

## 1 HOUSE BILL NO. 119

2 INTRODUCED BY G. HENDRICK

3 BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT BOARD

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE VOLUNTEER FIREFIGHTERS'  
 6 COMPENSATION ACT; CLARIFYING CERTAIN DEFINITIONS; CLARIFYING ELIGIBILITY REQUIREMENTS  
 7 FOR FIRE COMPANIES AND FIREFIGHTERS; CLARIFYING AND ADDING REQUIREMENTS FOR  
 8 DOCUMENTATION; REQUIRING THAT CERTAIN DISPUTES BE RESOLVED BEFORE PAYMENT OF A  
 9 BENEFIT; CLARIFYING DEATH AND DISABILITY BENEFIT PROVISIONS; CLARIFYING FILING  
 10 REQUIREMENTS FOR FIRE COMPANIES; EXTENDING EXISTING RULEMAKING AUTHORITY; AMENDING  
 11 SECTIONS 7-33-2110, 7-33-2311, 7-33-2316, 19-2-408, 19-17-102, 19-17-106, 19-17-108, 19-17-201,  
 12 19-17-203, 19-17-204, 19-17-401, 19-17-403, 19-17-404, 19-17-411, 19-17-501, 19-17-502, 19-17-503, AND  
 13 19-17-506, MCA; REPEALING SECTIONS 19-17-104, 19-17-402, 19-17-504, AND 19-17-505, MCA; AND  
 14 PROVIDING AN EFFECTIVE DATE."

15

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

17

18 **Section 1.** Section 7-33-2110, MCA, is amended to read:

19 **"7-33-2110. Volunteer fire districts or companies -- fire departments -- not affected by city-county**  
 20 **consolidation.** (1) Notwithstanding any other provision of law, the adoption of a city-county consolidated local  
 21 government has no effect on the existence of a volunteer fire department, a volunteer fire company, or a fire  
 22 district created and legally in existence pursuant to the provisions of this part unless otherwise specifically  
 23 provided by charter.

24 (2) ~~No~~ A right or benefit of any member of a volunteer fire district, company, or department created  
 25 pursuant to the provisions of this part in a retirement or pension plan; or payments provided under ~~19-17-403~~ Title  
 26 19, chapter 17, may not be abrogated by the adoption of a city-county consolidated local government unless  
 27 otherwise specifically provided by charter."

28

29 **Section 2.** Section 7-33-2311, MCA, is amended to read:30 **"7-33-2311. Fire companies authorized.** (1) Fire companies in unincorporated towns and villages are

1 organized by filing with the county clerk of the county in which they are located a certificate in writing, signed by  
 2 the presiding officer and secretary, providing the date of organization, name, officers, and roll of active and  
 3 honorary members ~~or a copy of the certificate provided for in 19-17-402. The certificate and filing must be~~  
 4 ~~renewed annually on or before September 1.~~

5 (2) ~~A Pursuant to [section 11], a fire company is not allowed more than 28 certificate members shall file~~  
 6 ~~with the public employees' retirement board by September 1 of each year:~~

7 ~~(a) the annual certificate for the prior fiscal year;~~

8 ~~(b) the roster of active and inactive members for the current fiscal year; and~~

9 ~~(c) membership cards for all members."~~

10

11 **Section 3.** Section 7-33-2316, MCA, is amended to read:

12 **"7-33-2316. Volunteer fire districts or companies -- fire departments -- not affected by city-county**

13 **consolidation.** (1) Notwithstanding any other provision of law, the adoption of a city-county consolidated local  
 14 government has no effect on the existence of a volunteer fire department, a volunteer fire company, or a fire  
 15 district created and legally in existence pursuant to the provisions of this part unless otherwise specifically  
 16 provided by charter.

17 (2) ~~No~~ A right or benefit of any member of a volunteer fire district, company, or department created  
 18 pursuant to the provisions of this part in a retirement or pension plan; or payments provided under ~~19-17-403~~ Title  
 19 19, chapter 17, may not be abrogated by the adoption of a city-county consolidated local government unless  
 20 otherwise specifically provided by charter."

