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Senate BILL NO. 450
INTRODUCED BY STEPHENS (By Request)

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE RELATIONSHIP BETWEEN CHAPTER 95 OF LAWS, 1977, AND SECTIONS 19, 21, AND 29 OF CHAPTER 157 OF LAWS, 1977, REGARDING THE AGENCY FUND AND THE VOLUNTEER FIREMEN'S FUND."

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

Section 1. Section 19, Chapter 157, Laws of 1977, is amended to read as follows:

"Section 19. There is a new R.C.M. section numbered 11-2020.1 that reads as follows:

11-2020.1. Definitions. Unless the context requires otherwise, the following definitions apply in 11-2020 through 11-2031, 11-2020.2, and 11-2024.1:

(1) "Board of administration" means the board of administration of the public employees' retirement system.

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

(3) "Fire company" means a fire company organized in an unincorporated area, town, or village under the laws of the state of Montana.

(4) "Fund" or "volunteer firemen's fund" means the volunteer firemen's compensation ~~earmarked--revenue~~ account

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in the ~~earmarked--revenue~~ agency fund."

Section 2. Section 1, Chapter 95, Laws of 1977, is amended to read as follows:

"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

1 replacement of an artificial member so furnished shall be
2 required every five (5) years, if necessary.

3 3. To aid in defraying funeral expenses of a fireman
4 covered under this act whose death occurs in line of duty,
5 an amount not to exceed the actual necessary and reasonable
6 expenses, or the sum of one thousand five hundred dollars
7 (\$1,500), whichever is less, shall be allowed.

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

18 5. In the case of every volunteer fireman who shall
19 meet the qualification requirements set forth in
20 subparagraph two (2) of section 11-2023, and then if the
21 claim provided for under subparagraph two (2) of section
22 11-2024 shall be completed and filed, the claimant shall be
23 entitled thereafter to participate in the volunteer
24 firemen's pension plan as provided in this act, and to
25 receive payments thereunder computed each year in the

1 following manner. Whenever at the close of business on the
2 last day of any fiscal year there shall be a balance in the
3 ~~volunteer firemen's compensation account in the agency~~
4 ~~firemen's~~ fund in excess of one million dollars (\$1,000,000)
5 then the industrial accident board shall set aside and pay
6 over to the public employees' retirement system, the smaller
7 of such amount in excess of one million dollars
8 (\$1,000,000), or an amount equal to ninety-five percent
9 (95%) of the increase of said account balance over the
10 account balance at the end of the preceding fiscal year, for
11 the payment by said public employees' retirement system of
12 pensions to qualified claimants during the immediately
13 succeeding fiscal year. The amount to be paid to each
14 qualifying claimant shall be determined by dividing said
15 amount set aside by the number of claimants qualifying to
16 participate in such pension plan at the beginning of such
17 succeeding fiscal year. If such amount set aside shall be
18 sufficient to pay each such qualified claimant at least
19 twenty dollars (\$20) per month throughout such succeeding
20 fiscal year, then such pension shall be paid monthly, on or
21 before the last day of each month of such succeeding fiscal
22 year; but if said amount set aside shall not be sufficient
23 to pay each qualified claimant at least twenty dollars (\$20)
24 per month, then each qualified claimant's full pension for
25 that year shall be paid to him in one lump payment on or

1 before the fifteenth day of December of such year; provided,
 2 however, that in any event the total pension payable
 3 hereunder to any qualified claimant shall not exceed the sum
 4 of fifty dollars (\$50) per month, and the amount to be set
 5 aside hereunder from the volunteer firemen's compensation
 6 ~~account in the agency firemen's~~ fund at the beginning of any
 7 fiscal year for the funding of such pensions shall not in
 8 any event exceed the amount necessary to pay such maximum of
 9 fifty dollars (\$50) per month to each claimant qualified as
 10 of the beginning of such fiscal year. For the purpose of
 11 computation and payment of benefits under this act, if
 12 children of any volunteer fireman shall become eligible for
 13 benefits hereunder, then all children of such volunteer
 14 fireman shall be treated collectively as one (1) claimant.
 15 The fiscal year for the purpose of this act shall begin on
 16 the first day of July of each year and end on the last day
 17 of June of each year."

18 Section 3. Section 4, chapter 95, Laws of 1977, is
 19 amended to read as follows:

20 "Section 4. Section 11-2030, K.C.M. 1947, is amended
 21 to 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 agency ~~volunteer firemen's~~ 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-

Approved by Comm.
on Local Government

1 Senate BILL NO. 450
2 INTRODUCED BY STEPHENS (By REQUEST)

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
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7 AGENCY FUND AND THE VOLUNTEER FIREMEN'S FUND."

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11 amended to read as follows:

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15 otherwise, the following definitions apply in 11-2020
16 through 11-2031, 11-2020.2, and 11-2024.1:

17 (1) "Board of administration" means the board of
18 administration of the public employees' retirement system.

