

1 SENATE BILL NO. 253  
2 INTRODUCED BY ROBERTS

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR PENSION,  
5 DEATH, AND DISABILITY BENEFITS FOR VOLUNTEER AMBULANCE  
6 SERVICE PERSONNEL; TO ESTABLISH QUALIFICATIONS, RATES OF  
7 COMPENSATION, BASES FOR CLAIMS, LIMITATIONS ON TIME FOR  
8 FILING, PAYMENT OF CLAIMS; TO ESTABLISH A SOURCE OF REVENUE  
9 FOR SUCH BENEFITS; TO PROVIDE FOR THE ADMINISTRATION OF THIS  
10 ACT; AND PROVIDING A PENALTY FOR FALSE STATEMENT OR CLAIMS."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Short title. This act may be cited as "The  
14 Volunteer Ambulance Personnel Compensation Act".

15 Section 2. Definitions. Unless the context requires  
16 otherwise, the following definitions apply in this act:

17 (1) "Board" means the retirement board provided for in  
18 82A-210.

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

21 (3) "Fund" means the volunteer ambulance personnel  
22 compensation earmarked revenue account in the earmarked  
23 revenue fund.

24 (4) "Member" means a member of a volunteer ambulance  
25 service entitled to receive benefits under this act because

1 of service as an ambulance attendant or driver or in a  
2 related capacity.

3 (5) "Volunteer ambulance service" means any volunteer  
4 ambulance service organized in a city or county under the  
5 laws of this state.

6 Section 3. Disability, death, insurance, and pension  
7 benefits. (1) Each member of a volunteer ambulance service  
8 is entitled to receive compensation for disability incurred  
9 while in the performance of his duties as an ambulance  
10 attendant or driver or in a related capacity when the  
11 disability necessitates the services of a physician or  
12 surgeon, whether the member is confined or not. The  
13 compensation shall equal the amount of the member's  
14 necessary and reasonable medical expenses resulting directly  
15 from the disability and incurred within 36 months from the  
16 date of the injury which caused the disability. The total  
17 compensation may not exceed \$25,000.

18 (2) When an injury incurred in the line of duty  
19 results in the loss by amputation of an arm, hand, leg, or  
20 foot, the enucleation of an eye, or the loss of any natural  
21 teeth, the division shall order that an artificial member be  
22 furnished. The expense of furnishing an artificial member  
23 may not exceed \$1,500. The artificial member so furnished  
24 shall be replaced every 5 years, if necessary.

25 (3) To aid in defraying the funeral expenses of a

1 member of a volunteer ambulance service covered under this  
 2 act whose death occurs in the line of duty, an amount not to  
 3 exceed the actual necessary and reasonable expenses or  
 4 \$1,500, whichever is less, shall be allowed.

5 (4) To encourage and aid volunteer ambulance services  
 6 to maintain group insurance for benefits on account of the  
 7 death of or injury incurred by members while in the  
 8 performance of duties as volunteer ambulance personnel, \$75  
 9 per year for each mobile ambulance meeting all state  
 10 requirements, not exceeding two such units for any one  
 11 service, shall be paid by the division from the fund to each  
 12 volunteer ambulance service maintaining such insurance or to  
 13 the organization or agency maintaining such insurance for a  
 14 volunteer ambulance service.

15 (5) (a) All volunteer ambulance personnel who meet the  
 16 requirements set forth in [section 4(2)] and who have  
 17 completed and filed a claim as provided in [section 5(2)]  
 18 are entitled to participate in the volunteer ambulance  
 19 personnel pension plan and to receive payments as provided  
 20 in this subsection (5).

21 (b) The payments shall be computed each year in the  
 22 following manner:

23 (i) Whenever at the close of business on the last day  
 24 of a fiscal year there is a balance in the fund in excess of  
 25 \$1 million, the division shall set aside and pay over to the

1 public employees' retirement system the smaller of the  
 2 amount in excess of \$1 million and an amount equal to 95% of  
 3 the increase of the balance over the balance at the end of  
 4 the preceding fiscal year for the payment by the public  
 5 employees' retirement system of pensions to qualified  
 6 claimants during the immediately succeeding fiscal year. The  
 7 amount to be paid to each qualifying claimant shall be  
 8 determined by dividing the amount set aside by the number of  
 9 claimants qualifying to participate in the pension plan at  
 10 the beginning of such succeeding fiscal year.

