SENATE BILL NO. 268

INTRODUCED BY R. MANNING

BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT DIVISION

IN THE SENATE

January 24, 1983	Introduced and referred to Committee on State Administration.
January 25, 1983	Fiscal note requested.
January 31, 1983	Fiscal note returned.
February 2, 1983	Committee recommend bill do pass. Report adopted.
February 3, 1983	Bill printed and placed on members' desks.
February 5, 1983	Second reading, do pass.
February 7, 1983	Correctly engrossed.
February 8, 1983	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.
IN THE HOU	SE
February 9, 1983	Introduced and referred to Committee on State Administration.
March 1, 1983	Committee recommend bill be concurred in. Report adopted.
March 2, 1983	Second reading, concurred in.

March 3, 1983 Third reading, concurred in.

IN THE SENATE

March 4, 1983

Returned to Senate. Sent to enrolling.

Reported corrected enrolled.

MISSING

FIRST READING

Approved by Committee on State Administration

anter BILL ND. 26 ı Manning 2 INTRODUCED BY / TL BY REQUEST OF THE PUBLIC EMPLOYEDS . RETIREMENT DIVISION 3 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CONSOLIDATING THE 6 ADMINISTRATION OF DISABILITY, DEATH, AND PENSION BENEFITS 7 PROVIDED IN THE VOLUNTEER FIREFIGHTERS. COMPENSATION ACT 8 UNDER THE PUBLIC EMPLOYEES' RETIREMENT BOARD: AMENDING 9 SECTIONS 19-12-102, 19-12-103, 19-12-201 THROUGH 19-12-204, 10 19-12-402 THROUGH 19-12-404, 19-12-407, 19-12-502 THROUGH 11 19-12-504, AND 19-12-506, NCA; AND PROVIDING AN EFFECTIVE 12 DATE."

13

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 19-12-102, MCA, is amended to read: "19-12-102. Definitions. Unless the context requires otherwise, the following definitions apply in this chapter: (1) "Board" means the public employees' retirement board of-the-public-employees*--retirement--system provided for_in_2=15=1009.

21 (2)--*Division*---means---the---division---of--workers*
 22 compensation-of-the-department-of-labor-ond-industry*

23 (3)(2) "Fire company" means a fire company organized
24 in an unincorporated area, town, or village under the laws
25 of the state of Montana.

t+1(3) The fiscal year begins on July 1 and ends on
 June 30 of each year.

3 (5)(4) "Fund" or "volunteer firefighters fund" means
 4 the volunteer firefighters compensation account in the
 5 agency fund."

6 Section 2. Section 19-12-103, MCA, is amended to read: 7 *19-12-103. Payments to volunteer fire companies 8 maintaining group insurance. To encourage and aid volunteer 9 fire companies to maintain group insurance for benefits on 10 account of the death of or injury incurred by members while 11 in the performance of duties as volunteer firefighters, \$75 12 per year for each mobile unit of firefighting equipment, not 13 exceeding two units for any one company, shall be paid by 14 the division board from the volunteer firefighters' fund to 15 each volunteer fire company maintaining such insurance or to 16 the organization or agency maintaining such insurance for a 17 volunteer fire company." 18 Section 3. Section 19-12-201, MCA, is amended to read:

19 "19-12-201. Administration of chapter. <u>tit-Except-as</u> 20 provided-in-subsection-<u>tity-the--division Ibs_board</u> shall 21 administer the Volunteer Firefighters' Compensation Acty and 22 all--payments--mode--under--19-12-103-and-19-12-506-shall-be 23 made-by-warronts-drawn-by-the-divisionw 24 <u>tity-The---board---shall---administer</u> the volunteer 25 firefighters' pension plan, and all payments made under

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SECOND READING

1 19-12-103: 19-12-405; and 19-12-407; and 19-12-506 shall be 2 made by warrants drawn by the public-employees--retirement 3 system board. Annuallyy-on-or-before-the-15th-day-after-the 4 close-of-the-fiscal-yeary--the--division--shall--notify--the 5 board--in--writing-of-the-balance-remaining-in-the-volunteer 6 firefighters*-fund-as-of-the-end-of-the-fiscal-years" 7 Section 4. Section 19-12-202. NCA. is amended to read: 8 *19-12-202. Reports of division-and-sublic--employees* 9 retirement-system board. fll-The-division-shally-st-the-time 10 specified---in--39-71-210--for--making--the--report--therein

11 requiredy-make-a--report--to--the--governor--covering--the 12 operations--and--proceedings--for--the-preceding-fiscal-ysar 13 relative---to---its---administration---of---the----Volunteer 14 Firefightersi--Compensation--Acty--with--such-suggestions-or 15 recommendations-as-it--may--consider--of--value--for--public 16 informations

17 f2t(1) The public--employees*-retirement-system board 18 shall, not later than November 1 of each year, make a report 19 to the governor covering the operations and proceedings for the prior fiscal year relative to its administration of the 20 21 Volunteer_Firefighters' compensation_Act and the volunteer 22 firefighters' pension plan, with such suggestions or 23 recommendations as it may consider of value for public 24 information.

