

HOUSE BILL NO. 712
INTRODUCED BY NILSON, YARDLEY

IN THE HOUSE

February 10, 1983	Introduced and referred to Committee on State Administration.
February 15, 1983	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 16, 1983	Second reading, do pass.
February 18, 1983	Considered correctly engrossed.
February 19, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 21, 1983	Introduced and referred to Committee on State Administration.
March 15, 1983	Committee recommend bill be concurrent in. Report adopted.
March 16, 1983	Second reading, pass consideration.
March 17, 1983	Second reading, concurred in.
March 19, 1983	Third reading, concurred in. Ayes, 49; Noes, 1.

IN THE HOUSE

March 19, 1983	Returned to House.
March 21, 1983	Sent to enrolling.
March 22, 1983	Correctly enrolled.
March 24, 1983	Signed by Speaker.
March 25, 1983	Signed by President.
	Delivered to Governor.
March 30, 1983	Returned from Governor with recommended amendments.
April 4, 1983	Second reading, Governor's amendments concurred in.
April 5, 1983	Third reading, Governor's amendments concurred in.

IN THE SENATE

April 6, 1983	Governor's amendments transmitted to Senate.
April 7, 1983	Second reading, Governor's amendments concurred in.
April 8, 1983	Third reading, Governor's amendments concurred in. Ayes, 46; Noes, 1.

IN THE HOUSE

April 9, 1983	Returned to House. Sent to enrolling.
	Reported correctly enrolled.

1 House BILL NO. 712
2 INTRODUCED BY Nelson Hardberg
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING
5 THE DEFINITION OF MONTHLY COMPENSATION FOR A PART-PAID
6 FIREFIGHTER EMPLOYED BY A SECOND-CLASS CITY FOR THE PURPOSE
7 OF CALCULATING BENEFITS UNDER THE FIREFIGHTERS' UNIFIED
8 RETIREMENT ACT; AMENDING SECTION 19-13-104, MCA; AND
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Section 19-13-104, MCA, is amended to read:
13 "19-13-104. Definitions. Unless the context requires
14 otherwise, the following definitions apply in this chapter:
15 (1) "Administrator" means the public employees'
16 retirement division of the department of administration.
17 (2) "Board" means the retirement board described in
18 2-15-1009.
19 (3) "Credited service" means the aggregate of a
20 member's prior service and membership service.
21 (4) "Dependent child" means a child of a deceased
22 member who is:
23 (a) unmarried and under age 18; or
24 (b) unmarried, under age 24, and attending an
25 accredited postsecondary educational institution as a

1 full-time student in anticipation of receiving a certificate
2 or degree.
3 (5) "Employer" means any city that is of the first or
4 second class or that elects to join this plan under
5 19-13-108.
6 (6) "Final average salary" means the monthly
7 compensation of a member hired on or after July 1, 1981,
8 averaged over the last 36 months of his active service or,
9 if he has not been a member that long, over the period of
10 his membership.
11 (7) "Firefighter" means a person employed as a full-
12 or part-paid firefighter by an employer.
13 (8) "Full-paid firefighter" means a person appointed
14 as a firefighter under 7-33-4106.
15 (9) "Fund" means the agency account in the state
16 treasury system designated for the use of the plan.
17 (10) "Member" means a person who is employed by an
18 employer as a full- or part-paid firefighter or who is
19 entitled to a retirement allowance by virtue of his service
20 to an employer as a firefighter.
21 (11) "Member contributions" means the total of the
22 deductions from a member's compensation made during a period
23 of active membership under this chapter or made under a
24 prior plan and transferred to this plan, standing to his
25 credit, together with the interest thereon.

(12) "Membership service" means a period of employment with an employer occurring after July 1, 1981, during which the withholdings required by this chapter have been made from a member's monthly compensation and credited to his member contributions account. Pro rata credit shall be granted for employment on a part-time basis or for employment over a period of less than a complete fiscal year.

(13) "Minimum retirement date" means the first day of the month coinciding with or immediately following, if none coincides, the date on which a member becomes both age 50 or older and completes 10 or more years of credited service.

(14) "Monthly compensation" means:

(a) for a full-paid firefighter, the regular monthly compensation, excluding overtime, holiday payments, shift differential payments, compensatory time payments, and payments in lieu of sick leave, paid by an employer for his service as a firefighter;

(b) for a part-paid firefighter employed by a city of the second class;

~~(i) 15% of the regular monthly compensation, excluding overtime, holiday payments, shift differential payments, compensatory time payments, and payments in lieu of sick leave, paid on July 1 of each year to a newly confirmed, full-paid firefighter of the city that last employed the~~

~~part-paid firefighter or~~

~~(ii) if that city no longer employs a full-paid firefighter, 15% of the average regular monthly compensation, excluding overtime, holiday payments, shift differential payments, compensatory time payments, and payments in lieu of sick leave, paid on July 1 of each year to all newly confirmed, active full-paid firefighters employed by cities of the second class on July 1 of each year.~~

(15) Any reference to "municipality", "city", or "town" includes those jurisdictions which, prior to the effective date of a county-municipal consolidation, were incorporated municipalities, subsequent districts created for urban firefighting services, or the entire county included in the county-municipal consolidation.

(16) "Part-paid firefighter" means a person employed under 7-33-4109 who receives compensation in excess of \$300 a year for his service as a firefighter.

(17) "Plan" means the municipal firefighters' retirement system created by this chapter.

(18) "Prior plan" means the fire department relief association plan of a city that elects to join the plan under 19-13-108 or the fire department relief association plan of a city of the first or second class.

