

1 H BILL NO. 263
 2 INTRODUCED BY Kenneth Burrell, Billings
 3 Lynch, Missoula Walton

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A PARTIAL
 5 SERVICE PENSION FOR PAID FIREMEN WITH 5 YEARS OR MORE OF
 6 ACTIVE DUTY; AMENDING SECTION 11-1911, R.C.M. 1947."
 7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9 Section 1. Section 11-1911, R.C.M. 1947, is amended to
 10 read as follows:

11 "11-1911. ~~Source of Contributions to~~ fund. (1) The
 12 disability and pension fund of the fire department relief
 13 association of such city or town shall consist of all
 14 bequests, fees, gifts, esoluments, or donations given or
 15 paid to such fund, or any of its members, except as
 16 otherwise designated by the donor, and a monthly fee which
 17 shall be paid into the fund by each paid member and
 18 part-paid member of said the fire department relief
 19 association amounting to ~~six per cent (6%)~~ of the member's
 20 regular monthly salary, the proceeds of a tax levy as
 21 provided by ~~section 11-1912, R.C.M. 1947,~~ and all moneys
 22 received from the state of ~~Montana~~ as provided for by
 23 ~~section 11-1919, R.C.M. 1947,~~ and the interest of any
 24 portion of such fund.

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

1 entitled to a ~~return~~ refund, in lump sum, without interest,
 2 of all monthly contributions made by the fireman to such
 3 funds, within ~~sixty (60)~~ days of permanent separation from
 4 service in the fire department of such city, town or
 5 municipality, except for separation by reason of retirement,
 6 death, or disability, which would otherwise qualify such
 7 separated fireman, the surviving spouse or ~~orphans~~ children,
 8 to benefits or allowances from such fire department relief
 9 association. A fireman who is eligible to receive a partial
 10 service pension under [section 2 of this act] may either
 11 elect to take the refund provided for in this section or
 12 elect to receive the partial pension."

13 Section 2. There is a new R.C.M. section that reads as
 14 follows:

15 Partial service pension after early separation from
 16 service. (1) A member of a fire department relief
 17 association is eligible to receive a partial service pension
 18 if he:
 19 (a) has completed at least 5 but less than 20 years of
 20 active duty as a fully paid member of a fire department;
 21 (b) is permanently separated from service on or after
 22 July 1, 1977;
 23 (c) does not qualify for a disability pension under
 24 11-1926; and
 25 (d) does not receive a refund of his contributions

1 under 11-1911.

2 (2) The right to receive the pension vests upon the
3 fireman's permanent separation from service, but the
4 payments may not commence until he reaches his 50th
5 birthday.

6 (3) The pension shall be paid out of the disability
7 and pension fund and shall consist of monthly payments in an
8 amount equal to the number of years of the fireman's service
9 divided by 20 and multiplied by one-half of the sum last
10 received by the fireman as a monthly compensation, excluding
11 overtime and payments in lieu of sick leave and annual
12 leave, for his services as an active member of the fire
13 department.

14 (4) If the fireman dies after he is permanently
15 separated from service and before he reaches the age of 50
16 years, the payments prescribed in subsection (3) shall be
17 made to the surviving spouse commencing on the date the
18 fireman would have reached his 50th birthday and terminating
19 upon the surviving spouse's death or remarriage. If there is
20 no surviving spouse or the surviving spouse dies or
21 remarries and if the fireman leaves one or more children who
22 have not reached the age of 18 years, the children shall
23 receive the payments until the youngest reaches the age of
24 18 years.

25 (5) If the fireman dies after he reaches the age of 50

1 years, the payments shall be made to the surviving spouse or
2 children as provided in subsection (4).

3 (6) The pension escalation provisions of 11-1925 do
4 not apply to pensions received under this section.

-End-

STATE OF MONTANA

REQUEST NO. 305-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 31, 1977, there is hereby submitted a Fiscal Note for House Bill 263 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

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

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 263 provides a partial service pension for paid firemen with five (5) years or more of active duty. Under the provisions of this proposed legislation, a fireman who is eligible to receive a partial service pension may either accept it or choose to receive a cash refund.

The refund or partial service pension must be paid out of the disability and pension fund of the respective city or town and must consist of monthly payments in an amount equal to the number of years of the fireman's service divided by 20 and multiplied by one-half of the sum last received by the fireman as monthly compensation for his service as an active member of the fire department.