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f3f121 Copies of all such reports shall be made

1 available by the division-or--the---public---employees*
2 retirement-system board to the chief or other representative
3 of any volunteer fire company or companies which may at any
4 time request them.*

5 Section 5. Section 19-12-203, MCA, is amended to read: (*19-12-203. Rules to be made by division--and board. 7 The division-and-the board shall make such rules as each it 8 considers necessary and advisable in its administration of 9 the Volunteer Firefighters' Compensation Act and__the 10 volunteer firefighters' pension_plan. not inconsistent with 11 the provisions thereof.*

12 Section 6. Section 19-12-204, MCA, is amended to read: 13 #19-12-204. Office supplies to be a charge against the 14 fund. Necessary expenses of the division-and-the-public 15 employees4-retirement--system board for office supplies, 16 stationery, and forms in connection with the administration 17 of the Volunteer Firefighters' Compensation Act and the 18 volunteer firefighters' pension plan are a charge against 19 the fund. The public--employees---retirement--system board 20 shall draw from the fund through warrants executed-by-the 21 division--upon--the--fequest--of---the---public---employees* 22 retirement--systemy at such intervals as the--board it 23 considers proper to pay these expenses." 24 Section 7. Section 19-12-402, MCA, is amended to read:

25 "19-12-402, Certificate of eligibility. On or before

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September 1 of each year, the chief or foreman of every 1 volunteer fire company shall prepare and file with the 2 3 public--employees---retirement--system board a certificate, 4 subscribed and verified under oath, stating whether or not 5 his company qualified under 19-12-401(4) during the 6 preceding fiscal year and listing the full name and residence address of each member of his company who 7 satisfactorily completed 30 hours of instruction during the 8 9 preceding fiscal year, as required by 19-12-401(3). The 10 verified certificate shall be maintained in a permanent file by the public-employees--retirement--system board for the 11 purpose of establishing eligibility for participation in the 12 volunteer firefighters pension plan and shall be open for 13 14 inspection as a public record."

Section B. Section 19-12-403. MCA. is amended to read: 15 *19+12-403. Procedure for claiming pension benefits. 16 (1) Anyone claiming eligibility under the volunteer 17 18 firefighters pension plan must file his claim with the public--employeest-retirement-system board upon a form to be 19 provided therefor by that-system the board. The claim must 20 21 be filed on or before May 1 of the calendar year in which the claimant seeks to qualify for participation in the 22 23 pension plan.

24 (2) The claim must contain:

25 (a) the name, address, and date of birth of the

claimant and of the volunteer firefighter, if he is not the
 claimant;

3 (b) the fiscal year during which eligibility will
 4 commence; and

5 (c) the years during which service as a volunteer 6 firefighter was rendered and the names of the volunteer fire 7 companies with which the service was rendered.

8 (3) The public-employees4-retirement-system board may
9 require such proof of age and service as it may consider
10 proper, but it must accept a certificate filed under
11 19-12-402 or subsection (3) of section 22. Chapter 157, Laws
12 of 1977, as prima facie proof of such service.

13 (4) If the claim is properly filed and the claimant is found by the public-employees--retirement-system board to be 14 properly qualified to participate in the volunteer 15 firefighters' pension plan, the name of the claimant shall 16 be added to the list of qualified persons and the claimant 17 18 will then be entitled to participate in the volunteer 19 firefighters pension plan as of the fiscal year beginning July 1 next following the filing of the claim." 20

21 Section 9. Section 19-12-404, MCA, is amended to read: 22 "19-12-404, Pension benefits. (1) Each person who 23 meets the requirements set forth in 19-12-401 or, in the 24 case of a beneficiary, 19-12-405(1) and who has completed 25 and filed a claim as provided in 19-12-403 is entitled to

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participate in the volunteer firefighters" pension plan and
 to receive payments as provided in this section.

3 (2) The payments shall be computed each year in the
4 following manner:

5 (a) Whenever at the close of business on the last day of a fiscal year there is a balance in the volunteer 6 firefighters! fund in excess of \$1 million; the division 7 8 board shall set aside and-pay-aver-to-the-public--employees* 9 retirement--system the smaller of the amount in excess of \$1 10 million and an amount equal to 95% of the increase of the 11 balance over the balance at the end of the preceding fiscal 12 year for the payment by the public--employees---retirement 13 system board of pensions to qualified claimants during the 14 immediately succeeding fiscal year. The amount to be paid to 15 each qualifying claimant shall be determined by dividing the amount set aside by the number of claimants qualifying to 16 17 participate in the pension plan at the beginning of such 18 succeeding fiscal year.

(b) The total pension payable to a qualified claimant under this section may not exceed \$100 per month, and the amount to be set aside from the volunteer firefighters' fund may not exceed the amount necessary to pay the maximum of \$100 per month to each claimant qualified as of the beginning of the fiscal year during which the payments are to be made. 1 (c) For the purpose of computation and payment of 2 benefits under this section, if children of a volunteer 3 firefighter become eligible for benefits, all the children 4 of the volunteer firefighter shall be treated collectively 5 as one claimant.

