

HOUSE BILL NO. 485

INTRODUCED BY THOFT, ASAY, PAVLOVICH, STIMATZ, NATHE,
DEVLIN, HARRINGTON, SPAETH, D. BROWN

IN THE HOUSE

JANUARY 27, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

FEBRUARY 6, 1987 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 7, 1987 PRINTING REPORT.

FEBRUARY 9, 1987 SECOND READING, DO PASS.

FEBRUARY 10, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 11, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

FEBRUARY 24, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 3, 1987 SECOND READING, CONCURRED IN.

MARCH 5, 1987 THIRD READING, CONCURRED IN.
AYES, 48; NOES, 0.

 RETURNED TO HOUSE.

IN THE HOUSE

MARCH 6, 1987 RECEIVED FROM SENATE.

 SENT TO ENROLLING.

1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

House BILL NO. ⁴⁸⁵

INTRODUCED BY *Staff* *Rep. Paul* *Rep. Smith*

Rep. Hahn *Rep. Spauld*

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MAXIMUM PENSION THAT MAY BE PAID TO A SURVIVING SPOUSE OR CHILDREN OF CERTAIN DECEASED VOLUNTEER FIREFIGHTERS; AMENDING SECTION 19-11-605, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 19-11-605, MCA, is amended to read:

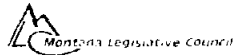
"19-11-605. Pensions to surviving spouses and children. (1) Each association shall pay, out of its disability and pension fund, a monthly pension to the surviving spouse or children of a deceased member of the association who on the date of his death was an active member of the fire department in the city or town in which the association was formed, who had elected to retire from active service in the fire department and receive a service pension as provided for by 19-11-602, or who, prior to death, had suffered a sickness or injury and was receiving or was qualified to receive a disability pension as provided by 19-11-504. The pension shall be equal to one-half of the last month's salary received as a monthly compensation, excluding overtime and payments in lieu of sick leave and annual leave, by the deceased member for services rendered

1 as an active member of the fire department in the city or
 2 town in which the association was formed.

3 (2) Effective July 1, 1974, if the deceased member had
 4 completed 20 years of service and had elected to serve
 5 additional years, the pension provided for in subsection (1)
 6 shall be increased at the rate of 1% per year for each
 7 additional year of service completed, up to a maximum of 60%
 8 of the last month's salary received as a monthly
 9 compensation, excluding overtime and payments in lieu of
 10 sick leave and annual leave, by the deceased member for his
 11 services as an active member of the fire department.

12 (3) The monthly pension paid to the surviving spouse
 13 or children of an active member who dies after July 1, 1973,
 14 or an active member who elects to retire after July 1, 1973,
 15 must be at least one-half the regular monthly salary paid to
 16 a confirmed active firefighter of that city, as provided
 17 each year in the budget of that city. The monthly pension
 18 paid to the surviving spouse or children of an active member
 19 who died prior to July 1, 1974, or who elected to retire
 20 before July 1, 1974, must be at least \$200. In the case of a
 21 volunteer firefighters firefighter, the pension paid to a
 22 surviving spouse or children may not exceed \$75--per--month
 23 the amount provided for a service pension for a volunteer
 24 firefighter under 19-11-602(3).

25 (4) A pension may be paid to the surviving spouse only



-2- INTRODUCED BILL
 HB-485

1 so long as such spouse remains unmarried. A surviving spouse
2 is not entitled to a pension under this section if the
3 marriage was entered into after the firefighter had elected
4 to retire from active service and had begun to receive a
5 service pension as provided for by 19-11-602 or if the
6 marriage was entered into after the firefighter had
7 qualified for and had begun to receive a disability pension
8 as provided for by 19-11-604. The pension provided for in
9 this section may not be paid to the children of deceased
10 firefighters after they have attained the age of 18."

