

HOUSE BILL NO. 197

INTRODUCED BY QUILICI, HOLLIDAY, CAMPBELL,
SPAETH, MANUEL, PAVLOVICH

IN THE HOUSE

January 15, 1985	Introduced and referred to Committee on State Administration.
January 16, 1985	Fiscal Note requested.
January 19, 1985	Fiscal Note returned.
January 23, 1985	Committee recommend bill do pass as amended. Report adopted.
January 24, 1985	Bill printed and placed on members' desks.
January 26, 1985	Second reading, do pass.
January 28, 1985	Considered correctly engrossed.
January 29, 1985	Third reading, passed. Ayes, 100; Noes, 0. Transmitted to Senate.

IN THE SENATE

January 30, 1985	Introduced and referred to Committee on State Administration.
March 7, 1985	Committee recommend bill be concurrent in. Report adopted.
March 9, 1985	Second reading, concurred in.
March 12, 1985	Third reading, concurred in. Ayes, 49; Noes, 1. Returned to House.

IN THE HOUSE

March 13, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 197

INTRODUCED BY

*Julian H. ...
Spauld ...*

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE AMOUNT IN PENSION BENEFITS THAT MAY BE PAID TO A VOLUNTEER FIREFIGHTER'S SURVIVING SPOUSE OR DEPENDENT CHILD UNDER THE VOLUNTEER FIREFIGHTERS' COMPENSATION ACT; AMENDING SECTION 19-12-405, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. "

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

Section 1. Section 19-12-405, MCA, is amended to read:

"19-12-405. Pension benefits to surviving spouse or children. (1) The full or partial participation pension shall be paid or continue to be paid to the surviving spouse, if any, until such spouse's death or remarriage or, if the deceased volunteer firefighter left no surviving spouse but left a child or children under the age of 18, to the guardian or other person having custody of the children until the youngest child reaches the age of 18. The pension shall be paid in each of the following circumstances:

(a) the death of a volunteer firefighter who has not reached the age of 55 but who has otherwise qualified for full participation;

(b) the death after February 27, 1971, of a volunteer firefighter who has not reached the age of 55 but who has

otherwise qualified for partial participation;

(c) the death of a volunteer firefighter after qualifying for full participation but before receiving payments totaling at least ~~\$2,000~~ \$4,000; or

(d) the death of a volunteer firefighter after February 27, 1971, and after he has qualified for partial participation but before he has received payments totaling the proportion of ~~\$2,000~~ \$4,000 determined under the formula prescribed in 19-12-401(1)(b).

(2) Payments under subsection (1) shall terminate, in the case of a full participation pension, when a total of ~~\$2,000~~ \$4,000 has been paid upon the pension, including any payments made to the volunteer firefighter before his death, or in the case of a partial participation pension, when a total of the proportion of ~~\$2,000~~ \$4,000 determined under the formula prescribed in 19-12-401(1)(b) has been paid upon the pension, including any payments made to the volunteer firefighter before his death."

NEW SECTION. Section 2. Extension of authority. Any existing authority of the public employees' retirement board to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 3. Effective date. This act is effective on passage and approval.

-End-

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INTRODUCED BILL
HB 197



STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 120-85

Form BD-15

In compliance with a written request received January 16, 19 85, there is hereby submitted a Fiscal Note for H.B. 197 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 197 would increase the total amount of benefits that may be paid to a volunteer firefighter's surviving spouse or dependent child.

FISCAL IMPACT:

There would be no fiscal impact. Benefits are set by 19-12-404(2A) M.C.A. This states that benefits are set on 95% of growth of the assets in the fund. The proposed legislation would allow the total amount of benefits to rise to \$4,000 per year from \$2,000 but the increase would only materialize if the growth of the fund allowed benefits to total more than \$2,000.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 19, 1985

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 197

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IN PENSION BENEFITS THAT MAY BE PAID TO A VOLUNTEER
FIREFIGHTER'S SURVIVING SPOUSE OR DEPENDENT CHILD UNDER THE
VOLUNTEER FIREFIGHTERS' COMPENSATION ACT; AMENDING SECTION
19-12-405, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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Section 1. Section 19-12-405, MCA, is amended to read:

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children. (1) The full or partial participation pension
shall be paid or continue to be paid to the surviving
spouse, if any, until such spouse's death or remarriage or,
if the deceased volunteer firefighter left no surviving
spouse but left a child or children under the age of 18, to
the guardian or other person having custody of the children
until the youngest child reaches the age of 18. The pension
shall be paid in each of the following circumstances:

(a) the death ON OR AFTER JULY 1, 1985, of a volunteer
firefighter who has not reached the age of 55 but who has
otherwise qualified for full participation;

(b) the death ON OR after ~~February 27, 1977~~ JULY 1,

1985, of a volunteer firefighter who has not reached the age
of 55 but who has otherwise qualified for partial
participation;

(c) the death ON OR AFTER JULY 1, 1985, of a volunteer
firefighter after qualifying for full participation but
before receiving payments totaling at least ~~\$2,000~~ \$4,000;
or

(d) the death ON OR AFTER JULY 1, 1985, of a volunteer
firefighter after ~~February 27, 1977~~ and after he has
qualified for partial participation but before he has
received payments totaling the proportion of ~~\$2,000~~ \$4,000
determined under the formula prescribed in 19-12-401(1)(b).

(2) Payments under subsection (1) shall terminate, in
the case of a full participation pension, when a total of
~~\$2,000~~ \$4,000 has been paid upon the pension, including any
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NEW SECTION. Section 2. Extension of authority. Any
existing authority of the public employees' retirement board
to make rules on the subject of the provisions of this act
is extended to the provisions of this act.



HB 0197/02

1 NEW SECTION. Section 3. Effective date. This act is
2 ~~effective on-passage-and-approval~~ JULY 1, 1985.

-End-

1 HOUSE BILL NO. 197

2 INTRODUCED BY QUILICI, HOLLIDAY,
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17 if the deceased volunteer firefighter left no surviving
18 spouse but left a child or children under the age of 18, to
19 the guardian or other person having custody of the children
20 until the youngest child reaches the age of 18. The pension
21 shall be paid in each of the following circumstances:

22 (a) the death ON OR AFTER JULY 1, 1985, of a volunteer
23 firefighter who has not reached the age of 55 but who has
24 otherwise qualified for full participation;

25 (b) the death ON OR after February-27,--1971 JULY 1,

1 1985, of a volunteer firefighter who has not reached the age
2 of 55 but who has otherwise qualified for partial
3 participation;

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