21

22 **Section 4.** Section 19-2-408, MCA, is amended to read:

23 **"19-2-408. Administrative expenses.** (1) The legislature finds that proper administration of the pension  
 24 trust funds benefits both employers and members and continues to benefit members after retirement.

25 (2) (a) The administrative expenses of the retirement systems administered by the board must be paid  
 26 from the investment earnings on the pension trust fund of the public employees' retirement system's defined  
 27 benefit plan, except as otherwise provided in this section. The board shall compute the administrative expenses  
 28 attributable to each retirement system or plan administered by the board and transfer that amount from each  
 29 retirement system's or plan's pension trust fund to the pension trust fund of the public employees' retirement  
 30 system's defined benefit plan in a manner that ensures that the public employees' retirement system's defined

1 benefit plan trust fund is fully compensated for expenditures made on behalf of other systems or plans so that  
2 there is no actuarial impact on the fund.

3 (b) The total administrative expenses of the board, including the administration of the ~~volunteer~~  
4 ~~firefighters' pension plan~~ Volunteer Firefighters' Compensation Act, may not exceed 1.5% of the total defined  
5 benefit plan retirement benefits paid.

6 (3) For purposes of calculating the percentage specified in subsection (2)(b), administrative expenses  
7 do not include:

8 (a) expenditures to purchase intangible assets for plan administration;

9 (b) expenses of the defined contribution plan;

10 (c) expenditures of funds allocated under 19-3-112(1)(b) to the education fund established in  
11 19-3-112(1)(a); or

12 (d) expenses for an actuarial valuation under 19-2-405(2) performed during the first year of a biennium.

13 (4) The administrative expenses of the defined contribution plan must be paid, as provided in 19-3-2105,  
14 from assets of the defined contribution plan."  
15

16 **Section 5.** Section 19-17-102, MCA, is amended to read:

17 **"19-17-102. Definitions.** Unless the context requires otherwise, the following definitions apply in this  
18 chapter:

19 (1) "Active member" means a volunteer firefighter credited with service under this chapter as provided  
20 in 19-17-108 during the most recently reportable fiscal year.

21 (2) "Allowance" means a total monetary and gift amount that is available to a volunteer firefighter from  
22 a fire company pursuant to [section 9].

23 ~~(2)(3)~~ (3) "Benefit" means the pension, disability, or survivorship benefit provided under this chapter.

24 ~~(3)(4)~~ (4) "Board" means the public employees' retirement board provided for in 2-15-1009.

25 ~~(4)(5)~~ (5) "Claim" means a request from a member, surviving spouse, or dependent child for payment of  
26 medical or funeral expenses.

27 ~~(5)~~ "Department" means the department of administration.

28 (6) "Compensation" means remuneration for services rendered as a firefighter from the fire company  
29 requesting credit for that firefighter.

30 ~~(6)(7)~~ (7) "Dependent child" means a child who is unmarried, who is under 18 years of age, and who is the

1 child of a deceased member.

2 ~~(7)~~(8) "Designated official" means a representative of a fire company appointed by the fire chief to  
3 perform specified actions and includes but is not limited to a fire company supervisor, a fire company secretary,  
4 and a fire company presiding officer as described in 7-33-2312.

5 ~~(8)~~(9) "Disability" or "permanent total disability" means a duty-related injury resulting in permanent total  
6 disability as defined in 39-71-116.

7 ~~(9)~~(10) "Fire company" means ~~a fire company organized under 7-33-2311 in an organization of volunteer~~  
8 firefighters created under the authority of a governing board or commission to serve an unincorporated area,  
9 town, or village ~~and includes a volunteer fire department, a fire district, and a fire service area created under the~~  
10 provisions of Title 7, chapter 33.

11 ~~(10)~~(11) "Fiscal year" means the 12-month period that begins on July 1 and ends on June 30 of the  
12 following year.

13 (12) "Inactive member" means a member not credited with service under this chapter as provided in  
14 19-17-108 during the most recently reportable fiscal year.

15 ~~(11)~~(13) "Member" means a volunteer firefighter who has service credited under this chapter.

