

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 HOUSE

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.

FIRST READING

MISSING

Approved by Committee
on State Administration

1 *Senate* BILL NO. *261*
2 INTRODUCED BY *Richard E. 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
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, MCA; AND PROVIDING AN EFFECTIVE
12 DATE."
13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15 Section 1. Section 19-12-102, MCA, 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 ~~{2}--"Division"---means---the---division---of---workers'~~
22 ~~compensation-of-the-department-of-labor-and-industry~~
23 {3}{21} "Fire company" means a fire company organized
24 in an unincorporated area, town, or village under the laws
25 of the state of Montana.

1 ~~{4}{31}~~ The fiscal year begins on July 1 and ends on
2 June 30 of each year.
3 ~~{5}{41}~~ "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. ~~{1}~~-Except as
20 provided in subsection ~~{2}~~-the ~~division~~ the board shall
21 administer the Volunteer Firefighters' Compensation Act, and
22 ~~all payments made under 19-12-103 and 19-12-506 shall be~~
23 ~~made by warrants drawn by the division~~
24 ~~{2}~~-The ~~board~~ shall administer the volunteer
25 firefighters' pension plan, and all payments made under

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. Annually, on or before the 15th day after the~~
 4 ~~close of the fiscal year, 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 year."~~

7 Section 4. Section 19-12-202, MCA, is amended to read:

8 "19-12-202. Reports of ~~division and public-employees'~~
 9 ~~retirement system board. (1) The division shall at the time~~
 10 ~~specified in 39-71-210 for making the report therein~~
 11 ~~required, 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 Act, with such suggestions or~~
 15 ~~recommendations as it may consider of value for public~~
 16 ~~information.~~

17 ~~(2)(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
 20 the prior fiscal year relative to its administration of the
 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.

25 ~~(3)(2)~~ 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:

6 "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 ~~employees'-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 request of the public-employees'~~
 22 ~~retirement system~~, 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

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

Section 8. Section 19-12-403, MCA, is amended to read:

"19-12-403. Procedure for claiming pension benefits.

(1) Anyone claiming eligibility under the volunteer firefighters' pension plan must file his claim with the public-employees-retirement-system board upon a form to be provided therefor by that-system the board. The claim must be filed on or before May 1 of the calendar year in which the claimant seeks to qualify for participation in the pension plan.

(2) The claim must contain:

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

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

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

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

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

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

Section 9. Section 19-12-404, MCA, is amended to read:

"19-12-404. Pension benefits. (1) Each person who meets the requirements set forth in 19-12-401 or, in the case of a beneficiary, 19-12-405(1) and who has completed and filed a claim as provided in 19-12-403 is entitled to

1 participate in the volunteer firefighters' pension plan and
2 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
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
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
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.

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
9 or before the last day of each month. If the amount set
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 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

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.

(2) The claim must contain:

(a) the name and address of the claimant;

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

(c) the name and address of the attending physician or 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;

(e) the affidavit of the attending physician or surgeon as to the nature of the disability, the number and 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;

(g) the affidavit of the chief or secretary of the 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;

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

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

"19-12-503. Procedure for claiming death benefit. 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."

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

"19-12-504. Disability benefits. (1) Each member of a fire company is entitled to receive compensation for disability incurred while in the performance of his duties as a firefighter when the disability necessitates the services of a physician or surgeon, whether the member is confined or not. The compensation shall equal the amount of the member's necessary and reasonable medical expenses resulting directly from the disability and incurred within 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
4 foot, the enucleation of an eye, or the loss of any natural
5 teeth, 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:

11 "19-12-506. Payment of disability and death benefits.
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
15 19-12-503, the ~~division board~~ must order the allowance
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 ~~NEW SECTION.~~ Section 15. Effective date. This act is
21 effective July 1, 1983.

-End-

1 *Senate* BILL NO. *268*
 2 INTRODUCED BY *Richard E. Manning*
 3 BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT DIVISION
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 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,
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 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 15 Section 1. Section 19-12-102, MCA, 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 (2) "~~Division~~" means ~~the division of workers'~~
 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.

