

1 *Senate* BILL NO. 377
 2 INTRODUCED BY *Devin*
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

4
 5 A BILL FOR AN ACT ENTITLED: *AN ACT CREATING AN AGENCY FUND
 6 FROM WHICH TO MAKE PENSION PAYMENTS TO ELIGIBLE MEMBERS OF
 7 VOLUNTEER FIRE COMPANIES OF UNINCORPORATED AREAS; AMENDING
 8 SECTIONS 11-2022, 11-2025, 11-2028, AND 11-2030, R.C.M.
 9 1947.*

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 11-2022, R.C.M. 1947, is amended to
 13 read as follows:

14 *11-2022. Disability, death, insurance and pension
 15 benefits. 1. Every member of a fire company organized in an
 16 unincorporated area, town or village under the laws of this
 17 state, shall be entitled to receive compensation for
 18 disability incurred while in the performance of his duties
 19 as such fireman, when such disability necessitates the
 20 services of a physician or surgeon, while confined or
 21 nonconfined, in the amount of his necessary and reasonable
 22 medical expenses resulting directly from such disability,
 23 and incurred within a period of not more than thirty-six
 24 (36) months from the date of the injury which caused such
 25 disability, not to exceed a total of twenty-five thousand

1 dollars (\$25,000).

2 2. Where an injury incurred in line of such duty
 3 results in the loss by amputation of an arm, hand, leg or
 4 foot, or the enucleation of an eye, or the loss of any of
 5 the natural teeth, the board shall order them an artificial
 6 member or members be furnished to supply the loss thereof.
 7 The expense of furnishing such members shall not exceed the
 8 sum of one thousand five hundred dollars (\$1,500). The
 9 replacement of an artificial member so furnished shall be
 10 required every five (5) years, if necessary.

11 3. To aid in defraying funeral expenses of a fireman
 12 covered under this act whose death occurs in line of duty,
 13 an amount not to exceed the actual necessary and reasonable
 14 expenses, or the sum of one thousand five hundred dollars
 15 (\$1,500), whichever is less, shall be allowed.

16 4. To encourage and aid volunteer fire departments to
 17 maintain group insurance for benefits on account of death or
 18 injury incurred by members while in the performance of
 19 duties as volunteer firemen, the sum of seventy-five dollars
 20 (\$75) per year for each mobile unit of fire-fighting
 21 equipment, not exceeding two (2) such units in number for
 22 any such department, shall be paid to each volunteer fire
 23 department maintaining such insurance, or to the
 24 organization or agency maintaining such insurance for any
 25 such volunteer fire department.

1 5. In the case of every volunteer fireman who shall
 2 meet the qualification requirements set forth in
 3 subparagraph two (2) of section 11-2023, and then if the
 4 claim provided for under subparagraph two (2) of section
 5 11-2024 shall be completed and filed, the claimant shall be
 6 entitled thereafter to participate in the volunteer
 7 firemen's pension plan as provided in this act, and to
 8 receive payments thereunder computed each year in the
 9 following manner. Whenever at the close of business on the
 10 last day of any fiscal year there shall be a balance in the
 11 volunteer fireman's compensation ~~earmarked--revenue~~ account
 12 in the ~~earmarked--revenue~~ agency fund in excess of one
 13 million dollars (\$1,000,000) then the industrial accident
 14 board shall set aside and pay over to the public employees'
 15 retirement system, the smaller of such amount in excess of
 16 one million dollars (\$1,000,000), or an amount equal to
 17 ninety-five percent (95%) of the increase of said account
 18 balance over the account balance at the end of the preceding
 19 fiscal year, for the payment by said public employees'
 20 retirement system of pensions to qualified claimants during
 21 the immediately succeeding fiscal year. The amount to be
 22 paid to each qualifying claimant shall be determined by
 23 dividing said amount set aside by the number of claimants
 24 qualifying to participate in such pension plan at the
 25 beginning of such succeeding fiscal year. If such amount set

