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HOUSE BILL NO. 413

INTRODUCED BY FABREGA, TROPILA, GILLIGAN, ROSENTHAL, MOORE, HEMSTAD, MEYER, REICHERT, PISTORIA, O'CONNELL

IN THE HOUSE

January 26, 1979	Introduced and referred to Committee on Judiciary.
January 31, 1979	Committee recommend bill do pass as amended. Report adopted.
February 1, 1979	Printed and placed on members' desks.
February 2, 1979	Second reading, do pass.
February 3, 1979	Considered correctly engrossed.
February 5, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 6, 1979	Introduced and referred to Committee on Labor and Employment Relations.
February 8, 1979	Fiscal note requested.
February 15, 1979	Fiscal note returned.
March 2, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 5, 1979	Second reading, concurred in.
March 8, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 9, 1979	Returned from second house. Concurred in as amended.
March 14, 1979	Second reading, amendments adopted.
March 15, 1979	Third reading, amendments adopted. Sent to enrolling.
	Reported correctly enrolled.

1	House BILL NO. 413
2	INTRODUCED AV TOTAL MARINE SELLEN
3	Moderny Mufor Richer Bathia
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PUT COMPENSATION FOR
5	LOSS OF SALARY FOR INJURED OFFICERS UNDER WORKERS*
6	COMPENSATION; MANDATING A MUNICIPALITY TO PAY THE DIFFERENCE

BETWEEN THE OFFICER'S FULL SALARY AND THE AMOUNT PAID BY

7-32-4135. AND 7-32-4136. MCA: REPEALING SECTIONS 7-32-4133

WORKERS* COMPENSATION: AMENDING SECTIONS

AND 7-32-4134. MCA.*

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

Section 1. Section 7-32-4132, MCA, is amended to read:

**7-32-4132. Continuation Payment of partial salary amount of officer injured in performance of duty. 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-eny-amount-he-may-receive difference between his full salary and the amount he receives from workers' compensation, until his disability has ceased, as determined by workers' compensation; or for a period not to exceed 1 year, whichever shall first occur.

Section 2. Section 7-32-4135, MCA, is amended to read:

#7-32-4135. Discontinuation of salary when retirement
allowance granted. Payment of a requier partial salary
amount under 7-32-4132 shall be discontinued if the officer
is disabled for an undetermined duration and is granted a
disability retirement allowance under Title 19, chapters 9
and 10. 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 is employed.**

Section 3. Section 7-32-4136, MCA, is amended to read:

"7-32-4136. Assignment to light duty or another
agency. (1) Whenever, in the opinion of the municipality,
supported by a physician's opinion, the officer is able to
perform specified types of light police duty, payment of his
regular partial salary amount under 7-32-4132 shall be
discontinued if he refuses to perform such light police duty
when it is available and offered to him. Such light duty
shall be consistent with the officer's status as a law
enforcement officer.

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

23 Section 4. Repealer. Sections 7-32-4133 and 7-32-4134, 24 MCA, are repealed.

STATE OF MONTANA

FISCAL NOTE

Request	N.Y	300-79
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Form BD-15

In compliance with a written request received February 8, 1979, there is hereby submitted a Fiscal Note for House Bill 413 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to put compensation for loss of salary for injured officers under Workers' Compensation; mandating a municipality to pay the difference between the officer's full salary and the amount paid by Worker's Compensation and clarifying the meaning of monthly compensation for purposes of the statewide police retirement system.

ASSUMPTIONS:

- 1. Reported accidents involving municipal law enforcement personnel will remain at the same level as reported in FY 1977.
- 2. The applicable state average weekly wage will increase 10% in FY 1980 and 9% in FY 1981.

FISCAL IMPACT:

Under the proposed legislation, additional compensation benefits must be paid -- \$21,000 in FY 1980; \$22,900 in FY 1981.

LOCAL IMPACT:

The impact will be insignificant.

