) ~~The industrial accident board division~~  
2 ~~and the board of administration~~ shall make such rules and  
3 ~~regulations as it deems each considers~~ necessary and  
4 advisable in its administration of the Volunteer Firemen's  
5 Compensation Act, not inconsistent with the provisions  
6 hereof thereof. ~~The board of administration of the public~~  
7 ~~employees' retirement system shall make such rules and~~  
8 ~~regulations as it deems necessary and advisable in its~~  
9 ~~administration of the volunteer firemen's pension plan, not~~  
10 ~~inconsistent with the provisions hereof.~~

11 (2) Necessary expenses of the ~~industrial accident~~  
12 ~~board division and the public employees' retirement system~~  
13 for office supplies, stationery, and forms in connection  
14 with ~~its~~ the administration of the Volunteer Firemen's  
15 Compensation Act shall ~~be~~ are a charge against the fund.  
16 ~~Necessary expenses of the public employees' retirement~~  
17 ~~system for office supplies, stationery and forms in~~  
18 ~~connection with its administration of the volunteer~~  
19 ~~firemen's pension plan shall be a charge against the fund,~~  
20 ~~and shall be drawn from said fund by the public employees'~~  
21 ~~retirement system.~~ The public employees' retirement system  
22 shall draw from the fund through warrants ~~to be~~ executed by  
23 the ~~industrial accident board division~~ upon the request of  
24 the public employees' retirement system, at such intervals  
25 as the board of administration ~~of the public employees'~~

1 ~~retirement system shall deem~~ considers proper."

2 Section 28. Section 11-2029, R.C.M. 1947, is amended  
3 to read as follows:

4 "11-2029. Reports of ~~industrial accident board~~  
5 division and public employees' retirement system. (1) The  
6 ~~industrial accident board division~~ shall, at the time  
7 specified in ~~section~~ 92-842 for making the report therein  
8 ~~provided required~~, make a report to the governor covering  
9 the operations and proceedings for the preceding fiscal year  
10 relative to its administration ~~under~~ of the Volunteer  
11 Firemen's Compensation Act, with such suggestions or  
12 recommendations as it may ~~deem~~ consider of value for public  
13 information.

14 (2) The public employees' retirement system shall, not  
15 later than ~~the first day of~~ November 1 of each year, make a  
16 report to the governor covering the operations and  
17 proceedings for the prior fiscal year relative to its  
18 administration ~~under~~ of the volunteer firemen's pension  
19 plan, with such suggestions or recommendations as it may  
20 ~~deem~~ consider of value for public information.

21 (3) Copies of all such reports shall be made available  
22 by the ~~industrial accident board division~~ or the public  
23 employees' retirement system to the chief or other  
24 representative of any volunteer fire company or companies  
25 ~~within the state of Montana~~ which shall pay at any time

1 request ~~the same~~ them."

2 Section 29. Section 11-2030, R.C.M. 1947, is amended  
3 to read as follows:

4 "11-2030. Fire insurance premium tax to be paid into  
5 fund. The state auditor and ex officio commissioner of  
6 insurance ~~of the state of Montana~~ shall annually deposit in  
7 the ~~earmarked revenue fund, such~~ volunteer firemen's fund a  
8 ~~sum as shall be~~ equivalent to five per cent (5%) of the  
9 premium taxes collected from insurers authorized to effect  
10 insurance against risks enumerated in ~~section~~ 11-1919, as  
11 ~~shall remain~~ computed after the amounts provided for by  
12 ~~section~~ 11-1919 shall have been first been deducted. ~~Such~~  
13 The moneys shall be used for the payment of claims and  
14 administrative costs as provided in ~~sections~~ 11-2022(4),  
15 11-2025, and 11-2026, and 11-2027."

16 Section 30. Section 11-2031, R.C.M. 1947, is amended  
17 to read as follows:

18 "11-2031. Penalty for false statements or claims. ~~Any~~  
19 A person required to make a statement or affidavit  
20 ~~hereunder, by 11-2020 through 11-2031, 11-2020.1, 11-2020.2,~~  
21 and 11-2024.1 who shall willfully ~~falsify~~ falsifies such  
22 statement or affidavit, and ~~any~~ a person who shall ~~file~~  
23 files a false claim ~~hereunder, shall be~~ under 11-2020  
24 through 11-2031, 11-2020.1, 11-2020.2, and 11-2024.1 is  
25 guilty of a misdemeanor and, upon conviction thereof, shall

1 ~~be sentenced to pay punished by~~ a fine of not exceeding five  
 2 ~~hundred (\$500.00) dollars, or to undergo~~ imprisonment not  
 3 exceeding six 6 months, or both ~~such fine and imprisonment.~~"

4 Section 31. Section 11-3524, R.C.M. 1947, is amended  
 5 to read as follows:

6 "11-3524. ~~Firemen's tenure firemen's disability and~~  
 7 ~~peasion funds how continued protection of rights in~~  
 8 Retention of firemen's rights when local government  
 9 consolidated. (1) ~~any fireman~~ A fireman employed by ~~any a~~  
 10 fire department ~~or departments,~~ established as required by  
 11 law in ~~any a~~ city or town of the county prior to the  
 12 election and qualification of a commission under this act,  
 13 or other acts of consolidation or disincorporation, ~~shall~~  
 14 have has the same job tenure rights as though no ~~such~~  
 15 election and qualification had taken place.

16 (2) ~~any such a~~ fireman who has vested rights in ~~any a~~  
 17 disability ~~or and~~ pension fund ~~shall maintain maintains~~  
 18 prior vested rights ~~to such funds in the fund~~ upon ~~their its~~  
 19 transfer to a consolidated county municipality. ~~any a~~  
 20 disability ~~or and~~ pension fund, ~~or funds, of the fire~~  
 21 department ~~or departments,~~ established as required by law in  
 22 ~~any a~~ city or town of the county prior to the election and  
 23 qualification of a commission under this act, or other acts  
 24 of consolidation or disincorporation, shall be continued as  
 25 one such fund for the fire department of the municipality,

1 subject, however, to the prior vested rights of ~~any~~ firemen  
 2 employed by any fire department ~~or departments,~~ established  
 3 as required by law in ~~any a~~ city or town of the county prior  
 4 to the election and qualification of a commission under this  
 5 act or other acts of consolidation or disincorporation. The  
 6 board of trustees of ~~such the~~ disability ~~or and~~ pension fund  
 7 shall continue as ~~set forth provided~~ in ~~sections 11-1913 and~~  
 8 ~~11-1922, R.C.M. 1947.~~ Except as provided in this section,  
 9 the disability ~~or and~~ pension fund ~~of the fire department~~  
 10 shall be continued and administered in the manner prescribed  
 11 by law for such funds ~~established in cities and towns."~~

-End-

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LC 0034

1977 Legislature  
Code Commissioner Bill - Summary

House Bill No. 62

TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO  
FIREMEN'S RETIREMENT AND DEATH AND DISABILITY BENEFITS.

(This summary does not include discussion of routine form  
and grammatical changes.)

Section 1. 11-1910.1. Definitions. New section to clarify and simplify. Subsections (1), (2), and (3) will simplify terminology. Subsection (3) is derived from 11-1910 and 11-1922. Subsection (4) is taken from 11-1910.

Section 2. 11-1910. Disability and pension fund. Deleted the phrase "of...(naming the city or town)" after "known as ...city or town" because it is unnecessary and would have to be included in the quotes to be correct, but such inclusion would be inaccurate since the definitive term is simply "disability and pension fund" - clarification. Added "and maintained" to clarify. Deleted "incorporated", "of the state of Montana", "there is...council", "known as", and "of the city...Montana" and added "under 11-1922" - deleted phrases included in 11-1922 (in definition of "fire department"). Deleted "fire department relief" - see definition of "association" in new section 11-1910.1. Deleted "themselves into an association" as inaccurate; in 11-1922 the members, not the department "form themselves..." - clarification. Deleted "as provided by law" as superfluous. Deleted "No...or more" - to be included in 11-1922 by amendment to aid recodification. Deleted "the words...or not." - contained in 11-1910.1(4) which is included as a new section in this bill.

Section 3. 11-1911. Contributions to fund. Deleted "of the...town" - see definition of "disability and pension fund" in new section 11-1910.1. Added "or money from other sources" to incorporate part of subsection (1) of unamended 11-1930, which is more inclusive than unamended 11-1911. Deleted "or any of its members" to correct an apparent error - the fund has no members, and requiring every contributing fireman to give all gifts, etc., he receives to the fund could not have been intended. Deleted "fire department relief" - see definition of "association" in new section 1910.1. Changed "as provided...11-1919" to "including...11-1919" to incorporate subsection (2) of unamended 11-1930 which is more inclusive than unamended 11-1911. Replaced "the interest... fund" with "all interest and other income...fund" to incorporate the rest of subsection (1) of unamended 11-1930 which is more inclusive than unamended 11-1911 (other part of unamended 11-1930(1) incorporated above).

Second paragraph. Deleted "any such paid or part-paid" - contained in new subsection (1)(b). Changed "such funds" to "the fund" to clarify and correct an apparent error. Added "after his" to clarify that "after" not "before" is intended. Deleted "of...municipality" - contained in definition of "fire department" in new section 11-1910.1. Added "receive" to correct apparent error. Changed "allowances" to "an allowance" as more accurate - apparent error. Deleted "fire department relief" - contained in definition of "association" in new section 11-1910.1.

Section 4. 11-1912. Special tax levy for fund. In the first paragraph, reworded first clause for clarity and deleted "of such...association" - see definition of "association" in new section 11-1910.1. Deleted "municipality" (five places) as redundant - "city or town" covers all municipalities. In subsection (1)(b), changed "relief association fund" to "fund" for consistent terminology - see definition of "fund" in new section 11-1910.1. Changed "municipality" to "city or town" for consistency. Deleted "as is now...vote-thereon" as superfluous and obsolete in light of Article XI of the 1972 Constitution. Substituted "governing body of the city or town" for list of specific forms to provide for any form which may be adopted. Deleted "in the manner provided by law" as meaningless. Deleted "of the fire...municipality" - see definition of "disability and pension fund" in new section 11-1910.1.

In subsection (2)(a), deleted "fire...association's " (2 places) for consistent terminology. Deleted municipality (3 places) - redundant. Added "taxable" and deleted "assessed for taxes" for consistency with subsection (2)(c).

In subsection (2)(b), moved last part of paragraph to beginning, added "special" to clarify, and deleted "as will... municipality" - incorporated into subsection (2)(b)(ii).

Deleted "municipality" (4 places) - redundant. In subsection (2)(b)(i), deleted "fire...association's" - consistent terminology. In subsection (2)(b)(ii), incorporated parts of end of original paragraph and added "to the fund" to clarify.

In subsection (2)(o), deleted "fire...pension" to simplify and make terminology consistent. Changed "within the city limits" to "in" to simplify. Deleted "municipality" (2 places) - redundant. Deleted "assessed" - redundant with "taxable valuation".

Section 5. 11-1914. Management of association and investment of fund. In subsection (1) deleted "fire...relief" - see definition of "association" in new section 11-1910.1.

In subsection (2), deleted "in" - apparent error. Changed "board" to "boards" to correct an apparent error - each association has its own board. Added "except as provided in subsections (2)(b) and (c)" and "Subject to the provisions of subsection (2)(c)" to clarify. Changed "funds of the association" to "money in the fund" and "fire...funds" to "fund" to clarify - there is only one fund provided for. Added "or" to clarify that more than one type of investment may be made. Deleted "state" before "board of investments" - incorrect title. Added "average" to clarify. Added "made pursuant to subsection (2)(b)" to clarify what investments. Changed "such funds" to "the surplus money in the fund" to clarify and make the terminology consistent with the above changes. Deleted "fire...relief" - see definition of "association".

In subsection (3), changed "board" to "boards" to correct apparent error - each association has its own board. Changed "funds of the association" and "association's funds" to "fund" to clarify - there is only one fund provided for. In subsection (3)(c) added "of trustees" and changed "such excess amounts" to "the excess over the following amounts" to clarify and deleted "state" before "board of investments" - incorrect title.

Section 6. 11-1919. State auditor to pay association out of insurance premium taxes. In subsection (1), deleted "fire department relief" - see definition of "association" in new section 11-1910.1. Replaced "legally existing... the same" with "which has...receive payments" to clarify - "legally existing" is redundant with "entitled by law".

In subsection (2), deleted "the" and changed "pension" to "the pensions" to correct an apparent error. Deleted "of such...association" - see definition of "fund" in new section 11-1910.1. Changed "the 10%...chapter" to "subsection (1) of this section" to simplify and make "chapter" more

specific. Changed "to the treasurer...by him" to "an additional...subsection (1)" to clarify and eliminate redundancies with subsection (1). Completely rewrote last sentence - clarity.

In subsection (3), deleted "of ... class" - redundant with subsections (1) and (2). Changed "mills" to "of a mill" to correct an apparent error. Changed "the foregoing ... computation" to "subsections (1) and (2)" to clarify. Deleted "fire ... relief" - definition of "association".

In subsection (4), made same changes as in subsection (1). Changed "or" to "and" - apparent error. Changed "mills" to "of a mill" - apparent error. In the last sentence, deleted superfluous language and replaced it with language the same as that in subsection (1) - the details of insurance need not be repeated in the retirement title. Deleted "as said ... entitled to" as superfluous - the provisions preceding it require that the association be entitled to the payment and provide a method of calculation for each city.

Completely rewrote subsection (5) to clarify and eliminate verbiage.

In subsection (6), changed reference to subsection (4) to reference to subsections (1) and (4) - apparent error.

Section 7. 11-1922. Formation of fire department relief association - officers. Changed "or departments ... of this state" to "as defined in 11-1910.1" to simplify and incorporate new definition. Deleted "themselves into" as superfluous - see part of 11-1923(1) which prescribes who may be a member of the association and which is being incorporated at the end of subsection (1).

Subsection (2) incorporates part of 11-1910 to aid recodification. Subsection (2)(a) incorporates "unless ... or all such firemen" - this language is contained in the definition of "fire department" referred to in subsection (1).

In subsection (3), deleted "which said board ... thereof" - covered by 11-1913 and in conflict with 11-1913. The provisions of 11-1913, rather than these provisions, are being retained because they accord with actual practice. Deleted "of each year" - redundant with "annually". Added sentence taken from 11-1923(2) and reworded - aid recodification.



Section 8. 11-1923. Annual report of secretary and treasurer, bond of treasurer and protection of money. In subsection (i), deleted "fire department relief" - see definition of "association" in new section 11-1910.1. Deleted last sentence - moved to 11-1922(1).

In subsection (2), reworded end of old subsection (1) to clarify - the association pays for the bond rather than the amount of the bond; the amount of the bond may not exceed \$25,000. Deleted first sentence of old subsection (2) - moved to 11-1922(3). Deleted "fire department relief" - see definition of "association" in new section 11-1910.1. Changed "firemen's relief" to "disability and pension" - apparent error, consistent terminology.