1 aside shall be sufficient to pay each such qualified
 2 claimant at least twenty dollars (\$20) per month throughout
 3 such succeeding fiscal year, then such pension shall be paid
 4 monthly, on or before the last day of each month of such
 5 succeeding fiscal year; but if said amount set aside shall
 6 not be sufficient to pay each qualified claimant at least
 7 twenty dollars (\$20) per month, then each qualified
 8 claimant's full pension for that year shall be paid to him
 9 in one lump payment on or before the fifteenth day of
 10 December of such year; provided, however, that in any event
 11 the total pension payable hereunder to any qualified
 12 claimant shall not exceed the sum of fifty dollars (\$50) per
 13 month, and the amount to be set aside hereunder from the
 14 volunteer fireman's compensation ~~earmarked--revenue~~ account
 15 in the ~~earmarked--revenue~~ agency fund at the beginning of any
 16 fiscal year for the funding of such pensions shall not in
 17 any event exceed the amount necessary to pay such maximum of
 18 fifty dollars (\$50) per month to each claimant qualified as
 19 of the beginning of such fiscal year. For the purpose of
 20 computation and payment of benefits under this act, if
 21 children of any volunteer fireman shall become eligible for
 22 benefits hereunder, then all children of such volunteer
 23 fireman shall be treated collectively as one (1) claimant.
 24 The fiscal year for the purpose of this act shall begin on
 25 the first day of July of each year and end on the last day

1 of June of each year."

2 Section 2. Section 11-2025, R.C.M. 1947, is amended to
3 read as follows:

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

14 2. All payments under the volunteer firemen's pension
15 plan shall be approved by the public employees' retirement
16 system and paid by warrants drawn upon the ~~earmarked-revenue~~
17 ~~agency~~ fund, payable to the order of the individual
18 qualified volunteer fireman; provided, however, that in the
19 event of the death of any volunteer fireman who has not
20 reached the age of fifty-five (55) years but who has
21 otherwise qualified for full participation hereunder, or in
22 the event of the death after February 27, 1971, of any
23 volunteer fireman who has not reached the age of fifty-five
24 (55) years but who has otherwise qualified for partial
25 participation hereunder, or in the event of the death of any

1 such volunteer fireman after qualifying for full
2 participation hereunder but before receiving payments
3 hereunder totaling at least two thousand dollars (\$2,000),
4 or in the event of the death of any such volunteer fireman
5 after February 27, 1971 and after he has qualified for
6 partial participation hereunder but before he has received
7 payments hereunder totaling a proportion of two thousand
8 dollars (\$2,000) determined under the formula set forth in
9 section 11-2023(2)(A)(II); and if such deceased volunteer
10 fireman shall have left a surviving spouse, then such full
11 or partial participation pension shall be paid or continue
12 to be paid to the surviving spouse by a warrant or warrants
13 drawn upon the ~~earmarked-revenue~~ agency fund and payable to
14 the order of the surviving spouse, until such spouse's death
15 or remarriage; or if said deceased volunteer fireman shall
16 have left no surviving spouse but shall have left a child or
17 children under the age of eighteen (18) years, then such
18 full or partial participation pension shall be paid or
19 continue to be paid to the guardian or other person having
20 custody of the said child or children, until the youngest
21 child shall reach the age of eighteen (18) years. Provided,
22 further, that in the event of such payments after the death
23 of a volunteer fireman, to or for a surviving spouse or
24 children, then such pension shall terminate, and no further
25 payments shall be made hereunder, in the case of a full

1 participation pension when a total of two thousand dollars
 2 (\$2,000) shall have been paid upon such pension, including
 3 any payments made to the volunteer fireman before his death,
 4 or in the case of a partial participation pension, when a
 5 total of a proportion of two thousand dollars (\$2,000)
 6 determined under the formula set forth in section
 7 11-2023(2)(A)(II) shall have been paid upon such pension,
 8 including any payments made to the volunteer fireman before
 9 his death. If such deceased volunteer fireman shall leave
 10 neither surviving spouse nor child under the age of eighteen
 11 (18) years, then his pension shall terminate at the end of
 12 the month prior to the month in which his death occurs."

13 Section 3. Section 11-2028, R.C.M. 1947, is amended to
 14 read as follows:

15 "11-2028. Earnings to be part of moneys. All earnings
 16 made by moneys ~~earmarked-by~~ received under section 11-2030
 17 by reason of interest paid for the deposit thereof, or
 18 otherwise, shall be credited to and become a part of such
 19 moneys."