1 (4) (3) The fiscal year begins on July 1 and ends on
 2 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. (1) Except as
 20 provided in subsection (2), the ~~division~~ The board shall
 21 administer the Volunteer Firefighters' Compensation Act, and
 22 ~~all payments made under 19-12-103 and 19-12-506 shall be~~
 23 ~~made by warrants drawn by the division~~
 24 (2) ~~The board shall administer~~ the volunteer
 25 firefighters' pension plan, and all payments made under

~~19-12-103, 19-12-405, and 19-12-407, and 19-12-506~~ shall be made by warrants drawn by the ~~public-employees'-retirement system board~~. ~~Annually, on or before the 15th day after the close of the fiscal year, the division shall notify the board in writing of the balance remaining in the volunteer firefighters' fund as of the end of the fiscal year.~~"

Section 4. Section 19-12-202, MCA, is amended to read:

"19-12-202. Reports of ~~division and public-employees' retirement system board~~. ~~(1) The division shall, at the time specified in 39-71-218 for making the report therein required, make a report to the governor covering the operations and proceedings for the preceding fiscal year relative to its administration of the Volunteer Firefighters' Compensation Act, with such suggestions or recommendations as it may consider of value for public information.~~

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

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

available by the ~~division or the public-employees' retirement system board~~ to the chief or other representative of any volunteer fire company or companies which may at any time request them."

Section 5. Section 19-12-203, MCA, is amended to read:

"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' pension plan, not inconsistent with the provisions thereof."

Section 6. Section 19-12-204, MCA, is amended to read:

"19-12-204. Office supplies to be a charge against the fund. Necessary expenses of the ~~division and the public-employees'-retirement system board~~ for office supplies, stationery, and forms in connection with the administration of the Volunteer Firefighters' Compensation Act and the volunteer firefighters' pension plan are a charge against the fund. The ~~public-employees'-retirement system board~~ shall draw from the fund through warrants executed by the ~~division upon the request of the public-employees' retirement system~~, at such intervals as the ~~board~~ it 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

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

Section 8. Section 19-12-403, MCA, is amended to read:

"19-12-403. Procedure for claiming pension benefits.

(1) Anyone claiming eligibility under the volunteer firefighters' pension plan must file his claim with the public--employees--retirement--system board upon a form to be provided therefor by that system the board. The claim must be filed on or before May 1 of the calendar year in which the claimant seeks to qualify for participation in the pension plan.

(2) The claim must contain:

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

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

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

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

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

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

Section 9. Section 19-12-404, MCA, is amended to read:

"19-12-404. Pension benefits. (1) Each person who meets the requirements set forth in 19-12-401 or, in the case of a beneficiary, 19-12-405(1) and who has completed and filed a claim as provided in 19-12-403 is entitled to

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

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

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

(c) For the purpose of computation and payment of benefits under this section, if children of a volunteer firefighter become eligible for benefits, all the children of the volunteer firefighter shall be treated collectively as one claimant.

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

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

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

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

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

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.

(2) The claim must contain:

(a) the name and address of the claimant;

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

(c) the name and address of the attending physician or 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;

(e) the affidavit of the attending physician or surgeon as to the nature of the disability, the number and 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;

(g) the affidavit of the chief or secretary of the 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;

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

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

"19-12-503. Procedure for claiming death benefit. 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."

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

"19-12-504. Disability benefits. (1) Each member of a fire company is entitled to receive compensation for disability incurred while in the performance of his duties as a firefighter when the disability necessitates the services of a physician or surgeon, whether the member is confined or not. The compensation shall equal the amount of the member's necessary and reasonable medical expenses resulting directly from the disability and incurred within 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
4 foot, the enucleation of an eye, or the loss of any natural
5 teeth, 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:

11 "19-12-506. Payment of disability and death benefits.
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
15 19-12-503, the ~~division board~~ must order the allowance
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 NEW SECTION. Section 15. Effective date. This act is
21 effective July 1, 1983.

-End-

SENATE BILL NO. 268

INTRODUCED BY R. MANNING

BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT DIVISION

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

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 2-15-1002.

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

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

~~(4) (1) The fiscal year begins on July 1 and ends on June 30 of each year.~~

~~(5) (1) "Fund" or "volunteer firefighters' fund" means the volunteer firefighters' compensation account in the agency fund."~~

Section 2. Section 19-12-103, MCA, is amended to read:

"19-12-103. Payments to volunteer fire companies maintaining group insurance. To encourage and aid volunteer fire companies to maintain group insurance for benefits on account of the death of or injury incurred by members while in the performance of duties as volunteer firefighters, \$75 per year for each mobile unit of firefighting equipment, not exceeding two units for any one company, shall be paid by the ~~division board~~ from the volunteer firefighters' fund to each volunteer fire company maintaining such insurance or to the organization or agency maintaining such insurance for a volunteer fire company."