In subsection (3), deleted "fire department relief" - see definition of "association" in new section 11-1910.1.

Section 9. 11-1924. Transfer of money into fund by city treasurer. Deleted "as provided by law" - superfluous. Changed second "as provided by law" to "required by 11-1923(2)" to clarify. Clarified "taking the receipt of said treasurer". Deleted "from time to time" - redundant with "as moneys...". Deleted "relief" - consistency in terminology.

Section 10. 11-1925. Service pension. In subsection (1), deleted "fire department relief" - see definition of "association" in new section 11-1910.1. Deleted "organized... state" as superfluous - "association" is defined as being organized under 11-1922. Deleted "any money in" as superfluous. Deleted quotes around "disability and pension fund" and "service pension" as unnecessary and incorrect.

In subsection (2), reworded first sentence to clarify and replaced wording at end of first sentence with wording used in subsection (1) for clarity and consistency. Deleted "an additional 1 to 10 years" in beginning of first sentence - adds no meaning and redundant with "up to a maximum of 60%".

In subsection (3), changed "compensation" to "pension" to correct apparent error (3 places). Deleted "annual" - redundant with "each year". Changed "men" to "firemen" - apparent error.

In subsection (4), changed "without...age" to "regardless of his age" to clarify (2 places). Deleted "at least" in two places - superfluous. Added "a" - apparent error. Reworded "in such amount...association" to clarify. Deleted "fire department relief" - same reason as under subsection (1).

Section 11. 11-1926. Disability pension. In subsection (1), made same changes as in 11-1925(1). Deleted "injured or" as an apparent error - "became injured by reason of injury" does not make sense. Reworded second sentence for consistency with

11-1925(1).

In subsection (2), made same changes as in 11-1925(2).

In subsection (3), same as first two changes in 11-1925(3).

Section 12. 11-1927. Pensions to surviving spouses and orphans. In subsection (1), made same changes as under 11- Added "his" to clarify. In the second sentence, reworded for clarity and consistency with subsection (2).

In subsection (2), reworded beginning for clarity. Changed "the pension of the member" to "the pension provided for in subsection (1)" and added "by the deceased member" to correct an apparent error and clarify.

In subsection (3), changed "compensation" to pension in two places to correct an apparent error. Deleted "annual" - redundant with "each year".

In subsection (4), deleted "within named" and "of a deceased fireman" as verbiage. Changed "provided for ... act" to "under this section" to clarify. Changed "received" and "was receiving" to "had begun to receive" for grammatical accuracy and to clarify.

Section 13. 11-1927.1. Payment of death benefits in absence of spouse or orphan. Deleted "fire department relief" - see definition of "association" in new section 11-1910.1. Changed "has" to "had" in two places - grammatical error. Reworded end of first sentence to clarify. Changed "widow" to "surviving spouse" - sex discrimination.

Section 14. 11-1927.2 Supplement to prior pension. Changed "an" to "the" - apparent error. Changed "determined in" to "defined by" to clarify. Changed "widows" to "surviving spouses" in three places - sex discrimination.

In subsection (2), deleted "fire dept. relief" - see definition of "association" in new section 11-1910.1. Deleted "organized ... state" as superfluous - "association" is defined as being organized under 11-1922. Changed "compensation" to "pension" - apparent error. Deleted "annual" - redundant with "each year".

In subsection (2)(a), see first two changes under subsection (2). Deleted "of the relief association" - see definition of "fund" in new section 11-1910.1. Changed "sum" to "salary" to clarify and make consistent with subsection (2)(b). Deleted "the position of" to simplify.

In subsection (2)(b), deleted "relief" for consistent terminology.

In subsection (2)(c), made same change as in subsection (2)(b). Changed "supplement" to "increase" - apparent error. Deleted "the position of" to simplify.

Section 15. 11-1928. Use of disability and pension fund. Added "investment, as provided in 11-1914", to clarify and avoid a possible incorrect interpretation excluding investment. Reworded subsection (1)(e) to clarify and correct grammar (parallel construction).

In subsection (1)(f), changed "payment" to "benefits" to clarify and correct an apparent error - "payment of payment". Changed "by law" to "in this chapter" to clarify in subsections (1)(f) and (1)(h).

In subsection (1)(g), deleted "the payment of" as an apparent error, and reworded to clarify. In subsection (1)(h), made "contribution" plural - apparent error.

Section 16. 11-1929. Protection of benefits from legal process - nonassignability. Clarified "hereunder" and reworded to simplify and clarify. List of sections will become "this chapter" after recodification.

Section 17. 11-1930. Management of fund. Added "Except... chapter" to clarify - they do not have control of investments, for example. Changed "funds herein provided for" to "disability and pension fund" to clarify - the fund is the only "funds provided for". Deleted "which said...." - incorporated into 11-1911.

Section 18. 11-2007. Duties of chief. Deleted last part - being reenacted with internal references corrected as 11-2020.2, to avoid repeal of last part possibly contemplated in local government code and general revision of fire laws.

Section 19. 11-2020.1. Definitions. New section to clarify and aid recodification by ensuring consistency in terminology.

Section 20. 11-2020.2. Certificate of eligibility. New section taken from last part of 11-2007 with some changes. Changed "he" to "the chief or foreman of every volunteer fire company" to clarify - subsection (3) will be an independent section in Title 19 after recodification, and the rest of 11-2007 will be repealed or appear in another title. Deleted "of the state of Montana" - see 68-1502 which names the PERS. Changed "department" to "company" for consistency in terminology and to clarify - no "departments" are authorized by Chapter 20 to be organized in unincorporated areas, but companies are authorized; subsection (3) only deals with unincorporated areas since 11-2023 is restricted to such. Added "as required by" to clarify. Corrected internal references to subsections of 11-2023 to reflect changes made in Section 21 of this bill.

Section 21. 11-2022. Disability, death, insurance, and pension benefits. In subsection (1), clarified "while confined or nonconfined" and reworded for clarity. Deleted "organized" and "state" - see definition of "fire company" in new section 11-2020.1.

In subsection (2), changed "them" to "that" - apparent error. Deleted "to supply the loss thereof" - superfluous and unclear. Changed "such members" to "an artificial member" to clarify and avoid the incorrect interpretation that the total cost of furnishing "members" to several firemen may not exceed \$1,500.

In subsection (4), added "by the division...fund" to clarify who pays and what fund the money comes from. Changed "department" to "company" in four places - see comment under Section 20, 11-2020.2.

In subsection (5)(a), deleted "qualification" - superfluous, 11-2023(2) uses simple term "requirements". Reworded for clarity and grammatical accuracy. Deleted "thereafter" - redundant, "who has completed...". Changed "act" to "subsection (5)" to make it more specific and clarify.

In subsection (5)(b)(i), substituted "volunteer firemen's fund" for longer description - see definition in new section 11-2020.1(2). Changed "industrial accident board" to "division" - see definition of "division" in new section 11-2020.1 and 82A-1004. Changed "or" to "and" - apparent error. Deleted "account" in two places - superfluous, there is only one balance referred to in this section.

In subsection (5)(b)(ii) (moved from end of original paragraph), clarified "hereunder" - "under this subsection (5)". Deleted second "hereunder" as superfluous. Substituted "volunteer firemen's fund" for longer description - see definition in new section 11-2020.1(2). Deleted "at the beginning...pensions" - redundant with subsection (5)(b)(i). Clarified "such fiscal year".

In subsection (5)(b)(iii) (moved from end of original paragraph), changed "act" to "subsection (5)" to make it more specific and clarify. Deleted "hereunder" - redundant with "For the purpose...".

In subsection (5)(c), deleted "of such...year" - redundant with preceding clause.

In subsection (5)(d), made grammatical changes.

Section 22. 11-2023. Qualification for benefits. In subsection (1), changed "compensation" to "benefits" to clarify - for example, payment of funeral expenses under 11-2022(3) is a benefit rather than compensation. Deleted reference to 11-2022(4) to correct apparent error - 11-2022(4) provides for payments to fire companies, not benefits for individual firemen. Reworded clause "at the time..." to clarify and correct apparent error -

11-2022(3) was not adequately accounted for. Deleted "organized...village" - see definition of "fire company" in new section 11-2020.1.

In subsection (2)(a)(i), deleted "organized...village" - see comment under subsection (1).

In subsection (2)(a)(ii), added "any" and "of" - apparent errors. Deleted old "(III)" - is new subsection (2)(d).

In subsection (2)(a)(iii), deleted "organized...Montana" and "in incorporated...villages" - see comment under subsection (1).

In subsection (2)(c), added "or foreman" to clarify - to cover any volunteer fire company which does not have a chief.

Subsection (2)(d) is taken from old subsection (2)(A)(III) with minor recodification changes.

In subsection (2)(e), deleted "organized...village" - see subsection (1).

Subsection (3) is temporary. It will not be recodified but is being retained here to avoid a repeal.

In subsection (3)(a), deleted "organized...village" - see subsection (1). Changed "against...requirement" to "for his... (2)(a)" to clarify. Deleted "or to be completed" - updating language. Reworded second sentence to clarify, update language, and change internal references to agree with renumbering.

In subsection (3)(b), added "or foreman" - see subsection (2)(c). Deleted "of the state of Montana" - see 68-1502.

In subsection (3)(c), deleted first sentence - redundant with subsection (3)(a). Added "or foreman" twice - see subsection (2)(c). Reworded end of first sentence to clarify and correct apparent error - see wording in subsection (3)(b). Deleted "public...system" - see definition of "board of administration" in new section 11-2020.1.

Section 23. 11-2024. Procedure for claiming benefits. In subsection (1)(a), changed "compensation" to "benefits" - consistency with 11-2023(1), as amended. Deleted reference to 11-2022(4) - see comment under 11-2023(1). Deleted reference to 11-2022(3) to correct apparent error - a fireman cannot claim his own funeral expenses. Changed "industrial accident board" to "division" in two places - see definition of "division" in new section 11-2020.1 and 82A-1004. In the last sentence, taken from the end of the original paragraph, changed "if confined" to "if the claimant was confined" to clarify (note "claimant" means "fireman" since subsection (1)(a) begins "A fireman claiming...") and changed "board" to "division" - see preceding comment.

In subsection (1)(b), made numerous grammatical corrections. Changed "attendance" to "visits" to correct apparent error.

"number of attendance" does not make sense. Moved last clause to subsection (1)(a).

In subsection (2)(a), added sentence from end of subsection (2)(b) and clarified "any year".

Reworded subsection (2)(c) for clarity. Deleted "or to be filed" as superfluous - a certificate which does not exist cannot be prima facie proof. Changed internal references to reflect renumbering in this bill.

Section 24. 11-2024.1. Procedure for claiming death benefit. New section to correct an apparent error of omission.

Section 25. 11-2025. Payment of benefits. In subsection (1), deleted reference to 11-2022 (4) as an apparent error - 11-2022(4) deals with payments to fire companies and has nothing to do with individual firemen or death or disability. Changed "industrial accident board" to "division" in two places - see definition of "division" in new section 11-2020.1 and 82A-1004. Corrected reference to 11-2024 to provide for the changes in it and the enactment of 11-2024.1. Added "or the provider...applicable" to correct apparent error - under 11-2022(3) funeral, not medical, benefits are claimed.

In subsection (2), added "or the beneficiary..." to incorporate part of subsection (3) and correct apparent error - pension payments are not always made to the fireman.

In subsection (3), moved from the end of subsection (3)(d), deleted "by a warrant...spouse" - redundant with subsection (2), as amended.

In subsections (3)(a), (b), (c), and (d), deleted in several places "hereunder" as superfluous.

In subsection (4), deleted verbiage.

Section 26. 11-2026. Administration of act. Generally substituted "division" for "industrial accident board" - see definition of "division" in new section 11-2020.1 and 82A-1004. In subsection (1), added reference to 11-2022(4) because such a reference was deleted from 11-2025(1).

In subsection (2), deleted "of the state of Montana" - see 68-1502. Changed internal reference to 11-2025(2) to 11-2025(2) and (3) to account for changes in numbering in this bill. Deleted "secretary or" - the PERS has no "secretary". Deleted "of the public...system" - see definition of "board of administration" in new section 11-2020.1. Deleted "compensation" for consistency in terminology.

Section 27. 11-2027. Rules to be made by division and board of administration -- office supplies. Substituted "division"

for "industrial accident board" - see definition of "division" in new section 11-2020.1 and 82A-1004. In subsection (1) combined the two sentences into one - second sentence referred to "the volunteer firemen's pension plan", but that plan is part of the Volunteer Firemen's Compensation Act; deleted "of the public... system" - contained in definition of "board of administration" in new section 11-2020.1.

In subsection (2), made the same changes as in subsection (1).

Section 28. 11-2029. Reports of division and public employees' retirement system. In subsection (1), reworded "for making report therein provided" - correct apparent error. Replaced "industrial accident board" with "division" - see definition of "division" in new section 11-2020.1 and 82A-1004.

In subsections (1) and (2), changed "under" to "of" - clarity.

In subsection (3), made same change as that last mentioned under subsection (1). Deleted "within...Montana" - see definition of fire company in new section 11-2020.1.

Section 29. 11-2030. Fire insurance premium tax to be paid into fund. Deleted "of the state of Montana" - superfluous. Changed "earmarked revenue fund" to "volunteer firemen's fund" to clarify - the latter is contained in the former, see definition in new section 11-2020.1; the payments made under the sections referred to are made out of the latter. Changed "as shall remain" to "computed" to clarify. Added reference to 11-2027 to correct apparent error - 11-2027 provides for payment of costs of administration, the other sections do not. Added reference to 11-2022(4) - must be provided for and deleted from 11-2025 by this bill.

Section 30. 11-2031. Penalty for false statements or claims. Clarified "hereunder" in two places. Reworded penalty for grammatical accuracy and simplicity.

Section 31. 11-3524. Retention of firemen's rights when local government consolidated. In subsection (2), changed "disability or pension fund" to "disability and pension fund" to correct apparent error. Deleted "of the...departments" - contained in definition of the fund in new section 11-1910.1. Deleted reference to 11-1922 - no longer applicable since 11-1922 is being amended by this bill. Deleted "established...towns" - contained in definition of "fund".

Approved by Committee  
on State Administration

1                    HOUSE    BILL NO.    62  
2    INTRODUCED BY BARDANOUVE

3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
5    CLARIFY THE LAWS RELATING TO FIREMEN'S RETIREMENT AND DEATH  
6    AND DISABILITY BENEFITS."

7  
8    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9            Section 1. There is a new R.C.M. section numbered  
10    11-1910.1 that reads as follows:

11            11-1910.1. Definitions. Unless the context requires  
12    otherwise, the following definitions apply in 11-1910  
13    through 11-1930, 11-1927.1, 11-1927.2, and 11-3524:

14            (1) "Association" means the fire department relief  
15    association provided for in 11-1922.