(19) "Prior service" means a period of employment as a

1 firefighter for which credit was granted to a member under a
2 prior plan and has been transferred to this plan.

3 (20) "Retirement allowance" means the monthly benefit
4 payable after service or disability retirement.

5 (21) "Retirement date" means the date on which the
6 first payment of the retirement or disability benefits of a
7 member or a beneficiary is payable.

8 (22) "Totally and permanently disabled" means that the
9 board, upon certification by a licensed and practicing
10 physician, has determined that a member's disability is of
11 such a nature as to permanently impair his ability to
12 discharge his normal duties as a firefighter."

13 ~~NEW SECTION.~~ Section 2. Effective date. This act is
14 effective on passage and approval.

-End-

Approved by Committee
on State Administration

1 *House* BILL NO. *712*
2 INTRODUCED BY *Nelson* *Hardley*
3
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25 accredited postsecondary educational institution as a

1 full-time student in anticipation of receiving a certificate
2 or degree.
3 (5) "Employer" means any city that is of the first or
4 second class or that elects to join this plan under
5 19-13-108.
6 (6) "Final average salary" means the monthly
7 compensation of a member hired on or after July 1, 1981,
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10 his membership.
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12 or part-paid firefighter by an employer.
13 (8) "Full-paid firefighter" means a person appointed
14 as a firefighter under 7-33-4106.
15 (9) "Fund" means the agency account in the state
16 treasury system designated for the use of the plan.
17 (10) "Member" means a person who is employed by an
18 employer as a full- or part-paid firefighter or who is
19 entitled to a retirement allowance by virtue of his service
20 to an employer as a firefighter.
21 (11) "Member contributions" means the total of the
22 deductions from a member's compensation made during a period
23 of active membership under this chapter or made under a
24 prior plan and transferred to this plan, standing to his
25 credit, together with the interest thereon.

(12) "Membership service" means a period of employment with an employer occurring after July 1, 1981, during which the withholdings required by this chapter have been made from a member's monthly compensation and credited to his member contributions account. Pro rata credit shall be granted for employment on a part-time basis or for employment over a period of less than a complete fiscal year.

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(b) for a part-paid firefighter employed by a city of the second class:

~~(i) 15% of the regular monthly compensation, excluding overtime, holiday payments, shift differential payments, compensatory time payments, and payments in lieu of sick leave, paid on July 1 of each year to a newly confirmed, full-paid firefighter of the city that last employed the~~

~~part-paid firefighter; or~~

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(15) Any reference to "municipality", "city", or "town" includes those jurisdictions which, prior to the effective date of a county-municipal consolidation, were incorporated municipalities, subsequent districts created for urban firefighting services, or the entire county included in the county-municipal consolidation.

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11 such a nature as to permanently impair his ability to
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~~(1) 15% of the regular monthly compensation, excluding overtime, holiday payments, shift differential payments, compensatory time payments, and payments in lieu of sick leave, paid on July 1 of each year to a newly confirmed full-paid firefighter of the city that last employed the~~

~~part-paid firefighter, or~~

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-End-

HOUSE BILL NO. 712

INTRODUCED BY NILSON, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING THE DEFINITION OF MONTHLY COMPENSATION FOR A PART-PAID FIREFIGHTER EMPLOYED BY A SECOND-CLASS CITY FOR THE PURPOSE OF CALCULATING BENEFITS UNDER THE FIREFIGHTERS' UNIFIED RETIREMENT ACT; AMENDING SECTION 19-13-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 19-13-104, MCA, is amended to read:

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(a) unmarried and under age 18; or

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(5) "Employer" means any city that is of the first or second class or that elects to join this plan under 19-13-108.

(6) "Final average salary" means the monthly compensation of a member hired on or after July 1, 1981, averaged over the last 36 months of his active service or, if he has not been a member that long, over the period of his membership.

(7) "Firefighter" means a person employed as a full- or part-paid firefighter by an employer.

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(b) for a part-paid firefighter employed by a city of the second class:

~~fill 15% of the regular monthly compensation, excluding overtime, holiday payments, shift differential payments, compensatory time payments, and payments in lieu of sick leave, paid on July 1 of each year to a newly confirmed, full-paid firefighter of the city that last employed the~~

~~part-paid firefighter; or~~

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(16) "Part-paid firefighter" means a person employed under 7-33-4109 who receives compensation in excess of \$300 a year for his service as a firefighter.

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PROPOSED AMENDMENTS TO HOUSE BILL NO. 712

(Reference Copy)

1. Page 3, line 25.
Following: "that"
Strike: "last employed"
Insert: "employs"
2. Page 4, line 2.
Following: "city"
Strike: "no longer employs"
Insert: "does not employ"

HOUSE BILL NO. 712

INTRODUCED BY NILSON, YARDLEY

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21 ~~(1) 15% of the regular monthly compensation, excluding~~
22 ~~overtime, holiday payments, shift differential payments,~~
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24 ~~leave, paid on July 1 of each year to a newly confirmed,~~
25 ~~full-paid firefighter of the city that last-employed EMPLOYS~~

1 ~~the part-paid firefighter or~~

2 ~~will if that city no longer employs~~ DOES NOT EMPLOY a
3 ~~full-paid firefighter,~~ 15% of the average regular monthly
4 compensation, excluding overtime, holiday payments, shift
5 differential payments, compensatory time payments, and
6 payments in lieu of sick leave, paid ~~on July 1 of each year~~
7 to all newly confirmed, active ~~full-paid~~ firefighters
8 employed by cities of the second class ~~on duty at the end of each~~
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