11 (ii) The total pension payable to a qualified claimant  
 12 under this subsection (5) may not exceed \$50 per month, and  
 13 the amount to be set aside from the fund may not exceed the  
 14 amount necessary to pay the maximum of \$50 per month to each  
 15 claimant qualified as of the beginning of the fiscal year  
 16 during which the payments are to be made.

17 (iii) For the purpose of computation and payment of  
 18 benefits under this subsection (5), if children of a member  
 19 of a volunteer ambulance service become eligible for  
 20 benefits, all the children of the member shall be treated  
 21 collectively as one claimant.

22 (c) If the amount set aside is sufficient to pay each  
 23 qualified claimant at least \$20 per month throughout the  
 24 succeeding fiscal year, the pension shall be paid monthly on  
 25 or before the last day of each month. If the amount set

1 aside is not sufficient to pay each qualified claimant at  
 2 least \$20 per month, each qualified claimant's full pension  
 3 for that year shall be paid to him in one lump payment on or  
 4 before December 15 of that year.

5 (d) The fiscal year for the purposes of this act  
 6 begins on July 1 and ends on June 30 of each year.

7 Section 4. Qualification for compensation. (1) In  
 8 order to qualify for benefits under subsections (1), (2),  
 9 and (3) of [section 3], a person must, at the time the  
 10 injury or sickness for which benefits are claimed was  
 11 incurred or, in the case of a claim under [section 3](3), at  
 12 the time of death, have been an enrolled active member of a  
 13 volunteer ambulance service.

14 (2) In order to qualify for participation in the  
 15 volunteer ambulance personnel pension plan under [section  
 16 3(5)], a person must meet each of the following  
 17 requirements:

18 (a) (i) To qualify for full participation, he must  
 19 have completed a total of at least 20 years of service as an  
 20 active volunteer ambulance attendant, driver, or helper and  
 21 as an active member of a qualified volunteer ambulance  
 22 service.

23 (ii) Ambulance personnel may qualify for partial  
 24 participation as described in this subsection (2)(a)(ii).  
 25 After 5 years of service, a member is eligible to receive

1 25% of the full pension specified in [section 3(5)]. After  
 2 10 years, he is eligible to receive 50% of the full pension.  
 3 If he has completed more than 10 years, he is eligible to  
 4 receive a proportion of the pension determined by  
 5 multiplying the amount of the pension by a fraction, the  
 6 numerator of which is the number of years active service  
 7 completed and the denominator of which is 20.

8 (iii) The years of active service are cumulative and  
 9 need not be continuous. The service need not be acquired  
 10 with one single volunteer ambulance service but may be a  
 11 total of separate periods of active service with different  
 12 volunteer ambulance services in different cities or  
 13 counties.

14 (iv) From and after passage of this act, the annual  
 15 period of service for the purpose of this act is the fiscal  
 16 year. No fractional part of any year may count toward the  
 17 service requirement, and to receive credit for any  
 18 particular year, volunteer ambulance personnel must serve  
 19 with one particular volunteer ambulance service throughout  
 20 that entire fiscal year.

21 (b) He must have attained the age of 55 years, but he  
 22 need not be an active volunteer ambulance attendant, driver,  
 23 or helper or an active member of any volunteer ambulance  
 24 service when he reaches that age.

25 (c) During each of the years for which he claims

1 credit under subsection (2)(a), he must have completed a  
 2 minimum of 30 hours of instruction in matters pertaining to  
 3 ambulance and rescue work under a program formulated and  
 4 supervised by the services administrator, director, or  
 5 manager or governing board of a city or county emergency  
 6 medical services council.

7 (d) Effective July 1, 1977, volunteer ambulance  
 8 personnel may not receive credit for any year of membership  
 9 in a volunteer ambulance service unless, throughout the  
 10 year:

11 (i) the service maintained at least one serviceable  
 12 ambulance meeting state requirements; and

13 (ii) the service was licensed by the state of Montana.

14 (e) He must have ceased to be an active member of any  
 15 volunteer ambulance service, and if he applies for and  
 16 receives pension benefits hereunder, he will not thereafter  
 17 be eligible to become an active member of any volunteer  
 18 ambulance service.