11 NEW SECTION. Section 2. Effective date. This act is
12 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1
2 INTRODUCED BY *House* BILL NO. *485*
3 *Jeffrey W. Santorum*
4 *NP* *Stephen Hahn* *Spauld* *Steve Brown*
5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MAXIMUM
6 PENSION THAT MAY BE PAID TO A SURVIVING SPOUSE OR CHILDREN
7 OF CERTAIN DECEASED VOLUNTEER FIREFIGHTERS; AMENDING SECTION
8 19-11-605, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

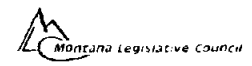
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Section 19-11-605, MCA, is amended to read:
11 "19-11-605. Pensions to surviving spouses and
12 children. (1) Each association shall pay, out of its
13 disability and pension fund, a monthly pension to the
14 surviving spouse or children of a deceased member of the
15 association who on the date of his death was an active
16 member of the fire department in the city or town in which
17 the association was formed, who had elected to retire from
18 active service in the fire department and receive a service
19 pension as provided for by 19-11-602, or who, prior to
20 death, had suffered a sickness or injury and was receiving
21 or was qualified to receive a disability pension as provided
22 by 19-11-604. The pension shall be equal to one-half of the
23 last month's salary received as a monthly compensation,
24 excluding overtime and payments in lieu of sick leave and
25 annual leave, by the deceased member for services rendered

1 as an active member of the fire department in the city or
2 town in which the association was formed.

3 (2) Effective July 1, 1974, if the deceased member had
4 completed 20 years of service and had elected to serve
5 additional years, the pension provided for in subsection (1)
6 shall be increased at the rate of 1% per year for each
7 additional year of service completed, up to a maximum of 60%
8 of the last month's salary received as a monthly
9 compensation, excluding overtime and payments in lieu of
10 sick leave and annual leave, by the deceased member for his
11 services as an active member of the fire department.

12 (3) The monthly pension paid to the surviving spouse
13 or children of an active member who dies after July 1, 1973,
14 or an active member who elects to retire after July 1, 1973,
15 must be at least one-half the regular monthly salary paid to
16 a confirmed active firefighter of that city, as provided
17 each year in the budget of that city. The monthly pension
18 paid to the surviving spouse or children of an active member
19 who died prior to July 1, 1974, or who elected to retire
20 before July 1, 1974, must be at least \$200. In the case of a
21 volunteer firefighters firefighter, the pension paid to a
22 surviving spouse or children may not exceed \$75--per--month
23 the amount provided for a service pension for a volunteer
24 firefighter under 19-11-602(3).

25 (4) A pension may be paid to the surviving spouse only



1 so long as such spouse remains unmarried. A surviving spouse
2 is not entitled to a pension under this section if the
3 marriage was entered into after the firefighter had elected
4 to retire from active service and had begun to receive a
5 service pension as provided for by 19-11-602 or if the
6 marriage was entered into after the firefighter had
7 qualified for and had begun to receive a disability pension
8 as provided for by 19-11-604. The pension provided for in
9 this section may not be paid to the children of deceased
10 firefighters after they have attained the age of 18."

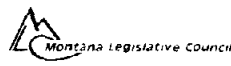
11 NEW SECTION. Section 2. Effective date. This act is
12 effective on passage and approval.

-End-

1
 2 INTRODUCTION BY *House* BILL NO. *485*
 3 *Cliff C. Wray*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MAXIMUM
 5 PENSION THAT MAY BE PAID TO A SURVIVING SPOUSE OR CHILDREN
 6 OF CERTAIN DECEASED VOLUNTEER FIREFIGHTERS; AMENDING SECTION
 7 19-11-605, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 19-11-605, MCA, is amended to read:
 11 "19-11-605. Pensions to surviving spouses and
 12 children. (1) Each association shall pay, out of its
 13 disability and pension fund, a monthly pension to the
 14 surviving spouse or children of a deceased member of the
 15 association who on the date of his death was an active
 16 member of the fire department in the city or town in which
 17 the association was formed, who had elected to retire from
 18 active service in the fire department and receive a service
 19 pension as provided for by 19-11-602, or who, prior to
 20 death, had suffered a sickness or injury and was receiving
 21 or was qualified to receive a disability pension as provided
 22 by 19-11-604. The pension shall be equal to one-half of the
 23 last month's salary received as a monthly compensation,
 24 excluding overtime and payments in lieu of sick leave and
 25 annual leave, by the deceased member for services rendered