FISCAL IMPACT:

No dollar estimate can be made for House Bill 263. The fiscal impact of the proposed legislation would be limited to those cities and towns that maintain paid fire departments.

From past experience of the various Fire Department Relief Associations in first and second class cities in Montana, the number of terminations among firemen is relatively small. The majority of terminated firemen have had less than five (5) years of service at the time of termination. In these cases, no benefits would be available under the proposed legislation.

Richard L. Daugherty
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-3-77

Approved by Committee
on State Administration

HOUSE BILL NO. 263

INTRODUCED BY KIMBLE, BARRETT,

GILLIGAN, SEVERSON, LYNCH, DUSSAULT, WALDRON

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A PARTIAL SERVICE PENSION FOR PAID FIREMEN WITH 5 10 YEARS OR MORE OF ACTIVE DUTY; AMENDING SECTION 11-1911, R.C.M. 1947."

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

Section 1. Section 11-1911, R.C.M. 1947, is amended to read as follows:

"11-1911. ~~Source of Contributions to fund.~~ (1) The disability and pension fund of the fire department relief association of such city or town shall consist of all bequests, fees, gifts, emoluments, or donations given or paid to such fund, or any of its members, except as otherwise designated by the donor, and a monthly fee which shall be paid into the fund by each paid member and part-paid member of ~~said the~~ fire department relief association amounting to ~~six per cent (6%)~~ of the member's regular monthly salary, the proceeds of a tax levy as provided by ~~section 11-1912, R.C.M. 1947,~~ and all moneys received from the state of ~~Montana~~ as provided for by ~~section 11-1919, R.C.M. 1947,~~ and the interest of any portion of such fund.

(2) ~~Any such paid or part-paid~~ A fireman shall be ~~is~~ entitled to a ~~return~~ refund, in lump sum, without interest, of all monthly contributions made by the fireman to such funds, within ~~sixty (60)~~ days of permanent separation from service in the fire department of such city, town or municipality, except for separation by reason of retirement, death, or disability, which would otherwise qualify such separated fireman, the surviving spouse or ~~orphan~~ children, to benefits or allowances from such fire department relief association. A fireman who is eligible to receive a partial service pension under [section 2 of this act] may either elect to take the refund provided for in this section or elect to receive the partial pension."

Section 2. There is a new R.C.M. section that reads as follows:

Partial service pension after early separation from service. (1) A member of a fire department relief association is eligible to receive a partial service pension if he:

(a) has completed at least 5 10 but less than 20 years of active duty as a fully paid member of a fire department;

(b) is permanently separated from service on or after July 1, 1977;

(c) does not qualify for a disability pension under 11-1926; and

1 (d) does not receive a refund of his contributions
2 under 11-1911.

3 (2) The right to receive the pension vests upon the
4 fireman's permanent separation from service, but the
5 payments may not commence until he reaches his 50th
6 birthday.

7 (3) The pension shall be paid out of the disability
8 and pension fund and shall consist of monthly payments in an
9 amount equal to the number of years of the fireman's service
10 divided by 20 and multiplied by one-half of the sum last
11 received by the fireman as a monthly compensation, excluding
12 overtime and payments in lieu of sick leave and annual
13 leave, for his services as an active member of the fire
14 department.

15 (4) If the fireman dies after he is permanently
16 separated from service and before he reaches the age of 50
17 years, the payments prescribed in subsection (3) shall be
18 made to the surviving spouse commencing on the date the
19 fireman would have reached his 50th birthday and terminating
20 upon the surviving spouse's death or remarriage. If there is
21 no surviving spouse or the surviving spouse dies or
22 remarries and if the fireman leaves one or more children who
23 have not reached the age of 18 years, the children shall
24 receive the payments until the youngest reaches the age of
25 18 years.

1 (5) If the fireman dies after he reaches the age of 50
2 years, the payments shall be made to the surviving spouse or
3 children as provided in subsection (4).

4 (6) The pension escalation provisions of 11-1925 do
5 not apply to pensions received under this section.