Section 3. Section 19-12-201, MCA, is amended to read:

"19-12-201. Administration of chapter. ~~(1) Except as provided in subsection (2), the division~~ The board shall administer the Volunteer Firefighters' Compensation Act, and ~~all payments made under 19-12-193 and 19-12-506 shall be made by warrants drawn by the division.~~

~~(2) The board shall administer the volunteer firefighters' pension plan, and all payments made under~~

~~19-12-103, 19-12-405, and 19-12-407, and 19-12-506~~ shall be made by warrants drawn by the ~~public-employees'-retirement system board~~. ~~Annually, on or before the 15th day after the close of the fiscal year, the division shall notify the board in writing of the balance remaining in the volunteer firefighters' fund as of the end of the fiscal year.~~

Section 4. Section 19-12-202, MCA, is amended to read:

"19-12-202. Reports of ~~division and public-employees' retirement system board~~. ~~(1) The division shall, at the time specified in 39-71-210 for making the report therein required, make a report to the governor covering the operations and proceedings for the preceding fiscal year relative to its administration of the Volunteer Firefighters' Compensation Act, with such suggestions or recommendations as it may consider of value for public information.~~

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

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

available by the ~~division or the public-employees' retirement system board~~ to the chief or other representative of any volunteer fire company or companies which may at any time request them."

Section 5. Section 19-12-203, MCA, is amended to read:

"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' pension plan, not inconsistent with the provisions thereof."

Section 6. Section 19-12-204, MCA, is amended to read:

"19-12-204. Office supplies to be a charge against the fund. Necessary expenses of the ~~division and the public-employees'-retirement system board~~ for office supplies, stationery, and forms in connection with the administration of the Volunteer Firefighters' Compensation Act ~~and the~~ volunteer firefighters' pension plan are a charge against the fund. The ~~public-employees'-retirement system board~~ shall draw from the fund through warrants ~~executed by the~~ division upon the request of the public-employees' retirement system at such intervals as ~~the board~~ it 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

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

Section 8. Section 19-12-403, MCA, is amended to read:

"19-12-403. Procedure for claiming pension benefits.

(1) Anyone claiming eligibility under the volunteer firefighters' pension plan must file his claim with the public--employees--retirement--system board upon a form to be provided therefor by that system the board. The claim must be filed on or before May 1 of the calendar year in which the claimant seeks to qualify for participation in the pension plan.

(2) The claim must contain:

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

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

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

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

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

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

Section 9. Section 19-12-404, MCA, is amended to read:

"19-12-404. Pension benefits. (1) Each person who meets the requirements set forth in 19-12-401 or, in the case of a beneficiary, 19-12-405(1) and who has completed and filed a claim as provided in 19-12-403 is entitled to

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

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

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

(c) For the purpose of computation and payment of benefits under this section, if children of a volunteer firefighter become eligible for benefits, all the children of the volunteer firefighter shall be treated collectively as one claimant.

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

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

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

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

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

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.

(2) The claim must contain:

(a) the name and address of the claimant;

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

(c) the name and address of the attending physician or 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;

(e) the affidavit of the attending physician or surgeon as to the nature of the disability, the number and 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;

(g) the affidavit of the chief or secretary of the 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;

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

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

"19-12-503. Procedure for claiming death benefit. 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."

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

"19-12-504. Disability benefits. (1) Each member of a fire company is entitled to receive compensation for disability incurred while in the performance of his duties as a firefighter when the disability necessitates the services of a physician or surgeon, whether the member is confined or not. The compensation shall equal the amount of the member's necessary and reasonable medical expenses resulting directly from the disability and incurred within 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
4 foot, the enucleation of an eye, or the loss of any natural
5 teeth, 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:

11 "19-12-506. Payment of disability and death benefits.
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
15 19-12-503, the ~~division board~~ must order the allowance
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 ~~NEW SECTION.~~ Section 15. Effective date. This act is
21 effective July 1, 1983.

-End-