

1 H. BILL NO. 459  
 2 INTRODUCED BY *Hewitt Lynch M/A/R, J. J. Cooney, J. J. Cooney, J. J. Cooney, J. J. Cooney*

3 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MAXIMUM  
 4 PENSION THAT MAY BE PAID TO A RETIRED VOLUNTEER FIREMAN BY A  
 5 FIRE DEPARTMENT RELIEF ASSOCIATION; AMENDING SECTION  
 6 11-1925, R.C.M. 1947; AND PROVIDING AN IMMEDIATE EFFECTIVE  
 7 DATE."

8  
 9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 11-1925, R.C.M. 1947, is amended to  
 12 read as follows:

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

1 annual leave, for his services as an active member of said  
 2 fire department. However, effective July 1, 1974, and after  
 3 an active member has completed twenty (20) years of service  
 4 the pension of the member who serves or has served an  
 5 additional one (1) to ten (10) years shall be increased at  
 6 the rate on one percent (1%) per year for each additional  
 7 year of service completed, up to a maximum of sixty percent  
 8 (60%) of the last month's salary received as a monthly  
 9 compensation for his services as an active member of said  
 10 fire department; provided that no member shall be eligible  
 11 to receive a service pension prior to attaining the age of  
 12 fifty (50) years. However, the monthly compensation paid to  
 13 members retiring on or after July 1, 1973, shall in no event  
 14 become less than one-half (1/2) the regular monthly salary  
 15 paid, excluding overtime and payments in lieu of sick leave  
 16 and annual leave, to a confirmed active fireman of that city  
 17 as provided each and every year in the annual budget of that  
 18 city. In no event shall the monthly compensation paid to a  
 19 member retiring prior to July 1, 1974 be less than two  
 20 hundred dollars (\$200). In case of volunteer men the  
 21 compensation shall in no event exceed the sum of  
 22 ~~seventy-five dollars (\$75)~~ per \$100 a month.

23 A member of a pure volunteer fire department who has  
 24 served twenty (20) years or more as an active member of such  
 25 fire department, without qualifying as to any provisions

*HB459*

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

15 Section 2. Effective date. This act is effective upon  
16 passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 195-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 25, 19 77, there is hereby submitted a Fiscal Note for House Bill 459 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

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

DESCRIPTION OF PROPOSED LEGISLATION:

An act to increase the maximum pension that may be paid to a retired volunteer fireman by a fire department relief association.

ASSUMPTIONS:

1. The premium tax on insurance will remain the same.
2. There will be no increase in the amount of premium taxes distributed by the state to local governmental units.
3. The amount of premium taxes retained for the state's General Fund will remain the same.

FISCAL IMPACT:

The bill provides an increase in the maximum monthly amount which may be paid to volunteer firemen. It has no impact to the state, but could have in future bienniums if local relief associations become financially pressed.

LOCAL IMPACT:

Each local Fire Relief Association presently pays certain pension benefits out of their own local funds. This proposed legislation increases the minimum benefits to be paid from those funds. No estimate of increase can be provided at this time.

*Richard L. Stoney*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-31-77

Approved by Comm.  
on Local Government

1 H BILL NO. 459  
2 INTRODUCED BY Huntz Synch Mularg Loelle  
3 Cooney Simintae Ells Hamminger Johnson

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MAXIMUM  
5 PENSION THAT MAY BE PAID TO A RETIRED VOLUNTEER FIREMAN BY A  
6 FIRE DEPARTMENT RELIEF ASSOCIATION; AMENDING SECTION  
7 11-1925, R.C.M. 1947; AND PROVIDING AN IMMEDIATE EFFECTIVE  
8 DATE."

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

11 Section 1. Section 11-1925, R.C.M. 1947, is amended to  
12 read as follows:

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

1 annual leave, for his services as an active member of said  
2 fire department. However, effective July 1, 1974, and after  
3 an active member has completed twenty (20) years of service  
4 the pension of the member who serves or has served an  
5 additional one (1) to ten (10) years shall be increased at  
6 the rate on one percent (1%) per year for each additional  
7 year of service completed, up to a maximum of sixty percent  
8 (60%) of the last month's salary received as a monthly  
9 compensation for his services as an active member of said  
10 fire department; provided that no member shall be eligible  
11 to receive a service pension prior to attaining the age of  
12 fifty (50) years. However, the monthly compensation paid to  
13 members retiring on or after July 1, 1973, shall in no event  
14 become less than one-half (1/2) the regular monthly salary  
15 paid, excluding overtime and payments in lieu of sick leave  
16 and annual leave, to a confirmed active fireman of that city  
17 as provided each and every year in the annual budget of that  
18 city. In no event shall the monthly compensation paid to a  
19 member retiring prior to July 1, 1974 be less than two  
20 hundred dollars (\$200). In case of volunteer men the  
21 compensation shall in no event exceed the sum of  
22 ~~seventy-five dollars (\$75)~~ per \$100 a month.