20 Section 4. Section 11-2030, R.C.M. 1947, is amended to
 21 read as follows:

22 "11-2030. Fire insurance premium tax to be paid into
 23 fund. The state auditor and ex officio commissioner of
 24 insurance of the state of Montana shall annually deposit in
 25 the ~~earmarked--revenue~~ agency fund, such sum as shall be

1 equivalent to five per cent (5%) of premium taxes collected
 2 from insurers authorized to effect insurance against risks
 3 enumerated in section 11-1919, as shall remain after the
 4 amounts provided for by section 11-1919 shall have been
 5 first deducted. Such moneys shall be used for the payment of
 6 claims and administrative costs as provided in sections
 7 11-2025 and 11-2026."

-End-

STATE OF MONTANA

REQUEST NO. 626-77

FISCAL NOTE

Form BD-15

In compliance with a written request received March 15, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 377 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 creating an agency fund from which to make pension payments to eligible members of volunteer fire companies of unincorporated areas.

FISCAL IMPACT:

None.

Richard L. DeLong

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-17-77

Approved by Committee
on State Administration

Senate BILL NO. 377
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18 disability incurred while in the performance of his duties
19 as such fireman, when such disability necessitates the
20 services of a physician or surgeon, while confined or
21 nonconfined, in the amount of his necessary and reasonable
22 medical expenses resulting directly from such disability,
23 and incurred within a period of not more than thirty-six
24 (36) months from the date of the injury which caused such
25 disability, not to exceed a total of twenty-five thousand

1 dollars (\$25,000).

2 2. Where an injury incurred in line of such duty
3 results in the loss by amputation of an arm, hand, leg or
4 foot, or the enucleation of an eye, or the loss of any of
5 the natural teeth, the board shall order them an artificial
6 member or members be furnished to supply the loss thereof.
7 The expense of furnishing such members shall not exceed the
8 sum of one thousand five hundred dollars (\$1,500). The
9 replacement of an artificial member so furnished shall be
10 required every five (5) years, if necessary.

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12 covered under this act whose death occurs in line of duty,
13 an amount not to exceed the actual necessary and reasonable
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17 maintain group insurance for benefits on account of death or
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19 duties as volunteer firemen, the sum of seventy-five dollars
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 5 11-2024 shall be completed and filed, the claimant shall be
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 7 firemen's pension plan as provided in this act, and to
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 12 in the ~~earmarked--revenue~~ agency fund in excess of one
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 14 board shall set aside and pay over to the public employees'
 15 retirement system, the smaller of such amount in excess of
 16 one million dollars (\$1,000,000), or an amount equal to
 17 ninety-five percent (95%) of the increase of said account
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 19 fiscal year, for the payment by said public employees'
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 21 the immediately succeeding fiscal year. The amount to be
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 7 twenty dollars (\$20) per month, then each qualified
 8 claimant's full pension for that year shall be paid to him
 9 in one lump payment on or before the fifteenth day of
 10 December of such year; provided, however, that in any event
 11 the total pension payable hereunder to any qualified
 12 claimant shall not exceed the sum of fifty dollars (\$50) per
 13 month, and the amount to be set aside hereunder from the
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 16 fiscal year for the funding of such pensions shall not in
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 19 of the beginning of such fiscal year. For the purpose of
 20 computation and payment of benefits under this act, if
 21 children of any volunteer fireman shall become eligible for
 22 benefits hereunder, then all children of such volunteer
 23 fireman shall be treated collectively as one (1) claimant.
 24 The fiscal year for the purpose of this act shall begin on
 25 the first day of July of each year and end on the last day

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2 Section 2. Section 11-2025, R.C.M. 1947, is amended to
3 read as follows:

4 "11-2025. Payment of claim -- beneficiaries of
5 decedent. 1. Upon receipt of a claim under subparagraphs one
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9 subsection one (1) of section 11-2024, the board must order
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15 plan shall be approved by the public employees' retirement
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17 agency fund, payable to the order of the individual
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19 event of the death of any volunteer fireman who has not
20 reached the age of fifty-five (55) years but who has
21 otherwise qualified for full participation hereunder, or in
22 the event of the death after February 27, 1971, of any
23 volunteer fireman who has not reached the age of fifty-five
24 (55) years but who has otherwise qualified for partial
25 participation hereunder, or in the event of the death of any