16 (14) "Pension benefit" means a full or partial payment for service earned as a volunteer firefighter and  
17 does not include payment for disability.

18 ~~(12)~~(15) "Pension trust fund" means the volunteer firefighters' pension trust fund established to pay claims  
19 and benefits under this chapter.

20 (16) "Reimbursed" means the return by a fire company of an equivalent amount of money expended by  
21 a member for the benefit of the fire company.

22 ~~(13)~~(17) "Retiree" or "retired member" means a member who is receiving full or partial ~~participation~~  
23 pension benefits or disability benefits from the pension trust fund.

24 ~~(14) "Service" means cumulative periods of active membership that are credited only in full fiscal year~~  
25 increments.

26 ~~(15)~~(18) "Supplemental insurance" means insurance that is carried by a fire company for the purposes  
27 of providing disability or death benefits ~~and that is in addition to.~~ Supplemental insurance does not include any  
28 insurance required by law, including such as workers' compensation insurance.

29 ~~(16)~~(19) "Surviving spouse" means the spouse married to a member when the member dies.

30 ~~(17)~~(20) "Survivorship benefit" means the monthly benefit paid to the surviving spouse or dependent child

1 of a deceased member.

2 ~~(18)~~(21) "Training" means instruction pertaining to firefighting that is supervised by the chief or a  
3 designated official.

4 ~~(19)~~(22) "Volunteer firefighter" means a person who is ~~an active~~ a member of an eligible fire company  
5 and is not compensated for services as a firefighter."  
6

7 **Section 6.** Section 19-17-106, MCA, is amended to read:

8 **"19-17-106. Pension trust fund established -- restrictions on use.** (1) A pension trust fund is  
9 established and maintained for payment of claims and benefits provided under the Volunteer Firefighters'  
10 Compensation Act ~~and the volunteer firefighters' pension plan.~~

11 (2) The pension trust fund must be funded on an actuarially sound basis. For purposes of this  
12 subsection, "actuarially sound basis" means that contributions must be sufficient to pay the full actuarial cost of  
13 the fund. The full actuarial cost includes both the normal cost of providing benefits as they accrue in the future  
14 and the cost of amortizing unfunded liabilities over a scheduled period of no more than 30 years.

15 (3) Except as provided in this section, a member or an employee of the ~~department~~ board or the board  
16 of investments may not:

17 (a) have any interest, direct or indirect, in the making of any investment or in the gains or profits accruing  
18 from the pension trust fund;

19 (b) directly or indirectly, for the member or employee or as an agent or partner of others, borrow from  
20 the pension trust fund or deposits;

21 (c) in any manner use the pension trust fund except to make current and necessary payments that are  
22 authorized by the board; or

23 (d) become an endorser or surety as to or in any manner an obligor for investments for the pension trust  
24 fund.

25 (4) The assets of the pension trust fund may not be used for or diverted to any purpose other than for  
26 the exclusive benefit of members, their surviving spouses, and their dependent children, ~~and~~ for supplemental  
27 payments for qualified fire companies, and for paying the reasonable administrative expenses of administering  
28 this chapter.

29 (5) Upon the termination of the pension trust fund, the substantial reduction in the number of members  
30 that would constitute a partial termination of the pension trust fund, or the complete discontinuance of

1 contributions to the pension trust fund, the pension benefit accrued to each member directly affected by the  
 2 occurrence becomes fully vested and nonforfeitable to the extent that the benefit is funded."

3  
 4 **NEW SECTION. Section 7. Eligible fire company.** To be eligible to participate under this chapter, a  
 5 fire company shall provide to the board documentation of the following:

6 (1) the fire company's name and mailing address;  
 7 (2) the name of the fire chief and designated official, if any;  
 8 (3) the portion of the fire district serviced by the fire company;  
 9 (4) that the area serviced is located in an unincorporated area;  
 10 (5) that the fire company maintains firefighting equipment that is in serviceable condition and owns, rents,  
 11 or uses one or more buildings for the storage of the equipment. The equipment and buildings must be valued at  
 12 \$12,000 or more.