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GILLIGAN, SEVERSON, LYNCH, DOSSAULT, WALDRON

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"11-1911. ~~Source of Contributions to fund.~~ (1) The disability and pension fund of the fire department relief association of such city or town shall consist of all bequests, fees, gifts, emoluments, or donations given or paid to such fund, or any of its members, except as otherwise designated by the donor, and a monthly fee which shall be paid into the fund by each paid member and part-paid member of ~~said the~~ fire department relief association amounting to ~~six per cent (6%)~~ of the member's regular monthly salary, the proceeds of a tax levy as provided by ~~section 11-1912, R.C.M. 1947,~~ and all moneys received from the state ~~of Montana~~ as provided for by ~~section 11-1919, R.C.M. 1947,~~ and the interest of any portion of such fund.

~~(2) Any such paid or part-paid~~ A fireman shall be ~~is~~ entitled to a ~~retusa~~ refund, in lump sum, without interest, of all monthly contributions made by the fireman to such funds, within ~~sixty (60)~~ days of permanent separation from service in the fire department of such city, town or municipality, except for separation by reason of retirement, death, or disability, which would otherwise qualify such separated fireman, the surviving spouse or ~~orphans~~ children, to benefits or allowances from such fire department relief association. A fireman who is eligible to receive a partial service pension under [section 2 of this act] may either elect to take the refund provided for in this section or elect to receive the partial pension.

Section 2. There is a new R.C.M. section that reads as follows:

Partial service pension after early separation from service. (1) A member of a fire department relief association is eligible to receive a partial service pension if he:

- (a) has completed at least 5 10 but less than 20 years of active duty as a fully paid member of a fire department;
- (b) is permanently separated from service on or after July 1, 1977;
- (c) does not qualify for a disability pension under 11-1926; and

1 (d) does not receive a refund of his contributions
2 under 11-1911.

3 (2) The right to receive the pension vests upon the
4 fireman's permanent separation from service, but the
5 payments may not commence until he reaches his 50th
6 birthday.

7 (3) The pension shall be paid out of the disability
8 and pension fund and shall consist of monthly payments in an
9 amount equal to the number of years of the fireman's service
10 divided by 20 and multiplied by one-half of the sum last
11 received by the fireman as a monthly compensation, excluding
12 overtime and payments in lieu of sick leave and annual
13 leave, for his services as an active member of the fire
14 department.

15 (4) If the fireman dies after he is permanently
16 separated from service and before he reaches the age of 50
17 years, the payments prescribed in subsection (3) shall be
18 made to the surviving spouse commencing on the date the
19 fireman would have reached his 50th birthday and terminating
20 upon the surviving spouse's death or remarriage. If there is
21 no surviving spouse or the surviving spouse dies or
22 remarries and if the fireman leaves one or more children who
23 have not reached the age of 18 years, the children shall
24 receive the payments until the youngest reaches the age of
25 18 years.

1 (5) If the fireman dies after he reaches the age of 50
2 years, the payments shall be made to the surviving spouse or
3 children as provided in subsection (4).

4 (6) The pension escalation provisions of 11-1925 do
5 not apply to pensions received under this section.

-End-

April 2, 1977

STANDING COMMITTEE REPORT
Senate Committee on State Administration

That House Bill No. 263 be amended as follows:

1. Amend title, line 7.
Following: "DUTY"
Insert: "AND CLARIFYING ELEGIBILITY FOR FULL SERVICE PENSION"
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "11-1911"
Insert: "AND 11-1925"
Following: "1947"
Insert: "; PROVIDING AN IMMEDIATE EFFECTIVE DATE"
2. Amend page 2, section 2, line 20.
Following: "10"
Strike: "but less than 20"
3. Amend page 2, section 2, line 21.
Following: "department"
Insert" "but has not both completed 20 years of service and attained age

50 as an active fireman"
4. Amend page 2, section 2, line 23.
Following: line 22
Strike: "July 1, 1977"
Insert: "the effective date of this act"
5. Amend page 3, section 2, line 5.
Following: "until"
Strike: "he reaches"
Insert: "the date he would have both reached"
6. Amend page 3, section 2, line 6.
Following: "birthday"
Insert: "and completed 20 years of service as a member of a fire
department had his active duty not been terminated"
7. Amend page 3, section 2, line 10.
Following: "by"
Strike: "20"
Insert: "the number of years of service the fireman would have had if
he had remained in active duty as a member of a fire department until the
date he would have both attained age 50 and completed 20 years of service"
8. Amend page 3, section 2, line 16.
Following: "he"
Insert: "both"

9. Amend page 3, section 2, line 17.

Following: "years"

Insert: "and completes 20 years of service as an active member of a fire department"