1 such volunteer fireman after qualifying for full
2 participation hereunder but before receiving payments
3 hereunder totaling at least two thousand dollars (\$2,000),
4 or in the event of the death of any such volunteer fireman
5 after February 27, 1971 and after he has qualified for
6 partial participation hereunder but before he has received
7 payments hereunder totaling a proportion of two thousand
8 dollars (\$2,000) determined under the formula set forth in
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10 fireman shall have left a surviving spouse, then such full
11 or partial participation pension shall be paid or continue
12 to be paid to the surviving spouse by a warrant or warrants
13 drawn upon the ~~earmarked-revenue~~ agency fund and payable to
14 the order of the surviving spouse, until such spouse's death
15 or remarriage; or if said deceased volunteer fireman shall
16 have left no surviving spouse but shall have left a child or
17 children under the age of eighteen (18) years, then such
18 full or partial participation pension shall be paid or
19 continue to be paid to the guardian or other person having
20 custody of the said child or children, until the youngest
21 child shall reach the age of eighteen (18) years. Provided,
22 further, that in the event of such payments after the death
23 of a volunteer fireman, to or for a surviving spouse or
24 children, then such pension shall terminate, and no further
25 payments shall be made hereunder, in the case of a full

1 participation pension when a total of two thousand dollars
 2 (\$2,000) shall have been paid upon such pension, including
 3 any payments made to the volunteer fireman before his death,
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 10 neither surviving spouse nor child under the age of eighteen
 11 (18) years, then his pension shall terminate at the end of
 12 the month prior to the month in which his death occurs."

13 Section 3. Section 11-2028, R.C.M. 1947, is amended to
 14 read as follows:

15 "11-2028. Earnings to be part of moneys. All earnings
 16 made by moneys earmarked-by received under section 11-2030
 17 by reason of interest paid for the deposit thereof, or
 18 otherwise, shall be credited to and become a part of such
 19 moneys."

20 Section 4. Section 11-2030, R.C.M. 1947, is amended to
 21 read as follows:

22 "11-2030. Fire insurance premium tax to be paid into
 23 fund. The state auditor and ex officio commissioner of
 24 insurance of the state of Montana shall annually deposit in
 25 the ~~earmarked--revenue~~ agency fund, such sum as shall be

1 equivalent to five per cent (5%) of premium taxes collected
 2 from insurers authorized to effect insurance against risks
 3 enumerated in section 11-1919, as shall remain after the
 4 amounts provided for by section 11-1919 shall have been
 5 first deducted. Such moneys shall be used for the payment of
 6 claims and administrative costs as provided in sections
 7 11-2025 and 11-2026."

-End-

Senate BILL NO. 377
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18 disability incurred while in the performance of his duties
19 as such fireman, when such disability necessitates the
20 services of a physician or surgeon, while confined or
21 nonconfined, in the amount of his necessary and reasonable
22 medical expenses resulting directly from such disability,
23 and incurred within a period of not more than thirty-six
24 (36) months from the date of the injury which caused such
25 disability, not to exceed a total of twenty-five thousand

1 dollars (\$25,000).

2 2. Where an injury incurred in line of such duty
3 results in the loss by amputation of an arm, hand, leg or
4 foot, or the enucleation of an eye, or the loss of any of
5 the natural teeth, the board shall order them an artificial
6 member or members be furnished to supply the loss thereof.
7 The expense of furnishing such members shall not exceed the
8 sum of one thousand five hundred dollars (\$1,500). The
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 6 entitled thereafter to participate in the volunteer
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2 Section 2. Section 11-2025, R.C.M. 1947, is amended to
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 24 insurance of the state of Montana shall annually deposit in
 25 the ~~earmarked--revenue~~ agency fund, such sum as shall be

1 equivalent to five per cent (5%) of premium taxes collected
 2 from insurers authorized to effect insurance against risks
 3 enumerated in section 11-1919, as shall remain after the
 4 amounts provided for by section 11-1919 shall have been
 5 first deducted. Such moneys shall be used for the payment of
 6 claims and administrative costs as provided in sections
 7 11-2025 and 11-2026."

