



AN ACT AUTHORIZING PARTICIPATION IN THE FIREFIGHTERS' UNITED RETIREMENT SYSTEM BY CERTAIN FIRE DEPARTMENTS; AUTHORIZING A RETURN TO SERVICE FOR A LIMITED NUMBER OF HOURS WITHOUT LOSS OF BENEFITS; AMENDING SECTIONS 19-13-210 AND 19-13-301, MCA; AND PROVIDING AN EFFECTIVE DATE .

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

Section 1. Section 19-13-210, MCA, is amended to read:

"19-13-210. Participation in retirement system. (1) Cities of the first and second class that employ full-paid firefighters shall participate in the retirement system. If a city of the first or second class is reduced to a city of the third class or a town under 7-1-4118, it shall continue to participate in the retirement system as long as it has retired firefighters or survivors eligible to receive retirement benefits.

(2) Firefighters hired by the Montana air national guard on or after October 1, 2001, or on or after the date of the execution of an agreement between the department of military affairs and the board, whichever is later, shall participate in the retirement system.

(3) (a) A city that is not covered under subsection (1) and that has full-paid firefighters covered by the public employees' retirement system and any rural fire district department with full-paid firefighters covered by the public employees' retirement system may elect to be covered under the retirement system as provided in 19-13-211.

(b) An election by a city fire department or a rural fire department to be covered by the retirement system must be made through adoption of a resolution stating that the governing body of the city or the fire district agrees to be bound by the provisions of the retirement system. The resolution must specify the effective date of the department's election. The provisions of the retirement system become applicable on the effective date specified in the adopted resolution. A certified copy of the resolution must be provided to the board.

(4) The following are the terms and conditions of an election by a fire department to join the retirement system pursuant to subsection (3):

(a) Each firefighter employed by the fire department before the effective date of the department's election must be given 180 days from the effective date of the department's election to make an individual, one-time,

irrevocable election to remain in the public employees' retirement system or to join the retirement system. Failure to make an election under this subsection (4)(a) must be considered an election to remain in the public employees' retirement system.

(b) Each firefighter employed by the fire department who is hired on or after the effective date of the department's election must be covered by the retirement system.

(c) A firefighter electing to join the retirement system may retain prior service in the public employees' retirement system or qualify the prior service in the retirement system as provided for in 19-2-715."

Section 2. Section 19-13-301, MCA, is amended to read:

"19-13-301. Active membership -- inactive vested member -- inactive nonvested member. (1)

Except as provided in subsection (7), a full-paid firefighter becomes an active member of the retirement system:

- (a) on the first day of the firefighter's service with an employer;
- (b) on July 1, 1981, if the firefighter is employed by an employer on that date; or
- (c) in the case of an employer who elects to join the retirement system, as provided in 19-13-211, on the effective date of the election if the firefighter is employed by the employer on that date.

(2) Upon becoming eligible for membership, the firefighter shall complete the forms and furnish any proof required by the board.

(3) A part-paid firefighter may elect to become a member of the retirement system by filing a membership application with the board within 6 months of becoming a part-paid firefighter ~~or March 21, 2001, whichever is later.~~

(4) An active member becomes an inactive member upon the occurrence of the earliest of the following:

- (a) the date on which the member ceases service with an employer;
- (b) the 31st day of an approved absence from active duty with an employer; or
- (c) the date on which the member ceases to be employed because of a reduction of the number of firefighters in the fire department as provided in 7-33-4125.

(5) (a) An inactive member with at least 5 years of membership service is an inactive vested member and retains the right to purchase service credit and to receive a retirement benefit under the provisions of this chapter.

(b) If an inactive vested member chooses to take a lump-sum payment rather than a retirement benefit, the lump-sum payment consists of only the member's accumulated contributions and not the employer's

contributions.

(6) (a) An inactive member with less than 5 years of membership service is an inactive nonvested member and is not eligible for any benefits from the retirement system.

(b) An inactive nonvested member is eligible only for a refund of the member's accumulated contributions.

(7) (a) A firefighter previously employed in a position covered under the public employees' retirement system and who is first hired into a position covered under the firefighters' unified retirement system after attaining 45 years of age may elect to remain in the public employees' retirement system.

(b) A firefighter making an election to remain in the public employees' retirement system shall make the election in a manner prescribed by the board within 30 days of being hired into the position otherwise covered under the firefighters' unified retirement system.

(8) A retired member who is receiving a service retirement benefit or early retirement benefit may return to employment covered by the retirement system for a period not to exceed 480 hours in any calendar year without returning to active service and without any effect to the retiree's retirement benefit."

Section 3. Effective date. [This act] is effective July 1, 2007.

- END -

I hereby certify that the within bill,
SB 0532, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2019.

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 532
INTRODUCED BY S. GALLUS

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