6 (3) If the amount set aside is sufficient to pay each 7 qualified claimant at least \$20 per month throughout the 8 succeeding fiscal year, the pension shall be paid monthly on or before the last day of each month. If the amount set 9 10 aside is not sufficient to pay each qualified claimant at 11 least \$20 per month, each qualified claimant's full pension 12 for that year shall be paid to him in one lump payment on or 13 before December 15 of that year."

14 Section 10. Section 19-12-407, MCA, is amended to 15 readt

16 "19-12-407. Payment of pension benefits. All payments 17 under the volunteer firefighters⁴ pension plan must be 18 approved by the public-employees⁴-retirement-system board 19 and paid by warrants drawn upon the agency fund, payable to 20 the order of the individual qualified volunteer firefighter 21 or the beneficiary as provided in 19-12-405(1)."

22 Section 11. Section 19-12-502, MCA, is awended to 23 read:

24 "19-12-502. Procedure for claiming disability
25 benefits. (1) A firefighter claiming benefits under

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1 19-12-504 must file his claim with the division board on a 2 form to be provided therefor by the board. The claim must be 3 verified by the claimant, the attending physician or surgeon 4 and nurse, if any, and the person in charge of the hospital, 5 if the claimant was confined. The claim must be filed with 6 the division board within 1 year from the date of 7 disability.

8 (2) The claim must contain:

9 (a) the name and address of the claimant;

10 (b) the date, place, and manner of incurring of 11 disability;

12 (c) the name and address of the attending physician or13 surgeon and/or nurse, if any;

14 (d) the dates of confinement, if confined, or if not
15 confined, the dates of attendance by a physician or surgeon
16 and the dates of attendance by a nurse;

17 (a) the affidavit of the attending physician or
18 surgeon as to the nature of the disability, the number and
19 dates of visits, and the charges;

20 (f) if confined in a hospital, the affidavit of a 21 person in charge stating the nature of the disability, the 22 dates of confinement, and the expenses incurred while so 23 confined;

24 (g) the affidavit of the chief or secretary of the 25 fire company stating that the fire company was duly organized under the laws of Montana in an unincorporated
 town or village, that the claimant was, at the date of
 disability, an active enrolled member of the company, and
 that the disability was incurred in the line of duty;

5 (h) the affidavit of the nurse stating the nature of
6 the disability, the dates of attendance, and the charges for
7 services."

8 Section 12. Section 19-12-503, MCA; is amended to 9 read:

10 "19-12-503. Procedure for claiming death benefit. 11 Anyone claiming the benefit provided for in 19-12-505 must 12 file his claim with the division board upon a form to be 13 provided therefor by the division board, in accordance with 14 such rules as the division board may make."

15 Section 13. Section 19-12-504, MCA, is amended to 16 read:

*19-12-504. Disability benefits. (1) Each member of a 17 18 fire company is entitled to receive compensation for disability incurred while in the performance of his duties 19 as a firefighter when the disability necessitates the 20 services of a physician or surgeon, whether the member is 21 confined or not. The compensation shall equal the amount of 22 23 the member's necessary and reasonable medical expenses 24 resulting directly from the disability and incurred within 25 36 months from the date of the injury which caused the

1 disability. The total compensation may not exceed \$25,000. 2 (2) When an injury incurred in the line of duty 3 results in the loss by amputation of an arm, hand, leg, or foot, the enucleation of an eye, or the loss of any natural 4 5 teeth, the division heard shall order that an artificial 6 member be furnished. The expense of furnishing an artificial 7 member may not exceed \$1,500. The artificial member so furnished shall be replaced every 5 years, if necessary." 8 9 Section 14. Section 19-12-506, MCA, is amended to 10 read:

11 *19-12-506. Payment of disability and death benefits. When a claim under 19-12-504 or 19-12-505 is received by the 12 division board and is found to be in compliance with 13 14 19-12-502 or, in the case of a claim under 19-12-505, with 15 19-12-503, the division board must order the allowance thereof and pay it by warrants drawn upon the volunteer 16 17 firefighters! fund to the order of the attending physician 18 or surgeon, attending nurse, and hospital or the provider of funeral services, as applicable." 19

20 <u>NEW_SECTION</u> Section 15. Effective date. This act is 21 effective July 1, 1983.

-End-

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48th Legislature

LC 0769/01

easter BILL NO. 261 1 INTRODUCED BY / YEAR 2 BY REQUEST OF THE PUBLIC EMPLOYERS RETIREMENT DIVISION 3 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CONSOLIDATING THE 6 ADMINISTRATION OF DISABILITY, DEATH, AND PENSION BENEFITS 7 PROVIDED IN THE VOLUNTEER FIREFIGHTERS' COMPENSATION ACT 8 UNDER THE PUBLIC EMPLOYEES RETIREMENT BOARD; AMENDING 9 SECTIONS 19-12-102, 19-12-103, 19-12-201 THROUGH 19-12-204, 10 19-12-402 THROUGH 19-12-404. 19-12-407. 19-12-502 THROUGH 11 19-12-504, AND 19-12-506, NCA; AND PROVIDING AN EFFECTIVE DATE." 12

13

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 15 Section 1. Section 19-12-102, NCA, is amended to read: 16 *19-12-102. Definitions. Unless the context requires 17 otherwise, the following definitions apply in this chapter: 18 (1) "Board" means the public employees retirement 19 board of-the-public-employees*--retirement--system provided 20 for_in_2-15-1009. 21

22 compensation-of-the-department-of-labor-and-industryw

23 (3)(2) "Fire company" means a fire company organized
24 in an unincorporated area; town; or village under the laws
25 of the state of Montana.

f4f(3) The fiscal year begins on July 1 and ends on
 June 30 of each year.