-End-

1 SENATE BILL NO. 377
 2 INTRODUCED BY DEVINE
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN AGENCY FUND
 6 FROM WHICH TO MAKE PENSION PAYMENTS TO ELIGIBLE MEMBERS OF
 7 VOLUNTEER FIRE COMPANIES OF UNINCORPORATED AREAS; AMENDING
 8 SECTIONS 11-2022, 11-2025, 11-2028, AND 11-2030, R.C.M.
 9 1947."
 10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 11-2022, R.C.M. 1947, is amended to
 13 read as follows:
 14 "11-2022. Disability, death, insurance and pension
 15 benefits. 1. Every member of a fire company organized in an
 16 unincorporated area, town or village under the laws of this
 17 state, shall be entitled to receive compensation for
 18 disability incurred while in the performance of his duties
 19 as such fireman, when such disability necessitates the
 20 services of a physician or surgeon, while confined or
 21 nonconfined, in the amount of his necessary and reasonable
 22 medical expenses resulting directly from such disability,
 23 and incurred within a period of not more than thirty-six
 24 (36) months from the date of the injury which caused such
 25 disability, not to exceed a total of twenty-five thousand

1 dollars (\$25,000).
 2 2. Where an injury incurred in line of such duty
 3 results in the loss by amputation of an arm, hand, leg or
 4 foot, or the enucleation of an eye, or the loss of any of
 5 the natural teeth, the board shall order them an artificial
 6 member or members be furnished to supply the loss thereof.
 7 The expense of furnishing such members shall not exceed the
 8 sum of one thousand five hundred dollars (\$1,500). The
 9 replacement of an artificial member so furnished shall be
 10 required every five (5) years, if necessary.
 11 3. To aid in defraying funeral expenses of a fireman
 12 covered under this act whose death occurs in line of duty,
 13 an amount not to exceed the actual necessary and reasonable
 14 expenses, or the sum of one thousand five hundred dollars
 15 (\$1,500), whichever is less, shall be allowed.
 16 4. To encourage and aid volunteer fire departments to
 17 maintain group insurance for benefits on account of death or
 18 injury incurred by members while in the performance of
 19 duties as volunteer firemen, the sum of seventy-five dollars
 20 (\$75) per year for each mobile unit of fire-fighting
 21 equipment, not exceeding two (2) such units in number for
 22 any such department, shall be paid to each volunteer fire
 23 department maintaining such insurance, or to the
 24 organization or agency maintaining such insurance for any
 25 such volunteer fire department.

1 5. In the case of every volunteer fireman who shall
 2 meet the qualification requirements set forth in
 3 subparagraph two (2) of section 11-2023, and then if the
 4 claim provided for under subparagraph two (2) of section
 5 11-2024 shall be completed and filed, the claimant shall be
 6 entitled thereafter to participate in the volunteer
 7 firemen's pension plan as provided in this act, and to
 8 receive payments thereunder computed each year in the
 9 following manner. Whenever at the close of business on the
 10 last day of any fiscal year there shall be a balance in the
 11 volunteer fireman's compensation ~~earmarked--revenue~~ account
 12 in the ~~earmarked--revenue~~ agency fund in excess of one
 13 million dollars (\$1,000,000) then the industrial accident
 14 board shall set aside and pay over to the public employees'
 15 retirement system, the smaller of such amount in excess of
 16 one million dollars (\$1,000,000), or an amount equal to
 17 ninety-five percent (95%) of the increase of said account
 18 balance over the account balance at the end of the preceding
 19 fiscal year, for the payment by said public employees'
 20 retirement system of pensions to qualified claimants during
 21 the immediately succeeding fiscal year. The amount to be
 22 paid to each qualifying claimant shall be determined by
 23 dividing said amount set aside by the number of claimants
 24 qualifying to participate in such pension plan at the
 25 beginning of such succeeding fiscal year. If such amount set

1 aside shall be sufficient to pay each such qualified
 2 claimant at least twenty dollars (\$20) per month throughout
 3 such succeeding fiscal year, then such pension shall be paid
 4 monthly, on or before the last day of each month of such
 5 succeeding fiscal year; but if said amount set aside shall
 6 not be sufficient to pay each qualified claimant at least
 7 twenty dollars (\$20) per month, then each qualified
 8 claimant's full pension for that year shall be paid to him
 9 in one lump payment on or before the fifteenth day of
 10 December of such year; provided, however, that in any event
 11 the total pension payable hereunder to any qualified
 12 claimant shall not exceed the sum of fifty dollars (\$50) per
 13 month, and the amount to be set aside hereunder from the
 14 volunteer fireman's compensation ~~earmarked--revenue~~ account
 15 in the ~~earmarked--revenue~~ agency fund at the beginning of any
 16 fiscal year for the funding of such pensions shall not in
 17 any event exceed the amount necessary to pay such maximum of
 18 fifty dollars (\$50) per month to each claimant qualified as
 19 of the beginning of such fiscal year. For the purpose of
 20 computation and payment of benefits under this act, if
 21 children of any volunteer fireman shall become eligible for
 22 benefits hereunder, then all children of such volunteer
 23 fireman shall be treated collectively as one (1) claimant.
 24 The fiscal year for the purpose of this act shall begin on
 25 the first day of July of each year and end on the last day

1 of June of each year."