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 4/15/77

-6th Legislature HB 0413/02

Approved by Committee on Judiciary

1 INTRUDUCED BY FABREGA, TROPILA, GILLIGAN, ROSENTHAL HEMSTAD, MEYER, REICHERT, PISTORIA, O'CONNEL A BILL FOR AN ACT ENTITLED: "AN ACT TO PUT COMPENS LOSS OF SALARY FOR INJURED OFFICERS UNDER COMPENSATION; MANDATING A MUNICIPALITY TO PAY THE D BETHEEN THE OFFICER'S FULL SALARY AND THE AMOUNT HORKERS' COMPENSATION AND CLABIETING THE MEANING OF COMPENSATION FOR PURPOSES OF THE STATENIDE POLICE B SYSTEM: AMENDING SECTIONS 7-32-4132, 7-32-4 7-32-4136, AND 19-9-104; MCA; REPEALING SECTIONS AND 7-32-4134, MCA." BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MO	L ATION FOR WORKERS* IFFERENCE
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9 WORKERS' COMPENSATION AND CLARIFYING THE MEANING OF COMPENSATION FOR PURPOSES OF THE STATEMINE POLICE R SYSTEM; AMENDING SECTIONS 7-32-4132. 7-32-4 7-32-4136, AND 19-9-104: MCA; REPEALING SECTIONS AND 7-32-4134, MCA.*	T PAID BY
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11 <u>SYSTEM</u> : AMENDING SECTIONS 7-32-4132. 7-32-4 12 7-32-4136. <u>ANU 19-9-104.</u> MCA; REPEALING SECTIONS 13 AND 7-32-4134. MCA.**	MONTHLY
7-32-4136, <u>AND 19-9-104</u> , MCA; REPEALING SECTIONS AND 7-32-4134, MCA.**	EIIREMENT
13 AND 7-32-4134, MCA.#	135, A nd
14	7-32-4133
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treatment and render him unable to perform his duties shall

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receives from workers' compensation, until his disability 2 has ceased, as determined by workers compensation, or for a period not to exceed 1 year, whichever shall first occur.** Section 2. Section 7-32-4135, MCA, is amended to read: *7-32-4135. Discontinuation of salary when retirement allowance granted. Payment of a requier nartial salary 7 amount under 7-32-4132 shall be discontinued if the officer is disabled for an undetermined duration and is granted a disability retirement allowance under Title 19, chapters 9 and 10. If an application for such a retirement allowance is 10 il not made by the officer, application therefor may be made by the chief executive officer of the municipality by which 12 such officer is employed." 13 14 Section 3. Section 7-32-4136, MCA, is amended to read: 15 *7-32-4136. Assignment to light duty or another agency. (1) Whenever, in the opinion of the municipality, 16 17 supported by a physician's opinion, the officer is able to perform specified types of light police duty, payment of his 18 regular partial salary amount under 7-32-4132 shall be 19 discontinued if he refuses to perform such light police duty 23 21 when it is available and offered to him. Such light duty shall be consistent with the officer's status as a law 22 23 enforcement officer. 24 (2) With his consent, the officer may be transferred

to another department or agency within the municipality."

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SECTION 4. SECTION 19-9-104. MCA. IS AMENDED TO	READ:
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- "19-9-104. Definitions. Unless the context requires otherwise, the following definitions apply in this chapter:
- 4 (1) "Administrator" means the public employees*
 5 retirement division of the department of administration.
 - (2) "Board" means the retirement board described in 2-15-1009.
 - (3) "Credited service" means the aggregate of a member's prior service and membership service.
 - (4) "Employer" means any city which participated in a prior plan or which elects to join this plan under 19-9-107.
 - (5) "Employer annuity" means monthly payments for life derived from employer and state contributions.
 - (6) "Final average salary" means the monthly compensation of a member, averaged over the last 36 months of his active service or, in the event he has not been a member that long, over the period of his membership.
 - (7) "Fund" means the agency account in the treasury system designated for the use of the plan.
 - (8) "Mandatory retirement date" means the first day of the month coinciding with or immediately following, if none coincides: the date on which a member attains age 65.
 - (9) "Member" means a person who is employed by an employer as a police officer or who is entitled to a retirement allowance by virtue of his service to an employer

-3-

1 as a police officer.

