House Bill 714

In The House

February 11, 1981	Introduced and referred to Committee on State Administration.
April 23, 1981	Died in Committee.

LC 2340/01

___ BILL NO. __714 1 INTRODUCED BY _ Nilson Richard E. Manning 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE 4 PROVISIONS CONCERNING EMPLOYEE CONTRIBUTIONS AND PAYMENT OF 5 SERVICE, DISABILITY, AND SURVIVORSHIP PENSIONS TO FULL- AND 6 PART-PAID FIREFIGHTERS WHO ARE MEMBERS OF FIRE DEPARTMENT 7 8 RELIEF ASSOCIATIONS; AMENDING SECTIONS 19-11-501, 19-11-602, 19-11-604, AND 19-11-605, MCA." 9

1)

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

Section 1. Section 19-11-501, MCA, is amended to read:
"19-11-501. Contributions to fund. The disability and
pension fund shall consist of:

15 (1) all bequests, fees, gifts, empluments, donations,
16 or money from other sources given or paid to the fund,
17 except as otherwise designated by the donor;

(2) a monthly fee which shall be paid into the fund by each full=paid er--part-paid member of the association amounting to 6% of the member's regular monthly salary and_a quarterly_fee_which_shall_be_paid__into__the__fund__by__each part-paid__member__of_the_association_amounting_to_6% of_the member's quarterly_earnings;

24 (3) the proceeds of the tax levy provided for in 25 19-11-503 and 19-11-504; (4) all moneys received from the state, including
 those provided for in 19-11-512; and

3 (5) all interest and other income earned from the
4 investment of the fund.ⁿ

5 Section 2. Section 19-11-602, MCA, is amended to read:

"19-11-602. Service pension. (1) Each association shall pay, out of its disability and pension fund, a service 7 я pension to each of its members who elects to retire from 9 active service after having completed 20 years or more of active duty and has reached the age of 50 years as a fully 10 paid member of a paid or partly paid and partly volunteer 11 fire department of the city or town in which the association 12 13 was formed. The pension shall be equal to one-half of the 14 sum last received by the member as a monthly compensation, 15 excluding overtime and payments in lieu of sick leave and 16 annual leave, for his services as an active member of the 17 fire department.

18 (2) Effective July 1, 1974, a member who completes 20 19 years of service and elects to serve additional years shall 20 receive the pension provided for in subsection (1) increased 21 at the rate of 1% per year for each additional year of 22 service completed, up to a maximum of 60% of the sum last 23 received by the member as a monthly compensation, excluding 24 overtime and payments in lieu of sick leave and annual 25 leave, for his services as an active member of the fire

> -2- INTRODUCED BILL HB 714

LC 2340/01

department. No member is eligible to receive a service
 pension prior to attaining the age of 50 years.

(3) The monthly pension paid to members a_full=paid 3 firefighter retiring on or after July 1, 1973, must be at 4 5 least one-half the regular monthly salary, excluding overtime and payments in lieu of sick leave and annual 6 7 leave, paid to a confirmed active firefighter of that city, as provided each year in the budget of that city. The 8 monthly pension paid to a member full-paid_firefighter 9 retiring prior to July 1, 1974, must be at least \$200. In 10 11 the case of <u>part-paid or</u> volunteer firefighters, the pension 12 may not exceed \$100 a month.

13 (4) As of July 1, 1977, a member full_or_part_paid 14 firefighter is not eligible to receive a service pension 15 under this section unless he is making a monthly 16 contribution to the disability and pension fund, as required 17 by 19-11-501, and is on active duty as a fully-peid member 18 of a fire department when he reaches the age of 50 years.

19 (5) A member of a pure volunteer fire department who 20 has served 20 years or more as an active member of the fire 21 department is entitled to the benefits provided for in this 22 chapter regardless of his age. A member of a pure volunteer 23 fire department who has completed 10 years' service as an 24 active member of the fire department but who is prevented 25 from completing 20 years' service by dissolution or discontinuance of his volunteer fire department, personal relocation due to transfer or loss of employment, personal disability, or any other factor beyond his reasonable control may nevertheless qualify for a partial or reduced pension in an amount and to the extent determined by the board of trustees of the association, regardless of his age."

