

House Bill 184

In The House

January 13, 1981

Introduced and referred
to Committee on Local
Government.

On motion by Chief Sponsor
five Representatives were
added as authors to the
pre-filed bill.

January 26, 1981

Committee recommend bill
do not pass.

1 HOUSE BILL NO. 184
 2 INTRODUCED BY *Don Brown, Zulwin, Park, Dalg...*
 3 *Stanger, Haft, Menaker, Nelson, McGrade,*
 4 *Alstami, Richard, Hammer*
 * BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION

5 19-12-401, MCA, TO REQUIRE A VOLUNTEER FIREFIGHTER
 6 COMPLETING HIS YEARS OF SERVICE AFTER JULY 1, 1981, TO
 7 COMPLETE A COURSE OF INSTRUCTION AND PASS A TEST DEVELOPED
 8 BY THE DIRECTOR OF THE MONTANA FIRE SERVICES TRAINING SCHOOL
 9 TO BE ELIGIBLE FOR PENSION BENEFITS."

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

12 Section 1. Section 19-12-401, MCA, is amended to read:
 13 "19-12-401. Eligibility for pension benefits. In order
 14 to qualify for participation in the volunteer firefighters'
 15 pension plan under 19-12-404, a volunteer firefighter must
 16 meet each of the following requirements:

17 (1) (a) To qualify for full participation, he must
 18 have completed a total of at least 20 years' service as an
 19 active volunteer firefighter and as an active member of a
 20 qualified volunteer fire company.

21 (b) If a firefighter is prevented from completing at
 22 least 20 years' service by dissolution or discontinuance of
 23 his volunteer fire company, personal relocation due to
 24 transfer or loss of employment, personal disability, or any
 25 other factor beyond his reasonable control, he may qualify

1 for partial participation if he has completed at least 10
 2 years' service. In that event, he is eligible for only a
 3 proportion of the benefits specified in 19-12-404,
 4 determined by multiplying the benefits by a fraction, the
 5 numerator of which is the number of years of active service
 6 completed and the denominator of which is 20.

7 (c) The years of active service are cumulative and
 8 need not be continuous. The service need not be acquired
 9 with one single fire company but may be a total of separate
 10 periods of active service with different fire companies in
 11 different fire districts.

12 (d) Effective March 1, 1965, the annual period of
 13 service for the purpose of this chapter is the fiscal year.
 14 No fractional part of any year may count toward the service
 15 requirement, and to receive credit for any particular year,
 16 a volunteer firefighter must serve with one particular
 17 volunteer fire company throughout that entire fiscal year.

18 (2) He must have attained the age of 55, but he need
 19 not be an active volunteer firefighter or an active member
 20 of any volunteer fire company when he reaches that age.

21 (3) During each of the years for which he claims
 22 credit under subsection (1), he must have completed a
 23 minimum of 30 hours of instruction in matters pertaining to
 24 firefighting under a program formulated and supervised by
 25 the chief or foreman of his volunteer fire company.

1 (4) A volunteer firefighter completing his years of
2 service after July 1, 1981, shall, at least once during his
3 years of service, complete a course of instruction and pass
4 a 100-question test developed by the director of the Montana
5 fire services training school and based on the 201 manual or
6 its equivalent. The course and test must be given under the
7 supervision of a fire training officer certified by the
8 director.

9 ~~(4)~~(5) Effective July 1, 1965, no volunteer
10 firefighter may receive credit for any year of membership in
11 a volunteer fire company unless, throughout the year:

12 (a) the company maintained firefighting equipment in
13 serviceable condition of a value of \$2,500 or more; and

14 (b) the company or the fire district served by it was
15 rated in class 5, 6, 7, 8, 9, or 10 by the board of fire
16 underwriters for the purpose of fire insurance premium
17 rates.

18 ~~(5)~~(6) He must have ceased to be an active member of
19 any volunteer fire company, and if he applies for and
20 receives pension benefits hereunder, he will not thereafter
21 be eligible to become an active member of any volunteer fire
22 company."

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