3 (5)(4) "Fund" or "volunteer firefighters" fund" means
 4 the volunteer firefighters' compensation account in the
 5 agency fund."

6 Section 2. Section 19-12-103, MCA, is amended to read: 7 *19-12-103. Payments to volunteer fire companies 8 maintaining group insurance. To encourage and aid volunteer 9 fire companies to maintain group insurance for benefits on 10 account of the death of or injury incurred by members while 11 in the performance of duties as volunteer firefighters, \$75 12 per year for each mobile unit of firefighting equipment, not 13 exceeding two units for any one company, shall be paid by the division board from the volunteer firefighters' fund to 14 15 each volunteer fire company maintaining such insurance or to the organization or agency maintaining such insurance for a 16 17 volunteer fire company."

Section 3. Section 19-12-201, MCA, is amended to read: "19-12-201. Administration of chapter. <u>the Except-as</u> provided-in-subsection-(2)y-the--division <u>The board</u> shall administer the Volunteer Firefighters' Compensation Acty and <u>all--payments--made--under--19-12-103-and-19-12-586-shall-be</u> made-by-warrants-drawn-by-the-divisionw 24 <u>t21--The---board---shall---administer</u> the volunteer

25 firefighters' pension plan, and all payments made under

___ THIRD READING 513 268

1 <u>19-12-103</u>, 19-12-405, and 19-12-407, and 19-12-506 shall be 7 made by warrants drawn by the public-employees*-retirement 7 system board, Annuallyy-on-or-before-the-15th-day-after-the 8 elose-of-the-fiscal-yeary-the--division--shall--notify--the 9 board--in--writing-of-the-balance-remaining-in-the-volunteer 9 firefighters*-fund-as-of-the-end-of-the-fiscal-yeary*

7 Section 4. Section 19-12-202, NCA, is amended to read: 8 #19-12-202. Reports of division-and-public--employees* 9 retirement-system board. (1)-The-division-shally-st-the-time 10 specified---in--39-71-210--for--making--the--report--therein 11 requiredy--make--a--report--to--the--governor--covering--the operations--and--proceedings--for--the-preceding-fiscol-year 12 13 relative---to---its---administration---of---the----Volunteer Firefighters---Compensation--Acty--with--such-suggestions-or 14 recommendations-as-it--may--consider--of--volue--for--public 15 16 informations

17 (2)(1) The sublic--employees--retirement-system board shall, not later than November 1 of each year, make a report 18 to the governor covering the operations and proceedings for 19 the prior fiscal year relative to its administration of the 20 Volunteer Firefighters! Compensation Act and the volunteer 21 22 firefighters! pension plan, with such suggestions or recommendations as it may consider of value for public 23 information. 24

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25 (3)(2) Copies of all such reports shall be made

available by the division--or--the---public---employees* 1 retirement-system board to the chief or other representative 2 3 of any volunteer fire company or companies which may at any time request them.= 4 Section 5. Section 19-12-203, MCA, is amended to read: 5 *19-12-203. Rules to be made by division--and board. 6 The division-and-the board shall make such rules as each it 7 considers necessary and advisable in its administration of 8 Volunteer Firefighters' Compensation Act and the 9 the 10 volunteer_firefighters! pension plan, not inconsistent with 11 the provisions thereof." Section 6. Section 19-12-204, MCA, is amended to read: 12 #19-12-204. Office supplies to be a charge against the 13 fund. Necessary expenses of the division-and-the-public 14 employees -- retirement -- system board for office supplies, 15 stationery, and forms in connection with the administration 16 of the Volunteer Firefighters' Compensation Act and the 17 volunteer_firefighterst_pension_plan are a charge against 18 the fund. The public--employees---retirement--system board 19 shall draw from the fund through warrants executed-by-the 20 division--upon--the--request--of---the---public---employees* 21 retirement--systemy at such intervals as the--board it 2Ż 23 considers proper to pay these expenses." Section 7. Section 19-12-402, NCA, is amended to read: 24

25 #19-12-402. Certificate of eligibility. On or before

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claimant:

commence; and

September 1 of each year, the chief or foreman of every 1 volunteer fire company shall prepare and file with the 2 3 public--employees*--retirement--system board a certificate. 4 subscribed and verified under oath, stating whether or not 5 his company qualified under 19-12-401(4) during the 6 preceding fiscal year and listing the full name and 7 residence address of each member of his company who 8 satisfactorily completed 30 hours of instruction during the 9 preceding fiscal year, as required by 19-12-401(3). The 10 verified certificate shall be maintained in a permanent file 11 by the public-employees*-retirement--system board for the 12 purpose of establishing eligibility for participation in the 13 volunteer firefighters' pension plan and shall be open for 14 inspection as a public record."

