

1 *House* BILL NO. *659*
 2 INTRODUCED BY *Lynch Harrington*
 3 -----

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT
 5 MUNICIPALITIES SHALL CONTINUE TO PAY THE SALARIES OF POLICE
 6 OFFICERS INJURED IN THE PERFORMANCE OF THEIR DUTIES AND TO
 7 PROVIDE FOR ASSIGNMENT OF SUCH AN OFFICER TO LIGHT DUTY OR,
 8 WITH HIS CONSENT, TO ANOTHER AGENCY."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Continuation of salary of officer injured
 12 in performance of duty. (1) A member of a municipal law
 13 enforcement agency who is injured in the performance of his
 14 duties so as to necessitate medical or other remedial
 15 treatment and render him unable to perform his duties shall
 16 be paid by the municipality by which he is employed the full
 17 amount of his regular salary, less any amount he may receive
 18 from workers' compensation, until his disability has ceased.

19 Section 2. Determination of eligibility for continued
 20 salary. (1) The determination of whether an injury was
 21 incurred during or resulted from the performance of duty
 22 shall be made by the municipality. The injured officer may
 23 appeal the decision to the municipal law enforcement board
 24 available to him.

25 (2) The determination of whether the injury resulted

1 in a disability shall be made by the municipality, with the
 2 advice of medical opinion. The injured officer may appeal
 3 the decision to the municipal law enforcement board
 4 available to him.

5 Section 3. Periodic medical examinations -- waiver of
 6 right to salary. (1) The municipality may appoint a
 7 physician to examine the officer from time to time. If the
 8 injured officer has recovered and is physically able to
 9 perform light duty or his regular duties, the physician
 10 shall certify that fact.

11 (2) An injured officer who unreasonably refuses to
 12 accept medical treatment or hospital care or to permit
 13 medical examination as authorized by subsection (1) waives
 14 his right under [section 1] to receive his regular salary
 15 during his absence from service.

16 Section 4. Discontinuation of salary when retirement
 17 allowance granted. Payment of a regular salary under
 18 [section 1] shall be discontinued if the officer is disabled
 19 for an undetermined duration and is granted a disability
 20 retirement allowance under [Title 11, chapter 18]. If an
 21 application for such a retirement allowance is not made by
 22 the officer, application therefor may be made by the chief
 23 executive officer of the municipality by which such officer
 24 is employed.

25 Section 5. Assignment to light duty or another agency.

1 (1) Whenever, in the opinion of the municipality supported
2 by a physician's opinion, the officer is able to perform
3 specified types of light police duty, payment of his regular
4 salary under [section 1] shall be discontinued if he refuses
5 to perform such light police duty when it is available and
6 offered to him. Such light duty shall be consistent with
7 the officer's status as a law enforcement officer.
8 Performance of such light duty entitles the officer to his
9 regular salary, including increases thereof, and fringe
10 benefits to which he would have been entitled had he been
11 able to perform his regular duties.

12 (2) With his consent, the officer may be transferred
13 to another department or agency within the municipality.

14 Section 6. Effect on probationary status. If the
15 injured officer is on probationary status at the time he
16 becomes injured, the balance of his probationary time shall
17 be suspended until he returns to regular duty or is
18 discharged for cause.

19 Section 7. Subrogation. The municipality has a cause
20 of action for reimbursement of sums it has paid to an
21 officer as salary and for medical treatment against any
22 third party against whom the officer has a cause of action
23 for the injury which necessitated the payments by the
24 municipality.

-End-

Approved by Committee
on Labor & Employment
Relations

HOUSE BILL NO. 659

INTRODUCED BY LYNCH, HARRINGTON

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT MUNICIPALITIES ~~OF THE FIRST OR SECOND CLASS~~ SHALL CONTINUE TO PAY THE SALARIES OF POLICE OFFICERS INJURED IN THE PERFORMANCE OF THEIR DUTIES AND TO PROVIDE FOR ASSIGNMENT OF SUCH AN OFFICER TO LIGHT DUTY OR, WITH HIS CONSENT, TO ANOTHER AGENCY."

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

Section 1. Continuation of salary of officer injured in performance of duty. (1) A member of a municipal law enforcement agency ~~OF A FIRST OR SECOND CLASS MUNICIPALITY~~ who is injured in the performance of his duties so as to necessitate medical or other remedial treatment and render him unable to perform his duties shall be paid by the municipality by which he is employed the full amount of his regular salary, less any amount he may receive from workers' compensation, until his disability has ceased.

Section 2. Determination of eligibility for continued salary. (1) The determination of whether an injury was incurred during or resulted from the performance of duty shall be made by the municipality. The injured officer may appeal the decision to the municipal law enforcement board

available to him.

(2) The determination of whether the injury resulted in a disability shall be made by the municipality, with the advice of medical opinion. The injured officer may appeal the decision to the municipal law enforcement board available to him.

