

HOUSE BILL NO. 348

INTRODUCED BY IVERSON, SCHULTZ, SEIFERT, MARKS, ROTH,  
KEYSER, CONROY, KEEDY, QUILICI, ROSENTHAL

BY REQUEST OF THE ATTORNEY GENERAL

IN THE HOUSE

January 24, 1979	Introduced and referred to Committee on Highways and Transportation.
February 9, 1979	Committee recommend bill do pass as amended. Report adopted.
February 12, 1979	Printed and placed on members' desks.
February 13, 1979	Second reading, do pass as amended.
February 14, 1979	Correctly engrossed.
February 16, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 17, 1979	Introduced and referred to Committee on State Administration.
March 1, 1979	Fiscal note requested.
March 7, 1979	Fiscal note returned.
March 9, 1979	Committee recommend bill be concurred in. Report adopted.
March 12, 1979	Second reading, concurred in.
March 15, 1979	Third reading, concurred in.

IN THE HOUSE

March 16, 1979

Returned from second house.  
Concurred in. Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 348  
 2 INTRODUCED BY J. J. JENSEN Security Chief Montana  
 3 BY REQUEST OF THE ATTORNEY GENERAL  
 4 Reynolds Conway Keedy Quinn Ball

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE  
 6 HIGHWAY PATROL SHALL PAY A SALARY BENEFIT TO OFFICERS  
 7 INJURED IN THE PERFORMANCE OF THEIR DUTIES AND TO PROVIDE  
 8 FOR ASSIGNMENT OF SUCH AN OFFICER TO LIGHT DUTY OR, WITH HIS  
 9 CONSENT, TO ANOTHER POSITION IN THE DEPARTMENT OF JUSTICE."

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

12 Section 1. Payment of salary benefit to officers  
 13 injured in performance of duty. (1) A member of the highway  
 14 patrol who, in the performance of his duties, suffers an  
 15 injury which necessitates medical or other remedial  
 16 treatment and which renders him unable to perform his duties  
 17 shall be paid the full amount of his regular salary as a  
 18 salary benefit until one of the following occurs:

- 19 (a) He ceases to be disabled.
- 20 (b) A period of 1 year elapses after the date of the
- 21 injury.
- 22 (c) Although disabled, he is ordered returned to light
- 23 duty by the chief of the highway patrol.
- 24 (d) Although disabled, he accepts a transfer position
- 25 within the department of justice.

- 1 (e) He waives his benefit.
- 2 (2) The department of justice may set off the amount
- 3 of any workers' compensation award actually received against
- 4 the salary benefit payable under this section.

5 Section 2. Determination of eligibility for salary  
 6 benefit. (1) The highway patrol chief shall determine  
 7 whether an injury incurred by an officer was incurred in the  
 8 performance of his duties and whether an injury so incurred  
 9 resulted in a disability.

10 (2) In determining the nature and extent of an  
 11 officer's injuries and the extent of any recovery, the chief  
 12 shall seek and consider the medical opinion of a qualified  
 13 physician who has examined the injured officer. The chief  
 14 may seek a second medical opinion in his discretion.

15 Section 3. Periodic medical examinations -- waiver of  
 16 right to salary benefit. (1) The chief may appoint a  
 17 physician to examine the officer from time to time. If, in  
 18 the physician's opinion, the injured officer has  
 19 sufficiently recovered to perform light duties or his  
 20 regular duties, the physician shall certify that fact.

21 (2) An injured officer who unreasonably refuses to  
 22 accept medical treatment or hospital care or to permit a  
 23 medical examination under subsection (1) or [Section 2(2)]  
 24 waives any salary benefit to which he might otherwise be  
 25 entitled under [Section 1].

1           Section 4. Discontinuation of salary benefit when  
 2 retirement allowance granted. Payment of a salary benefit  
 3 under [Section 1] shall be discontinued if the injured  
 4 officer is disabled for an indefinite period and is granted  
 5 a disability retirement allowance under Title 19, Chapter 6.  
 6 If an officer is indefinitely disabled and does not apply  
 7 for a disability retirement allowance, application therefor  
 8 may be made by the chief.

9           Section 5. Assignment to light duty or another  
 10 position within department of justice. (1) The chief, taking  
 11 into consideration the medical opinions he has received, may  
 12 determine at any time that an injured officer is able to  
 13 perform light police duty consistent with his status as a  
 14 law enforcement officer and may order the officer assigned  
 15 to such light duty. If the officer refuses to perform the  
 16 light duty, payment of the salary benefit under [Section 1]  
 17 shall be discontinued.