- (10) "Member contributions" means the total of the deductions from the compensation of a member, either made during a period of active membership hereunder or made under a prior plan and transferred to this plan, standing to his credit, together with the interest thereon.
- 7 (11) "Member's annuity" means monthly payments for life
 8 derived from member contributions.
 - (12) "Membership service" means a period of employment with an employer occurring after June 30, 1977, during which the withholdings required by this chapter have been made from a member's monthly compensation and credited to his member contributions account. Pro rata credit shall be granted for employment on a part-time basis or for employment over a period of less than a complete fiscal year.
 - (13) "Minimum retirement date" or "normal retireme".

 date" means the first day of the month coinciding with or immediately following, if none coincides, the date on which a member becomes both age 50 or older and completes 20 or more years of credited service.
 - (14) "Monthly compensation" means the wage, excluding overtime, holiday payments, shift differential payments, compensation time payments, and payments in lieu of sick leave and annual leave, a member receives as an active

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police officer or would receive as an active police officer
were it not for an injury resulting in partial salary
payments under 7-32-4132.

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- (15) Any reference to "municipality", "city", or "town" includes those jurisdictions which, prior to the effective date of a county-municipal consolidation, were incorporated municipalities, subsequent districts created for urban law enforcement services, or the entire county included in the county-municipal consolidation.
- 10 (16) "Plan" means the municipal police officers*

 11 retirement system created by this chapter.
- 12 (17) "Police officer" means a law enforcement officer
 13 employed by an employer.
 - (18) "Prior plan" means the local police reserve or retirement fund of a city which elects to join the plan under 19-9-107 or the statewide police reserve fund administered by the department of administration in accordance with Chapter 335; Laws of 1974.
 - (19) *Prior service* means a period of employment as a police officer for which credit was granted to a member under a prior plan and has been transferred to this plan.
- 22 (20) "Retirement allowance" means the employer annuity
 23 plus the member's annuity.
- 24 (21) "Retirement date" means the date on which the 25 first payment of the retirement, disability, or survivor

1 benefits of a member or a beneficiary is payable.

2 (22) "Totally and permanently disabled" means that the

3 board, upon certification by a licensed and practicing

physician, has determined that a member's disability is of

5 such a nature as to permanently impair his ability to

6 discharge his normal duties as a police officer.*

7 Section 5. Repealer. Sections 7-32-4133 and 7-32-4134.

8 MCA, are repealed.

#6th Legislature HB 0413/02

HOUSE BILL NO. 413

Approved by Committee on Judiciary

2	INTRODUCED BY FAGREGA, TROPILA, GILLIGAN, ROSENTHAL, MOORE,
3	HEMSTAD, MEYER, REICHERT, PISTORIA, O'CUNNELL
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5	A BILL FOR AN ACT ENTITLED: "AN ACT TO PUT COMPENSATION FOR
6	LOSS OF SALARY FOR INJURED OFFICERS UNDER WORKERS*
•	COMPENSATION; MANDATING A MUNICIPALITY TO PAY THE DIFFERENCE
Ŗ	BETHEEN THE OFFICER'S FULL SALARY AND THE AMOUNT PAID BY
9	WORKERS* COMPENSATION AND CLARIEVING THE MEANING OF MONTHLY
10	COMPENSATION FOR PURPOSES OF THE STATEWIDE POLICE RETIREMENT
11	SYSTEM: AMENDING SECTIONS 7-32-4132. 7-32-4135. AND
1 2	7-32-4136. AND 19-9-104: MCA; REPEALING SECTIONS 7-32-4133
13	AND 7-32-4134+ MCA.*
į 4	
:5	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	Section 1. Section 7-32-4132, MCA, is amended to read:
17	"7-32-4132. Continuotion Payment of partial salary
18	amount of officer injured in performance of duty. A member
19	of a municipal law enforcement agency of a first- or
20	second-class municipality who is injured in the performance
21	of his duties so as to necessitate medical or other remedial
22	treatment and render him unable to perform his duties shall

be paid by the municipality by which he is employed the full

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

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when it is available and offered to him. Such light duty

shall be consistent with the officer's status as a law

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enforcement officer.