16            (2) "Disability and pension fund" or "fund" means the  
17    fund provided for in 11-1910.

18            (3) "Fire department" includes all fire departments,  
19    consisting of paid, part-paid, or volunteer firemen or any  
20    combination thereof, recognized by the city or town council  
21    of an incorporated city or town of this state.

22            (4) "Incorporated city or town" includes county seats  
23    whether incorporated or not.

24            Section 2. Section 11-1910, R.C.M. 1947, is amended to  
25    read as follows:

1            "11-1910. Disability and pension fund. (1) A fund to  
2    be known as the "disability and pension fund" of the fire  
3    department relief association of the city or town there  
4    shall be created and established and maintained in each  
5    incorporated every city or town of the state of Montana  
6    where there is an organized fire department, recognized by  
7    city council, which said the fire department has formed or  
8    shall hereafter fore forms themselves into an association  
9    known as the fire department relief an association under  
10   11-1922, of the city or town of .... (name of the city or  
11   town) and incorporated under the laws of the state of  
12   Montana, a fund to be known as "disability and pension fund"  
13   of the fire department relief association of the city or  
14   town of .... (naming the city or town)

15            (2) said The fund shall be kept separate from other  
16   funds and shall to be held by the treasurer of such the  
17   association, as provided by law, and to be kept in a  
18   separate fund. No fire department relief association shall  
19   be organized and incorporated under the provisions of this  
20   act, unless it is in an incorporated city or town of this  
21   state, and has a duly organized fire department, consisting  
22   of either paid, part-paid, or volunteer firemen, or any or  
23   all such firemen, which said fire department must have fire  
24   fighting equipment in serviceable condition, of the value of  
25   seven hundred fifty dollars (\$750.00), or more, provided

There are no changes in H.B. 62, & will not be re-run.

Please refer to white copy for complete text.    S E C O N D    R E A D I N G

*HB 62*



1 ~~that the words "incorporated city or town" appearing in this~~  
 2 ~~act shall include any county seats whether incorporated or~~  
 3 ~~not."~~

4 Section 3. Section 11-1911, R.C.M. 1947, is amended to  
 5 read as follows:

6 "11-1911. ~~Source of~~ Contributions to fund. (1) The  
 7 disability and pension fund ~~of the fire department relief~~  
 8 ~~association of such city or town~~ shall consist of:

9 (a) all bequests, fees, gifts, emoluments, or  
 10 donations or money from other sources given or paid to ~~such~~  
 11 ~~the fund,~~ or ~~any of its members,~~ except as otherwise  
 12 designated by the donor;

13 (b) ~~and~~ a monthly fee which shall be paid into the  
 14 fund by each paid member ~~and~~ or part-paid member of said  
 15 fire department relief the association amounting to ~~six per~~  
 16 ~~cent (6%)~~ of the member's regular monthly salary;

17 (c) the proceeds of a the tax levy as provided by  
 18 section for in 11-1912, R.C.M. 1947, and;

19 (d) all moneys received from the state of Montana as  
 20 ~~provided for by section 11-1919, R.C.M. 1947, including~~  
 21 those provided for in 11-1919; and ~~the interest of any~~  
 22 ~~portion of such fund.~~

23 (e) all interest and other income earned from the  
 24 investment of the fund.

25 (2) ~~any such paid or part-paid~~ A fireman shall be is

1 entitled to a ~~return~~ refund, in a lump sum, and without  
 2 interest, of all his monthly contributions ~~made by the~~  
 3 ~~fireman to such funds~~ the fund, within ~~sixty (60)~~ days of  
 4 after his permanent separation from service in the fire  
 5 department ~~of such city, town or municipality,~~ except for  
 6 separation by reason of retirement, death, or disability,  
 7 which would otherwise qualify ~~such separated fireman,~~ him or  
 8 the his surviving spouse or ~~orphans,~~ children to receive  
 9 benefits or ~~allowances~~ an allowance from ~~such fire~~  
 10 ~~department relief~~ the association.

11 Section 4. Section 11-1912, R.C.M. 1947, is amended to  
 12 read as follows:

13 "11-1912. ~~For~~ Special tax levy for fund. ~~For the~~  
 14 ~~purpose of maintaining said disability and pension funds of~~  
 15 ~~such fire department relief association, in an amount~~

16 (1) (a) The purpose of this section is to provide a  
 17 means by which each disability and pension fund may be  
 18 maintained at a level equal to ~~two per centum (2%)~~ of the  
 19 taxable valuation of all taxable property within the limits  
 20 of any the city, or town or municipality;

21 (b) Whenever the fund contains less than 2% of the  
 22 taxable valuation of all taxable property within the limits  
 23 of the city or town, the city or town council or the  
 24 ~~commission or such other proper authority of any~~  
 25 ~~municipality, as is now or may hereafter be established,~~

1                    HOUSE    BILL NO.    62  
 2    INTRODUCED BY BARDANOUVE

3  
 4    A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
 5    CLARIFY THE LAWS RELATING TO FIREMEN'S RETIREMENT AND DEATH  
 6    AND DISABILITY BENEFITS."

7  
 8    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9            Section 1. There is a new R.C.M. section numbered  
 10    11-1910.1 that reads as follows:

11            11-1910.1. Definitions. Unless the context requires  
 12    otherwise, the following definitions apply in 11-1910  
 13    through 11-1930, 11-1927.1, 11-1927.2, and 11-3524:

14            (1) "Association" means the fire department relief  
 15    association provided for in 11-1922.

16            (2) "Disability and pension fund" or "fund" means the  
 17    fund provided for in 11-1910.

18            (3) "Fire department" includes all fire departments,  
 19    consisting of paid, part-paid, or volunteer firemen or any  
 20    combination thereof, recognized by the city or town council  
 21    of an incorporated city or town of this state.

22            (4) "Incorporated city or town" includes county seats  
 23    whether incorporated or not.

24            Section 2. Section 11-1910, R.C.M. 1947, is amended to  
 25    read as follows:

There are no changes in HB 62, & will not be re-run.

Please refer to white copy for complete text. THIRD READING

1            "11-1910. Disability and pension fund. (1) A fund to  
 2    ~~be known as the "disability and pension fund" of the fire~~  
 3    ~~department relief association of the city or town There~~  
 4    ~~shall be created and established and maintained in each~~  
 5    ~~incorporated every city or town of the state of Montana~~  
 6    ~~where there is an organized fire department, recognized by~~  
 7    ~~city council, which said the fire department has formed or~~  
 8    ~~shall hereafter form forms themselves into an association~~  
 9    ~~known as the fire department relief an association under~~  
 10    ~~11-1922, of the city or town of . . . (name of the city or~~  
 11    ~~town) and incorporated under the laws of the state of~~  
 12    ~~Montana, a fund to be known as "disability and pension fund"~~  
 13    ~~of the fire department relief association of the city or~~  
 14    ~~town of . . . (naming the city or town)~~

15            (2) ~~said~~ The fund shall be kept separate from other  
 16    ~~funds and shall~~ to be held by the treasurer of such the  
 17    ~~association, as provided by law, and to be kept in a~~  
 18    ~~separate fund. No fire department relief association shall~~  
 19    ~~be organized and incorporated under the provisions of this~~  
 20    ~~act, unless it is in an incorporated city or town of this~~  
 21    ~~state, and has a duly organized fire department, consisting~~  
 22    ~~of either paid, part paid, or volunteer firemen, or any or~~  
 23    ~~all such firemen, which said fire department must have fire~~  
 24    ~~fighting equipment in serviceable condition, of the value of~~  
 25    ~~seven hundred fifty dollars (\$750.00), or more, provided~~

HB 62

1 ~~that the words "incorporated city or town" appearing in this~~  
 2 ~~act shall include any county seats whether incorporated or~~  
 3 ~~not."~~

4 Section 3. Section 11-1911, R.C.M. 1947, is amended to  
 5 read as follows:

6 "11-1911. ~~Source of Contributions to fund.~~ (1) The  
 7 disability and pension fund ~~of the fire department relief~~  
 8 ~~association of such city or town~~ shall consist of:

9 (a) all bequests, fees, gifts, emoluments, or  
 10 donations ~~or money from other sources~~ given or paid to ~~such~~  
 11 ~~the fund, or any of its members,~~ except as otherwise  
 12 designated by the donor;

13 (b) ~~and~~ a monthly fee which shall be paid into the  
 14 fund by each paid member ~~and~~ or part-paid member of said  
 15 fire department relief ~~the~~ association amounting to six per  
 16 cent ~~(6%)~~ of the member's regular monthly salary;

17 (c) the proceeds of a ~~the~~ tax levy as provided by  
 18 ~~section for in~~ 11-1912, R.C.M. 1947, ~~and;~~

19 (d) all moneys received from the state of Montana as  
 20 ~~provided for by section 11-1919, R.C.M. 1947, including~~  
 21 ~~those provided for in 11-1919; and the interest of any~~  
 22 ~~portion of such fund.~~

23 (e) ~~all interest and other income earned from the~~  
 24 ~~investment of the fund.~~

25 (2) ~~any such paid or part-paid~~ A fireman shall be ~~in~~

1 entitled to a ~~return~~ refund, in a lump sum, ~~and~~ without  
 2 interest, of all ~~his~~ monthly contributions ~~made by the~~  
 3 firemen to ~~such funds~~ the fund, within ~~sixty~~ (60) days of  
 4 ~~after his~~ permanent separation from service in the fire  
 5 department ~~of such city, town or municipality,~~ except for  
 6 separation by reason of retirement, death, or disability,  
 7 which would otherwise qualify ~~such separated firemen,~~ ~~his~~ or  
 8 ~~the~~ ~~his~~ surviving spouse or ~~orphans,~~ children to receive  
 9 benefits or allowances an allowance from ~~such fire~~  
 10 ~~department relief~~ the association.

11 Section 4. Section 11-1912, R.C.M. 1947, is amended to  
 12 read as follows:

13 "11-1912. ~~For~~ Special tax levy for fund. ~~For the~~  
 14 ~~purpose of maintaining said disability and pension funds of~~  
 15 ~~such fire department relief association, in an amount~~

16 (1) (a) The purpose of this section is to provide a  
 17 means by which each disability and pension fund may be  
 18 maintained at a level equal to two per centum (2%) of the  
 19 taxable valuation of all taxable property within the limits  
 20 of any ~~the~~ city, or town or municipality;

21 (b) Whenever the fund contains less than 2% of the  
 22 taxable valuation of all taxable property within the limits  
 23 of the city or town, the city or town council or the  
 24 commission or such other proper authority of any  
 25 municipality, as is now or may hereafter be established,

March 5, 1977

STANDING COMMITTEE REPORT  
Senate Committee on State Administration

That House Bill 62 be amended as follows:

1. Amend page 34, section 21, line 22.  
Following: "the"  
Strike: "board"  
Insert: "division"
2. Amend page 35, section 21, lines 23 through 25.  
Following: "(2)"  
Strike: lines 23 through 25 in their entirety
3. Amend page 36, section 21, line 4.  
Following: "(5)"  
Insert: "if the claim provided for in 11-2024 (2) is completed and  
filed"

March 8, 1977

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 62 be amended as follows:

1. Amend amendments 2 and 3.

Strike: Committee amendments 2 and 3 in their entirety

2. Amend page 35, section 21, line 21.

Following: "Each"

Strike: "volunteer fireman"

Insert: "person"

3. Amend page 35, section 21, line 23.

Following: "(2)"

Insert: "or, in the case of a beneficiary, 11-2025(3)"

HOUSE BILL NO. 62  
INTRODUCED BY BARDANOUVE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO FIREMEN'S RETIREMENT AND DEATH AND DISABILITY BENEFITS."

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

Section 1. There is a new R.C.M. section numbered 11-1910.1 that reads as follows:

11-1910.1. Definitions. Unless the context requires otherwise, the following definitions apply in 11-1910 through 11-1930, 11-1927.1, 11-1927.2, and 11-3524:

(1) "Association" means the fire department relief association provided for in 11-1922.

(2) "Disability and pension fund" or "fund" means the fund provided for in 11-1910.

(3) "Fire department" includes all fire departments, consisting of paid, part-paid, or volunteer firemen or any combination thereof, recognized by the city or town council of an incorporated city or town of this state.

(4) "Incorporated city or town" includes county seats whether incorporated or not.

Section 2. Section 11-1910, R.C.M. 1947, is amended to read as follows:

~~11-1910. Disability and pension fund. (1) A fund to be known as the "disability and pension fund" of the fire department relief association of the city or town. There shall be created and established and maintained in each incorporated every city or town of the state of Montana where there is an organized fire department recognized by city council, which said the fire department has formed or shall hereafter form forms themselves into an association known as the fire department relief an association under 11-1922, of the city or town of xxx (name of the city or town) and incorporated under the laws of the state of Montana, a fund to be known as "disability and pension fund" of the fire department relief association of the city or town of xxx (naming the city or town).~~

~~(2) said The fund shall be kept separate from other funds and shall to be held by the treasurer of such the association, as provided by law and to be kept in a separate funds. No fire department relief association shall be organized and incorporated under the provisions of this act, unless it is in an incorporated city or town of this state, and has a duly organized fire department consisting of either paid, part-paid, or volunteer firemen, or any or all such firemen, which said fire department must have fire fighting equipment in serviceable condition of the value of seven hundred fifty dollars (\$750.00), or more, provided~~

1 ~~that the words "incorporated city or town" appearing in this~~  
 2 ~~act shall include any county seats whether incorporated or~~  
 3 ~~nots"~~

4 Section 3. Section 11-1911, R.C.M. 1947, is amended to  
 5 read as follows:

6 "11-1911. ~~Source of Contributions to fund.~~ (1) The  
 7 disability and pension fund ~~of the fire department relief~~  
 8 ~~association of such city or town~~ shall consist of:

9 (a) all bequests, fees, gifts, emoluments, or  
 10 donations or money from other sources given or paid to ~~such~~  
 11 ~~the fund~~ or any of its members, except as otherwise  
 12 designated by the donor;

13 (b) ~~and~~ a monthly fee which shall be paid into the  
 14 fund by each paid ~~member and~~ or part-paid member of said  
 15 fire department relief ~~the~~ association amounting to six per  
 16 cent (6%) of the member's regular monthly salary;

17 (c) the proceeds of ~~a~~ the tax levy as provided by  
 18 section for in 11-1912, R.C.M. 1947, and;

19 (d) all moneys received from the state of Montana as  
 20 provided ~~for by section 11-1919, R.C.M. 1947, including~~  
 21 those provided for in 11-1919; and ~~the interest of any~~  
 22 ~~portion of such funds~~

23 (e) all interest and other income earned from the  
 24 investment of the funds.

