

HOUSE BILL NO. 709

2/07 Introduced
2/07 Referred to State Administration
2/07 Fiscal Note Requested
2/13 Fiscal Note Received
2/18 Hearing
2/18 Adverse Committee Report
2/19 Bill Killed

1 HOUSE BILL NO. 709
2 INTRODUCED BY Harrington Lulien
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A VOLUNTEER
5 FIREFIGHTER COMPLETING HIS YEARS OF SERVICE AFTER JULY 1,
6 1985, TO PASS A TEST DEVELOPED BY THE DIRECTOR OF THE
7 MONTANA FIRE SERVICES TRAINING SCHOOL TO BE ELIGIBLE FOR
8 PENSION BENEFITS; AMENDING SECTIONS 19-12-401 AND 19-12-402,
9 MCA; AND PROVIDING AN EFFECTIVE DATE."
10

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

12 Section 1. Section 19-12-401, MCA, is amended to read:
13 "19-12-401. Eligibility for pension benefits. In order
14 to qualify for participation in the volunteer firefighters'
15 pension plan under 19-12-404, a volunteer firefighter must
16 meet each of the following requirements:

17 (1) (a) To qualify for full participation, he must
18 have completed a total of at least 20 years' service as an
19 active volunteer firefighter and as an active member of a
20 qualified volunteer fire company.

21 (b) If a firefighter is prevented from completing at
22 least 20 years' service by dissolution or discontinuance of
23 his volunteer fire company, personal relocation due to
24 transfer or loss of employment, personal disability, or any
25 other factor beyond his reasonable control, he may qualify

1 for partial participation if he has completed at least 10
2 years' service. In that event, he is eligible for only a
3 proportion of the benefits specified in 19-12-404,
4 determined by multiplying the benefits by a fraction, the
5 numerator of which is the number of years of active service
6 completed and the denominator of which is 20.

7 (c) The years of active service are cumulative and
8 need not be continuous. The service need not be acquired
9 with one single fire company but may be a total of separate
10 periods of active service with different fire companies in
11 different fire districts.

12 (d) Effective March 1, 1965, the annual period of
13 service for the purpose of this chapter is the fiscal year.
14 No fractional part of any year may count toward the service
15 requirement, and to receive credit for any particular year,
16 a volunteer firefighter must serve with one particular
17 volunteer fire company throughout that entire fiscal year.

18 (2) (a) Except as provided in subsection (2)(b), he
19 must have attained the age of 55, but he need not be an
20 active volunteer firefighter or an active member of any
21 volunteer fire company when he reaches that age.

22 (b) An active member of a volunteer fire company whose
23 duty-related injury results in a permanent, total disability
24 as defined in 39-71-116(13) is eligible to receive a partial
25 pension regardless of his age calculated as follows:



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1 (i) for a member with less than 10 years of service, a
2 pension calculated as provided in subsection (1)(b) in which
3 the numerator equals 10; or

4 (ii) for a member with 10 years or more of service, a
5 pension calculated as provided in subsection (1)(b).

6 (3) During each of the years for which he claims
7 credit under subsection (1), he must have completed a
8 minimum of 30 hours of instruction in matters pertaining to
9 firefighting under a program formulated and supervised by
10 the chief or foreman of his volunteer fire company.

11 (4) A volunteer firefighter completing his years of
12 service after July 1, 1985, shall, at some time during his
13 years of service, pass a test developed by the director of
14 the Montana fire services training school. The test must be
15 given under the supervision of a fire training officer
16 certified by the director.

17 ~~(4)~~(5) Effective July 1, 1965, no volunteer
18 firefighter may receive credit for any year of membership in
19 a volunteer fire company unless, throughout the year:

20 (a) the company maintained firefighting equipment in
21 serviceable condition of a value of \$2,500 or more; and

22 (b) the company or the fire district served by it was
23 rated in class 5, 6, 7, 8, 9, or 10 by the board of fire
24 underwriters for the purpose of fire insurance premium
25 rates.

1 ~~(5)~~(6) He must have ceased to be an active member of
2 any volunteer fire company, and if he applies for and
3 receives pension benefits hereunder, he will not thereafter
4 be eligible to become an active member of any volunteer fire
5 company."

6 Section 2. Section 19-12-402, MCA, is amended to read:
7 "19-12-402. Certificate of eligibility. On or before
8 September 1 of each year, the chief or foreman of every
9 volunteer fire company shall prepare and file with the board
10 a certificate, subscribed and verified under oath, stating
11 whether or not his company qualified under 19-12-401~~(4)~~(5)
12 during the preceding fiscal year and listing the full name
13 and residence address of each member of his company who
14 during the preceding fiscal year satisfactorily completed 30
15 hours of instruction ~~during the preceding fiscal year~~, as
16 required by 19-12-401(3) or passed the test as required by
17 19-12-401(4). The verified certificate shall be maintained
18 in a permanent file by the board for the purpose of
19 establishing eligibility for participation in the volunteer
20 firefighters' pension plan and shall be open for inspection
21 as a public record."

22 NEW SECTION. Section 3. Extension of authority. Any
23 existing authority of the public employees' retirement board
24 to make rules on the subject of the provisions of this act
25 is extended to the provisions of this act.

LC 1528/01

1 NEW SECTION. Section 4. Effective date. This act is
2 effective July 1, 1985.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 364-85

Form BD-15

In compliance with a written request received February 9, 19 85, there is hereby submitted a Fiscal Note for H.B. 709 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 709 requires each volunteer firefighter to pass a test to be eligible for pension benefits.

ASSUMPTIONS:

1. It is assumed that the number of tests being administered by the Montana Fire Services Training School (FSTS) will not significantly increase.
2. It is assumed that no reporting by FSTS to PERS will be required.
3. It is assumed that the phrase "firetraining officer certified by the Director of the Montana Fire Services Training School" is intended to include those individual fire instructors who are currently administering basic test for FSTS.
4. It is assumed that those fire instructors who are currently administering basic test will continue to do so on a voluntary basis.
5. It is assumed that existing, non-validated test will be used for the purposes of this proposed bill.

FISCAL IMPACT:

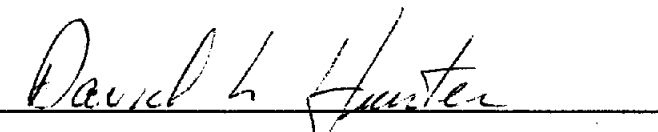
None

LONG-RANGE IMPACT:

None

TECHNICAL NOTE:

None



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 13, 1985
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