15 Section 8. Section 19-12-403, MCA, is amended to read: "19-12-403. Procedure for claiming pension benefits. 16 17 (1) Anyone claiming eligibility under the volunteer 18 firefighters' pension plan must file his claim with the 19 public--employees--retirement-system board upon a form to be provided therefor by that-system the board. The claim must 20 be filed on or before May I of the calendar year in which 21 22 the claimant seeks to qualify for participation in the 23 pension plan.

24 (2) The claim must contain:

25 (a) the name, address, and date of birth of the

proper, but it must accept a certificate filed under 19-12-402 or subsection (3) of section 22. Chapter 157, Laws

companies with which the service was rendered.

12 of 1977, as prima facie proof of such service.

13 (4) If the claim is properly filed and the claimant is found by the public-employees*-retirement-system board to be 14 properly qualified to participate in the volunteer 15 16 firefighters' pension plan, the name of the claimant shall be added to the list of qualified persons and the claimant 17 will then be entitled to participate in the volunteer 18 19 firefighters' pension plan as of the fiscal year beginning July 1 next following the filing of the claim." 20

claimant and of the volunteer firefighter, if he is not the

(b) the fiscal year during which eligibility will

(c) the years during which service as a volunteer

(3) The public-employees*-retirement-system board may

firefighter was rendered and the names of the volunteer fire

require such proof of age and service as it may consider

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participate in the volunteer firefighters' pension plan and
 to receive payments as provided in this section.

3 (2) The payments shall be computed each year in the
4 following manner:

5 (a) whenever at the close of business on the last day of a fiscal year there is a balance in the volunteer 6 7 firefighters' fund in excess of \$1 million, the division board shall set aside and-pey-over-to-the-public--employees4 8 9 retirement--system the smaller of the amount in excess of \$1 10 million and an amount equal to 95% of the increase of the 11 balance over the balance at the end of the preceding fiscal 12 year for the payment by the public--employees---retirement 13 system board of pensions to qualified claimants during the 14 immediately succeeding fiscal year. The amount to be paid to each qualifying claimant shall be determined by dividing the 15 amount set aside by the number of claimants qualifying to 16 participate in the pension plan at the beginning of such 17 18 succeeding fiscal year.

19 (b) The total pension payable to a qualified claimant 20 under this section may not exceed \$100 per month, and the 21 amount to be set aside from the volunteer firefighters' fund 22 may not exceed the amount necessary to pay the maximum of 23 \$100 per month to each claimant qualified as of the 24 beginning of the fiscal year during which the payments are 25 to be made. 1 (c) For the purpose of computation and payment of 2 benefits under this section. if children of a volunteer 3 firefighter become eligible for benefits, all the children 4 of the volunteer firefighter shall be treated collectively 5 as one claimant.

(3) If the amount set aside is sufficient to pay each 6 7 qualified claimant at least \$20 per month throughout the 8 succeeding fiscal year, the pension shall be paid monthly on 9 or before the last day of each month. If the amount set aside is not sufficient to pay each gualified claimant at 10 least \$20 per month, each qualified claimant's full pension 11 12 for that year shall be paid to him in one lump payment on or 13 before December 15 of that year."

14 Section 10. Section 19-12-407, MCA, is amended to 15 read:

16 "19-12-407. Payment of pension benefits. All payments 17 under the volunteer firefighters' pension plan must be 18 approved by the public-employees*-retirement-system board 19 and paid by warrants drawn upon the agency fund, payable to 20 the order of the individual qualified volunteer firefighter 21 or the beneficiary as provided in 19-12-405(1)."

22 Section 11. Section 19-12-502, MCA, is amended to 23 read:

24 "19-12-502. Procedure for claiming disability
25 benefits. (1) A firefighter claiming benefits under

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1 19-12-504 must file his claim with the division board on a 2 form to be provided therefor by the board. The claim must be 3 verified by the claimant, the attending physician or surgeon 4 and nurse, if any, and the person in charge of the hospital, 5 if the claimant was confined. The claim must be filed with 6 the division board within 1 year from the date of 7 disability.

(2) The claim must contain:

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9 (a) the name and address of the claimant;

10 (b) the date, place, and manner of incurring of 11 disability;

12 (c) the name and address of the attending physician or13 surgeon and/or nurse, if any;

14 (d) the dates of confinement, if confined, or if not
15 confined, the dates of attendance by a physician or surgeon
16 and the dates of attendance by a nurse;

17 (e) the affidavit of the attending physician or
18 surgeon as to the nature of the disability, the number and
19 dates of visits, and the charges;

20 (f) if confined in a hospital, the affidavit of a
21 person in charge stating the nature of the disability, the
22 dates of confinement, and the expenses incurred while so
23 confined;

24 (g) the affidavit of the chief or secretary of the25 fire company stating that the fire company was duly

organized under the laws of Montana in an unincorporated
 town or village, that the claimant was: at the date of
 disability, an active enrolled member of the company: and
 that the disability was incurred in the line of duty;

5 (h) the affidavit of the nurse stating the nature of
6 the disability, the dates of attendance, and the charges for
7 services."