25 (1) ~~Any such paid or part-paid A fireman shall be is~~

1 entitled to a return refund, in a lump sum, and without  
 2 interest, of all his monthly contributions made ~~by the~~  
 3 firemen to ~~such funds~~ the fund, within sixty (60) days of  
 4 after his permanent separation from service in the fire  
 5 department ~~of such city, town or municipality~~, except for  
 6 separation by reason of retirement, death, or disability,  
 7 which would otherwise qualify ~~such separated fireman~~ him or  
 8 the his surviving spouse or orphans, children to receive  
 9 benefits or allowances an allowance from ~~such fire~~  
 10 department relief ~~the~~ association.

11 Section 4. Section 11-1912, R.C.M. 1947, is amended to  
 12 read as follows:

13 "11-1912. ~~For~~ Special tax levy for fund. ~~for the~~  
 14 ~~purpose of maintaining said disability and pension funds of~~  
 15 ~~such fire department relief association in an amount~~

16 (1) (a) The purpose of this section is to provide a  
 17 means by which each disability and pension fund may be  
 18 maintained at a level equal to two per centum (2%) of the  
 19 taxable valuation of all taxable property within the limits  
 20 of any ~~the~~ city, or town or municipality.

21 (b) Whenever the fund contains less than 2% of the  
 22 taxable valuation of all taxable property within the limits  
 23 of the city or town, the city ~~or town council or the~~  
 24 ~~commission or such other proper authority of any~~  
 25 municipality ~~as is now or may hereafter be established,~~

1 ~~under special or local laws passed by the legislative~~  
 2 ~~assembly and adopted by the electors within such city, town~~  
 3 ~~or municipality, entitled to vote thereon, at all times when~~  
 4 ~~the said relief association fund is in a total amount of~~  
 5 ~~less than two per centum (2%) of the taxable valuation of~~  
 6 ~~all taxable property within the limits of the city, town or~~  
 7 ~~municipality, governing body of the city or town shall,~~  
 8 ~~annually, in the manner provided by law, at the time of the~~  
 9 ~~levy of the annual tax, levy a special tax as hereinbelow~~  
 10 ~~set forth, which said provided in subsection (2). The~~  
 11 ~~special tax shall be collected as other taxes are collected~~  
 12 ~~and, when so collected, shall be paid into the disability~~  
 13 ~~and pension fund, of the fire department relief association~~  
 14 ~~of said city, town or municipality.~~

15 ~~1. (2) (a) Whenever the total amount of a fire~~  
 16 ~~department relief association's the fund is less than two~~  
 17 ~~per centum (2%) of the taxable valuation of all taxable~~  
 18 ~~property within the limits of the city, town or~~  
 19 ~~municipality, the special tax levy shall be:~~

20 ~~(i) not less than one (1) mill nor or more than four~~  
 21 ~~(4) mills on each dollar of taxable valuation of all taxable~~  
 22 ~~property assessed for taxes within the limits of said the~~  
 23 ~~city, town or municipality; and~~

24 ~~(ii) said special tax levy shall be an amount~~  
 25 ~~sufficient as will to provide a growth per year in such fire~~

1 ~~department relief association's the fund, considering all~~  
 2 ~~sources of income to such the fund and the payment of~~  
 3 ~~obligations out of such the fund, in an amount equal to the~~  
 4 ~~sum produced by one (1) mill levied on the taxable valuation~~  
 5 ~~of all the taxable property in said the city, town or~~  
 6 ~~municipality.~~

7 ~~2. (b) Whenever the special tax levy shall be a~~  
 8 ~~fractional part of 1 mill whenever:~~

9 ~~(i) the total amount of the fire department relief~~  
 10 ~~association's fund is less than two per centum (2%) but more~~  
 11 ~~than 1% of the taxable valuation of all taxable property~~  
 12 ~~within said the city, town or municipality, but more than~~  
 13 ~~one per centum (1%) of said taxable valuation; and~~

14 ~~(ii) when the special tax levy of one (1) mill on each~~  
 15 ~~dollar of taxable valuation within said city, town or~~  
 16 ~~municipality a fractional part of 1 mill will produce~~  
 17 ~~sufficient revenue to cause such the fund, considering all~~  
 18 ~~sources of income to the fund and all payments to be made~~  
 19 ~~out of such the fund, to exceed two per centum (2%) of the~~  
 20 ~~taxable valuation of all taxable property within said the~~  
 21 ~~city, town or municipality, the tax levy shall be such~~  
 22 ~~fractional part of one (1) mill as will produce sufficient~~  
 23 ~~revenue to cause the fire department relief association's~~  
 24 ~~disability and pension fund to be more than two per centum~~  
 25 ~~(2%) of the taxable valuation of all taxable property in~~



1 ~~said city, town or municipality.~~

2 ~~3. (c) In cities of the third class, when the fire~~  
3 ~~department--relief-association's disability and pension fund~~  
4 ~~contains an amount of which is less than two-per-centum (2%)~~  
5 ~~of the taxable valuation of all taxable property within--the~~  
6 ~~city--limits--of in the city, or town or municipality, the~~  
7 ~~city council shall levy an annual special tax of not less~~  
8 ~~than one-(1) mill and not to exceed more than four-(4) mills~~  
9 ~~on the each dollar of a++ taxable valuation of all taxable~~  
10 ~~property assessed within the said city or town or~~  
11 ~~municipality."~~

12 Section 5. Section 11-1914, R.C.M. 1947, is amended to  
13 read as follows:

14 "11-1914. ~~Duties--of--trustees--~~ Management of  
15 association and investment of surplus funds fund. (1) The  
16 board of trustees of the ~~fire department-relief~~ association  
17 shall audit the accounts of the association at least every  
18 ~~six-(6) months~~ and shall report the condition of them at the  
19 next regular meeting of the association.

20 (2) (a) The management of the fire department relief  
21 associations in municipalities other than in first and  
22 second class cities shall be is vested in the board boards  
23 of trustees, except as provided in subsections (2)(b) and  
24 (c).

25 (b) When Subject to the provisions of subsection

1 (2)(c), when so directed by a majority vote of the members  
2 of the association, the board of trustees may invest the  
3 surplus funds ~~of the association~~ money in the fund or any  
4 part ~~of them, thereof~~ in any time or saving deposits, in any  
5 a solvent bank, building and loan association, or savings  
6 and loan association operating in the county where the city  
7 or town is located, in bonds or other securities of the  
8 United States government, or in general obligation bonds or  
9 warrants of any state, county, or city ~~as that~~ are  
10 recommended by the state auditor and approved by the  
11 department of community affairs. At the time of purchase the  
12 investments must be stamped in boldface type, substantially  
13 as follows: "Property ~~property~~ of the .... ~~Fire--Department~~  
14 ~~Relief--Association,~~ fire department relief association and  
15 negotiable only upon the order of the board of trustees of  
16 such association." ~~Provided, however, that~~

17 (c) when ~~When~~ the average yield on investments of  
18 public retirement funds under the state board of investments  
19 exceeds by ~~one--percent--(1%)~~ in any fiscal year the  
20 investment average yield on investments of said--fire  
21 ~~department-relief-association-funds such funds the fund made~~  
22 pursuant to subsection (2)(b), the surplus money in the fund  
23 shall be remitted to the state treasurer for investment by  
24 the state board of investments as is provided in the  
25 ~~provisions--of--this--section~~ subsection (2)(c) for

1 associations in first and second class cities, ~~and said~~  
 2 ~~fire-department-relief~~ Every 6 months the association shall  
 3 submit ~~every six (6) months~~ a financial statement detailing  
 4 their ~~its~~ investments to the department of community  
 5 affairs, ~~and the department shall advise said--fire~~  
 6 ~~department-relief~~ the association of the current yield of  
 7 investment on investments of public retirement funds.

8 ~~(2)(3)~~ (a) The management of the fire department  
 9 relief associations in first and second class cities ~~shall~~  
 10 be ~~is~~ vested in the ~~board~~ boards of trustees of ~~such~~ the  
 11 associations subject to the following provisions of this  
 12 section subsections (3)(b) and (c).

13 (b) The board of trustees shall submit to the  
 14 department of community affairs before October 1 in each  
 15 odd-numbered year, all information requested by the  
 16 department ~~of--community--affairs~~ necessary to complete an  
 17 actuarial valuation of the ~~funds-of-the-association fund~~.  
 18 ~~this~~ The valuation shall consider the actuarial soundness of  
 19 the fund for the 2 preceding fiscal years. The valuation is  
 20 to be prepared by a qualified actuary selected by the  
 21 department ~~of--community--affairs~~. ~~This--valuation--shall~~  
 22 ~~consider--the-actuarial-soundness-of-the-association's-funds~~  
 23 ~~for-the-two-(2)-preceding-fiscal-years.~~ A qualified actuary  
 24 is a member of the American Academy academy of Actuaries  
 25 actuaries or of any other organization deemed considered by

1 the municipal audit division to have similar standards. In  
 2 each fiscal year in which an actuarial valuation is  
 3 prepared, the department ~~of--community--affairs~~ shall submit  
 4 to the state auditor a request for payment of the expenses  
 5 incurred in securing the actuarial valuation. These expenses  
 6 may not exceed ~~six-thousand-dollars-(\$6,000)~~ in any fiscal  
 7 year, ~~and-the~~ The state auditor shall make payment to the  
 8 actuary designated by the request.

9 ~~(3)(c)~~ ~~Whenever the moneys~~ The board of trustees shall  
 10 remit the excess over the greater of the following amounts  
 11 to the state treasurer, who shall invest the remittances  
 12 under the direction of the board of investments as provided  
 13 by 79-311, whenever the moneys in the disability and pension  
 14 fund exceed:

15 ~~(a)(i)~~ ~~one-and-one-half--(1 1/2)~~ times the monthly  
 16 benefit paid in the preceding month, ~~or~~

17 ~~(b)(i)~~ ~~five--thousand--dollars--(\$5,000),~~ ~~whichever is~~  
 18 ~~greater, then the board shall remit such excess amounts to~~  
 19 ~~the--state--treasurer.~~ ~~The state treasurer shall invest such~~  
 20 ~~remittances under the direction of the state board of~~  
 21 ~~investments as provided by section 79-311."~~

22 Section 6. Section 11-1919, R.C.M. 1947, is amended to  
 23 read as follows:

24 "11-1919. State auditor to pay fire-department-relief  
 25 association out of insurance premium taxes ~~collected--from~~

1 ~~insurance--companies.~~ (1) At the end of the fiscal year, the  
 2 state auditor shall issue and deliver the payment described  
 3 in this subsection to the treasurer of every city or town of  
 4 the first and second class, which has a fire department  
 5 relief association entitled by law to receive payments. The  
 6 payment shall be for the use and benefit of the fire  
 7 ~~department-relief association, legally-existing-in-every~~  
 8 ~~such-city-or-town-entitled-by-law-to-receive-the-same.~~ It  
 9 shall be paid out of the premium taxes on insurance risks  
 10 enumerated in subsection (6) collected by ~~him~~ an amount  
 11 the state auditor and shall be equal to ten-per-centum ~~(10%)~~  
 12 of the total annual compensation paid by ~~such~~ the city or  
 13 town to its paid or part-paid firemen for services in the  
 14 previous calendar year. The city clerk of ~~each--such~~ the  
 15 city or town shall certify in writing to the state auditor,  
 16 on or before April 1 of each year, the amount so paid by  
 17 ~~such~~ the city or town as compensation for services to paid  
 18 or part-paid firemen.

19 (2) ~~in-the-event-of~~ When there is a disaster resulting  
 20 in the death or injury sufficient to draw pension the  
 21 pensions of ten-percent ~~(10%)~~ of the active force and when  
 22 the fund of ~~such fire department-relief--association,~~  
 23 receiving all moneys ~~as-designated~~ provided for in section  
 24 11-1911~~2~~ and section 11-1912~~2~~ and the ten-percent ~~(10%)~~ of  
 25 ~~annual-compensation-as-designated-in-this-chapter~~ subsection

1 ~~(1) of this section,~~ does not show at least the ~~one--(1)--mill~~  
 2 ~~1-mill~~ growth as referred to in section 11-1912~~2~~, then the  
 3 treasurer of ~~such-relief~~ the association shall request and  
 4 the state auditor shall issue and deliver an additional  
 5 payment under the same conditions described in subsection  
 6 ~~(1),~~ to the treasurer of every city or town of the first and  
 7 second class, for the use and benefit of the fire department  
 8 relief ~~association--legally-existing-in-every-city-or-town~~  
 9 entitled to ~~receive-the-same,~~ out of the premium tax  
 10 collected by ~~him~~. The payment shall be in an additional  
 11 amount sufficient to show cause at least the ~~above-mentioned~~  
 12 ~~one--(1)--mill~~ 1-mill growth in the fund referred to in  
 13 section ~~11-1912~~.

14 (3) ~~in-the-event~~ If a city of the first or second  
 15 class is not entitled to receive a sum equal to ~~forty-five~~  
 16 ~~one--hundredths--(45/100)--mills~~ of a mill of its total  
 17 assessed valuation under the foregoing method of computation  
 18 ~~then-in-that--event~~ subsections (1) and (2), the fire  
 19 department-relief association of that the city shall receive  
 20 its money in the same manner as provided below in  
 21 subsections (4) and (5) for cities of the third class.

22 (4) At the end of the fiscal year, the state auditor  
 23 shall issue and deliver the warrant described in this  
 24 subsection to the treasurer of every city or town, except  
 25 cities or and towns of the first or second class, which has

1 ~~a fire department relief association entitled by law to~~  
 2 ~~receive payments. The warrant shall be~~ for the use and  
 3 benefit of the fire-department-relief association, legally  
 4 ~~existing in every such city or town entitled by law to~~  
 5 ~~receive the same; his warrant it shall be~~ for an amount  
 6 equal to ~~forty-five one-hundredths (45/100) mills of a mill~~  
 7 of the total assessed valuation of the city or town to ~~and~~  
 8 ~~shall be paid from out of the premium taxes, after deducting~~  
 9 ~~cancellations and return premiums, on insurance risks~~  
 10 ~~enumerated in subsection (6)~~ collected by the state  
 11 ~~auditory, ex-officio insurance commissioners from insurers~~  
 12 ~~authorized to effect insurance on risks enumerated in~~  
 13 ~~subsection (6) of this section, as said cities or towns are~~  
 14 ~~each severally entitled to~~  
 15 ~~(5) The legally organized and existing fire department~~  
 16 ~~relief associations in all cities or towns where the taxes~~  
 17 ~~on premiums collected and distributed pursuant to subsection~~  
 18 ~~(4) above is insufficient to make an amount equal to one~~  
 19 ~~hundred dollars (\$100) shall receive such additional amount~~  
 20 ~~from the total taxes on premiums collected from insurers~~  
 21 ~~authorized to effect insurance against risks enumerated in~~  
 22 ~~subsection (6) of this section as may be necessary to make~~  
 23 ~~the total amount received by said fire department relief~~  
 24 ~~association equal to the sum of one hundred dollars (\$100);~~  
 25 (5) If the payment provided for in subsection (4) is

1 less than \$100, the association shall receive an additional  
 2 payment from the same tax moneys so that the total amount  
 3 received is \$100.  
 4 (6) The risks referred to in subsection subsections  
 5 (1) and (4) above are enumerated as follows:  
 6 (a) insurance insurance of houses, buildings, and all  
 7 other kinds of property against loss or damage by fire or  
 8 other casualty;  
 9 (b) and all kinds of insurance on goods, merchandise,  
 10 or other property in the course of transportation, whether  
 11 on by land, or water, or air;  
 12 (c) insurance against loss or damage to motor vehicles  
 13 resulting from accident, collision, or marine and inland  
 14 navigation and transportation perils;  
 15 (d) insurance of growing crops against loss or damage  
 16 resulting from hail or the elements;  
 17 (e) insurance against loss or damage by water to any  
 18 goods or premises arising from the breakage or leakage of  
 19 sprinklers, pumps, or other apparatus;  
 20 (f) and insurance against loss or legal liability for  
 21 loss because of damage to property caused by the use of  
 22 teams or vehicles, whether by accident or collision or by  
 23 explosion of any engine, or tank, or boiler, or pipe, or  
 24 tire of any vehicle; and also including  
 25 (g) insurance against theft of the whole or any part

1 of any vehicle."

