

HOUSE BILL NO. 454
INTRODUCED BY R. RIPLEY

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A MEMBER OF THE VOLUNTEER FIREFIGHTERS' COMPENSATION ACT WHO IS RECEIVING A FULL PENSION BENEFIT TO RETURN TO SERVICE WITH A VOLUNTEER FIRE DEPARTMENT WITHOUT LOSS OF BENEFITS; AMENDING SECTION 19-17-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Pension recipient returning to volunteer service.** A member who is eligible for full pension benefits under 19-17-401(2)(a) and who is receiving a full pension benefit, as provided in 19-17-404(1)(b), may return to service with a volunteer fire department without loss of benefits. A member returning to service under this section may not be considered an active member earning service credit.

Section 2. Section 19-17-401, MCA, is amended to read:

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

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

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

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

(4) Except as provided in subsection (5):

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

(b) a volunteer firefighter who receives a pension or disability benefit under this chapter may not become

an active member of any fire company, except as provided in [section 1].

(5) In the event of a declared national, state, or local emergency affecting Montana, a retired volunteer firefighter who is not receiving a disability benefit under this chapter may return to active service with a fire company for the duration of the declared emergency without becoming an active member under the Volunteer Firefighters' Compensation Act and the volunteer firefighters' pension plan and without loss of previously earned benefits. Only the fire chief of the fire company may determine who may return to active service. The fire chief shall prescribe the duties of any retired volunteer firefighter returning to active service."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 19, chapter 17, part 4, and the provisions of Title 19, chapter 17, part 4, apply to [section1].

NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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