

HOUSE BILL NO. 731

INTRODUCED BY LEHMAN

BY REQUEST OF THE HOUSE STATE ADMINISTRATION STANDING COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN INCREASED PENSION BENEFIT TO MEMBERS UNDER THE VOLUNTEER FIREFIGHTERS' COMPENSATION ACT WHO HAVE COMPLETED MORE THAN 20 YEARS OF SERVICE; AMENDING SECTIONS 19-17-401 AND 19-17-404, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 19-17-401, MCA, is amended to read:

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

(2) (a) For a full pension benefits benefit, a member must have completed ~~at least 20 years'~~ years of 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'~~ years of service may qualify for a partial pension ~~benefits benefit~~ if the member has completed at least 10 ~~years'~~ years of 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.

(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."

Section 2. Section 19-17-404, MCA, is amended to read:

"19-17-404. Amount of pension and disability benefits. (1) ~~(a)~~ Each eligible member must receive a pension ~~and or~~ disability ~~benefits~~ benefit as provided in this section.

~~(b)(2)~~ ~~(a)~~ ~~The base~~ Except as provided in subsection (2)(c), the full pension benefit paid to eligible members is \$150 a month ~~for members who are eligible for full pension benefits.~~

~~(e)(b)~~ Partial ~~A partial~~ pension ~~benefits are~~ benefit is calculated by multiplying the full pension benefit in subsection ~~(1)(b)~~ ~~(2)(a)~~ by a fraction, the numerator of which is the eligible member's years of service and the denominator of which is 20.

(c) The full pension benefit of a member who has completed 20 years of service and is at least 55 years of age, but no more than 65 years of age, and who continues to be an active member must be increased by \$7.50 a month for each additional year of active service UP TO 30 TOTAL YEARS OF SERVICE.

~~(2)(3)~~ The disability benefit paid to an eligible members member is calculated in the same manner as partial pension benefits described in subsection ~~(1)(e)~~ ~~(2)(b)~~, except that the numerator may not be less than 10.

~~(3)(4)~~ If any fraudulent change or any inadvertent mistake in records results in any member, surviving spouse, or dependent child receiving more or less than entitled to, then on the discovery of the error, the board shall correct the error and adjust the payments to the member, surviving spouse, or dependent child in an equitable manner."

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2003.

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