2 Section 7. Section 11-1922, R.C.M. 1947, is amended to  
3 read as follows:

4 "11-1922. Fire Formation of fire department relief  
5 association -- membership, officers. (1) The confirmed  
6 members of the a fire department, or departments, together  
7 with the volunteer fire department or departments recognized  
8 by the city or town council in each incorporated city or  
9 town of this state are hereby authorized to as defined in  
10 11-1910, may form themselves into a local association, to  
11 be known as the fire department relief association of the  
12 city or town of .... (naming the city or town), and when so  
13 When an association is formed, it shall incorporate be  
14 incorporated under the laws of this state. No one who is  
15 servng as a substitute, who is on probation, or who has not  
16 been confirmed as a member of the fire department is  
17 eligible for membership in the association.

18 (2) An association may only be formed and incorporated  
19 if:

20 (a) its formation is authorized by subsection (1); and  
21 (b) the fire department has fire fighting equipment in  
22 serviceable condition which has a value of \$750 or more.

23 (3) in the event of the formation of such fire  
24 department relief associations, there shall be elected When  
25 an association is formed the members shall elect officers by

1 a majority vote, of the members thereof, the following: The  
2 officers, to-wit: A shall be a president, a secretary, a  
3 treasurer, and three five members to serve as members of an  
4 the board of trustees, which said board of trustees shall  
5 consist of five members, of which the chief of the fire  
6 department and the president of the fire department relief  
7 association shall be ex-officio members thereof. After the  
8 incorporation of any such fire department relief an  
9 association, the said elective officers shall be elected  
10 annually on or before the fifteenth day of April 12 of each  
11 year. The members may elect the city or town treasurer ex  
12 officio treasurer of the association by a majority vote."

13 Section 8. Section 11-1923, R.C.M. 1947, is amended to  
14 read as follows:

15 "11-1923. Annual report of the secretary and  
16 treasurer, prescribing qualifications for membership  
17 official bond of the treasurer and examination of books and  
18 accounts protection of moneys. (1) The secretary and  
19 treasurer of every fire department relief the association  
20 shall annually prepare a detailed report of its receipts and  
21 expenditures for the preceding year, showing to whom and for  
22 what purposes the money has been paid and spent and  
23 expended. They shall file it the report with the  
24 association, and a duplicate of it with the state auditor.  
25 No money may be paid to the treasurer of the fire department

1 ~~relief association until the report is filed. No one serving~~  
 2 ~~as a substitute or on probation nor a person who has not~~  
 3 ~~been confirmed a member of an organized fire department is~~  
 4 ~~eligible for membership in the relief association.~~

5 (2) No treasurer of an association may enter upon his  
 6 duties until he has given to the association a sufficient  
 7 bond of not less than ~~fifty per cent (50%)~~ of the amount of  
 8 the cash funds and securities of the association, for the  
 9 faithful performance of his duties according to law. The  
 10 amount of the bond shall be approved ~~and paid for~~ by the  
 11 association. ~~The official bond~~ and may not exceed  
 12 ~~twenty-five thousand dollars (\$25,000).~~ (2) ~~Upon a~~  
 13 ~~majority vote of the members of the association the city or~~  
 14 ~~town treasurer shall be ex officio treasurer of the fire~~  
 15 ~~department relief association and the the bond shall be paid~~  
 16 ~~for by the association. If the city or town treasurer has~~  
 17 ~~been elected ex officio treasurer of the association, his~~  
 18 ~~official bond of the city or town treasurer shall will cover~~  
 19 the faithful discharge of his duties as ~~ex officio treasurer~~  
 20 ~~of the fire department relief association such.~~

21 (3) The cash in the firemen's ~~relief~~ disability and  
 22 pension fund shall have the same protection as to depository  
 23 securities furnished by banks as the other funds of the city  
 24 or town.

25 (4) All of the financial books and accounts of the

1 association are subject at all times to examination by the  
 2 department of community affairs.

3 (3)(b) Upon ~~when~~ a complaint being is made to ~~it the~~  
 4 ~~department of community affairs~~ that the ~~any~~ money or ~~any~~  
 5 ~~part of it~~ paid to the treasurer of the association has been  
 6 or is being spent for an unauthorized purpose, and ~~if the~~  
 7 ~~money upon examination, the money~~ is found to have been  
 8 spent contrary to the authority given, the department of  
 9 ~~community affairs~~ shall so report to the governor, upon  
 10 whose directions to the state auditor no further warrants  
 11 may be issued to the ~~fire department relief~~ association  
 12 treasurer until the ~~misspent~~ money so spent has been  
 13 returned."

14 Section 9. Section 11-1924, R.C.M. 1947, is amended to  
 15 read as follows:

16 "11-1924. ~~Duties of association and city treasurers~~  
 17 Transfer of money into fund by city treasurer. Whenever such  
 18 a fire department relief association ~~is has been~~ formed as  
 19 provided by law and when the treasurer of such ~~the~~  
 20 association has furnished the bond ~~as provided by law~~  
 21 required by 11-1924(2), such ~~the~~ city treasurer shall pay to  
 22 ~~said fire department relief association the~~ treasurer of ~~the~~  
 23 association all money in the hands of ~~held by~~ the city  
 24 treasurer to the credit of ~~said the~~ disability and pension  
 25 fund, taking the a proper receipt ~~therefor~~ of ~~said~~

1 ~~treasurer--and--said~~ Inereafter, the city treasurer shall  
 2 ~~thereafter--from--time--to--time,~~ as moneys are received by him  
 3 for the credit of ~~said the~~ fund or association, turn the  
 4 same over to the treasurer of ~~said-relief the~~ association,  
 5 taking proper receipts therefor."

6 Section 10. Section 11-1925, R.C.M. 1947, is amended  
 7 to read as follows:

8 "11-1925. ~~Pensions--to--retired--firemen~~ Service  
 9 pension. 11) ~~Each--and--every--fire--department--relief~~ Each  
 10 association organized and existing under the laws of this  
 11 state shall pay out of its disability and pension funds, a  
 12 service pension to each of its members who ~~elect~~ elects to  
 13 retire from active service after having completed twenty  
 14 ~~(20)~~ years or more of active duty and has reached the age of  
 15 ~~fifty--(50)~~ years as a fully paid member of a paid, or partly  
 16 paid and partly volunteer fire department of the city or  
 17 town wherein ~~--such in which the~~ association has been ~~was~~  
 18 formed, ~~out-of-any-money-in-the-association's--"disability~~  
 19 ~~and--pension--fund"--a--"service-pension"--in-an-amount-which~~  
 20 the pension shall be equal to one-half ~~(1/2)~~ of the sum last  
 21 received by the member as a monthly compensation, excluding  
 22 overtime and payments in lieu of sick leave and annual  
 23 leave, for his services as an active member of ~~said the~~ fire  
 24 department.

25 ~~(1)~~ However, effective ~~Effective~~ July 1, 1974, and

1 ~~after--an--active~~ a member has completed who completes twenty  
 2 ~~(20)~~ years of service ~~the-pension-of-the-member--who--serves~~  
 3 ~~or--has-served-an-additional--one--(1)--to--ten--(10)--years--shall~~  
 4 be and elects to serve additional years shall receive the  
 5 pension provided for in subsection (1), increased at the  
 6 rate of ~~one-percent--(1%)~~ per year for each additional year  
 7 of service completed, up to a maximum of ~~sixty-percent--(60%)~~  
 8 of the ~~last-month's-salary-received~~ sum last received by the  
 9 member as a monthly compensation, excluding overtime and  
 10 payments in lieu of sick leave and annual leave, for his  
 11 services as an active member of ~~said the~~ fire department, ~~is~~  
 12 ~~provided-that-no~~ no member shall be is eligible to receive a  
 13 service pension prior to attaining the age of ~~fifty--(50)~~  
 14 years.

15 ~~(1)~~ However, the ~~the~~ monthly compensation pension paid  
 16 to members retiring on or after July 1, 1973, ~~shall-in-no~~  
 17 ~~event-become-less-than~~ must be at least one-half ~~(1/2)~~ the  
 18 regular monthly salary ~~paid,~~ excluding overtime and payments  
 19 in lieu of sick leave and annual leave, paid to a confirmed  
 20 active fireman of that city, as provided each ~~and--every~~ year  
 21 in the ~~annual~~ budget of that city. ~~in-no--event--shall--the~~  
 22 the monthly compensation pension paid to a member retiring  
 23 prior to July 1, 1974, ~~be-less-than--must-be-at-least~~ two  
 24 ~~hundred--dollars--(\$200).~~ In the case of volunteer men  
 25 firemen, the compensation ~~shall-in-no-event~~ pension may not

1 exceed the sum of seventy-five dollars (\$75) per month.

2 ~~(4)~~ A member of a pure volunteer fire department who  
 3 has served twenty (20) years or more as an active member of  
 4 such ~~the~~ fire department--without--qualifying--as--to--any  
 5 provisions--pertaining--to--an--attained--age--shall--be ~~is~~  
 6 entitled to the benefits provided for by ~~in~~ this act  
 7 ~~provided, that a~~ regardless of his age. A member of a pure  
 8 volunteer fire department who has completed ~~at least ten~~  
 9 ~~(10)~~ years' service as an active member of such ~~the~~ fire  
 10 department but who is prevented from completing ~~at least~~  
 11 ~~twenty (20)~~ years' service by dissolution or discontinuance  
 12 of his volunteer fire department, ~~or by personal relocation~~  
 13 due to transfer or loss of employment, ~~or by personal~~  
 14 disability, or by any other factor beyond his reasonable  
 15 control, may nevertheless qualify for a partial or reduced  
 16 pension, in such an amount and to such ~~the~~ extent ~~as shall~~  
 17 be determined by the board of trustees of the fire  
 18 department--relief association, ~~without qualifying as to any~~  
 19 ~~provisions pertaining to an attained age~~ regardless of his  
 20 age."

21 Section 11. Section 11-1926, R.C.M. 1947, is amended  
 22 to read as follows:

23 "11-1926. Disability pension. ~~(1)~~ Each and every--fire  
 24 department--relief association, organized and existing under  
 25 the laws of this state, shall pay a "disability pension,"

1 out of any moneys in the association's ~~its~~ "disability and  
 2 pension fund," to each ~~and every member of said association~~  
 3 ~~of its members~~ who has become injured or disabled by reason  
 4 of sickness or injury, ~~in an amount which the pension shall~~  
 5 be equal to one-half (1/2) of the sum last received ~~by the~~  
 6 ~~member~~ as a monthly compensation, excluding overtime and  
 7 payments in lieu of sick leave and annual leave, by ~~such~~  
 8 ~~injured or disabled member~~ for ~~his~~ services rendered ~~to~~ the  
 9 fire department of the city or town wherein such ~~in which~~  
 10 ~~the~~ association has been ~~was~~ formed.

11 ~~(2)~~ However, effective Effective July 1, 1974, and  
 12 ~~after an active~~ a member has completed ~~who completes~~ twenty  
 13 ~~(20)~~ years of service the pension of the member--who--serves  
 14 ~~or has served an additional one (1) to ten (10) years shall~~  
 15 ~~be and elects to serve additional years shall receive the~~  
 16 pension provided for in subsection (1), increased at the  
 17 rate of one-per-cent (1%) per year for each additional year  
 18 of service completed, up to a maximum of sixty-per-cent  
 19 ~~(60%)~~ of the ~~last month's salary received~~ sum last received  
 20 ~~by the member~~ as a monthly compensation, excluding overtime  
 21 and payments in lieu of sick leave and annual leave, for his  
 22 services as an active member of ~~said the~~ fire department.

23 ~~(3)~~ However, the ~~the~~ monthly compensation pension paid  
 24 to members retiring on or after July 1, 1973, ~~shall--in--no~~  
 25 ~~event--become--less--than~~ must be at least one-half (1/2) the



1 regular monthly salary paid to a confirmed active fireman of  
 2 that city, as provided each and every year in the annual  
 3 budget of that city. ~~In no event shall the~~ the monthly  
 4 compensation pension paid to a member retiring prior to July  
 5 1, 1974, ~~be less than must be at least two hundred dollars~~  
 6 ~~(\$200).~~ In the case of volunteer firemen, such the  
 7 disability pension ~~shall in no event may not~~ exceed the sum  
 8 of seventy-five ~~(\$75) dollars per a month.~~"

9 Section 12. Section 11-1927, R.C.M. 1947, is amended  
 10 to read as follows:

11 "11-1927. Pensions to surviving spouses and orphans  
 12 children. (1) Each ~~and every fire department relief~~  
 13 ~~association organized and existing under the laws of this~~  
 14 ~~state,~~ shall pay out of its disability and pension fund, a  
 15 monthly pension to the surviving spouse or orphans children  
 16 of a deceased member of ~~said the~~ association, who on the  
 17 date of his death, was an active member of the fire  
 18 department in the city or town ~~wherein such in which the~~  
 19 ~~association has been was~~ formed, or who had elected to  
 20 retire from active service of ~~said in the~~ fire department  
 21 and receive a "service pension" as provided for by section  
 22 11-1925, or who, prior to death, had suffered a sickness or  
 23 injury and was receiving or was qualified to receive a  
 24 "disability pension" as provided by section 11-1926, ~~out~~  
 25 ~~of any money in relief association's "disability and pension~~

1 fund, a monthly the pension ~~in an amount which~~ shall be  
 2 equal to one-half ~~(1/2)~~ of the last month's salary received  
 3 as a monthly compensation, excluding overtime and payments  
 4 in lieu of sick leave and annual leave, ~~last received by~~  
 5 such the deceased member for services rendered as an active  
 6 member of the fire department in the city or town wherein  
 7 such in which the association has been ~~was~~ formed.

