Senate BILL NO. 377

2 INTRODUCED BY Deven.

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

1.7

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

12 Section 1. Section 11-2022, R.C.M. 1947, is amended to read as follows:

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

dollars (\$25,000).

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.

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

4. To encourage and aid volunteer fire departments to maintain group insurance for benefits on account of death or injury incurred by members while in the performance of duties as volunteer firemen, the sum of seventy-five dollars (\$75) per year for each mobile unit of fire-fighting equipment, not exceeding two (2) such units in number for any such department, shall be paid to each volunteer fire department maintaining such insurance, or to the organization or agency maintaining such insurance for any 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 claim provided for under subparagraph two (2) of section 5 11-2024 shall be completed and filed, the claimant shall be entitled thereafter to participate in the volunteer firemen's pension plan as provided in this act, and to 7 Я 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 million dollars (\$1,000,000) then the industrial accident 13 board shall set aside and pay over to the public employees' 14 retirement system, the smaller of such amount in excess of 15 one million dollars (\$1,000,000), or an amount equal to 16 17 ninety-five percent (95%) of the increase of said account balance over the account balance at the end of the preceding 18 19 fiscal year, for the payment by said oublic employees' 20 retirement system of pensions to qualified claimants during the immediately succeeding fiscal year. The amount to be 21 paid to each qualifying claimant shall be determined by 22 23 dividing said amount set aside by the number of claimants qualifying to participate in such pension plan at the 24 beginning of such succeeding fiscal year. If such amount set 25

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

1 of June of each year."

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

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

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

such volunteer fireman after qualifying for full 1 2 participation hereunder but before receiving payments 3 hereunder totaling at least two thousand dollars (\$2,000), or in the event of the death of any such volunteer fireman after February 27, 1971 and after he has qualified for partial participation hereunder but before he has received 7 payments bereunder totaling a proportion of two thousand dollars (\$2,000) determined under the formula set forth in 8 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 children under the age of eighteen (18) years, then such 17 18 full or partial participation pension shall be paid or 19 continue to be paid to the quardian 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 children, then such pension shall terminate, and no further 24 payments shall be made hereunder, in the case of a full 25

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participation pension when a total of two thousand dollars 1 2 (\$2,000) shall have been paid upon such pension, including 3 any payments made to the volunteer fireman before his death, or in the case of a partial participation pension, when a total of a proportion of two thousand dollars (\$2,000) determined under the formula set forth in section 11-2023(2)(A)(II) shall have been paid upon such pension. 7 including any payments made to the volunteer fireman before 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 wonth in which his death occurs." 13 Section 3. Section 11-2028, R.C.M. 1947, is amended to 14 read as follows:

made by moneys earmarked-by received under section 11-2030 by reason of interest paid for the deposit thereof, or otherwise, shall be credited to and become a part of such moneys."

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

22 **II-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 eermarked--revenue agency fund, such sum as shall be

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

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. ____626-77

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 unincorporated areas.	of
FISCAL IMPACT: None.	

Ruchard L. Zie for BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3 - 17 - 77

Approved by Committee on State Administration

INTRODUCED BY LEVEL

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

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

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24 25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 11-2022, R.C.M. 1947, is amended to read as follows:

"I1-2022. Disability, death, insurance and pension benefits. 1. Every member of a fire company organized in an unincorporated area, town or village under the laws of this state, shall be entitled to receive compensation for disability incurred while in the performance of his duties as such fireman, when such disability necessitates the services of a physician or surgeon, while confined or nonconfined, in the amount of his necessary and reasonable medical expenses resulting directly from such disability, and incurred within a period of not more than thirty-six

(36) months from the date of the injury which caused such

disability, not to exceed a total of twenty-five thousand

dollars (\$25.000).

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2 2. Where an injury incurred in line of such duty results in the loss by amputation of an arm, hand, leg or foot, or the enucleation of an eye, or the loss of any of the natural teeth, the board shall order them an artificial member or members be furnished to supply the loss thereof. The expense of furnishing such members shall not exceed the sum of one thousand five bundred dollars (\$1.500). The replacement of an artificial member so furnished shall be required every five (5) years, if necessary.

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

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

ı 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 claim provided for under subparagraph two (2) of section 5 11-2024 shall be completed and filed, the claimant shall be 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 earmorked--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 ninety-five percent (95%) of the increase of said account 17 18 balance over the account balance at the end of the preceding 19 fiscal year, for the payment by said aublic employees* 20 retirement system of pensions to qualified claimants during 21 the immediately succeeding fiscal year. The amount to be paid to each qualifying claimant shall be determined by 22 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 claimant at least twenty dollars (\$20) per month throughout 2 such succeeding fiscal year, then such pension shall be paid 3 monthly, on or before the last day of each month of such succeeding fiscal year; but if said amount set aside shall not be sufficient to pay each qualified claimant at least 7 twenty dollars (\$20) per month, then each qualified claimant's full pension for that year shall be paid to him 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 bereunder 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 earwarked-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 any event exceed the amount necessary to pay such maximum of 17 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 benefits hereunder, then all children of such volunteer 22 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."