10. Amend page 3, section 2, line 19.

Following: "have"

Insert: "both"

Following: "birthday"

Insert: "and completed 20 years of service as an active member of a fire department"

11. Amend page 4, section 2, line 1.

Following: "he"

Insert: "both"

12. Amend page 4, section 2, line 2.

Following: "years"

Insert: "and completes 20 years of service as an active member of a fire department"

13. Amend page 4, section 2, line 5.

Following: line 5

Insert: "Section 3. Section 11-1925, R.C.M. 1947, is amended to read as follows:

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

(2) However, effective July 1, 1974, and after an active member has completed twenty (20) years of service the pension of the member who serves or has served and additional one (1) to ten (10) years shall be increased at the rate of one per cent (1%) per year for each additional year of service completed, up to a maximum of sixty per cent (60%) of the last month's salary received as a monthly compensation for his services as an active member of said fire department; provided that no member shall be eligible to receive a service pension prior to attaining the age of fifty (50) years.

(3) However, the monthly compensation paid to members retiring on or after July 1, 1973 shall in no event become less than one-half (1/2) the regular monthly salary paid, excluding overtime and payments in

lieu of sick leave and annual leave, to a confirmed active fireman of that city as provided each and every year in the annual budget of that city. In no event shall the monthly compensation paid to a member retiring prior to July 1, 1974 be less than two hundred dollars (\$200). In case of volunteer men the compensation shall in no event exceed the sum of seventy-five dollars (\$75) per month.

(4) As of the effective date of this act, a member is not eligible to receive a service pension under this section unless he is making a monthly contribution to the disability and pension fund as required by 11-1911, and is on active duty as a fully paid member of a fire department when he reaches the age of 50 years.

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

Section 4. Interpretation. The amendments in section 3 of this act are intended to imply that prior to the effective date of this act a member could have retired prior to age 50 with full benefits to be paid at age 50.

Section 5. Effective date. This act is effective on passage and approval."

April 7, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 263 be amended as follows:

1. Amend Senate Standing Committee amendments dated March 31.
Following: "this act are"
Insert: "not"

HOUSE BILL NO. 263

INTRODUCED BY KIMBLE, BARRETT,

GILLIGAN, SEVERSON, LYNCH, DUSSAULT, WALDRON

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A PARTIAL SERVICE PENSION FOR PAID FIREMEN WITH 5 TO YEARS OR MORE OF ACTIVE DUTY AND CLARIFYING ELIGIBILITY FOR FULL SERVICE PENSION; AMENDING SECTION SECTIONS 11-1911 AND 11-1925, R.C.M. 1947; PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 11-1911, R.C.M. 1947, is amended to read as follows:

"11-1911. Source of Contributions to fund. (1) The disability and pension fund of the fire department relief association of such city or town shall consist of all bequests, fees, gifts, emoluments, or donations given or paid to such fund, or any of its members, except as otherwise designated by the donor, and a monthly fee which shall be paid into the fund by each paid member and part-paid member of said the fire department relief association amounting to six-per-cent-(6%) of the member's regular monthly salary, the proceeds of a tax levy as provided by section 11-1912, R.C.M. 1947, and all moneys received from the state of Montana as provided for by

section 11-1919, R.C.M. 1947, and the interest of any portion of such fund.

(2) ~~Any such paid or part-paid~~ A fireman shall be is entitled to a return refund, in lump sum, without interest, of all monthly contributions made by the fireman to such funds, within sixty-(60) days of permanent separation from service in the fire department of such city, town or municipality, except for separation by reason of retirement, death, or disability, which would otherwise qualify such separated fireman, the surviving spouse or orphans children, to benefits or allowances from such fire department relief association. A fireman who is eligible to receive a partial service pension under [section 2 of this act] may either elect to take the refund provided for in this section or elect to receive the partial pension."

Section 2. There is a new R.C.M. section that reads as follows:

Partial service pension after early separation from service. (1) A member of a fire department relief association is eligible to receive a partial service pension if he:

(a) has completed at least 5 TO but less than 20 years of active duty as a fully paid member of a fire department BUT HAS NOT BOTH COMPLETED 20 YEARS OF SERVICE AND ATTAINED AGE 50 AS AN ACTIVE FIREMAN;

1 (b) is permanently separated from service on or after
2 ~~July 1, 1977~~ THE EFFECTIVE DATE OF THIS ACT;

3 (c) does not qualify for a disability pension under
4 11-1926; and

5 (d) does not receive a refund of his contributions
6 under 11-1911.