8 (2) ~~However, effective~~ Effective July 1, 1974, and  
 9 ~~after an active member has completed twenty (20) years of~~  
 10 service if the deceased member had completed 20 years of  
 11 service and had elected to serve additional years, the  
 12 ~~pension of the member who serves or has served an additional~~  
 13 one (1) to ten (10) years provided for in subsection (1)  
 14 shall be increased at the rate of one-per-cent ~~(1%)~~ per year  
 15 for each additional year of service completed, up to a  
 16 maximum of sixty-per-cent ~~(60%)~~ of the last month's salary  
 17 received as a monthly compensation, excluding overtime and  
 18 payments in lieu of sick leave and annual leave, by the  
 19 deceased member for his services as an active member of ~~said~~  
 20 the fire department.

21 (3) ~~However, the the~~ monthly compensation pension paid  
 22 to a the surviving spouse or orphan children of an active  
 23 member who ~~becomes deceased dies~~ after July 1, 1973, or an  
 24 active member who elects to retire after July 1, 1973, ~~shall~~  
 25 ~~in no event become less than must be at least~~ one-half ~~(1/2)~~

1 the regular monthly salary paid to a confirmed active  
 2 fireman of that city, as provided each end every year in the  
 3 annual budget of that city. ~~in no event shall the~~ the  
 4 monthly compensation pension paid to a ~~the~~ surviving spouse  
 5 or orphan children of an active member who ~~become deceased~~  
 6 died prior to July 1, 1974, or an active member who elected  
 7 to retire before July 1, 1974, ~~be less than must be at least~~  
 8 two hundred dollars (\$200). In the case of volunteer  
 9 firemen, the pension may not exceed \$75 per month.

10 ~~(4) Provided that said~~ A pension shall ~~may~~ be paid to  
 11 the ~~within named~~ surviving spouse only so long as such  
 12 spouse remains unmarried, ~~and further provided that a~~ A  
 13 surviving spouse of ~~a deceased fireman shall~~ is not be  
 14 entitled to the a pension, ~~provided for by this act, in~~  
 15 ~~those cases where~~ under this section if the marriage was  
 16 ~~consummated entered into~~ after the fireman had elected to  
 17 retire from active service and received had begun to receive  
 18 a "service pension" as provided for by section 11-1925, or  
 19 ~~in those cases where~~ if the marriage was consummated entered  
 20 into after the fireman had qualified for and was ~~receiving~~  
 21 had begun to receive a "disability pension" as provided for  
 22 by section 11-1926. ~~Provided further that the~~ the pension  
 23 herein provided for in this section shall ~~may~~ not be paid to  
 24 the orphans children of deceased firemen after they have  
 25 attained the age of ~~eighteen (18) years. in case of~~

1 ~~volunteer firemen such pension shall in no event exceed the~~  
 2 ~~sum of seventy five (\$75) dollars per month.~~

3 Section 13. Section 11-1927.1, R.C.M. 1947, is amended  
 4 to read as follows:

5 "11-1927.1. Payment of ~~death~~ benefits in absence of  
 6 widow ~~spouse~~ or orphan child. If ~~any a~~ fireman ~~shall die not~~  
 7 dies without leaving a widow surviving spouse or orphan  
 8 child, the fire department relief association shall compute  
 9 the total contributions made to the fund by ~~said the~~  
 10 deceased member, and, if the deceased member has had  
 11 designated a beneficiary in writing, to the association a  
 12 ~~beneficiary to whom such funds shall be paid,~~ the  
 13 association shall issue a warrant for ~~said sum~~ the amount  
 14 of the total contributions payable to that beneficiary, ~~if~~  
 15 if the deceased member has had not nominated a beneficiary,  
 16 ~~said the~~ contributions shall be paid to his estate."

17 Section 14. Section 11-1927.2, R.C.M. 1947, is amended  
 18 to read as follows:

19 "11-1927.2. Pension ~~adjustment for retired firemen~~  
 20 Supplement to prior pensions. (1) In addition to the taxes  
 21 on premiums required by law to be paid by each insurer doing  
 22 business in this state, that is authorized to effect  
 23 insurance on risks enumerated in section 11-1919, there is a  
 24 tax of ~~one and one half percent (1 1/2%)~~ on the fire portion  
 25 of the direct premiums received during the calendar year of

1 1975 and each succeeding year thereof, with allowance for  
 2 cancellations and returned premiums. The insurance  
 3 commissioner shall collect the tax during March of each year  
 4 and deposit the moneys in ~~an~~ the earmarked revenue fund.  
 5 The auditor shall pay claims as provided in subsection (2)  
 6 or this section. As those persons who are to receive the  
 7 fund ~~decease die~~, the tax shall be reduced proportionately,  
 8 and when no eligible person, as ~~determined--in~~ defined by  
 9 subsection (2) ~~of this section~~, survives, the tax terminates  
 10 and the remaining fund, if any, shall be transferred to the  
 11 general fund.

12 (2) Effective January 1, 1976, each ~~and every fire~~  
 13 ~~department--relief association--organized and existing under~~  
 14 ~~the laws of this state~~, shall pay to the firemen retired  
 15 before July 1, 1973, or their widows surviving spouses and  
 16 orphans, children a monthly compensation pension of not less  
 17 than one-half ~~(1/2)~~ the regular monthly salary paid to a  
 18 confirmed active fireman of that city, as provided each ~~and~~  
 19 every year in the ~~annual~~ budget of that city. In ~~the~~ case  
 20 of volunteer firemen, such ~~the~~ pension ~~shall in no event may~~  
 21 ~~not~~ exceed ~~the sum of seventy-five dollars (\$75)~~ per month.  
 22 Distribution of the funds provided for this purpose under  
 23 subsection (1) ~~of this section~~ shall be made as follows:

24 (a) At the beginning of each fiscal year the treasurer  
 25 of ~~the fire department relief~~ each association ~~legally~~

1 ~~existing in every city or town~~ shall request and the state  
 2 auditor shall issue from the earmarked revenue fund, and  
 3 deliver to the treasurer of every the respective city or  
 4 town, an amount certified to be equal to the ~~sum~~ total of  
 5 ~~the~~ annual dollar difference between what the retirees or  
 6 their widows surviving spouses and orphans children received  
 7 from the fund ~~of the relief association~~ and one-half ~~(1/2)~~  
 8 of the ~~sum~~ salary paid by the respective city or town to the  
 9 ~~position of~~ a confirmed active fireman for the fiscal year  
 10 just preceding.

11 (b) The treasurer of each ~~a~~ city or town receiving the  
 12 funds shall immediately disburse them to the treasurer of  
 13 the respective relief association.

14 (c) The treasurer of each ~~relief the~~ association shall  
 15 utilize these funds to ~~supplement~~ increase the monthly  
 16 pension of retirees or their widows surviving spouses and  
 17 orphans children to an amount equal to one-half ~~(1/2)~~ of the  
 18 salary that was paid to ~~the position of~~ a confirmed active  
 19 fireman in ~~said the~~ city or town for the preceding year."

20 Section 15. Section 11-1928, R.C.M. 1947, is amended  
 21 to read as follows:

22 "11-1928. Use of disability and pension fund ~~of fire~~  
 23 ~~department relief association. (1) The said fund shall may~~  
 24 not be used for any other purpose ~~whatsoever~~ other than for  
 25 investment, as provided in 11-1914, and the payment of the

1 following:

2 1\*(a) A a service pension to a member who, by reason  
3 of service, has become entitled to a service pension;

4 2\*(b) A a pension to a member who has become  
5 permanently maimed or disabled;

6 3\*(c) A a benefit or allowance to a member who has  
7 suffered a permanent disabling injury;

8 4\*(d) A a benefit or allowance to a member who has  
9 contracted a permanent disabling sickness;

10 5\*(e) To a benefit, not exceeding \$750, to defray the  
11 funeral expenses of a member; in an amount not to exceed  
12 however the sum of seven hundred fifty dollars (\$750);

13 6\*(f) Payment benefits to the surviving spouse, orphan  
14 child, or orphans children of a deceased member as provided  
15 by law in this chapter;

16 7\*(g) The payment of premiums upon on a blanket policy  
17 of insurance covering the members of such the fire  
18 department and providing for payment of compensation in case  
19 of the death of or injury to any such member; or any of  
20 them;

21 8\*(h) The the return of employee contribution  
22 contributions as provided by law in this chapter;

23 9\*(i) All claims shall be paid by warrant duly  
24 authorized, drawn by the secretary, and countersigned by the  
25 president of the association, and on presentation thereof

1 of the warrant, the treasurer shall pay the same it out of  
2 the said disability and pension fund."

3 Section 16. Section 11-1929, R.C.M. 1947, is amended  
4 to read as follows:

5 "11-1929. Pensions-exempt Protection of benefits from  
6 legal process -- nonassignability and nonassignable. Any  
7 payments made or to be made hereunder under 11-1910 through  
8 11-1930, 11-1910, 1, 11-1927, 1, 11-1927, 2, and 11-3524(2) are  
9 shall not be subject to judgments, garnishment, execution,  
10 or other legal process, and any A person entitled to such a  
11 pension shall may not have the right to assign the same  
12 right, nor shall and the association or and trustees have  
13 the authority to may not recognize any assignment or pay  
14 over any sum so assigned."

15 Section 17. Section 11-1930, R.C.M. 1947, is amended  
16 to read as follows:

17 "11-1930. Source-and-control-of-funds Management of  
18 fund, such Except as otherwise provided in this chapter, the  
19 association and such its board of trustees shall have full  
20 charge, management, and control of the funds herein provided  
21 for, which said funds shall be derived from the following  
22 sources: disability and pension funds.

23 1. From interest, rents, gifts, or money from other  
24 sources;

25 2. From funds received from the state of Montana;

1 ~~3--From--moneys--reised--by--taxation--under--section~~  
2 ~~11-1912-of-this-code"~~

3 Section 18. Section 11-2007, R.C.M. 1947, is amended  
4 to read as follows:

5 "11-2007. Duties of chief. (1) The chief of every fire  
6 department must inquire into the cause of every fire  
7 occurring in the town of in which he is the chief, and keep  
8 a record thereof. He must aid in the enforcement of all  
9 fire ordinances duly enacted, examine buildings in the  
10 process of erection, report violations of ordinances  
11 relating to prevention or extinguishment of fires, and, when  
12 directed by the proper authorities, institute prosecutions  
13 therefor, and perform such other duties as may be by proper  
14 authority imposed upon him. His compensation, if any, must  
15 be fixed and paid by the city or town authorities. He must  
16 attend all fires with his badge of office conspicuously  
17 displayed. He must prevent injury to, take charge of, and  
18 preserve all property rescued from fires, and return the  
19 same it to the owner thereof on the payment of the expenses  
20 incurred in saving and keeping the same, it, the the amount  
21 thereof of the expenses, when not agreed to, to shall be  
22 fixed by any a justice of the peace.

23 (2) He must devise and formulate or cause to be  
24 devised and formulated a course or plan of instruction or  
25 training program making available to each regular member of

1 his department not less than thirty--(30) hours of  
2 instruction per year in matters pertaining to fire fighting,  
3 and he must supervise the operation of such plan or program.  
4 ~~On or before the first day of September of each year, he~~  
5 ~~must prepare and file with the public employees' retirement~~  
6 ~~system of the state of Montana a certificate, subscribed and~~  
7 ~~verified under oath, stating whether or not his volunteer~~  
8 ~~fire company qualified under the provisions of subparagraph~~  
9 ~~two (2) A of section 11-2023 during the preceding fiscal~~  
10 ~~year, and setting forth the full name and residence address~~  
11 ~~of each member of his department who satisfactorily~~  
12 ~~completed such thirty (30) hours of instruction during said~~  
13 ~~preceding fiscal year, under the provisions of subparagraph~~  
14 ~~two (2) C of section 11-2023. Such verified certificate must~~  
15 ~~be maintained in a permanent file by said public employees'~~  
16 ~~retirement system for the purpose of establishing~~  
17 ~~eligibility for participation in the volunteer firemen's~~  
18 ~~pension plan, and must be open for inspection as a public~~  
19 ~~record."~~

20 Section 19. There is a new R.C.M. section numbered  
21 11-2020.1 that reads as follows:

22 11-2020.1. Definitions. Unless the context requires  
23 otherwise, the following definitions apply in 11-2020  
24 through 11-2031, 11-2020.2, and 11-2024.1:

25 (1) "Board of administration" means the board of

1 administration of the public employees' retirement system.

2 (2) "Division" means the division of workers'  
3 compensation of the department of labor and industry.

4 (3) "Fire company" means a fire company organized in  
5 an unincorporated area, town, or village under the laws of  
6 the state of Montana.

7 (4) "Fund" or "volunteer firemen's fund" means the  
8 volunteer firemen's compensation earmarked revenue account  
9 in the earmarked revenue fund.

10 Section 20. There is a new R.C.M. section numbered  
11 11-2020.2 that reads as follows:

12 11-2020.2. Certificate of eligibility. On or before  
13 September 1 of each year, the chief or foreman of every  
14 volunteer fire company shall prepare and file with the  
15 public employees' retirement system a certificate,  
16 subscribed and verified under oath, stating whether or not  
17 his company qualified under 11-2023(2)(d) during the  
18 preceding fiscal year and listing the full name and  
19 residence address of each member of his company who  
20 satisfactorily completed 30 hours of instruction during the  
21 preceding fiscal year, as required by 11-2023(2)(c). The  
22 verified certificate shall be maintained in a permanent file  
23 by the public employees' retirement system for the purpose  
24 of establishing eligibility for participation in the  
25 volunteer firemen's pension plan and shall be open for

1 inspection as a public record.

2 Section 21. Section 11-2022, R.C.M. 1947, is amended  
3 to read as follows:

4 "11-2022. Disability, death, insurance, and pension  
5 benefits. ~~11~~ Every Each member of a fire company  
6 organized ~~in an unincorporated area, town, or village under~~  
7 ~~the laws of this state, shall be~~ is entitled to receive  
8 compensation for disability incurred while in the  
9 performance of his duties as such a fireman, when such the  
10 disability necessitates the services of a physician or  
11 surgeon, ~~while confined or nonconfined, in whether the~~  
12 ~~member is confined or not. The compensation shall equal the~~  
13 amount of his the member's necessary and reasonable medical  
14 expenses resulting directly from such the disability, and  
15 incurred within ~~a period of not more than thirty-six {36}~~  
16 months from the date of the injury which caused such the  
17 disability. The total compensation may not to exceed a  
18 ~~total of twenty-five thousand dollars {25,000}~~.