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

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

2. All payments under the volunteer firemen's pension plan shall be approved by the public employees' retirement system and paid by warrants drawn upon the earwarked-revenue agency fund, payable to the order of the individual qualified volunteer fireman; provided, however, that in the event of the death of any volunteer fireman who has not reached the age of fifty-five (55) years but who has otherwise qualified for full participation hereunder, or in the event of the death after February 27, 1971, of any volunteer fireman who has not reached the age of fifty-five (55) years but who has otherwise qualified for partial 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), or in the event of the death of any such volunteer fireman after February 27, 1971 and after he has qualified for partial participation hereunder but before he has received payments hereunder totaling a proportion of two thousand dollars (\$2,000) determined under the formula set forth in 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 earmorked 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 children, then such pension shall terminate, and no further 24 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. or in the case of a partial participation pension, when a 5 total of a proportion of two thousand dollars (\$2,000) determined under the formula set forth in section 7 11-2023(2)(A)(II) shall have been paid upon such pension: including any payments made to the volunteer fireman before 8 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
 - **11-2028. Earnings to be part of moneys. All earnings made by moneys earmarked-by received under section 11-2030 by reason of interest paid for the deposit thereof, or otherwise, shall be credited to and become a part of such moneys.**

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read as follows:

- 20 Section 4. Section 11-2030, R.C.M. 1947, is amended to 21 read as follows:
- fund. The state auditor and ex officio commissioner of insurance of the state of Montana shall annually deposit in the earmarked--revenue agency fund, such sum as shall be

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

1 Senate BILL NO. 377

INTRODUCED BY CLEVE

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

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

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

Section 1. Section 11-2022, R.C.M. 1947, is amended to read as follows:

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

dollars (\$25,000).

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

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

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

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

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

1 of June of each year."

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

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

2. All payments under the volunteer firemen's pension plan shall be approved by the public employees' retirement system and paid by warrants drawn upon the earmerked-revenue agency fund, payable to the order of the individual qualified volunteer fireman; provided, however, that in the event of the death of any volunteer fireman who has not reached the age of fifty-five (55) years but who has otherwise qualified for full participation hereunder, or in the event of the death after February 27, 1971, of any volunteer fireman who has not reached the age of fifty-five (55) years but who has otherwise qualified for partial 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 hereunder totaling at least two thousand dollars (\$2,000), 3 4 or in the event of the death of any such volunteer fireman 5 after February 27, 1971 and after he has qualified for partial participation hereunder but before he has received 7 payments hereunder totaling a proportion of two thousand dollars (\$2,000) determined under the formula set forth in 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 have left no surviving spouse but shall have left a child or 16 17 children under the age of eighteen (18) years, then such 18 full or partial participation pension shall be paid or continue to be paid to the guardian or other person having 19 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

- participation pension when a total of two thousand dollars 1 2 (\$2,000) shall have been paid upon such pension, including 3 any payments made to the volunteer fireman before his death, 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 11-2023(2)(A)(II) shall have been paid upon such pension. 7 including any payments made to the volunteer fireman before 8 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."
- 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 moneys."

Section 3. Section 11-2028, R.C.M. 1947, is amended to

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read as follows:

- 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

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

45th Legislature S8 0377/02

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SENATE BILL NO. 377

SB 0377/02

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2	INTRODUCED BY DEVINE
3	BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
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ń	A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN AGENCY FUND
6	FROM WHICH TO MAKE PENSION PAYMENTS TO ELIGIBLE MEMBERS OF
1	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

disability, not to exceed a total of twenty-five thousand

2. Where an injury incurred in line of such duty
3 results in the loss by amputation of an arm, hand, led 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.

dollars (\$25.000).

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

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

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

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aside shall be sufficient to pay each such qualified 2 claiment at least twenty dollars (\$20) per month throughout such succeeding fiscal year, then such pension shall be paid monthly, on or before the last day of each month of such 5 succeeding fiscal year; but if said amount set aside shall not be sufficient to pay each qualified claimant at least 7 twenty dollars (\$20) per month, then each qualified 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 agancy fund at the beginning of any fiscal year for the funding of such pensions shall not in 16 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

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of June of each year."

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

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

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

1 such volunteer fireman after qualifying for full participation hereunder but before receiving payments hereunder totaling at least two thousand dollars (\$2,000), or in the event of the death of any such volunteer fireman after February 27, 1971 and after he has qualified for partial participation hereunder but before he has received payments hereunder totaling a proportion of two thousand dollars (\$2,000) determined under the formula set forth in 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 quardian 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 payments shall be made hereunder, in the case of a full 25

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participation pension when a total of two thousand dollars 1 (\$2,000) shall have been paid upon such pension, including any payments made to the volunteer fireman before his death. 3 or in the case of a partial participation pension, when a 5 total of a proportion of two thousand dollars (\$2,000) determines under the formula set forth in section 11-2023(2)(A)(II) shall have been paid upon such pension, including any payments made to the volunteer fireman before В 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." Section 3. Section 11-2028, K.C.M. 1947, is amended to

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read as follows:

- "11-2028. Earnings to be part of moneys. All earnings made by moneys earmorked-by received under section 11-2030 by reason of interest paid for the deposit thereof, or otherwise, shall be credited to and become a part of such moneys."
- 20 Section 4. Section 11-2030, R.C.N. 1947, is amended to 21 read as follows:
 - #11-2030. Fire insurance premium tax to be paid into fund. The state auditor and ex officio commissioner of insurance of the state of Montana shall annually deposit in the earmarked-revenue agency fund, such sum as shall be

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