13 (6) that the fire company was properly established by a governing board. Documentation under this  
 14 subsection (6) must consist of:

15 (a) a copy of the minutes of the meeting during which the governing board established the fire company;  
 16 or  
 17 (b) if the meeting minutes are unavailable, a copy of its first filing with the county clerk pursuant to  
 18 7-33-2311.

19  
 20 **Section 8.** Section 19-17-108, MCA, is amended to read:

21 **"19-17-108. Credit for service as volunteer firefighter -- records.** (1) The annual period of service  
 22 that may be credited under this chapter is the fiscal year. A fractional part of a year may not count toward the  
 23 service required for participation in this system. To be eligible to receive credit for any particular year, a volunteer  
 24 firefighter shall serve throughout the entire fiscal year with a single fire company ~~throughout the entire fiscal year~~  
 25 that is organized under Title 7, chapter 33, and continues to meet the requirements of [section 7].

26 (2) The years of service are cumulative and need not be continuous. Separate periods of service  
 27 properly credited with different fire companies must be credited toward a member's eligibility for ~~full or partial~~  
 28 benefits.

29 (3) A volunteer firefighter ~~must~~ may not receive credit for service during any fiscal year if unless:  
 30 (a) during the fiscal year, the volunteer firefighter completes a minimum of 30 hours of training in ~~matters~~

1 ~~pertaining to firefighting duties as outlined in 19-17-105~~ under a formal program that has been formulated,  
 2 supervised, and certified to the board by the chief or designated official of the fire company; and

3 (b) the volunteer firefighter's participation in the training program is documented in the fire company's  
 4 records ~~filed and maintained pursuant to [section 10]~~ by the chief or designated official; ~~and~~

5 ~~—— (c) the fire company maintained firefighting equipment that is in serviceable condition and owns, rents,  
 6 or uses one or more buildings used for the storage of that equipment that all together are valued at \$12,000 or  
 7 more.~~

8 ~~(4) The chief or designated official of each fire company shall keep and maintain training records for each  
 9 current and former volunteer firefighter who is or was a member of the fire company."~~

10  
 11 **NEW SECTION. Section 9. Allowable payments to volunteer firefighters.** (1) Allowable payments  
 12 to volunteer firefighters include:

13 (a) payments of money reimbursed for documented expenses; and

14 (b) an allowance, including a stipend or per diem, that may not exceed \$300 in a calendar year.

15 (2) Compensation, as defined in 19-17-102, is not an allowable payment.

16 (3) Records of all payments and allowances must be maintained pursuant to [section 10].

17  
 18 **NEW SECTION. Section 10. Records information management.** (1) The chief or designated official  
 19 of a fire company shall maintain the records provided for in 19-17-108 and [section 9] for each active or inactive  
 20 member of the fire company.

21 (2) Records must be maintained according to the state of Montana general records retention schedules,  
 22 as published by the secretary of state pursuant to Title 2, chapter 6.

23  
 24 **NEW SECTION. Section 11. Filing required reports -- limitations.** (1) The chief or designated official  
 25 of each fire company that claims eligibility under this chapter shall, on or before September 1 of each year, file  
 26 with the board an annual certificate, the current year's roster, and a membership card for each new member.

27 (2) (a) The annual certificate is a form reporting a fire company's membership eligibility for the previous  
 28 fiscal year.

29 (b) The annual certificate must be completed on a form prescribed by the board and contain the date  
 30 of organization of the fire company and the full name, social security number, and date of birth of each member

1 of the fire company who was a member for the entire fiscal year and who successfully completed 30 hours of  
2 training during the preceding fiscal year, as required by 19-17-108.

3 (c) The chief or designated official shall subscribe and verify under oath, before a notary, that the fire  
4 company and members qualified under 19-17-108 and [section 7].

5 (d) The board shall maintain the certificate for the purpose of establishing service for members and  
6 eligibility for benefits.

7 (3) The roster must be signed by the fire chief or designated official, filed with the board, and contain  
8 information in writing that provides the names of the fire company, its date of organization, officers, and roll of  
9 active and inactive members for the current fiscal year. A roster may be updated to report new members but may  
10 not be retroactive.