19 ~~21~~ Where when an injury incurred in the line of  
20 such duty results in the loss by amputation of an arm, hand,  
21 leg, or foot, or the enucleation of an eye, or the loss of  
22 any ~~of the~~ natural teeth, the board DIVISION shall order  
23 them that an artificial member or members be furnished to  
24 ~~supply the loss thereof.~~ The expense of furnishing such  
25 ~~members shall~~ an artificial member may not exceed the sum of

1 one-thousand-five-hundred-dollars-(\$1,500). The replacement  
2 of-an artificial member so furnished shall be required  
3 replaced every five-(5) years, if necessary.

4 2\*(1) To aid in defraying the funeral expenses of a  
5 fireman covered under this act whose death occurs in the  
6 line of duty, an amount not to exceed the actual necessary  
7 and reasonable expenses, or the sum-of-one-thousand-five  
8 hundred--dollars--(\$1,500), whichever is less, shall be  
9 allowed.

10 4\*(4) To encourage and aid volunteer fire departments  
11 companies to maintain group insurance for benefits on  
12 account of the death of or injury incurred by members while  
13 in the performance of duties as volunteer firemen, the sum  
14 of-seventy-five-dollars-(\$75) per year for each mobile unit  
15 of fire-fighting equipment, not exceeding two (2)-such units  
16 in-number for any such-department one company, shall be paid  
17 by the division from the volunteer firemen's fund to each  
18 volunteer fire department company maintaining such  
19 insurance, or to the organization or agency maintaining such  
20 insurance for any-such a volunteer fire department company.

21 2\*(2) (a) In-the-case-of-every Each volunteer--fireman  
22 PERSON who shall-meet meets the qualification requirements  
23 set forth in subparagraph-two-(2)-of-section 11-2023(2) OR  
24 IN THE CASE OF A BENEFICIARY, 11-2025(3) and-then-if-the who  
25 has-completed-and-filed-a claim as provided-for-under

1 subparagraph-two-(2)-of-section in 11-2024(2) AND THEN-IF  
2 THE WHO HAS COMPLETED AND FILED A CLAIM AS PROVIDED FOR  
3 UNDER-SUBPARAGRAPH-TWO-(2)-OF-SECTION IN 11-2024(2) shall-be  
4 completed--and--filed--the--claimant--shall--be is entitled  
5 thereafter to participate in the volunteer firemen's pension  
6 plan and to receive payments as provided in this act  
7 subsection (2) IF--THE CLAIM PROVIDED FOR IN 11-2024(2) IS  
8 COMPLETED-AND-FILED, and-to-receive-payments-thereunder

9 (b) The payments shall be computed each year in the  
10 following manner:

11 (i) Whenever at the close of business on the last day  
12 of any a fiscal year there shall-be is a balance in the  
13 volunteer--firemen's--compensation-earmarked-revenue-account  
14 in-the-earmarked-revenue-fund volunteer firemen's fund in  
15 excess of one-million-dollars-(\$1,000,000) \$1 million, then  
16 the industrial-accident-board division shall set aside and  
17 pay over to the public employees' retirement system, the  
18 smaller of such the amount in excess of one-million--dollars  
19 (\$1,000,000), \$1 million or and an amount equal to  
20 ninety-five-percent-(95%) of the increase of said--account  
21 the balance over the account balance at the end of the  
22 preceding fiscal year, for the payment by said the public  
23 employees' retirement system of pensions to qualified  
24 claimants during the immediately succeeding fiscal year. The  
25 amount to be paid to each qualifying claimant shall be

1 determined by dividing said ~~the~~ amount set aside by the  
 2 number of claimants qualifying to participate in such ~~the~~  
 3 pension plan at the beginning of such succeeding fiscal  
 4 year.

5 (ii) The total pension payable to a qualified claimant  
 6 under this subsection (5) may not exceed \$50 per month, and  
 7 the amount to be set aside from the volunteer firemen's fund  
 8 may not exceed the amount necessary to pay the maximum of  
 9 \$50 per month to each claimant qualified as of the beginning  
 10 of the fiscal year during which the payments are to be made.

11 (iii) For the purpose of computation and payment of  
 12 benefits under this subsection (5), if children of a  
 13 volunteer fireman become eligible for benefits, all the  
 14 children of the volunteer fireman shall be treated  
 15 collectively as one claimant.

16 (c) If such ~~the~~ amount set aside ~~shall be~~ is  
 17 sufficient to pay each such qualified claimant at least  
 18 ~~twenty--dollars--(\$20)~~ per month throughout such ~~the~~  
 19 succeeding fiscal year, then ~~such the~~ pension shall be paid  
 20 monthly, on or before the last day of each month, ~~of such~~  
 21 ~~succeeding fiscal year; but if said~~ If the amount set aside  
 22 ~~shall is~~ not be sufficient to pay each qualified claimant at  
 23 least ~~twenty--dollars--(\$20)~~ per month, then each qualified  
 24 claimant's full pension for that year shall be paid to him  
 25 in one lump payment on or before the ~~fifteenth day of~~

1 December 15 of such ~~that year,~~ provided, however, ~~that in~~  
 2 ~~any event the total pension payable hereunder to any~~  
 3 ~~qualified claimant shall not exceed the sum of fifty dollars~~  
 4 ~~(\$50) per month, and the amount to be set aside hereunder~~  
 5 ~~from the volunteer firemen's compensation earmarked revenue~~  
 6 ~~account in the earmarked revenue fund at the beginning of~~  
 7 ~~any fiscal year for the funding of such pensions shall not~~  
 8 ~~in any event exceed the amount necessary to pay such maximum~~  
 9 ~~of fifty dollars (\$50) per month to each claimant qualified~~  
 10 ~~as of the beginning of such fiscal year, for the purpose of~~  
 11 ~~computation and payment of benefits under this act, if~~  
 12 ~~children of any volunteer fireman shall become eligible for~~  
 13 ~~benefits hereunder, then all children of such volunteer~~  
 14 ~~firemen shall be treated collectively as one (1) claimant.~~

15 (d) The fiscal year for the purpose ~~purposes~~ of this  
 16 act shall ~~begin~~ begins on the first day of July 1 of each  
 17 year and end ~~ends~~ on the last day of June 30 of each year."

18 Section 22. Section 11-2023, R.C.M. 1947, is amended  
 19 to read as follows:

20 "11-2023. Qualification for compensation. (1) In order  
 21 to qualify for the ~~compensation--~~ provided benefits under  
 22 subparagraphs one subsections (1), two (2), and three (3)  
 23 ~~and--four--(4)~~ of section 11-2022, the a fireman must, be at  
 24 the time the injury or sickness for which benefits are  
 25 claimed was incurred or, in the case of a claim under



1 ~~11-2022(3), at the time of death, have been~~ an enrolled  
 2 active member of a fire company ~~organized under the laws of~~  
 3 ~~the state of Montana in an unincorporated area, town or~~  
 4 ~~village at the time of such injury or sickness for which~~  
 5 ~~compensation hereunder is claimed.~~

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

10 ~~(A)(a) (i) Years of service--(i)~~ To qualify for full  
 11 participation, he must have completed a total of at least  
 12 ~~twenty--(20) years' service as an active volunteer fireman~~  
 13 and as an active member of a qualified volunteer fire  
 14 company ~~organized under the laws of the state of Montana in~~  
 15 ~~an unincorporated area, town or village.~~

16 ~~(ii) (ii) If a fireman is prevented from completing at~~  
 17 least ~~twenty--(20) years' service by dissolution or~~  
 18 ~~discontinuance of his volunteer fire company, or by personal~~  
 19 ~~relocation due to transfer or loss of employment, or by~~  
 20 ~~personal disability, or by any other factor beyond his~~  
 21 ~~reasonable control, then he may qualify for partial~~  
 22 ~~participation if he has completed at least ten--(10) years'~~  
 23 ~~service, in that event, he shall be is eligible for only~~  
 24 a proportion of the benefits specified in ~~subparagraph five~~  
 25 ~~(5) of section 11-2022(5), determined by multiplying such~~

1 specified the benefits by a fraction, the numerator of which  
 2 shall be is the number of years of active service completed  
 3 and the denominator of which is shall be twenty--(20). ~~(iii)~~  
 4 ~~Provided that from and after July 1, 1965, no volunteer~~  
 5 ~~fireman shall receive credit for any year of membership in~~  
 6 ~~any such volunteer fire company unless throughout such year~~  
 7 ~~such volunteer fire company shall have maintained~~  
 8 ~~fire fighting equipment in serviceable condition of a value~~  
 9 ~~of two thousand five hundred dollars--(\$2,500) or more and~~  
 10 ~~unless throughout such year such volunteer fire company or~~  
 11 ~~the fire district served thereby, shall have been rated in~~  
 12 ~~class five--(5), six--(6), seven--(7), eight--(8), nine--(9) or~~  
 13 ~~ten--(10) by the board of fire underwriters for the purpose~~  
 14 ~~of fire insurance premium rates; provided further that~~  
 15 such

16 ~~(iii) The years of active service shall be are~~  
 17 cumulative and need not be continuous, and that such the  
 18 service need not be acquired with one ~~(i)~~ single fire  
 19 company, but may be a total of separate periods of active  
 20 service with different fire companies ~~organized under the~~  
 21 ~~laws of the state of Montana in different fire districts in~~  
 22 ~~unincorporated areas, towns or villages.~~

23 ~~(iv) From and after passage of this act Effective March~~  
 24 ~~1, 1962, the annual period of service for the purpose of~~  
 25 this act shall be is the fiscal year, no fractional part

1 of any year ~~shall~~ may count toward the service requirement,  
 2 and to receive credit for any particular year, a volunteer  
 3 fireman must serve with one ~~(1)~~ particular volunteer fire  
 4 company throughout that entire fiscal year.

5 ~~(f)(d)~~ He must have attained the age of ~~fifty-five~~  
 6 ~~(55)~~ years, but he need not be an active volunteer fireman  
 7 or an active member of any volunteer fire company at the  
 8 ~~time of reaching such~~ when he reaches that age.

9 ~~(f)(c)~~ During each of the years for which he claims  
 10 credit under subparagraph ~~(A)~~ above subsection (2)(a), he  
 11 must have completed a minimum of ~~thirty~~ ~~(30)~~ hours of  
 12 instruction in matters pertaining to fire fighting, under a  
 13 program formulated and supervised by the chief or foreman of  
 14 his volunteer fire company.

15 (d) Effective July 1, 1965, no volunteer fireman may  
 16 receive credit for any year of membership in a volunteer  
 17 fire company unless, throughout the year:

18 (i) the company maintained fire-fighting equipment in  
 19 serviceable condition of a value of \$2,500 or more; and

20 (ii) the company or the fire district served by it was  
 21 rated in class 5, 6, 7, 8, 9, or 10 by the board of fire  
 22 underwriters for the purpose of fire insurance premium  
 23 rates.

24 ~~(f)(e)~~ He must have ceased to be an active member of  
 25 any volunteer fire company ~~organized under the laws of the~~

1 ~~state of Montana in an unincorporated area, town or village,~~  
 2 and, if he applies for and receives pension benefits  
 3 hereunder, he ~~shall~~ will not thereafter be eligible to  
 4 become an active member of any such volunteer fire company.

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

1 1965.

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

12 (F)(C) Provided, however, that any volunteer fireman  
13 who was an active member of a volunteer fire company  
14 organized under the laws of the state in an unincorporated  
15 area, town, or village prior to July 1, 1965, shall receive  
16 credit against the said service requirement to the extent of  
17 one (1) year's credit for each two (2) years' service  
18 completed by him prior to July 1, 1965, but in no event  
19 shall more than ten (10) years' credit be allowed any such  
20 volunteer by reason of such service prior to July 1, 1965.

21 For the purpose of establishing such prior service under  
22 this section, the chief or foreman or former chief or  
23 foreman of each volunteer fire company shall on or before  
24 September 1, 1975, file with the public employees'  
25 retirement system a certificate, subscribed and verified

1 under oath, setting listing the names and residence  
2 addresses of each of the members of said his volunteer fire  
3 company who shall have qualified qualify for one (1) or more  
4 years of credit and stating the number of years of credit to  
5 which each therefore shall be is entitled. In addition, the  
6 reporting chief shall include in his report a sworn  
7 statement as to the reason for the delayed filing. The  
8 acceptance of this report will be subject to the approval of  
9 the board of administration, public employees' retirement  
10 system.

11 (d) If it is not possible to secure a report from the  
12 chief or former chief, an individual may receive credit for  
13 service upon proper documentation acceptable to the board of  
14 administration."

15 Section 23. Section 11-2024, R.C.M. 1947, is amended  
16 to read as follows:

17 "11-2024. Claim for compensation contents  
18 filing limitation on time for filing addition of name to  
19 pension list Procedure for claiming benefits. 1(1) (a) A  
20 fireman claiming compensation benefits under subparagraphs  
21 one subsection (1) two or (2) three (3) or four (4) of  
22 section 11-2022, must file his claim with the industrial  
23 accident board upon division on a form to be provided  
24 thereto. The claim must be verified by the claimant, the  
25 attending physician or surgeon and nurse, if any, and the

1 person in charge of the hospital, if the claimant was  
 2 confined. The claim must be filed with the division within 1  
 3 year from the date of disability.

4 (b) The which claim shall must contain:

5 (i) the name and address of the claimant;

6 (ii) the date, place, and manner of incurring of  
 7 disability;

8 (iii) the name and address of the attending physician  
 9 or surgeon and/or nurse, if any;

10 (iv) the dates of confinement, if confined, or, if not  
 11 confined, the dates of attendance by a physician or surgeon  
 12 and the dates of attendance by a nurse;

13 (v) the affidavit of the attending physician or  
 14 surgeon as to the nature of the disability, the number and  
 15 dates of attendance visits, and statement of the charges;

16 (vi) if confined to in a hospital, on the affidavit of  
 17 a person in charge stating the nature of the disability, the  
 18 dates of confinement, and the expenses incurred while so  
 19 confined;

20 (vii) the affidavit of the chief or secretary of the  
 21 fire company stating that said the fire company was duly  
 22 organized under the laws of Montana in an unincorporated  
 23 town or village, statement that the claimant was, at the  
 24 date of disability, an active enrolled member of such the  
 25 company, and that the disability was incurred in the line of

1 duty;

2 (viii) the an affidavit of the nurse stating the nature  
 3 of the disability, the dates of attendance, and statement of  
 4 the charges for services; said claim shall be verified by  
 5 the claimant, the attending physician or surgeon and nurse  
 6 if any, and by the person in charge of the hospital, if  
 7 confined; said claim shall be filed with the board within  
 8 one (1) year from the date of disability.

9 (2) (a) A statement anyone claiming eligibility under  
 10 the volunteer firemen's pension plan must file his claim  
 11 with the public employees' retirement system upon a form to  
 12 be provided therefor by the public employees' retirement  
 13 that system. The claim must be filed on or before May 1 of  
 14 the calendar year in which the claimant seeks to qualify for  
 15 participation in the pension plan.