7 (2) The right to receive the pension vests upon the
8 fireman's permanent separation from service, but the
9 payments may not commence until he reaches THE DATE HE WOULD
10 HAVE BOTH REACHED his 50th birthday AND COMPLETED 20 YEARS
11 OF SERVICE AS A MEMBER OF A FIRE DEPARTMENT HAD HIS ACTIVE
12 DUTY NOT BEEN TERMINATED.

13 (3) The pension shall be paid out of the disability
14 and pension fund and shall consist of monthly payments in an
15 amount equal to the number of years of the fireman's service
16 divided by 20 THE NUMBER OF YEARS OF SERVICE THE FIREMAN
17 WOULD HAVE HAD IF HE HAD REMAINED IN ACTIVE DUTY AS A MEMBER
18 OF A FIRE DEPARTMENT UNTIL THE DATE HE WOULD HAVE BOTH
19 ATTAINED AGE 50 AND COMPLETED 20 YEARS OF SERVICE and
20 multiplied by one-half of the sum last received by the
21 fireman as a monthly compensation, excluding overtime and
22 payments in lieu of sick leave and annual leave, for his
23 services as an active member of the fire department.

24 (4) If the fireman dies after he is permanently
25 separated from service and before he BOTH reaches the age of

1 50 years AND COMPLETES 20 YEARS OF SERVICE AS AN ACTIVE
2 MEMBER OF A FIRE DEPARTMENT, the payments prescribed in
3 subsection (3) shall be made to the surviving spouse
4 commencing on the date the fireman would have BOTH reached
5 his 50th birthday AND COMPLETED 20 YEARS OF SERVICE AS AN
6 ACTIVE MEMBER OF A FIRE DEPARTMENT and terminating upon the
7 surviving spouse's death or remarriage. If there is no
8 surviving spouse or the surviving spouse dies or remarries
9 and if the fireman leaves one or more children who have not
10 reached the age of 18 years, the children shall receive the
11 payments until the youngest reaches the age of 18 years.

12 (5) If the fireman dies after he BOTH reaches the age
13 of 50 years AND COMPLETES 20 YEARS OF SERVICE AS AN ACTIVE
14 MEMBER OF A FIRE DEPARTMENT, the payments shall be made to
15 the surviving spouse or children as provided in subsection
16 (4).

17 (6) The pension escalation provisions of 11-1925 do
18 not apply to pensions received under this section.

19 SECTION 3. SECTION 11-1925, R.C.M. 1947, IS AMENDED TO
20 READ AS FOLLOWS:

21 *11-1925. Pensions to retired firemen. 11 Each and
22 every fire department relief association organized and
23 existing under the laws of this state shall pay to each of
24 its members who elect to retire from active service after
25 having completed twenty (20) years or more of active duty

1 and has reached the age of fifty (50) years as a fully paid
 2 member of a paid, or partly paid and partly volunteer fire
 3 department of the city or town wherein such association has
 4 been formed, out of any money in the association's
 5 "disability and pension fund," a "service pension" in an
 6 amount which shall be equal to one-half (1/2) of the sum
 7 last received by the member as a monthly compensation,
 8 excluding overtime and payments in lieu of sick leave and
 9 annual leave, for his services as an active member of said
 10 fire department.

11 (2) However, effective July 1, 1974, and after an
 12 active member has completed twenty (20) years of service the
 13 pension of the member who serves or has served an additional
 14 one (1) to ten (10) years shall be increased at the rate of
 15 one percent (1%) per year for each additional year of
 16 service completed, up to a maximum of sixty percent (60%) of
 17 the last month's salary received as a monthly compensation
 18 for his services as an active member of said fire
 19 department; provided that no member shall be eligible to
 20 receive a service pension prior to attaining the age of
 21 fifty (50) years.

22 (3) However, the monthly compensation paid to members
 23 retiring on or after July 1, 1973, shall in no event become
 24 less than one-half (1/2) the regular monthly salary paid,
 25 excluding overtime and payments in lieu of sick leave and

1 annual leave, to a confirmed active fireman of that city as
 2 provided each and every year in the annual budget of that
 3 city. In no event shall the monthly compensation paid to a
 4 member retiring prior to July 1, 1974 be less than two
 5 hundred dollars (\$200). In case of volunteer men the
 6 compensation shall in no event exceed the sum of
 7 seventy-five dollars (\$75) per month.