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

21 (3) "Fire company" means a fire company organized in
22 an unincorporated area, town, or village under the laws of
23 the state of Montana.

24 (4) "Fund" or "volunteer firemen's fund" means the
25 volunteer firemen's compensation ~~earmarked--revenue~~ account

SECOND READING

1 in the ~~earmarked--revenue~~ agency fund."

2 Section 2. Section 1, Chapter 95, Laws of 1977, is
3 amended to read as follows:

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

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7 benefits. 1. Every member of a fire company organized in an
8 unincorporated area, town or village under the laws of this
9 state, shall be entitled to receive compensation for
10 disability incurred while in the performance of his duties
11 as such fireman, when such disability necessitates the
12 services of a physician or surgeon, while confined or
13 nonconfined, in the amount of his necessary and reasonable
14 medical expenses resulting directly from such disability,
15 and incurred within a period of not more than thirty-six
16 (36) months from the date of the injury which caused such
17 disability, not to exceed a total of twenty-five thousand
18 dollars (\$25,000).

19 2. Where an injury incurred in line of such duty
20 results in the loss by amputation of an arm, hand, leg or
21 foot, or the enucleation of an eye, or the loss of any of
22 the natural teeth, the board shall order them an artificial
23 member or members be furnished to supply the loss thereof.
24 The expense of furnishing such members shall not exceed the
25 sum of one thousand five hundred dollars (\$1,500). The

1 replacement of an artificial member so furnished shall be
2 required every five (5) years, if necessary.

3 3. To aid in defraying funeral expenses of a fireman
4 covered under this act whose death occurs in line of duty,
5 an amount not to exceed the actual necessary and reasonable
6 expenses, or the sum of one thousand five hundred dollars
7 (\$1,500), whichever is less, shall be allowed.

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

18 5. In the case of every volunteer fireman who shall
19 meet the qualification requirements set forth in
20 subparagraph two (2) of section 11-2023, and then if the
21 claim provided for under subparagraph two (2) of section
22 11-2024 shall be completed and filed, the claimant shall be
23 entitled thereafter to participate in the volunteer
24 firemen's pension plan as provided in this act, and to
25 receive payments thereunder computed each year in the

1 following manner. Whenever at the close of business on the
2 last day of any fiscal year there shall be a balance in the
3 volunteer ~~firemen's compensation account in the agency~~
4 firemen's fund in excess of one million dollars (\$1,000,000)
5 then the industrial accident board shall set aside and pay
6 over to the public employees' retirement system, the smaller
7 of such amount in excess of one million dollars
8 (\$1,000,000), or an amount equal to ninety-five percent
9 (95%) of the increase of said account balance over the
10 account balance at the end of the preceding fiscal year, for
11 the payment by said public employees' retirement system of
12 pensions to qualified claimants during the immediately
13 succeeding fiscal year. The amount to be paid to each
14 qualifying claimant shall be determined by dividing said
15 amount set aside by the number of claimants qualifying to
16 participate in such pension plan at the beginning of such
17 succeeding fiscal year. If such amount set aside shall be
18 sufficient to pay each such qualified claimant at least
19 twenty dollars (\$20) per month throughout such succeeding
20 fiscal year, then such pension shall be paid monthly, on or
21 before the last day of each month of such succeeding fiscal
22 year; but if said amount set aside shall not be sufficient
23 to pay each qualified claimant at least twenty dollars (\$20)
24 per month, then each qualified claimant's full pension for
25 that year shall be paid to him in one lump payment on or

1 before the fifteenth day of December of such year; provided,
 2 however, that in any event the total pension payable
 3 hereunder to any qualified claimant shall not exceed the sum
 4 of fifty dollars (\$50) per month, and the amount to be set
 5 aside hereunder from the volunteer fireman's compensation
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 7 fiscal year for the funding of such pensions shall not in
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 9 fifty dollars (\$50) per month to each claimant qualified as
 10 of the beginning of such fiscal year. For the purpose of
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 12 children of any volunteer fireman shall become eligible for
 13 benefits hereunder, then all children of such volunteer
 14 fireman shall be treated collectively as one (1) claimant.
 15 The fiscal year for the purpose of this act shall begin on
 16 the first day of July of each year and end on the last day
 17 of June of each year."

18 Section 3. Section 4, chapter 95, Laws of 1977, is
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20 "Section 4. Section 11-2030, R.C.M. 1947, is amended
 21 to read as follows:

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 23 fund. The state auditor and ex officio commissioner of
 24 insurance of the state of Montana shall annually deposit in
 25 the ~~agency volunteer fireman's~~ 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-

THIRD READING

MISSING

1 SENATE BILL NO. 450
 2 INTRODUCED BY STEPHENS
 3 (BY REQUEST)
 4

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 23 an unincorporated area, town, or village under the laws of
 24 the state of Montana.

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 2 in the ~~earmarked-revenue~~ agency fund."

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-End-