-2-SECOND READING HB 413

HB 0413/02

1	SECTION 4. SECTION 19-9-104. MCA. IS AMENDED TO READ:
2	*19-9-104. Definitions. Unless the context requires
3	otherwise, the following definitions apply in this chapter:
4	(1) "Administrator" means the public employees
5	retirement division of the department of administration.

(2) "Board" means the retirement board described in 2-15-1009.

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- (3) "Credited service" means the aggregate of a member's prior service and membership service.
- (4) "Employer" means any city which participated in a prior plan or which elects to join this plan under 19-9-107.
- (5) "Employer annuity" means monthly payments for life derived from employer and state contributions.
- (6) "Final average salary" means the monthly compensation of a member, averaged over the last 36 months of his active service or, in the event he has not been a member that long, over the period of his membership.
- (7) "Fund" means the agency account in the treasury system designated for the use of the plan.
- (8) "Mandatory retirement date" means the first day of the month coinciding with or immediately following. if none coincides: the date on which a member attains age 65.
- (9) "Member" means a person who is employed by an employer as a police officer or who is entitled to a retirement allowance by virtue of his service to an employer

1 as a police officer.

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- 2 (10) "Member contributions" means the total of the 3 defuctions from the compensation of a member, either made 4 during a period of active membership hereunder or made under 5 a prior plan and transferred to this plan, standing to his 6 credit, together with the interest thereon.
- 7 (11) "Member's annuity" means monthly payments for life 8 derived from member contributions.
 - (12) "Membership service" means a period of employment with an employer occurring after June 30, 1977, during which the withholdings required by this chapter have been made from a member's monthly compensation and credited to his member contributions account. Pro rata credit shall be granted for employment on a part-time basis or for employment over a period of less than a complete fiscal year.
 - (13) "Minimum retirement date" or "normal retireme".

 date" means the first day of the month coinciding with or immediately following, if none coincides, the date on which a member becomes both age 50 or older and completes 20 or more years of credited service.
 - (14) "Monthly compensation" means the wage, excluding overtime, holiday payments, shift differential payments, compensation time payments, and payments in lieu of sick leave and annual leave, a member receives as an active

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were it not for an injury resulting in partial salary
payments under 1-32-4132.

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- (15) Any reference to "municipality", "city", or "town" includes those jurisdictions which, prior to the effective date of a county-municipal consolidation, were incorporated municipalities, subsequent districts created for urban law enforcement services, or the entire county included in the county-municipal consolidation.
- 10 (16) "Plan" means the municipal police officers*

 11 retirement system created by this chapter.
- 12 (17) "Police officer" means a law enforcement officer

 13 employed by an employer.
 - (18) "Prior plan" means the local police reserve or retirement fund of a city which elects to join the plan under 19-9-107 or the statewide police reserve fund administered by the department of administration in accordance with Chapter 335, Laws of 1974.
 - (19) *Prior service* means a period of employment as a police officer for which credit was granted to a member under a prior plan and has been transferred to this plan.
- 22 (20) "Retirement allowance" means the employer annuity
 23 plus the member's annuity.
- (21) "Retirement date" means the date on which the
 first payment of the retirement disability or survivor

2 (22) "Totally and permanently disabled" means that the 3 board, upon certification by a licensed and practicing

penefits of a member or a beneficiary is payable.

- 4 physician, has determined that a member's disability is of
- 5 such a nature as to permanently impair his ability to
- 6 discharge his normal duties as a police officer.**

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7 Section 5. Repealer. Sections 7-32-4133 and 7-32-4134.
8 MCA, are repealed.