16 (b) The which claim shall must contain:

17 (i) the name, address, and date of birth of the  
 18 claimant and of the volunteer fireman, if other than he is  
 19 not the claimant;

20 (ii) the fiscal year for during which eligibility shall  
 21 will commence; and

22 (iii) the years during which service as a volunteer  
 23 fireman was rendered and the name or names of the volunteer  
 24 fire company or companies with which such the service was  
 25 rendered. Such claim shall be filed on or before the first

1 ~~day-of-May-of-any-year~~

2 (c) The public employees' retirement system may  
3 require such proof of age and service as it may deem  
4 consider proper, but ~~the--certificates it must accept a~~  
5 ~~certificate~~ filed ~~or-to-be-filed~~ under ~~section-11-2007-and~~  
6 ~~subparagraph-2-of-section 11-2020,2 or 11-2023(3)~~ shall be  
7 accepted-by-the-public-employees'-retirement-system as prima  
8 facie proof of such service.

9 (d) If ~~such the~~ claim be is properly filed and such  
10 ~~the~~ claimant be is found by the public employees' retirement  
11 system ~~to be~~ properly qualified to participate in ~~such the~~  
12 volunteer firemen's pension plan, ~~then~~ the name of the  
13 claimant shall be added to the list of qualified persons and  
14 the claimant ~~shall will~~ then be entitled to participate in  
15 ~~said the~~ volunteer firemen's pension plan as of the fiscal  
16 year beginning ~~the-first-day-of~~ July 1 next following the  
17 filing of ~~such the~~ claim."

18 Section 24. There is a new R.C.M. section numbered  
19 11-2024.1 that reads as follows:

20 11-2024.1. Procedure for claiming death benefit.  
21 Anyone claiming the benefit provided for in 11-2022(3) must  
22 file his claim with the division upon a form to be provided  
23 therefor by the division, in accordance with such rules as  
24 the division may make.

25 Section 25. Section 11-2025, R.C.M. 1947, is amended

1 to read as follows:

2 "11-2025. Payment of ~~claim-----beneficiaries--of~~  
3 ~~decendent benefits. ~~1(1) Upon receipt of~~ When a claim under~~  
4 ~~subparagraphs-one subsections (1), two (2), three or (3) and~~  
5 ~~four-(4),-or-any-thereof~~ of section 11-2022, is received by  
6 the industrial-accident-board, if the same division and is  
7 found to be in compliance with the-provisions-of--subsection  
8 one--(1)--of--section 11-2024(1) or, in the case of a claim  
9 under 11-2022(3), with 11-2024.1, the board division must  
10 order the allowance thereof, and pay the-same it by warrants  
11 drawn upon the volunteer firemen's fund to the order of the  
12 attending physician or surgeon, attending nurse, and  
13 hospital or the provider of funeral services, as applicable.

14 ~~2(2)~~ All payments under the volunteer firemen's  
15 pension plan shall ~~must~~ be approved by the public employees'  
16 retirement system and paid by warrants drawn upon the  
17 earmarked revenue fund, payable to the order of the  
18 individual qualified volunteer fireman or the beneficiary  
19 as provided in subsection (3).

20 (3) The full or partial participation pension shall be  
21 paid or continue to be paid to the surviving spouse, if any,  
22 until such spouse's death or remarriage or, if the deceased  
23 volunteer fireman left no surviving spouse but left a child  
24 or children under the age of 18, to the guardian or other  
25 person having custody of the children until the youngest

1 ~~child reaches the age of 18. The pension shall be paid in~~  
 2 ~~each of the following circumstances:~~

3 ~~(a) provided, however, that in the event of the death~~  
 4 ~~of any a volunteer fireman who has not reached the age of~~  
 5 ~~fifty-five (55) years but who has otherwise qualified for~~  
 6 ~~full participation hereunder;~~

7 ~~(b) or in the event of the death after February 27,~~  
 8 ~~1971, of any a volunteer fireman who has not reached the age~~  
 9 ~~of fifty-five (55) years but who has otherwise qualified for~~  
 10 ~~partial participation hereunder;~~

11 ~~(c) or in the event of the death of any such a~~  
 12 ~~volunteer fireman after qualifying for full participation~~  
 13 ~~hereunder but before receiving payments hereunder totaling~~  
 14 ~~at least two thousand dollars (\$2,000); or~~

15 ~~(d) in the event of the death of any such a volunteer~~  
 16 ~~fireman after February 27, 1971, and after he has qualified~~  
 17 ~~for partial participation hereunder but before he has~~  
 18 ~~received payments hereunder totaling a the proportion of two~~  
 19 ~~thousand dollars (\$2,000) determined under the formula set~~  
 20 ~~forth prescribed in section 11-2023(2) (\*) (ii); (d) (iii), and~~  
 21 ~~if such deceased volunteer fireman shall have left a~~  
 22 ~~surviving spouse, then such full or partial participation~~  
 23 ~~pension shall be paid or continue to be paid to the~~  
 24 ~~surviving spouse by a warrant or warrants drawn upon the~~  
 25 ~~earmarked revenue fund and payable to the order of the~~

1 ~~surviving spouse until such spouse's death or remarriage or~~  
 2 ~~or if said deceased volunteer fireman shall have left no~~  
 3 ~~surviving spouse but shall have left a child or children~~  
 4 ~~under the age of eighteen (18) years, then such full or~~  
 5 ~~partial participation pension shall be paid or continue to~~  
 6 ~~be paid to the guardian or other person having custody of~~  
 7 ~~the said child or children until the youngest child shall~~  
 8 ~~reach the age of eighteen (18) years. Provided, further,~~  
 9 ~~that in the event of such payments after the death of a~~  
 10 ~~volunteer fireman, to or for a surviving spouse or children,~~  
 11 ~~then such pension~~

12 ~~(4) Payments under subsection (3) shall terminate, and~~  
 13 ~~no further payments shall be made hereunder in the case of~~  
 14 ~~a full participation pension, when a total of two thousand~~  
 15 ~~dollars (\$2,000) shall have has been paid upon such the~~  
 16 ~~pension, including any payments made to the volunteer~~  
 17 ~~fireman before his death, or, in the case of a partial~~  
 18 ~~participation pension, when a total of a the proportion of~~  
 19 ~~two thousand dollars (\$2,000) determined under the formula~~  
 20 ~~set forth prescribed in section 11-2023(2) (\*) (ii) shall~~  
 21 ~~have (a) (iii) has been paid upon such the pension, including~~  
 22 ~~any payments made to the volunteer fireman before his death.~~

23 ~~(5) If such a deceased volunteer fireman shall leave~~  
 24 ~~leaves neither a surviving spouse nor a child under the age~~  
 25 ~~of eighteen (18) years, then his pension shall terminate at~~

1 the end of the month prior to the month in which his death  
2 occurs."

3 Section 26. Section 11-2026, R.C.M. 1947, is amended  
4 to read as follows:

5 "11-2026. Administration of act. (1) Except as  
6 provided hereinafter in subsection (2), the industrial  
7 accident--board--of--the--state--of--Montana division shall  
8 administer the Volunteer Firemen's Compensation Act, and all  
9 payments made under subparagraph (1) of section 11-2022(4)  
10 and 11-2025(1), R.C.M. 1947, shall be made by warrants  
11 drawn by the board division.

12 (2) The board of administration of the public  
13 employees' retirement system of the state of Montana shall  
14 administer the volunteer firemen's pension plan, and all  
15 payments made under subparagraph (2) of section 11-2025(2)  
16 and (1) shall be made by warrants drawn by the public  
17 employees' retirement system. Annually, on or before fifteen  
18 (15) days the 15th day after the close of each the fiscal  
19 year, the industrial-accident-board division shall notify  
20 the secretary or board of administration of the public  
21 employees' retirement system in writing of the balance  
22 remaining in the volunteer firemen's compensation fund as of  
23 the end of said the fiscal year."

24 Section 27. Section 11-2027, R.C.M. 1947, is amended  
25 to read as follows:

1 "11-2027. Rules and regulations to be made by  
2 industrial--accident--board division and board of  
3 administration of public employees' retirement system --  
4 office supplies. (1) The industrial-accident-board division  
5 and the board of administration shall make such rules and  
6 regulations as it deems each considers necessary and  
7 advisable in its administration of the Volunteer Firemen's  
8 Compensation Act, not inconsistent with the provisions  
9 hereof thereof. The board of administration of the public  
10 employees' retirement system shall make such rules and  
11 regulations as it deems necessary and advisable in its  
12 administration of the volunteer firemen's pension plan, not  
13 inconsistent with the provisions hereof.

14 (2) Necessary expenses of the industrial-accident  
15 board division and the public employees' retirement system  
16 for office supplies, stationery, and forms in connection  
17 with its the administration of the Volunteer Firemen's  
18 Compensation Act shall be are a charge against the fund.  
19 Necessary expenses of the public employees' retirement  
20 system for office supplies, stationery and forms in  
21 connection with its administration of the volunteer  
22 firemen's pension plan shall be a charge against the fund  
23 and shall be drawn from said fund by the public employees'  
24 retirement system the public employees' retirement system  
25 shall draw from the fund through warrants to be executed by

1 the ~~industrial-accident-board~~ division upon the request of  
 2 the public employees' retirement system, at such intervals  
 3 as the board of administration of ~~the public employees'~~  
 4 ~~retirement system shall deem~~ considers proper."

5 Section 28. Section 11-2029, R.C.M. 1947, is amended  
 6 to read as follows:

7 "11-2029. Reports of ~~industrial-accident-board~~  
 8 division and public employees' retirement system. (1) The  
 9 ~~industrial-accident-board~~ division shall, at the time  
 10 specified in section 92-842 for making ~~the~~ report therein  
 11 provided required, make a report to the governor covering  
 12 the operations and proceedings for the preceding fiscal year  
 13 relative to its administration under of the Volunteer  
 14 Firemen's Compensation Act, with such suggestions or  
 15 recommendations as it may ~~deem~~ consider of value for public  
 16 information.

17 (2) The public employees' retirement system shall, not  
 18 later than ~~the first day of~~ November 1 of each year, make a  
 19 report to the governor covering the operations and  
 20 proceedings for the prior fiscal year relative to its  
 21 administration under of the volunteer firemen's pension  
 22 plan, with such suggestions or recommendations as it may  
 23 ~~deem~~ consider of value for public information.

24 (3) Copies of all such reports shall be made available  
 25 by the ~~industrial-accident-board~~ division or the public

1 employees' retirement system to the chief or other  
 2 representative of any volunteer fire company or companies  
 3 ~~within the state of Montana~~ which shall may at any time  
 4 request ~~the same~~ them."

5 Section 29. Section 11-2030, R.C.M. 1947, is amended  
 6 to read as follows:

7 "11-2030. Fire insurance premium tax to be paid into  
 8 fund. The state auditor and ex officio commissioner of  
 9 insurance of ~~the state of Montana~~ shall annually deposit in  
 10 the ~~earmarked revenue fund~~ such volunteer firemen's fund a  
 11 ~~sum as shall be~~ equivalent to ~~five per cent~~ (5%) of ~~the~~  
 12 premium taxes collected from insurers authorized to effect  
 13 insurance against risks enumerated in section 11-1919, ~~as~~  
 14 ~~shall remain~~ computed after the amounts provided for by  
 15 section 11-1919 shall have been first been deducted. Such  
 16 ~~the~~ moneys shall be used for the payment of claims and  
 17 administrative costs as provided in sections ~~11-2022(4),~~  
 18 ~~11-2025, and 11-2026, and~~ 11-2027."

19 Section 30. Section 11-2031, R.C.M. 1947, is amended  
 20 to read as follows:

21 "11-2031. Penalty for false statements or claims. Any  
 22 A person required to make a statement or affidavit  
 23 hereunder, ~~by 11-2020 through 11-2031, 11-2020, 1, 11-2020, 2,~~  
 24 ~~and 11-2024, 1~~ who shall willfully ~~falsify~~ falsifies such  
 25 statement or affidavit and any a person who shall file



1 files a false claim hereunder~~y~~ ~~shall be~~ under 11-2020  
 2 through 11-2031, 11-2020.1, 11-2020.2, and 11-2024.1 is  
 3 guilty of a misdemeanor and~~s~~ upon conviction thereof~~s~~ shall  
 4 be sentenced to pay ~~punished by~~ a fine of not exceeding five  
 5 hundred ~~to pay~~ ~~punished by~~ dollars, or to ~~undergo~~ imprisonment not  
 6 exceeding six ~~and~~ months, or both ~~such fine and imprisonment.~~"

7 Section 31. Section 11-3524, R.C.M. 1947, is amended  
 8 to read as follows:

9 "11-3524. ~~Firemen's tenure~~ ~~firemen's disability and~~  
 10 ~~pension funds~~ ~~how continued~~ ~~protection of rights in~~  
 11 Retention of firemen's rights when local government  
 12 consolidated. (1) Any ~~firemen~~ ~~A fireman~~ employed by any a  
 13 fire department ~~or departments~~, established as required by  
 14 law in any a city or town of the county prior to the  
 15 election and qualification of a commission under this act~~y~~  
 16 or other acts of consolidation or disincorporation~~y~~ ~~shall~~  
 17 ~~have~~ ~~has~~ the same job tenure rights as though no such  
 18 election and qualification had taken place.

19 (2) Any ~~such~~ ~~A~~ fireman who has vested rights in any a  
 20 disability or ~~and~~ pension fund ~~shall~~ ~~maintain~~ maintains  
 21 prior vested rights ~~to such funds in the fund~~ upon their ~~its~~  
 22 transfer to a consolidated county municipality. Any ~~A~~  
 23 disability or ~~and~~ pension fund~~y~~ ~~or funds~~ ~~of the fire~~  
 24 ~~department or departments~~, established as required by law in  
 25 any a city or town of the county prior to the election and

1 qualification of a commission under this act~~y~~ or other acts  
 2 of consolidation or disincorporation, shall be continued as  
 3 one such fund for the fire department of the municipality,  
 4 subject, however, to the prior vested rights of any firemen  
 5 employed by any fire department ~~or departments~~, established  
 6 as required by law in any a city or town of the county prior  
 7 to the election and qualification of a commission under this  
 8 act or other acts of consolidation or disincorporation. The  
 9 board of trustees of such ~~the~~ disability or ~~and~~ pension fund  
 10 shall continue as ~~set forth~~ provided in sections 11-1913 and  
 11 ~~11-1922~~ ~~R.C.M.~~ ~~1947~~. Except as provided in this section,  
 12 the disability or ~~and~~ pension fund ~~of the fire department~~  
 13 shall be continued and administered in the manner prescribed  
 14 by law for such funds ~~established in cities and towns.~~"

-End-