11 (4) A membership card must be completed and filed with the board for each member who was a member  
12 on or before July 1, 2011, and for each new member who joins after July 1, 2011.

13 (5) The current fire chief shall file any late or amended annual certificates and the associated certified  
14 training records within 3 years of the original annual certificate due date. An annual certificate may be amended  
15 only once. The board shall consider and may approve late filings. Information provided to the board by the fire  
16 chief must be in accordance with the board's rules.

17 (6) The current fire chief may request to appear before the board for consideration of the request to file  
18 a late or amended annual certificate.

19

20 **NEW SECTION. Section 12. Corrections, audits, and penalties.** (1) If fraud or error results in a  
21 member, surviving spouse, or dependent child receiving more or less of a benefit than that to which the member,  
22 surviving spouse, or dependent child is entitled, then on the discovery of the error the board shall correct the  
23 credit for service and, if necessary, equitably adjust the payments.

24 (2) The board may require a fire company to furnish additional information concerning members in  
25 connection with an audit or a claim for benefits or service.

26 (3) Upon discovery of falsified information, the fire company shall submit any and all requested  
27 documentation to the board.

28 (4) A person required to make a statement or affidavit by this chapter who willfully falsifies the statement  
29 or affidavit or a person who files a false claim under this chapter is guilty of a misdemeanor and upon conviction  
30 shall be fined an amount not exceeding \$1,000 or be imprisoned for a term not exceeding 1 year, or both.



1

2 **Section 13.** Section 19-17-201, MCA, is amended to read:

3 **"19-17-201. Administration of chapter.** (1) The board is the trustee of all money collected under this  
4 chapter and has exclusive control of the administration of the pension trust fund except as otherwise provided  
5 by law.

6 (2) The ~~department board~~ shall deposit in the state treasury all amounts received by it as provided in this  
7 chapter.

8 (3) The state treasurer is the custodian of the pension trust fund, subject to the control of the board for  
9 the administration of the fund and the board of investments for the investment of the fund.

10 (4) The board shall review the ~~sufficiency of~~ benefits provided under this chapter and recommend to the  
11 legislature those changes in benefits that may be ~~necessary~~ available for retired members and their beneficiaries  
12 ~~to maintain a stable standard of living.~~

13 (5) (a) Disputes regarding credited years of service must be resolved, either by staff of the board and  
14 the member or by the board prior to the commencement of the retirement or disability benefit.

15 (b) Payment of the benefit will be retroactive to the month following the month the retirement application  
16 was received by the board."

17

18 **Section 14.** Section 19-17-203, MCA, is amended to read:

19 **"19-17-203. Rules to be made by board.** The board shall make ~~such rules as that~~ it considers  
20 necessary and advisable in its administration of the Volunteer Firefighters' Compensation Act ~~and the volunteer~~  
21 ~~firefighters' pension plan,~~ and that are not inconsistent with the provisions thereof of the Volunteer Firefighters'  
22 Compensation Act."

23

24 **Section 15.** Section 19-17-204, MCA, is amended to read:

25 **"19-17-204. Administrative expenses.** Necessary expenses for the administration of the Volunteer  
26 Firefighters' Compensation Act ~~and the volunteer firefighters' pension plan~~ are a charge against the pension trust  
27 fund. The necessary administrative expenses attributable to this chapter must be paid from the investment  
28 earnings on the public employees' pension trust fund. Before fiscal yearend closing, the board shall compute the  
29 expenses directly or proportionally attributable to this chapter over the past fiscal year and transfer that amount  
30 from the ~~volunteer firefighters' pension trust~~ Volunteer Firefighters' Compensation Act fund to the public

1 employees' pension trust fund."

2

3 **Section 16.** Section 19-17-401, MCA, is amended to read:

4 **"19-17-401. Eligibility for pension and disability benefits.** (1) To qualify for a full pension, or partial  
5 pension, or disability benefit under this chapter, a member shall must meet the requirements of subsections (2)  
6 or and (3) and ~~(4)~~.