18           (2) The chief may order an injured officer transferred  
 19 from the highway patrol to another position within the  
 20 department of justice. An officer may decline to accept a  
 21 transfer under this subsection with no loss of salary  
 22 benefit.

23           Section 6. Effect on probationary status. If the  
 24 injured officer is on probationary status at the time he  
 25 becomes injured, the balance of his probationary time shall

1 be suspended until he returns to regular duty or is  
 2 discharged for cause.

3           Section 7. Subrogation. The state has a cause of  
 4 action for reimbursement of sums it has paid to an officer  
 5 as a salary benefit and for medical treatment and  
 6 examinations against any third party against whom the  
 7 officer has a cause of action for the injury which  
 8 necessitated the payments by the state.

-End-

Approved by Committee  
on Highways & Transportation

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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE HIGHWAY PATROL SHALL PAY A SALARY BENEFIT TO 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 POSITION IN THE DEPARTMENT OF JUSTICE; ~~AND TO PROVIDE FOR RETIREMENT CREDIT AND TRANSFERS OF RETIREMENT CREDIT.~~"

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

Section 1. Payment of salary benefit to officers injured in performance of duty. (1) A member of the highway patrol who, in the performance of his duties, suffers an injury which necessitates medical or other remedial treatment and which renders him unable to perform his duties shall be paid the full amount of his regular salary as a salary benefit until one of the following occurs:

(a) He ceases to be disabled.

(b) A period of 1 year elapses after the date of the injury.

(c) Although disabled, he is ordered returned to light

duty by the chief of the highway patrol.

(d) Although disabled, he accepts a transfer position within the department of justice.

(e) He waives his benefit.

(2) The department of justice may set off the amount of any workers' compensation award actually received against the salary benefit payable under this section.

Section 2. Determination of eligibility for salary benefit. (1) The highway patrol chief shall determine whether an injury incurred by an officer was incurred in the performance of his duties and whether an injury so incurred resulted in a disability.

(2) In determining the nature and extent of an officer's injuries and the extent of any recovery, the chief shall seek and consider the medical opinion of a qualified physician who has examined the injured officer. The chief may seek a second medical opinion in his discretion.

Section 3. Periodic medical examinations -- waiver of right to salary benefit. (1) The chief may appoint a physician to examine the officer from time to time. If, in the physician's opinion, the injured officer has sufficiently recovered to perform light duties 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 a

1 medical examination under subsection (1) or [Section 2(2)]  
2 waives any salary benefit to which he might otherwise be  
3 entitled under [Section 1].

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16 perform light police duty consistent with his status as a  
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19 light duty, payment of the salary benefit under [Section 1]  
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22 from the highway patrol to another position within the  
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12 SECTION 8. THERE IS A NEW MCA SECTION THAT READS:

13 Contribution for retirement -- length of service credit  
14 -- transfer of retirement contributions and length of  
15 service credit. (1) When an officer receives compensation  
16 under [section 1], the officer's contribution for retirement  
17 under 19-6-402 must be paid on the compensation received  
18 under [section 1] and the state's contribution for  
19 retirement under 19-6-404 must be paid on the compensation  
20 received under [section 1].

21 (2) The time for which contributions are paid under  
22 [section 1] shall be credited to the length of service  
23 computed for retirement purposes under 19-6-302.

24 (3) When a disabled officer who qualifies for benefits  
25 under [section 1] accepts a transfer under [section 5] to a

1 nonhighway patrol position within the department of justice  
2 that is covered under the Public Employee's Retirement  
3 System Act, all of the officer's length of service credited  
4 with the Montana patrolmen's retirement system shall be  
5 transferred to the public employee's retirement system in  
6 the officer's credit and the officer's accumulated  
7 contributions and the state's adjusted contributions, with  
8 accrued interest, credited to the officer in the Montana  
9 highway patrolmen's retirement account shall be transferred  
10 to the public employee's retirement account in the officer's  
11 credit. The state's "adjusted contributions" means an amount  
12 equal to the amount that would have been contributed by the  
13 state had the transferred service been employment covered  
14 under the public employee's retirement system.

-End-

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(c) Although disabled, he is ordered returned to light

duty by the chief of the highway patrol.

(d) Although disabled, he accepts a transfer position within the department of justice.

(e) He waives his benefit.

(2) The department of justice may ~~SHALL~~ set off the amount of any workers' compensation award actually received against the salary benefit payable under this section.

Section 2. Determination of eligibility for salary benefit. (1) The highway patrol chief shall determine whether an injury incurred by an officer was incurred in the performance of his duties and whether an injury so incurred resulted in a disability.

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(2) An injured officer who unreasonably refuses to accept medical treatment or hospital care or to permit a



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