Section 3. Periodic medical examinations -- waiver of right to salary. (1) The municipality may appoint a physician to examine the officer from time to time. If the injured officer has recovered and is physically able to perform light duty or his regular duties, the physician shall certify that fact.

(2) An injured officer who unreasonably refuses to accept medical treatment or hospital care or to permit medical examination as authorized by subsection (1) waives his right under [section 1] to receive his regular salary during his absence from service.

Section 4. Discontinuation of salary when retirement allowance granted. Payment of a regular salary under [section 1] shall be discontinued if the officer is disabled for an undetermined duration and is granted a disability retirement allowance under [Title 11, chapter 18]. If an application for such a retirement allowance is not made by the officer, application therefor may be made by the chief executive officer of the municipality by which such officer

SECOND READING

1 is employed.

1 municipality.

-End-

2 Section 5. Assignment to light duty or another agency.

3 (1) Whenever, in the opinion of the municipality supported
 4 by a physician's opinion, the officer is able to perform
 5 specified types of light police duty, payment of his regular
 6 salary under [section 1] shall be discontinued if he refuses
 7 to perform such light police duty when it is available and
 8 offered to him. Such light duty shall be consistent with
 9 the officer's status as a law enforcement officer.
 10 Performance of such light duty entitles the officer to his
 11 regular salary, including increases thereof, and fringe
 12 benefits to which he would have been entitled had he been
 13 able to perform his regular duties.

14 (2) With his consent, the officer may be transferred
 15 to another department or agency within the municipality.

16 Section 6. Effect on probationary status. If the
 17 injured officer is on probationary status at the time he
 18 becomes injured, the balance of his probationary time shall
 19 be suspended until he returns to regular duty or is
 20 discharged for cause.

21 Section 7. Subrogation. The municipality has a cause
 22 of action for reimbursement of sums it has paid to an
 23 officer as salary and for medical treatment against any
 24 third party against whom the officer has a cause of action
 25 for the injury which necessitated the payments by the

1 HOUSE BILL NO. 659

2 INTRODUCED BY LYNCH, HARRINGTON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT
5 MUNICIPALITIES OF THE FIRST OR SECOND CLASS SHALL CONTINUE
6 TO PAY THE SALARIES OF POLICE OFFICERS INJURED IN THE
7 PERFORMANCE OF THEIR DUTIES AND TO PROVIDE FOR ASSIGNMENT OF
8 SUCH AN OFFICER TO LIGHT DUTY OR, WITH HIS CONSENT, TO
9 ANOTHER AGENCY."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Continuation of salary of officer injured
13 in performance of duty. (1) A member of a municipal law
14 enforcement agency OF A FIRST OR SECOND CLASS MUNICIPALITY
15 who is injured in the performance of his duties so as to
16 necessitate medical or other remedial treatment and render
17 him unable to perform his duties shall be paid by the
18 municipality by which he is employed the full amount of his
19 regular salary, less any amount he may receive from workers'
20 compensation, until his disability has ceased.

21 Section 2. Determination of eligibility for continued
22 salary. (1) The determination of whether an injury was
23 incurred during or resulted from the performance of duty
24 shall be made by the municipality. The injured officer may
25 appeal the decision to the municipal law enforcement board

1 available to him.

2 (2) The determination of whether the injury resulted
3 in a disability shall be made by the municipality, with the
4 advice of medical opinion. The injured officer may appeal
5 the decision to the municipal law enforcement board
6 available to him.

7 Section 3. Periodic medical examinations -- waiver of
8 right to salary. (1) The municipality may appoint a
9 physician to examine the officer from time to time. If the
10 injured officer has recovered and is physically able to
11 perform light duty or his regular duties, the physician
12 shall certify that fact.

13 (2) An injured officer who unreasonably refuses to
14 accept medical treatment or hospital care or to permit
15 medical examination as authorized by subsection (1) waives
16 his right under [section 1] to receive his regular salary
17 during his absence from service.

18 Section 4. Discontinuation of salary when retirement
19 allowance granted. Payment of a regular salary under
20 [section 1] shall be discontinued if the officer is disabled
21 for an undetermined duration and is granted a disability
22 retirement allowance under [Title 11, chapter 18]. If an
23 application for such a retirement allowance is not made by
24 the officer, application therefor may be made by the chief
25 executive officer of the municipality by which such officer

1 is employed.

1 municipality.

-End-

2 Section 5. Assignment to light duty or another agency.

3 (1) whenever, in the opinion of the municipality supported
4 by a physician's opinion, the officer is able to perform
5 specified types of light police duty, payment of his regular
6 salary under [section 1] shall be discontinued if he refuses
7 to perform such light police duty when it is available and
8 offered to him. Such light duty shall be consistent with
9 the officer's status as a law enforcement officer.
10 Performance of such light duty entitles the officer to his
11 regular salary, including increases thereof, and fringe
12 benefits to which he would have been entitled had he been
13 able to perform his regular duties.