B Section 12. Section 19-12-503, MCA1 is amended to 9 read:

10 "19-12-503. Procedure for claiming death benefit. II Anyone claiming the benefit provided for in 19-12-505 must file his claim with the division board upon a form to be provided therefor by the division board. In accordance with such rules as the division board may make."

15 Section 13. Section 19-12-504, MCA, is amended to 16 read:

17 *19-12-504. Disability benefits. (1) Each member of a 18 fire company is entitled to receive compensation for disability incurred while in the performance of his duties 19 20 as a firefighter when the disability necessitates the services of a physician or surgeon, whether the member is 21 confined or not. The compensation shall equal the amount of 22 the member's necessary and reasonable medical expenses 23 resulting directly from the disability and incurred within 24 25 36 months from the date of the injury which caused the

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1 disability. The total compensation may not exceed \$25,000. 2 (2) When an injury incurred in the line of duty 3 results in the loss by amputation of an arm, hand, leg, or 4 foot, the enucleation of an eye, or the loss of any natural 5 teethy the division board shall order that an artificial 6 member be furnished. The expense of furnishing an artificial 7 member may not exceed \$1,500. The artificial member so 8 furnished shall be replaced every 5 years, if necessary." 9 Section 14. Section 19-12-506, MCA, is amended to 10 read:

"19-12-506. Payment of disability and death benefits. 11 When a claim under 19-12-504 or 19-12-505 is received by the 12 13 division board and is found to be in compliance with 14 19-12-502 or, in the case of a claim under 19-12-505, with 15 19-12-503, the division board must order the allowance thereof and pay it by warrants drawn upon the volunteer 16 firefighters' fund to the order of the attending physician 17 18 or surgeon, attending nurse, and hospital or the provider of 19 funeral services, as applicable."

20NEW_SECTION:Section 15. Effective date. This act is21effective July 1, 1983.

-End-

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1	SENATE BILL NO. 268
z	INTRODUCED BY R. MANNING
3	BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT DIVISION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT CONSOLIDATING THE
6	ADMINISTRATION OF DISABILITY, DEATH, AND PENSION BENEFITS
7	PROVIDED IN THE VOLUNTEER FIREFIGHTERS. COMPENSATION ACT
ន	UNDER THE PUBLIC EMPLOYEES' RETIREMENT BOARD; AMENDING
9	SECTIONS 19-12-102, 19-12-103, 19-12-201 THROUGH 19-12-204,
10	19-12-402 THROUGH 19-12-404+ 19-12-407+ 19-12-502 THROUGH
11	19-12-504, AND 19-12-506, MCA; AND PROVIDING AN EFFECTIVE
12	DATE+M
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14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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16	"L9-12-102. Definitions. Unless the context requires
17	otherwise, the following definitions apply in this chapter:
18	(L) "Board" means the public employees' retirement
19	board of-the-public-employees1retirementsystem <u>provided</u>
20	for_1a_2=15=1009•
21	{2}*Bivision[#]meansthedivi sionofworkers⁴
22	compensation-of-the-department-of-labor-and-industry:
23	(3)[2] "Fire company" means a fire company organized
24	in an unincorporated area, town, or village under the laws
25	of the state of Montana.

t++(1) The fiscal year begins on July 1 and ends on
 June 30 of each year.

3 (5)(4) "Fund" or "volunteer firefighters' fund" means
4 the volunteer firefighters' compensation account in the
5 agency fund."

Section 2. Section 19-12-103. MCA. is amended to read: 6 7 "19-12-103. Payments to volunteer fire companies 6 maintaining group insurance. To encourage and aid volunteer 9 fire companies to maintain group insurance for benefits on account of the death of or injury incurred by members while 10 in the performance of duties as volunteer firefighters, \$75 11 12 per year for each mobile unit of flrefighting equipment, not exceeding two units for any one company, shall be paid by 13 14 the division board from the volunteer firefighters" fund to 15 each volunteer fire company maintaining such insurance or to 16 the organization or agency maintaining such insurance for a 17 volunteer fire company."

18 Section 3. Section 19-12-201. MCA. is amended to read: 19 "19-12-201. Administration of chapter. (1)-Except-as 20 provided-in-subsection-(2)v-the--division <u>The_board</u> shall 21 administer the Volunteer Firefighters' Compensation Acty and 22 all--comments--made--under--19-12-193-and-19-12-506-shall-be 23 made-by-warrants-drawn-by-the-divisionv 24 f21--The---choord---shall--administer the volunteer