7 (2) (a) For a full pension benefit, a member must have completed 20 years of service and must have  
8 attained 55 years of age, but need not be an active member of a fire company when 55 years of age is reached.

9 (b) A member who is ~~prevented from completing~~ does not complete at least 20 years of service may  
10 qualify for a partial pension benefit if the member has completed at least 10 years of service and has attained 60  
11 years of age, but need not be an active member of any fire company when 60 years of age is reached.

12 ~~(3) An active member of a fire company whose duty-related injury results in permanent total disability,~~  
13 ~~as defined in 39-71-116 and determined pursuant to 19-17-410, is eligible, regardless of age or service, to receive~~  
14 ~~a disability benefit.~~

15 ~~(4)(3)~~ Except as provided in ~~subsection (5)~~ [section 20]:

16 (a) to receive a pension or disability benefit, a volunteer firefighter may not be an active member of any  
17 fire company; and

18 (b) a volunteer firefighter who receives a pension or disability benefit under this chapter may not become  
19 an active member of any fire company.

20 ~~(5) A member who is receiving a full pension benefit, as provided in 19-17-404, may return to service~~  
21 ~~with a volunteer fire company without loss of benefits. A member returning to service under this section may not~~  
22 ~~be considered an active member earning service credit. The fire chief shall prescribe the duties of any retired~~  
23 ~~volunteer firefighter returning to service."~~

24

25 **Section 17.** Section 19-17-403, MCA, is amended to read:

26 **"19-17-403. Application for benefits.** (1) A member may, as provided in this section, apply for  
27 retirement benefits before terminating service, but commencement of the benefits must be as provided in  
28 19-17-411.

29 (2) A member, surviving spouse, or dependent child shall apply for benefits on a form provided by the  
30 board.

- 1 (3) The application must contain:
- 2 (a) the name, address, and date of birth of the member, surviving spouse, or dependent child;
- 3 (b) the date of birth of the member;
- 4 (c) the date of the member's death, if applicable; and
- 5 (d) the fiscal years during which service as an active member is claimed and the names of the fire
- 6 companies with which the service was rendered.

7 (4) The board may require any proof of age, death, and service that it may consider proper, but it must

8 accept a certificate properly completed and timely filed under section 11 ~~19-17-402 or subsection (3) of section~~

9 ~~22, Chapter 157, Laws of 1977~~; as prima facie proof of service."

10

11 **Section 18.** Section 19-17-404, MCA, is amended to read:

12 "**19-17-404. Amount of pension and disability benefits.** (1) Each eligible ~~A~~ member ~~must~~ is eligible

13 to receive a pension ~~or disability~~ benefit as provided in this section.

14 (2) (a) Except as provided in subsection (2)(c), the full pension benefit paid to an eligible ~~members~~

15 member is \$150 a month.

16 (b) A partial pension benefit paid to an eligible member is calculated by multiplying the full pension

17 benefit in subsection (2)(a) by a fraction, the numerator of which is the eligible member's years of service and the

18 denominator of which is 20.

19 (c) The full pension benefit of a member who continued to be an active member after completing 20

20 years of service must be increased by \$7.50 a month for each additional year of active service the member

21 completed after 20 years of service, up to 30 total years of service.

22 ~~(3) The disability benefit paid to an eligible member is calculated in the same manner as partial pension~~

23 ~~benefits described in subsection (2)(b), except that the numerator may not be less than 10.~~

24 ~~———— (4) If any fraudulent change or any inadvertent mistake in records results in any member, surviving~~

25 ~~spouse, or dependent child receiving more or less than entitled to, then on the discovery of the error, the board~~

26 ~~shall correct the error and adjust the payments to the member, surviving spouse, or dependent child in an~~

27 ~~equitable manner."~~

28

29 **Section 19.** Section 19-17-411, MCA, is amended to read:

30 "**19-17-411. Time benefits commence.** (1) The pension benefit payable pursuant to this part may

1 commence on:

2 (a) the first day of the month following the eligible member's last day of service; or

3 (b) ~~on~~ the first day of a later month following filing of the written application.