-End-

HB 0413/02

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1	HOUSE BILL NO. 413
2	INTRODUCED BY FABREGA. TROPILA. GILLIGAN. ROSENTHAL. MOORE,
3	HEMSTAD, MEYER, REICHERT, PISTORIA, O'CONNELL
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6	LOSS OF SALARY FOR INJURED OFFICERS UNDER WORKERS*
7	COMPENSATION; MANDATING A MUNICIPALITY TO PAY THE DIFFERENCE
8	BETWEEN THE OFFICER'S FULL SALARY AND THE AMOUNT PAID BY
9	WORKERS' COMPENSATION AND CLARIEVING THE MEANING DE MONTHLY
10	COMPENSATION FOR PURPOSES OF THE STATEMIDE POLICE BETIREMENT

AND 7-32-4134. MCA."

SYSTEM; AMENDING SECTIONS 7-32-4132, 7-32-4135, AND

7-32-4136. AND 19-9-104. MCA; REPEALING SECTIONS 7-32-4133

receives from workers' compensations until his disability has ceased, as determined by workers' compensations or for a period not to exceed 1 year, whichever shall first occur."

Section 2. Section 7-32-4135, MCA: is amended to read:

"7-32-4135. Discontinuation of salary when retirement allowance granted. Payment of a regular partial salary amount under 7-32-4132 shall be discontinued if the officer is disabled for an undetermined duration and is granted a disability retirement allowance under Title 19, chapters 9 and 10. 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 is employed."

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agency. (1) Whenever, in the opinion of the municipality,
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1	SECTION 4. SECTION 19-9-104. MCA. IS AMENDED TO B	EADI
2	*19-9-104. Definitions. Unless the context requ	ires
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- (3) "Credited service" means the aggregate of a member's prior service and membership service.
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- (8) "Mandatory retirement date" means the first day of the month coinciding with or immediately following: if none coincides: the date on which a member attains age 65.
- (9) "Member" means a person who is employed by an employer as a police officer or who is entitled to a retirement allowance by virtue of his service to an employer

-3-

1 as a police officer.

- 2 (10) "Member contributions" means the total of the
 3 deductions from the compensation of a member, either made
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 5 a prior plan and transferred to this plan, standing to his
 6 credit, together with the interest thereon.
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 - (13) "Minimum retirement date" or "normal retirement date" means the first day of the month coinciding with or immediately following, if none coincides, the date on which a member becomes both age 50 or older and completes 20 or more years of credited service.
 - (14) "Monthly compensation" means the wage, excluding overtime, holiday payments, shift differential payments, compensation time payments, and payments in lieu of sick leave and annual leave, a member receives as an active

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HB 0413/02

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 - (19) "Prior service" means a period of employment as a police officer for which credit was granted to a member under a prior plan and has been transferred to this plan.
 - (20) "Retirement allowance" means the employer annuity
 plus the member's annuity.
- 24 (21) "Retirement date" means the date on which the 25 first payment of the retirement disability or survivor

- 1 benefits of a member or a beneficiary is payable.
- 2 (22) "Totally and permanently disabled" means that the
 3 board, upon certification by a licensed and practicing
 4 physician, has determined that a member's disability is of
 5 such a nature as to permanently impair his ability to
 6 discharge his normal duties as a police officer."
- 7 Section 5. Repealer. Sections 7-32-4133 and 7-32-4134.
 8 MCA: are repealed.