8 (4) As of the effective date of this act, a member is
 9 not eligible to receive a service pension under this section
 10 unless he is making a monthly contribution to the disability
 11 and pension fund as required by 11-1911, and is on active
 12 duty as a fully paid member of a fire department when he
 13 reaches the age of 50 years.

14 (5) A member of a pure volunteer fire department who
 15 has served twenty (20) years or more as an active member of
 16 such fire department, without qualifying as to any
 17 provisions pertaining to an attained age, shall be entitled
 18 to the benefits provided for by this act; provided, that a
 19 member of a pure volunteer fire department who has completed
 20 at least ten (10) years' service as an active member of such
 21 fire department, but who is prevented from completing at
 22 least twenty (20) years' service by dissolution or
 23 discontinuance of his volunteer fire department, or by
 24 personal relocation due to transfer or loss of employment,
 25 or by personal disability, or by any other factor beyond his

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1 reasonable control, may nevertheless qualify for partial or
2 reduced pension, in such amount and to such extent as shall
3 be determined by the board of trustees of the fire
4 department relief association, without qualifying as to any
5 provisions pertaining to an attained age."

-End-

HOUSE BILL NO. 263

INTRODUCED BY KIMBLE, BARRETT,

GILLIGAN, SEVERSON, LYNCH, DUSSAULT, WALDRON

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A PARTIAL SERVICE PENSION FOR PAID FIREMEN WITH 5 10 YEARS OR MORE OF ACTIVE DUTY AND CLARIFYING ELEGIBILITY FOR FULL SERVICE PENSION; AMENDING ~~SECTION~~ SECTIONS 11-1911 AND 11-1925, R.C.M. 1947; PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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section 11-1919, ~~R.C.M.--1947,~~ and the interest of any portion of such fund.

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FINAL PRINTING

ADOPTED BY
HOUSE OF REPRESENTATIVES
AND SENATE

-2-

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1 (b) is permanently separated from service on or after
2 ~~July 1, 1977~~ THE EFFECTIVE DATE OF THIS ACT;

3 (c) does not qualify for a disability pension under
4 11-1926; and

5 (d) does not receive a refund of his contributions
6 under 11-1911.

7 (2) The right to receive the pension vests upon the
8 fireman's permanent separation from service, but the
9 payments may not commence until ~~he reaches~~ THE DATE HE WOULD
10 HAVE BOTH REACHED his 50th birthday AND COMPLETED 20 YEARS
11 OF SERVICE AS A MEMBER OF A FIRE DEPARTMENT HAD HIS ACTIVE
12 DUTY NOT BEEN TERMINATED.

13 (3) The pension shall be paid out of the disability
14 and pension fund and shall consist of monthly payments in an
15 amount equal to the number of years of the fireman's service
16 divided by ~~20~~ THE NUMBER OF YEARS OF SERVICE THE FIREMAN
17 WOULD HAVE HAD IF HE HAD REMAINED IN ACTIVE DUTY AS A MEMBER
18 OF A FIRE DEPARTMENT UNTIL THE DATE HE WOULD HAVE BOTH
19 ATTAINED AGE 50 AND COMPLETED 20 YEARS OF SERVICE and
20 multiplied by one-half of the sum last received by the
21 fireman as a monthly compensation, excluding overtime and
22 payments in lieu of sick leave and annual leave, for his
23 services as an active member of the fire department.

24 (4) If the fireman dies after he is permanently
25 separated from service and before he BOTH reaches the age of

1 50 years ~~AND COMPLETES 20 YEARS OF SERVICE AS AN ACTIVE~~
2 ~~MEMBER OF A FIRE DEPARTMENT,~~ the payments prescribed in
3 subsection (3) shall be made to the surviving spouse
4 commencing on the date the fireman would have BOTH reached
5 his 50th birthday AND COMPLETED 20 YEARS OF SERVICE AS AN
6 ACTIVE MEMBER OF A FIRE DEPARTMENT and terminating upon the
7 surviving spouse's death or remarriage. If there is no
8 surviving spouse or the surviving spouse dies or remarries
9 and if the fireman leaves one or more children who have not
10 reached the age of 18 years, the children shall receive the
11 payments until the youngest reaches the age of 18 years.