19 (3) (a) A person who is an active member of a  
 20 volunteer ambulance service at the time of passage of this  
 21 act shall receive credit for service under subsection (2)(a)  
 22 to the extent of 1 year's credit for each 2 years' service  
 23 completed or to be completed by him prior to July 1, 1977,  
 24 as an active member of any volunteer ambulance service or  
 25 services. Credit for such prior service shall be given

1 whether or not the volunteer ambulance service or services  
 2 with which the service was rendered satisfied the  
 3 requirements of subsection (2)(d) and whether or not the  
 4 individual member satisfied the requirements of subsection  
 5 (2)(c) during his prior service. No more than 10 years'  
 6 credit may be allowed any member for such prior service.

7 (b) For the purpose of establishing prior service  
 8 credit, the current or former administrator, director,  
 9 manager, or governing board of each volunteer ambulance  
 10 service shall prepare and file with the public employees'  
 11 retirement system a certificate, subscribed and verified  
 12 under oath, listing the names and residence addresses of  
 13 each of the members of his or its volunteer ambulance  
 14 service who qualify for 1 or more years' credit for prior  
 15 service and stating the number of years of credit to which  
 16 each is entitled.

17 (c) If it is not possible to secure a certificate from  
 18 the current or former administrator, director, manager, or  
 19 governing board, an individual may receive credit for  
 20 service upon proper documentation acceptable to the board.

21 Section 5. Procedure for claiming benefits. (1) (a) A  
 22 member claiming benefits under subsections (1) or (2) of  
 23 [section 3] must file his claim with the division on a form  
 24 to be provided therefor. The claim must be verified by the  
 25 claimant, the attending physician or surgeon and nurse, if

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

4 (b) The claim 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 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 visits, and the charges;

16 (vi) if confined in a hospital, the affidavit of a  
 17 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 administrator, director,  
 21 manager, governing board, or secretary of the volunteer  
 22 ambulance service stating that the service was duly  
 23 organized under the laws of Montana, that the claimant was,  
 24 at the date of disability, an active enrolled member of the  
 25 service, and that the disability was incurred in the line of

1 duty;

2 (viii) the affidavit of the nurse stating the nature of  
 3 the disability, the dates of attendance, and the charges for  
 4 services.

5 (2) (a) Anyone claiming eligibility under the  
 6 volunteer ambulance personnel pension plan must file his  
 7 claim with the public employees' retirement system upon a  
 8 form to be provided therefor by that system. The claim must  
 9 be filed on or before May 1 of the calendar year in which  
 10 the claimant seeks to qualify for participation in the  
 11 pension plan.

12 (b) The claim must contain:

13 (i) the name, address, and date of birth of the  
 14 claimant and of the member, if he is not the claimant;

15 (ii) the fiscal year during which eligibility will  
 16 commence; and

17 (iii) the years during which service with a volunteer  
 18 ambulance service was rendered and the names of the  
 19 volunteer ambulance services with which the service was  
 20 rendered.

21 (c) The public employees' retirement system may  
 22 require such proof of age and service as it may consider  
 23 proper, but it must accept a certificate filed under  
 24 [section 15] and [section 4(3)] as prima facie proof of such  
 25 service.

1 (d) If the claim is properly filed and the claimant is  
 2 found by the public employees' retirement system to be  
 3 properly qualified to participate in the volunteer ambulance  
 4 personnel pension plan, the name of the claimant shall be  
 5 added to the list of qualified persons and the claimant will  
 6 then be entitled to participate in the volunteer ambulance  
 7 personnel pension plan as of the fiscal year beginning July  
 8 1 next following the filing of the claim.

9 (3) Anyone claiming the benefit provided for in  
 10 [section 3(3) of this act] must file his claim with the  
 11 division upon a form to be provided therefor by the  
 12 division, in accordance with such rules as the division may  
 13 make.

14 Section 6. Payment of benefits. (1) When a claim under  
 15 subsection (1), (2), or (3) of [section 3] is received by  
 16 the division and is found to be in compliance with [section  
 17 5], the division must order the allowance thereof and pay it  
 18 by warrants drawn upon the fund to the order of the  
 19 attending physician or surgeon, attending nurse, and  
 20 hospital or the provider of funeral services, as applicable.