25 firefighters* pension plan, and all payments made under

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1 19-12-103: 19-12-405: and 19-12-407. and 19:12-506 shall be 2 made by warrants drawn by the public-employees*-retirement 3 system board. Annuallyy-on-or-before-the-15th-day-ofter-the 4 close-of-the-fiscal-veory--the--division--shall--natify--the 5 board--in--writing-of-the-balance-remaining-in-the-volunteer 6 firefighters*-fund-as-of-the-end-of-the-fises}-vear* 7 Section 4. Section 19-12-202. MCA. is amended to read: 8 "19-12-202. Reports of division-and-oublic--employees" 9 rettrement-system board. ft}-The-division-shally-at-the-time 10 specified---in--39-71-210--for--making--the--report--therein 11 requiredy--make--a--report--to--the--governor--covering--the 12 operations--and--proceedings--for--the-preceding-fiscal-year 13 relative---to---its---administration---of----the----Volunteer 14 Firefighters---Compensation--Acty--with---such-suggestions-or 15 recommendations-as-it--may--consider--of--value--for--oublic 16 informations 17 +2+111 The public--employees*-retirement-system board shall, not later than November 1 of each year, make a report

18 shall, not later than November 1 of each year, make a report 19 to the governor covering the operations and proceedings for 20 the prior fiscal year relative to its administration of the 21 <u>Volunteer_Firefighters*_Compensation_Act_and_the</u> volunteer 22 firefighters* pension plan, with such suggestions or 23 recommendations as it may consider of value for public 24 information.

25 t3t(2) Copies of all such reports shall be made

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available by the division-or--the---public---employees⁴
 retirement-system board to the chief or other representative
 of any volunteer fire company or companies which may at any
 time request them.^m

5 Section 5. Section 19-12-203, 4CA, is amended to read: a "19-12-203. Rules to be made by division--and board. The division-and-the board shall make such rules as each it considers necessary and advisable in its administration of the volunteer Firefighters' Compensation Act and the volunteer firefighters' compensation Act and the the provisions thereof."

12 Section 6. Section 19-12-204. MCA. is amended to read: 13 . #19-12-204. Office supplies to be a charge against the 14 fund. Necessary expenses of the division-and-the-public employees^~retirement--system board for office supplies. 15 stationery, and forms in connection with the administration 16 17 of the Volunteer Firefighters" Compensation Act and the 18 volunteer_firefighters'_pension_plan are a charge against 19 the fund. The public--employees--retirement--system board 20 shall draw from the fund through warrants executed-by-the 21 division--upon--the--request--of---the---public---amployees4 22 retirement--systemy at such intervals as the-board it Z3 considers proper to pay these expenses."

Section 7. Section 19-12-402, MCA, is amended to read:
"19-12-402. Certificate of eligibility. On or before

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September 1 of each year, the chief or foreman of every 1 volunteer fire company shall prepare and file with the 2 public--employees--retirement--system board a certificate, 3 subscribed and verified under oath, stating whether or not 4 5 his company gualified under 19-12-401(4) during the 6 preceding fiscal year and listing the full name and 7 residence address of each member of his company who satisfactorily completed 30 hours of instruction during the 9 9 preceding fiscal year, as required by 19-12-401(3). The verified certificate shall be maintained in a permanent file 10 by the public-employees-retirement--system board for the 11 12 surpose of establishing eligibility for participation in the volunteer firefighters' pension plan and shall be open for 13 14 inspection as a public record.*

15 Section 8. Section 19-12-403. MCA. is amended to read: 16 #19-12-403. Procedure for claiming pension benefits. 17 (1) Anyone claiming eligibility under the volunteer 16 firefighters pension plan must file his claim with the public--employees--retirement-system board upon a form to be 19 provided therefor by that-system the board. The claim must 20 21 be filed on or before May 1 of the calendar year in which 22 the claimant seeks to qualify for participation in the pension plan. 23

24 (2) The claim must contain:

25 (a) the name, address, and date of birth of the

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1 claimant and of the volunteer firefighter, if he is not the

2 claiment;

3 (b) the fiscal year during which eligibility will
 4 commence; and

5 (c) the years during which service as a volunteer
6 firefighter was rendered and the names of the volunteer fire
7 companies with which the service was rendered.

8 (3) The public-employees⁴-retirement-system board may
9 require such proof of age and service as it may consider
10 proper, but it must accept a certificate filed under
11 19-12-402 or subsection (3) of section 22, Chapter 157, Laws
12 of 1977, as prima facie proof of such service.

13 (4) If the claim is properly filed and the claimant is 14 found by the sublic-employees -retirement-system board to be 15 properly qualified to participate in the volunteer 16 firefighters' pension plan, the name of the claimant shall 17 be added to the list of qualified persons and the claimant 18 will then be entitled to participate in the volunteer 19 firefighters' pension plan as of the fiscal year beginning 20 July L next following the filing of the claim."

21 Section 9. Section 19-12-404, MCA, is amended to read: 22 "19-12-404, Pension benefits. (1) Each person who 23 meets the requirements set forth in 19-12-401 or, in the 24 case of a beneficiary, 19-12-405(1) and who has completed 25 and filed a claim as provided in 19-12-403 is entitled to

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participate in the volunteer firefighters' pension plan and
 to receive payments as provided in this section.