Section 3. Section 19-11-604, MCA, is amended to read: 8 "19-11-604. Disability pension. (1) Each association 9 shall pay a disability pension, out of its disability and 10 11 pension fund, to each of its members who has become disabled 12 by reason of sickness or injury. The pension <u>maid to a</u> full-paid firefighter shall be equal to one-half of the sum 13 14 last received by the member as a monthly compensation, 15 excluding overtime and payments in lieu of sick leave and 16 annual leave, for his services to the fire department of the 17 city or town in which the association was formed.

18 (2) Effective July 1, 1974, a member who completes 20 19 years of service and elects to serve additional years shall 20 receive the pension provided for in subsection (1) increased 21 at the rate of 1% per year for each additional year of 22 service completed, up to a maximum of 60% of the sum last 23 received by the member as a monthly compensation, excluding 24 overtime and payments in lieu of sick leave and annual 25 leave, for his services as an active member of the fire

-4-

-3-

LC 2340/01

1 department.

. .

(3) The monthly pension paid to members a full-paid 2 firefighter retiring on or after July 1, 1973, must be at 3 least one-half the regular monthly salary paid to a 4 confirmed active firefichter of that city, as provided each 5 year in the budget of that city. The monthly pension paid to 8 a member full-paid firefighter retiring prior to July 1, 7 1974, must be at least \$200. In the case of part-paid or 8 volunteer firefighters, the disability pension may not 9 10 exceed \$75 a month."

11 Section 4. Section 19-11-605, MCA, is amended to read: #19-11-605. Pensions to surviving spouses and 12 13 children. (1) Each association shall pay, out of its disability and pension fund, a monthly pension to the 14 15 surviving spouse of children of a deceased member of the 15 association who on the date of his death was an active 17 member of the fire department in the city or town in which 13 the association was formed, who had elected to retire from 19 active service in the fire department and receive a service 20 pension as provided for by 19-11-602, or who, prior to 21 death, had suffered a sickness or injury and was receiving 22 or was qualified to receive a disability pension as provided 23 by 19-11-604. The pension paid to the surviving spouse or children of a full-paid firefighter shall be equal to 24 25 one-balf of the last month's salary received as a monthly

compensation, excluding overtime and payments in lieu of
 sick leave and annual leave, by the deceased member for
 services rendered as an active member of the fire department
 in the city or town in which the association was formed.

(2) Effective July 1, 1974, if the deceased member had 5 completed 20 years of service and had elected to serve 6 7 additional years, the pension provided for in subsection (1) shall be increased at the rate of 1% per year for each 8 additional year of service completed, up to a maximum of 60% ¢ of the last month's salary received as a monthly 10 compensation, excluding overtime and payments in lieu of 11 12 sick leave and annual leave, by the deceased member for his 13 services as an active member of the fire department.

(3) The monthly pension paid to the surviving spouse 14 15 or children of an active member full-paid__firefighter who dies after July 1, 1973, or an active member full-paid 16 17 firefighter who elects to retire after July 1, 1973, must be 18 at least one-half the regular monthly salary paid to a 19 confirmed active firefighter of that city, as provided each 20 year in the budget of that city. The monthly pension paid to 21 the surviving spouse or children of an active member full-paid firefighter who died prior to July 1, 1974, or who 22 elected to retire before July 1, 1974, must be at least 23 24 \$200. In the case of <u>mart-paid_or</u> volunteer firefighters, 25 the pension may not exceed \$75 per month.

-5-

-- HB 714

LC 2340/01

-

1 (4) A pension may be paid to the surviving spouse only 2 so long as such spouse remains unmarried. A surviving spouse 3 is not entitled to a pension under this section if the marriage was entered into after the firefighter had elected 4 5 to retire from active service and had begun to receive a service pension as provided for by 19-11-602 or if the 6 marriage was entered into after the firefighter had 7 qualified for and had begun to receive a disability pension 8 as provided for by 19-11-604. The pension provided for in 9 10 this section may not be paid to the children of deceased 11 firefighters after they have attained the age of 18."

-End-