21 (2) All payments under the volunteer ambulance  
 22 personnel pension plan must be approved by the public  
 23 employees' retirement system and paid by warrants drawn upon  
 24 the earmarked revenue fund, payable to the order of the  
 25 individual qualified member or the beneficiary as provided

1 in subsection (3).

2 (3) The full or partial participation pension shall be  
 3 paid or continue to be paid to the surviving spouse, if any,  
 4 until such spouse's death or remarriage or, if the deceased  
 5 member left no surviving spouse but left a child or children  
 6 under the age of 18, to the guardian or other person having  
 7 custody of the children until the youngest child reaches the  
 8 age of 18. The pension shall be paid in each of the  
 9 following circumstances:

10 (a) the death of a member who has not reached the age  
 11 of 55 years but who has otherwise qualified for full  
 12 participation;

13 (b) the death after July 1, 1977, of a member who has  
 14 not reached the age of 55 years but who has otherwise  
 15 qualified for partial participation;

16 (c) the death of a member after he has qualified for  
 17 full participation but before he has received payments  
 18 totaling at least \$2,000; or

19 (d) the death of a member after July 1, 1977, and  
 20 after he has qualified for partial participation but before  
 21 he has received payments totaling the proportion of \$2,000  
 22 determined under the formula prescribed in [section  
 23 4}(2)(e)(ii)].

24 (4) Payments under subsection (3) shall terminate, in  
 25 the case of a full participation pension, when a total of

1 \$2,000 has been paid upon the pension, including any  
2 payments made to the member before his death, or, in the  
3 case of a partial participation pension, when a total of the  
4 proportion of \$2,000 determined under the formula prescribed  
5 in [section 4](2)(a)(ii) has been paid upon the pension,  
6 including any payments made to the member before his death.

7 (5) If a deceased member leaves neither a surviving  
8 spouse nor a child under the age of 18 years, his pension  
9 shall terminate at the end of the month prior to the month  
10 in which his death occurs.

11 Section 7. Administration of act. (1) Except as  
12 provided in subsection (2), the division shall administer  
13 the Volunteer Ambulance Personnel Compensation Act, and all  
14 payments made under [section 3(4)] and [section 6(1)] shall  
15 be made by warrants drawn by the division.

16 (2) The board shall administer the volunteer ambulance  
17 personnel pension plan, and all payments made under  
18 subsections (2) and (3) of [section 6 of this act] shall be  
19 made by warrants drawn by the public employees' retirement  
20 system. Annually, on or before the 15th day after the close  
21 of the fiscal year, the division shall notify the board in  
22 writing of the balance remaining in the fund as of the end  
23 of the fiscal year.

24 Section 8. Rules to be made by the division and the  
25 board -- office supplies. (1) The division and the board

1 shall make such rules as each considers necessary and  
2 advisable in its administration of the Volunteer Ambulance  
3 Personnel Compensation Act, not inconsistent with the  
4 provisions thereof.

5 (2) Necessary expenses of the division and the public  
6 employees' retirement system for office supplies,  
7 stationery, and forms in connection with the administration  
8 of the Volunteer Ambulance Personnel Compensation Act are a  
9 charge against the fund. The public employees' retirement  
10 system shall draw from the fund through warrants executed by  
11 the division upon the request of the public employees'  
12 retirement system, at such intervals as the board considers  
13 proper.

14 Section 9. Earnings to be part of moneys. All earnings  
15 made by moneys deposited under [section 11] by reason of  
16 interest paid for the deposit thereof or otherwise shall be  
17 credited to and become a part of such moneys.

18 Section 10. Reports of division and public employees'  
19 retirement system. (1) The division shall, at the time  
20 specified in 92-842 for making the report therein required,  
21 make a report to the governor covering the operations and  
22 proceedings for the preceding fiscal year relative to its  
23 administration of the Volunteer Ambulance Personnel  
24 Compensation Act, with such suggestions or recommendations  
25 as it considers of value for public information.

1 (2) The public employees' retirement system shall, not  
 2 later than November 1 of each year, make a report to the  
 3 governor covering the operations and proceedings for the  
 4 preceding fiscal year relative to its administration of the  
 5 volunteer ambulance personnel pension plan, with such  
 6 suggestions or recommendations as it considers of value for  
 7 public information.