23 A member of a pure volunteer fire department who has  
24 served twenty (20) years or more as an active member of such  
25 fire department, without qualifying as to any provisions

HB459

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

15 Section 2. Effective date. This act is effective upon  
16 passage and approval.

-End-

1 H. BILL NO. 459  
 2 INTRODUCED BY *Huewitz Lynch Mular, Doolittle*  
 3 *Cooney, Dinter, Ellis, Hamner, Johnson*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MAXIMUM  
 5 PENSION THAT MAY BE PAID TO A RETIRED VOLUNTEER FIREMAN BY A  
 6 FIRE DEPARTMENT RELIEF ASSOCIATION; AMENDING SECTION  
 7 11-1925, R.C.M. 1947; AND PROVIDING AN IMMEDIATE EFFECTIVE  
 8 DATE."

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

11 Section 1. Section 11-1925, R.C.M. 1947, is amended to  
 12 read as follows:

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

1 annual leave, for his services as an active member of said  
 2 fire department. However, effective July 1, 1974, and after  
 3 an active member has completed twenty (20) years of service  
 4 the pension of the member who serves or has served an  
 5 additional one (1) to ten (10) years shall be increased at  
 6 the rate on one percent (1%) per year for each additional  
 7 year of service completed, up to a maximum of sixty percent  
 8 (60%) of the last month's salary received as a monthly  
 9 compensation for his services as an active member of said  
 10 fire department; provided that no member shall be eligible  
 11 to receive a service pension prior to attaining the age of  
 12 fifty (50) years. However, the monthly compensation paid to  
 13 members retiring on or after July 1, 1973, shall in no event  
 14 become less than one-half (1/2) the regular monthly salary  
 15 paid, excluding overtime and payments in lieu of sick leave  
 16 and annual leave, to a confirmed active fireman of that city  
 17 as provided each and every year in the annual budget of that  
 18 city. In no event shall the monthly compensation paid to a  
 19 member retiring prior to July 1, 1974 be less than two  
 20 hundred dollars (\$200). In case of volunteer men the  
 21 compensation shall in no event exceed the sum of  
 22 ~~seventy-five dollars (\$75)~~ per \$100 a month.

23 A member of a pure volunteer fire department who has  
 24 served twenty (20) years or more as an active member of such  
 25 fire department, without qualifying as to any provisions

*HB459*

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

15 Section 2. Effective date. This act is effective upon  
16 passage and approval.

-End-

## 1 HOUSE BILL NO. 459

2 INTRODUCED BY HURWITZ, LYNCH, MULAR, GOULD, COONEY,

3 SIVERTSEN, ELLIS, HARRINGTON, JOHNSTON

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MAXIMUM  
6 PENSION THAT MAY BE PAID TO A RETIRED VOLUNTEER FIREMAN BY A  
7 FIRE DEPARTMENT RELIEF ASSOCIATION; AMENDING SECTION  
8 11-1925, R.C.M. 1947; AND PROVIDING AN IMMEDIATE EFFECTIVE  
9 DATE."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:12 Section 1. Section 11-1925, R.C.M. 1947, is amended to  
13 read as follows:

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

1 excluding overtime and payments in lieu of sick leave and  
2 annual leave, for his services as an active member of said  
3 fire department. However, effective July 1, 1974, and after  
4 an active member has completed twenty (20) years of service  
5 the pension of the member who serves or has served an  
6 additional one (1) to ten (10) years shall be increased at  
7 the rate of one percent (1%) per year for each additional  
8 year of service completed, up to a maximum of sixty percent  
9 (60%) of the last month's salary received as a monthly  
10 compensation for his services as an active member of said  
11 fire department; provided that no member shall be eligible  
12 to receive a service pension prior to attaining the age of  
13 fifty (50) years. However, the monthly compensation paid to  
14 members retiring on or after July 1, 1973, shall in no event  
15 become less than one-half (1/2) the regular monthly salary  
16 paid, excluding overtime and payments in lieu of sick leave  
17 and annual leave, to a confirmed active fireman of that city  
18 as provided each and every year in the annual budget of that  
19 city. In no event shall the monthly compensation paid to a  
20 member retiring prior to July 1, 1974 be less than two  
21 hundred dollars (\$200). In case of volunteer men the  
22 compensation shall in no event exceed the sum of  
23 ~~seventy-five dollars (\$75)~~ per \$100 a month.

24 A member of a pure volunteer fire department who has  
25 served twenty (20) years or more as an active member of such

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

16 Section 2. Effective date. This act is effective upon  
17 passage and approval.

-End-