3 (2) The payments shall be computed each year in the4 following manner:

5 (a) Whenever at the close of business on the last day 6 of a fiscal year there is a balance in the volunteer 7 firefighters" fund in excess of \$1 million, the division 8 board shall set aside and-pay-over-to-the-public--employees-9 retirement--system the smaller of the amount in excess of \$1 19 million and an amount equal to 95% of the increase of the 11 balance over the balance at the end of the preceding fiscal 12 year for the payment by the public--employees---retirement 13 system board of pensions to qualified claimants during the 14 immediately succeeding fiscal year. The amount to be paid to each qualifying claimant shall be determined by dividing the 15 16 amount set aside by the number of claimants qualifying to 17 participate in the pension plan at the beginning of such 18 succeeding fiscal year.

19 (b) The total pension payable to a qualified claimant 20 under this section may not exceed \$100 per month, and the 21 amount to be set aside from the volunteer firefighters' fund 22 may not exceed the amount necessary to pay the maximum of 23 \$100 per month to each claimant qualified as of the 24 beginning of the fiscal year during which the payments are 25 to be made. 1 (c) For the purpose of computation and payment of 2 benefits under this section, if children of a volunteer 3 firefighter become eligible for benefits, all the children 4 of the volunteer firefighter shall be treated collectively 5 as one claimant.

(3) If the amount set aside is sufficient to pay each 6 qualified claimant at least \$20 per month throughout the 7 8 succeeding fiscal year, the pension shall be paid monthly on or before the last day of each month. If the amount set 9 aside is not sufficient to pay each qualified claimant at 10 least \$20 per month, each qualified claimant's full pension 11 for that year shall be paid to him in one lump payment on or 12 13 before December 15 of that year."

14 Section 10. Section 19-12-407, MCA, is amended to 15 read:

16 "19-12-407. Payment of pension benefits. All payments 17 under the volunteer firefighters' pension plan must be approved by the public-employees'-retirement-system board 19 and paid by warrants drawn upon the agency fund, payable to 20 the order of the individual qualified volunteer firefighter 21 or the beneficiary as provided in 19-12-405(1)."

22 Section 11. Section 19-12-502, MCA, is amended to 23 read:

24 *19-12-502. Procedure for claiming disability
25 benefits. (1) A firefighter claiming benefits under

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1 19-12-504 must file his claim with the division board on a form to be provided therefor by the board. The claim must be verified by the claimant, the attending physician or surgeon and nurse, if any, and the person in charge of the hospital, if the claimant was confined. The claim must be filed with the division board within 1 year from the date of disability.

8 (2) The claim must contain:

9 (a) the name and address of the claimant;

10 (b) the date, place, and manner of incurring of 11 disability;

12 (c) the name and address of the attending physician or
13 surgeon and/or nurse, if any;

(d) the dates of confinement, if confined, or if not
confined, the dates of attendance by a physician or surgeon
and the dates of attendance by a nurse;

17 (e) the affidavit of the attending physician or
18 surgeon as to the nature of the disability, the number and
19 dates of visits, and the charges;

(f) if confined in a hospital, the affidavit of a
person in charge stating the nature of the disability, the
dates of confinement, and the expenses incurred while so
confined:

24 (g) the affidavit of the chief or secretary of the25 fire company stating that the fire company was duly

organized under the laws of Montana in an unincorporated
 town or village, that the claimant was, at the date of
 disability, an active enrolled member of the company, and
 that the disability was incurred in the line of duty;

5 (h) the affidavit of the nurse stating the nature of
6 the disability, the dates of attendance, and the charges for
7 services."

8 Section 12. Section 19-12-503, MCA, is amended to 9 read:

10 "19-12-503. Procedure for claiming death benefit.
11 Anyone claiming the benefit provided for in 19-12-505 must
12 file his claim with the division board upon a form to be
13 provided therefor by the division board, in accordance with
14 such rules as the division board may make."

15 Section 13. Section 19-12-504, MCA, is amended to 16 read:

17 *19-12-504. Disability benefits. (1) Each member of a 18 fire company is entitled to receive compensation for 19 disability incurred while in the performance of his duties as a firefighter when the disability necessitates the 20 21 services of a physician or surgeon, whether the member is 22 confined or not. The compensation shall equal the amount of 23 the nember's necessary and reasonable medical expenses 24 resulting directly from the disability and incurred within 36 months from the date of the injury which caused the 25

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disability. The total compensation may not exceed \$25,000. 1 2 (2) When an injury incurred in the line of duty results in the loss by amputation of an arm, hand, leg, or 3 foot, the enucleation of an eye, or the loss of any natural 4 5 teeth, the division board shall order that an artificial member be furnished. The expense of furnishing an artificial 6 7 member may not exceed \$1,500. The artificial member so furnished shall be replaced every 5 years, if necessary." 8 9 Section 14. Section 19-12-506, NCA, is amended to read: 10

#19-12-506. Payment of disability and death benefits. 11 12 When a claim under 19-12-504 or 19-12-505 is received by the 13 division board and is found to be in compliance with 14 19-12-502 or, in the case of a claim under 19-12-505, with 19-12-503, the division board must order the allowance 15 16 thereof and pay it by warrants drawn upon the volunteer 17 firefighters' fund to the order of the attending physician 18 or surgeon, attending nurse, and hospital or the provider of 19 funeral services, as applicable."

20 <u>YEW_SECIION</u> Section 15. Effective date. This act is 21 effective July 1, 1983.

+End+

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