8 (3) Copies of all such reports shall be made available  
 9 by the division or the public employees' retirement system  
 10 to the administrator, director, manager, governing board, or  
 11 other representative of any volunteer ambulance service or  
 12 services which may at any time request them.

13 Section 11. Health insurance premium tax to be paid  
 14 into fund. The state auditor and ex officio commissioner of  
 15 insurance shall annually deposit in the fund a sum  
 16 equivalent to 5% of the premium taxes collected from  
 17 insurers authorized to effect health and medical insurance.  
 18 The moneys shall be used for the payment of claims and  
 19 administrative costs as provided in this act.

20 Section 12. Penalty for false statements or claims. A  
 21 person required to make a statement or affidavit by this act  
 22 who willfully falsifies such statement or affidavit and a  
 23 person who files a false claim under this act is guilty of a  
 24 misdemeanor and, upon conviction thereof, shall be punished  
 25 by a fine not exceeding \$500 or imprisonment for a term not

1 exceeding 6 months, or both.

2 Section 13. Volunteer ambulance services -- director  
 3 -- requirements. Each volunteer ambulance service shall be  
 4 in charge of a director who shall be the administrator,  
 5 director, manager or be in charge of a person or persons  
 6 known as the administrator, director, manager, or governing  
 7 board. Each service must meet the licensing requirements of  
 8 Montana and must be actively providing service to its area  
 9 in order for its members to qualify for benefits under this  
 10 act.

11 Section 14. Ambulance personnel tenure -- personnel  
 12 disability and pension funds. Ambulance personnel who have  
 13 vested rights in a disability or pension fund maintain prior  
 14 vested rights in the fund upon its transfer to a  
 15 consolidated service. Any local disability or pension fund  
 16 of an ambulance service, established as required by law or  
 17 otherwise, shall be continued, and attendants may draw from  
 18 that as well as from the fund established by this act.  
 19 However, if a person qualified for benefits under this act  
 20 is also qualified for similar benefits under the Volunteer  
 21 Firemen's Compensation Act, he is entitled to whichever is  
 22 larger, but not both.

23 Section 15. Certificate of eligibility. On or before  
 24 September 1 of each year, the director of each volunteer  
 25 ambulance service shall prepare and file with the public



1 employees' retirement system a certificate, subscribed and  
2 verified under oath, stating whether or not his service  
3 qualified under [section 4(2)(d)] during the preceding  
4 fiscal year and listing the full name and residence address  
5 of each member of his service who satisfactorily completed  
6 30 hours of instruction during the preceding fiscal year, as  
7 required by [section 4(2)(c)]. The verified certificate  
8 shall be maintained in a permanent file by the public  
9 employees' retirement system for the purpose of establishing  
10 eligibility for participation in the volunteer ambulance  
11 personnel pension plan and shall be open for inspection as a  
12 public record.

-End-

STATE OF MONTANA

REQUEST NO. 576-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 17, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 253 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 provide for pension, death, and disability benefits for volunteer ambulance service personnel; to establish qualifications rates of compensation, bases for claims, limitations on time for filing, payment of claims; to establish a source of revenue for such benefits; to provide for the administration of this act; and providing for false statement or claims.

ASSUMPTIONS:

1. There are 104 licensed volunteer ambulance associations having 150 vehicles.
2. Premium tax on health and accident insurance of \$1,607,815 will only slightly increase in 1978 and 1979.
3. Medical claims paid an equivalent to volunteer firemen's program.
4. Ambulance associations provide similar health and accident insurance for their volunteers, as do the volunteer firemen.

FISCAL IMPACT:

Section 11 of the proposed legislation directs the State Auditor to monthly deposit into the fund the sum equivalent to 5% of the premium taxes collected from insurers authorized to effect health and medical insurance. Currently this tax is deposited to the General Fund. This proposed legislation would mean a loss to the General Fund as follows:

	<u>FY 78</u>	<u>FY 79</u>	<u>TOTAL</u>
Decrease in General Fund revenues	<u>\$80,500</u>	<u>\$80,500</u>	<u>\$161,000</u>

*Richard A. ...*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-23-77