4 (2) The benefit may not commence prior to the date of the board's decision regarding any disputed  
5 credited years of service pursuant to 19-17-201.

6 ~~(2) The disability retirement benefit payable pursuant to this part must commence on the day following~~  
7 ~~the member's termination from service.~~

8 (3) Monthly survivorship benefits payable pursuant to this part must commence ~~on~~ the first day of the  
9 month following the day of death of the member."

10

11 NEW SECTION. Section 20. Return to service. (1) A retired member may return to service with a fire  
12 company without loss of benefits.

13 (2) A retired member returning to service under this section is not considered an active member earning  
14 credit for service.

15 (3) The fire chief shall prescribe the duties of any retired member returning to service.

16

17 **Section 21.** Section 19-17-501, MCA, is amended to read:

18 "**19-17-501. Eligibility for medical and funeral expenses.** (1) To qualify for medical expenses under  
19 ~~19-17-504~~ 19-17-502, a volunteer firefighter must be ~~an active~~ a member of ~~a~~ an eligible fire company that is not  
20 covered by workers' compensation insurance and must be listed on the fire company roster in the year when the  
21 injury or illness occurs. The injury or illness must have occurred in the line of duty, as described in 19-17-105.

22 (2) To qualify for funeral expenses under ~~19-17-505~~ 19-17-503, a volunteer firefighter must, at the time  
23 of death, be ~~an active~~ a member of ~~a~~ an eligible fire company and must be listed on the fire company roster in  
24 the year the death occurs. The death must have occurred in the line of duty, as described in 19-17-105."

25

26 **Section 22.** Section 19-17-502, MCA, is amended to read:

27 "**19-17-502. Procedure for claiming medical Medical expenses.** (1) A member who claims medical  
28 expenses under ~~19-17-504~~ this section shall submit a report of injury and medical claim on a form provided by  
29 the board in accordance with the board's rules. The claim must be verified by the member and by competent  
30 medical authority. The claim must be submitted within ~~4-year~~ 12 months from the date of incurring the injury or

1 illness.

2 (2) The claim must contain:

3 (a) the name, social security number, and address of the member;

4 (b) the date, place, and manner of incurring the injury or illness;

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

6 (d) the dates of hospitalization, if hospitalized;

7 (e) an affidavit from the attending physician, surgeon, or nurse that describes the nature of the injury or

8 illness, the number and dates of visits, and the expenses;

9 (f) if hospitalized, an affidavit from competent authority stating the nature of the injury or illness, the dates  
10 of hospitalization, and the expenses; and

11 (g) an affidavit from the chief or designated official of the fire company stating that ~~the fire company was~~  
12 ~~organized under the laws of Montana in an unincorporated town or village, that the member was, at the time of~~  
13 ~~the injury or illness, an active a~~ member of the fire company; and that the injury or illness was incurred in the line  
14 of duty as described in 19-17-105.

15 (3) The board shall authorize payment of some or all medical expenses resulting from an injury or illness  
16 that was incurred in the line of duty as described in 19-17-105 and that required the services of a physician,  
17 surgeon, or nurse, whether or not the member was hospitalized. The payments must equal the member's  
18 necessary and reasonable out-of-pocket medical expenses that resulted directly from the injury or illness and that  
19 were billed within 36 months following the date of the injury or illness.

20 (4) A total claim filed pursuant to subsection (1) may not exceed \$25,000.

21 (5) If an injury incurred in the line of duty results in the loss by amputation of an arm, hand, leg, or foot,  
22 the enucleation of an eye, or the loss of any natural teeth, the board shall authorize either a payment for the cost  
23 of a prosthesis or a payment of \$1,500 to help defray the cost of a prosthesis, whichever is less.

24 (6) The prosthesis may be replaced when necessary, but not more often than every 60 months. The  
25 board shall authorize payment of not more than \$1,500 of the replacement costs."