2 Section 2. Section 11-2025, R.C.M. 1947, is amended to
3 read as follows:

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

14 2. All payments under the volunteer firemen's pension
15 plan shall be approved by the public employees' retirement
16 system and paid by warrants drawn upon the ~~earmarked-revenue~~
17 agency fund, payable to the order of the individual
18 qualified volunteer fireman; provided, however, that in the
19 event of the death of any volunteer fireman who has not
20 reached the age of fifty-five (55) years but who has
21 otherwise qualified for full participation hereunder, or in
22 the event of the death after February 27, 1971, of any
23 volunteer fireman who has not reached the age of fifty-five
24 (55) years but who has otherwise qualified for partial
25 participation hereunder, or in the event of the death of any

1 such volunteer fireman after qualifying for full
2 participation hereunder but before receiving payments
3 hereunder totaling at least two thousand dollars (\$2,000),
4 or in the event of the death of any such volunteer fireman
5 after February 27, 1971 and after he has qualified for
6 partial participation hereunder but before he has received
7 payments hereunder totaling a proportion of two thousand
8 dollars (\$2,000) determined under the formula set forth in
9 section 11-2023(2)(A)(II); and if such deceased volunteer
10 fireman shall have left a surviving spouse, then such full
11 or partial participation pension shall be paid or continue
12 to be paid to the surviving spouse by a warrant or warrants
13 drawn upon the ~~earmarked-revenue~~ agency fund and payable to
14 the order of the surviving spouse, until such spouse's death
15 or remarriage; or if said deceased volunteer fireman shall
16 have left no surviving spouse but shall have left a child or
17 children under the age of eighteen (18) years, then such
18 full or partial participation pension shall be paid or
19 continue to be paid to the guardian or other person having
20 custody of the said child or children, until the youngest
21 child shall reach the age of eighteen (18) years. Provided,
22 further, that in the event of such payments after the death
23 of a volunteer fireman, to or for a surviving spouse or
24 children, then such pension shall terminate, and no further
25 payments shall be made hereunder, in the case of a full

1 participation pension when a total of two thousand dollars
 2 (\$2,000) shall have been paid upon such pension, including
 3 any payments made to the volunteer fireman before his death,
 4 or in the case of a partial participation pension, when a
 5 total of a proportion of two thousand dollars (\$2,000)
 6 determined under the formula set forth in section
 7 11-2023(2)(A)(II) shall have been paid upon such pension,
 8 including any payments made to the volunteer fireman before
 9 his death. If such deceased volunteer fireman shall leave
 10 neither surviving spouse nor child under the age of eighteen
 11 (18) years, then his pension shall terminate at the end of
 12 the month prior to the month in which his death occurs."

13 Section 3. Section 11-2028, R.C.M. 1947, is amended to
 14 read as follows:

15 "11-2028. Earnings to be part of moneys. All earnings
 16 made by moneys earmarked by received under section 11-2030
 17 by reason of interest paid for the deposit thereof, or
 18 otherwise, shall be credited to and become a part of such
 19 moneys."

20 Section 4. Section 11-2030, R.C.M. 1947, is amended to
 21 read as follows:

22 "11-2030. Fire insurance premium tax to be paid into
 23 fund. The state auditor and ex officio commissioner of
 24 insurance of the state of Montana shall annually deposit in
 25 the earmarked--revenue agency fund, such sum as shall be

1 equivalent to five per cent (5%) of premium taxes collected
 2 from insurers authorized to effect insurance against risks
 3 enumerated in section 11-1919, as shall remain after the
 4 amounts provided for by section 11-1919 shall have been
 5 first deducted. Such moneys shall be used for the payment of
 6 claims and administrative costs as provided in sections
 7 11-2025 and 11-2026."

-End-