12 (5) If the fireman dies after he BOTH reaches the age
13 of 50 years ~~AND COMPLETES 20 YEARS OF SERVICE AS AN ACTIVE~~
14 ~~MEMBER OF A FIRE DEPARTMENT,~~ the payments shall be made to
15 the surviving spouse or children as provided in subsection
16 (4).

17 (6) The pension escalation provisions of 11-1925 do
18 not apply to pensions received under this section.

19 SECTION 3. SECTION 11-1925, R.C.M. 1947, IS AMENDED TO
20 READ AS FOLLOWS:

21 "11-1925. Pensions to retired firemen. (1) Each and
22 every fire department relief association organized and
23 existing under the laws of this state shall pay to each of
24 its members who elect to retire from active service after
25 having completed twenty (20) years or more of active duty

1 and has reached the age of fifty (50) years as a fully paid
 2 member of a paid, or partly paid and partly volunteer fire
 3 department of the city or town wherein such association has
 4 been formed, out of any money in the association's
 5 "disability and pension fund," a "service pension" in an
 6 amount which shall be equal to one-half (1/2) of the sum
 7 last received by the member as a monthly compensation,
 8 excluding overtime and payments in lieu of sick leave and
 9 annual leave, for his services as an active member of said
 10 fire department.

11 (2) However, effective July 1, 1974, and after an
 12 active member has completed twenty (20) years of service the
 13 pension of the member who serves or has served an additional
 14 one (1) to ten (10) years shall be increased at the rate of
 15 one percent (1%) per year for each additional year of
 16 service completed, up to a maximum of sixty percent (60%) of
 17 the last month's salary received as a monthly compensation
 18 for his services as an active member of said fire
 19 department; provided that no member shall be eligible to
 20 receive a service pension prior to attaining the age of
 21 fifty (50) years.

22 (3) However, the monthly compensation paid to members
 23 retiring on or after July 1, 1973, shall in no event become
 24 less than one-half (1/2) the regular monthly salary paid,
 25 excluding overtime and payments in lieu of sick leave and

1 annual leave, to a confirmed active fireman of that city as
 2 provided each and every year in the annual budget of that
 3 city. In no event shall the monthly compensation paid to a
 4 member retiring prior to July 1, 1974 be less than two
 5 hundred dollars (\$200). In case of volunteer men the
 6 compensation shall in no event exceed the sum of
 7 seventy-five dollars (\$75) per month.

8 ~~(4) As of the effective date of this act, a member is~~
 9 ~~not eligible to receive a service pension under this section~~
 10 ~~unless he is making a monthly contribution to the disability~~
 11 ~~and pension fund as required by 11-1911, and is on active~~
 12 ~~duty as a fully paid member of a fire department when he~~
 13 ~~reaches the age of 50 years.~~

14 (5) A member of a pure volunteer fire department who
 15 has served twenty (20) years or more as an active member of
 16 such fire department, without qualifying as to any
 17 provisions pertaining to an attained age, shall be entitled
 18 to the benefits provided for by this act; provided, that a
 19 member of a pure volunteer fire department who has completed
 20 at least ten (10) years' service as an active member of such
 21 fire department, but who is prevented from completing at
 22 least twenty (20) years' service by dissolution or
 23 discontinuance of his volunteer fire department, or by
 24 personal relocation due to transfer or loss of employment,
 25 or by personal disability, or by any other factor beyond his

1 reasonable control, may nevertheless qualify for partial or
2 reduced pension, in such amount and to such extent as shall
3 be determined by the board of trustees of the fire
4 department relief association, without qualifying as to any
5 provisions pertaining to an attained age."

6 SECTION 4. INTERPRETATION. THIS ACT IS NOT INTENDED
7 TO INCREASE OR DECREASE BENEFITS EARNED BY PRESENT MEMBERS
8 UNDER PRIOR ACTS. THE AMENDMENTS IN SECTION 3 OF THIS ACT
9 ARE INTENDED TO CLARIFY THAT SECTION BUT ARE NOT INTENDED TO
10 IMPLY THAT PRIOR TO THE EFFECTIVE DATE OF THIS ACT A MEMBER
11 COULD HAVE RETIRED PRIOR TO AGE 50 WITH FULL BENEFITS TO BE
12 PAID AT AGE 50.

-End-