26

27 **Section 23.** Section 19-17-503, MCA, is amended to read:

28 **"19-17-503. Procedure for claiming funeral Funeral expenses.** (1) A person claiming the funeral  
29 expenses ~~provided for in 19-17-505 under this section~~ shall submit ~~the claim on a form provided by the board,~~  
30 ~~in accordance with the board's rules~~ a claim form, the death certificate, and a copy of the bill from the funeral

1 director. The claim must be submitted on a form provided by the board, in accordance with the board's rules, and  
 2 must be verified by the claimant. The claim must be filed with the board within 12 months from the member's date  
 3 of death.

4 (2) The claim must contain:

5 (a) the name, social security number, and address of the member; and

6 (b) an affidavit from the chief or designated official of the fire company stating that the member was, at  
 7 the time of death, a member of the fire company and that the death occurred in the line of duty as described in  
 8 19-17-105.

9 (3) The board shall authorize payment of reasonable expenses or \$1,500, whichever is less, to help  
 10 defray the funeral expense of the member whose death occurred in the line of duty, as described in 19-17-105."

11

12 **Section 24.** Section 19-17-506, MCA, is amended to read:

13 **"19-17-506. Payment of medical and funeral expenses.** When a claim under ~~19-17-504 or 19-17-505~~  
 14 ~~19-17-502 or 19-17-503~~ is received and approved by the board, payment must be made directly to the  
 15 appropriate provider of the medical care or funeral services or, if documentation is provided of the full payment  
 16 of medical care or funeral expenses, to the claimant."

17

18 NEW SECTION. Section 25. Eligibility for disability benefits. (1) To qualify for a disability benefit  
 19 under this chapter, a member must meet the requirements of subsections (2) and (3).

20 (2) A member of a fire company whose duty-related injury results in permanent total disability, as defined  
 21 in 39-71-116 and determined pursuant to 19-17-410, is eligible, regardless of age or service, to receive a disability  
 22 benefit.

23 (3) A member who receives a disability benefit may not return to service, either active or inactive, with  
 24 any fire company.

25

26 NEW SECTION. Section 26. Amount of disability benefit. (1) A member is eligible to receive a  
 27 disability benefit as provided in [section 25].

28 (2) The disability benefit paid to an eligible member is calculated by multiplying the full pension benefit  
 29 as provided in 19-17-404 by a fraction, the numerator of which is the eligible member's years of service and the  
 30 denominator of which is 20, except the numerator may not be less than 10.

1

2           **NEW SECTION. Section 27. Time disability benefits commence.** The disability retirement benefit  
3 payable pursuant to this part must commence on the first day of the month following the member's termination  
4 from service but may not commence prior to the date of the board's decision regarding any disputed credited  
5 years of service pursuant to 19-17-201.

6

7           **NEW SECTION. Section 28. Repealer.** The following sections of the Montana Code Annotated are  
8 repealed:

9 19-17-104.     Penalty for false statements or claims.

10 19-17-402.    Certificate of eligibility.

11 19-17-504.    Medical expenses.

12 19-17-505.    Funeral expenses.

13

14           **NEW SECTION. Section 29. Directions to code commissioner.** (1) Section 19-17-103 is intended  
15 to be renumbered and codified as an integral part of Title 19, chapter 17, part 2.

16           (2) Sections 19-17-408, 19-17-409, and 19-17-410 are intended to be renumbered and codified as an  
17 integral part of Title 19, chapter 17, part 6.

18

19           **NEW SECTION. Section 30. Codification instructions.** (1) [Sections 7 and 9 through 12] are intended  
20 to be codified as an integral part of Title 19, chapter 17, part 1, and the provisions of Title 19, chapter 17, part 1,  
21 apply to [sections 7 and 9 through 12].

22           (2) [Section 20] is intended to be codified as an integral part of Title 19, chapter 17, part 4, and the  
23 provisions of Title 19, chapter 17, part 4, apply to [section 20].

24           (3) [Sections 25 through 27] are intended to be codified as an integral part of Title 19, chapter 17, and  
25 the provisions of Title 19, chapter 17, apply to [sections 25 through 27].

26

27           **NEW SECTION. Section 31. Effective date.** [This act] is effective July 1, 2011.

28

- END -