14 (2) With his consent, the officer may be transferred
15 to another department or agency within the municipality.

16 Section 6. Effect on probationary status. If the
17 injured officer is on probationary status at the time he
18 becomes injured, the balance of his probationary time shall
19 be suspended until he returns to regular duty or is
20 discharged for cause.

21 Section 7. Subrogation. The municipality has a cause
22 of action for reimbursement of sums it has paid to an
23 officer as salary and for medical treatment against any
24 third party against whom the officer has a cause of action
25 for the injury which necessitated the payments by the

March 29, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 659 be amended as follows:

1. Amend page 1, section 1, line 20.

Following: "ceased"

Insert: "or for a period not to exceed one year whichever shall
first occur"

2. Amend page 3, section 5, lines 10 through 13.

Following: line 9

Strike: lines 10 through 13 in their entirety

1 HOUSE BILL NO. 659
 2 INTRODUCED BY LYNCH, HARRINGTON
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT
 5 MUNICIPALITIES OF THE FIRST OR SECOND CLASS SHALL CONTINUE
 6 TO PAY THE SALARIES OF POLICE OFFICERS INJURED IN THE
 7 PERFORMANCE OF THEIR DUTIES AND TO PROVIDE FOR ASSIGNMENT OF
 8 SUCH AN OFFICER TO LIGHT DUTY OR, WITH HIS CONSENT, TO
 9 ANOTHER AGENCY."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Continuation of salary of officer injured
 13 in performance of duty. (1) A member of a municipal law
 14 enforcement agency OF A FIRST OR SECOND CLASS MUNICIPALITY
 15 who is injured in the performance of his duties so as to
 16 necessitate medical or other remedial treatment and render
 17 him unable to perform his duties shall be paid by the
 18 municipality by which he is employed the full amount of his
 19 regular salary, less any amount he may receive from workers'
 20 compensation, until his disability has ceased OR FOR A
 21 PERIOD NOT TO EXCEED ONE YEAR WHICHEVER SHALL FIRST OCCUR.

22 Section 2. Determination of eligibility for continued
 23 salary. (1) The determination of whether an injury was
 24 incurred during or resulted from the performance of duty
 25 shall be made by the municipality. The injured officer may

1 appeal the decision to the municipal law enforcement board
 2 available to him.

3 (2) The determination of whether the injury resulted
 4 in a disability shall be made by the municipality, with the
 5 advice of medical opinion. The injured officer may appeal
 6 the decision to the municipal law enforcement board
 7 available to him.

8 Section 3. Periodic medical examinations -- waiver of
 9 right to salary. (1) The municipality may appoint a
 10 physician to examine the officer from time to time. If the
 11 injured officer has recovered and is physically able to
 12 perform light duty or his regular duties, the physician
 13 shall certify that fact.

14 (2) An injured officer who unreasonably refuses to
 15 accept medical treatment or hospital care or to permit
 16 medical examination as authorized by subsection (1) waives
 17 his right under [section 1] to receive his regular salary
 18 during his absence from service.

19 Section 4. Discontinuation of salary when retirement
 20 allowance granted. Payment of a regular salary under
 21 [section 1] shall be discontinued if the officer is disabled
 22 for an undetermined duration and is granted a disability
 23 retirement allowance under [Title 11, chapter 18]. If an
 24 application for such a retirement allowance is not made by
 25 the officer, application therefor may be made by the chief

1 executive officer of the municipality by which such officer
2 is employed.

3 Section 5. Assignment to light duty or another agency.

4 (1) Whenever, in the opinion of the municipality supported
5 by a physician's opinion, the officer is able to perform
6 specified types of light police duty, payment of his regular
7 salary under [section 1] shall be discontinued if he refuses
8 to perform such light police duty when it is available and
9 offered to him. Such light duty shall be consistent with
10 the officer's status as a law enforcement officer.
11 ~~Performance of such light duty entitles the officer to his~~
12 ~~regular salary including increases thereof and fringe~~
13 ~~benefits to which he would have been entitled had he been~~
14 ~~able to perform his regular duties.~~

15 (2) With his consent, the officer may be transferred
16 to another department or agency within the municipality.

17 Section 6. Effect on probationary status. If the
18 injured officer is on probationary status at the time he
19 becomes injured, the balance of his probationary time shall
20 be suspended until he returns to regular duty or is
21 discharged for cause.

22 Section 7. Subrogation. The municipality has a cause
23 of action for reimbursement of sums it has paid to an
24 officer as salary and for medical treatment against any
25 third party against whom the officer has a cause of action

1 for the injury which necessitated the payments by the
2 municipality.

-End-