1 as an active member of the fire department in the city or
 2 town in which the association was formed.
 3 (2) Effective July 1, 1974, if the deceased member had
 4 completed 20 years of service and had elected to serve
 5 additional years, the pension provided for in subsection (1)
 6 shall be increased at the rate of 1% per year for each
 7 additional year of service completed, up to a maximum of 60%
 8 of the last month's salary received as a monthly
 9 compensation, excluding overtime and payments in lieu of
 10 sick leave and annual leave, by the deceased member for his
 11 services as an active member of the fire department.
 12 (3) The monthly pension paid to the surviving spouse
 13 or children of an active member who dies after July 1, 1973,
 14 or an active member who elects to retire after July 1, 1973,
 15 must be at least one-half the regular monthly salary paid to
 16 a confirmed active firefighter of that city, as provided
 17 each year in the budget of that city. The monthly pension
 18 paid to the surviving spouse or children of an active member
 19 who died prior to July 1, 1974, or who elected to retire
 20 before July 1, 1974, must be at least \$200. In the case of a
 21 volunteer ~~firefighters~~ firefighter, the pension paid to a
 22 surviving spouse or children may not exceed \$75--per--month
 23 the amount provided for a service pension for a volunteer
 24 firefighter under 19-11-602(3).
 25 (4) A pension may be paid to the surviving spouse only



1 so long as such spouse remains unmarried. A surviving spouse
2 is not entitled to a pension under this section if the
3 marriage was entered into after the firefighter had elected
4 to retire from active service and had begun to receive a
5 service pension as provided for by 19-11-602 or if the
6 marriage was entered into after the firefighter had
7 qualified for and had begun to receive a disability pension
8 as provided for by 19-11-604. The pension provided for in
9 this section may not be paid to the children of deceased
10 firefighters after they have attained the age of 18."

11 NEW SECTION. Section 2. Effective date. This act is
12 effective on passage and approval.

-End-

HOUSE BILL NO. 485

INTRODUCED BY THOFT, ASAY, PAVLOVICH, STIMATZ, NATHE,
DEVLIN, HARRINGTON, SPAETH, D. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MAXIMUM
PENSION THAT MAY BE PAID TO A SURVIVING SPOUSE OR CHILDREN
OF CERTAIN DECEASED VOLUNTEER FIREFIGHTERS; AMENDING SECTION
19-11-605, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 19-11-605, MCA, is amended to read:

"19-11-605. Pensions to surviving spouses and children. (1) Each association shall pay, out of its disability and pension fund, a monthly pension to the surviving spouse or children of a deceased member of the association who on the date of his death was an active member of the fire department in the city or town in which the association was formed, who had elected to retire from active service in the fire department and receive a service pension as provided for by 19-11-602, or who, prior to death, had suffered a sickness or injury and was receiving or was qualified to receive a disability pension as provided by 19-11-604. The pension shall be equal to one-half of the last month's salary received as a monthly compensation, excluding overtime and payments in lieu of sick leave and

annual leave, by the deceased member for services rendered as an active member of the fire department in the city or town in which the association was formed.

(2) Effective July 1, 1974, if the deceased member had completed 20 years of service and had elected to serve additional years, the pension provided for in subsection (1) shall be increased at the rate of 1% per year for each additional year of service completed, up to a maximum of 60% of the last month's salary received as a monthly compensation, excluding overtime and payments in lieu of sick leave and annual leave, by the deceased member for his services as an active member of the fire department.

(3) The monthly pension paid to the surviving spouse or children of an active member who dies after July 1, 1973, or an active member who elects to retire after July 1, 1973, must be at least one-half the regular monthly salary paid to a confirmed active firefighter of that city, as provided each year in the budget of that city. The monthly pension paid to the surviving spouse or children of an active member who died prior to July 1, 1974, or who elected to retire before July 1, 1974, must be at least \$200. In the case of a volunteer firefighters firefighter, the pension paid to a surviving spouse or children may not exceed \$75 per--month the amount provided for a service pension for a volunteer firefighter under 19-11-602(3).



1 (4) A pension may be paid to the surviving spouse only
2 so long as such spouse remains unmarried. A surviving spouse
3 is not entitled to a pension under this section if the
4 marriage was entered into after the firefighter had elected
5 to retire from active service and had begun to receive a
6 service pension as provided for by 19-11-602 or if the
7 marriage was entered into after the firefighter had
8 qualified for and had begun to receive a disability pension
9 as provided for by 19-11-604. The pension provided for in
10 this section may not be paid to the children of deceased
11 firefighters after they have attained the age of 18."

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

-End-