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1	HOUSE BILL NO. 413
2	INTRODUCED BY FABREGA. TROPILA, GILLIGAN, ROSENTHAL. MOORE.
3	HEMSTAD, MEYER, REICHERT, PISTORIA, O.CONNELL
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5	A BILL FOR AN ACT ENTITLED: "AN ACT TO PUT COMPENSATION FOR
6	LOSS OF SALARY FOR INJURED OFFICERS UNDER WORKERS*
7	COMPENSATION; MANDATING A MUNICIPALITY TO PAY THE DIFFERENCE
8	BETWEEN THE OFFICER'S FULL SALARY AND THE AMOUNT PAID BY
9	WORKERS COMPENSATION AND CLARIFYING THE MEANING OF MONTHLY
10	COMPENSATION FOR PURPOSES OF THE STATEWIDE POLICE RETIREMENT
11	SYSTEM: AMENDING SECTIONS 7-32-4132, 7-32-4135, AND AND
12	7-32-4136+ AND:19-9-184x MCA; REPEALING SECTIONS 7-32-4133
13	AND 7-32-4134+ MCA.M
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15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	Section 1. Section 7-32-4132, MCA, is amended to read:
17	*7-32-4132. Continuation Payment of partial salary
18	amount of officer injured in performance of duty. A member
19	of a municipal law enforcement agency of a first- or
20	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-requiar-salaryv-less-any-amount-he-may-receive

difference between his full salary and the amount he

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1	receives from workers* compensationy until his disability
2	has ceased, as determined by workers' compensation, or for a
3	period not to exceed 1 years whichever shall first occurs
4	Section 2. Section 7-32-4135: MCA: is amended to read:
5	*7-32-4135. Discontinuation of salary when retirement
6	allowance granted. Payment of a reguler partial salary
7	amount under 7-32-4132 shall be discontinued if the officer
8	is disabled for an undetermined duration and is granted a
9	disability retirement allowance under Title 19. chapters
10	and 10. If an application for such a retirement allowance is
11	not made by the officer, application therefor may be made by
12	the chief executive officer of the municipality by which
13	such officer is employed."

Section 3. Section 7-32-4136, MCA, is amended to read:

#7-32-4136. Assignment to light duty or another agency. (1) Whenever, in the opinion of the municipality, supported by a physician's opinion, the officer is able to perform specified types of light police duty, payment of his regular partial salary amount under 7-32-4132 shall be discontinued if he refuses to perform such light police duty when it is available and offered to him. Such light duty shall be consistent with the officer's status as a law enforcement officer.

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

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REFERENCE BILL

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HB 0413/0	3
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1	SECTION-SE-SECTION-12-9-195x-MEAX-15-AMENBED-TOREADI
2	#19-9-184BefinitionsUniessthe-context-requires
3	otherwisev-the-following-definitions-apply-in-thischapters
4	tlj"Administrator"meansthepublicemployees⁴
5	retirement-division-of-the-department-of-administrations
6	{2}"Board"-me ans-the-retirementboarddescribedin
7	2-15-1009u
8	{3}Greditedservicemeanstheaggregateofa
9	member^s-prior-service-and-membership-servicev
10	[4]"Employer"-means-any-city-which-participated-ina
11	prior-plan-or-which-elects-to-join-this-plan-under-19-9-187w
12	t5}Employer-annuitymeans-monthly-payments-for-life
13	derived-from-employer-and-state-contributions
14	to;finatoveragesatarymeansthemonthly
15	compensation-of-e-membery-averaged-over-the-last36menths
16	ofhisactiveserviceory-in-the-event-he-has-not-been-a
17	member-that-langs-over-the-period-of-his-memberships
18	t7)fund=-means-the-agency-accountinthetressury
19	system-designated-for-the-use-of-the-planu
20	t8}#Mondatory-retirement-date=-means-the-first-day-of
21	themonth-coinciding-with-or-immediately-followingy-if-none
22	coincidesy-the-date-on-which-s-member-sttsins-sgs-65*
23	t9)*Nember*-means-a-personwho+semployedbyan
24	employerasapaliceofficerorwhoisentitled-to-a
25	ratirement-allowance-by-virtue-of-his-service-to-an-employer

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2	(18)-"Hember-contributions"meansthe totalofth
3	deductionsfromthecompensation-of-a-membery-either-mad
4	during-s-period-of-active-membership-hereunder-or-made-unde
5	a-prior-plan-and-transferred-to-this-planv-standingtohi
6	credity-together-with-the-interest-thereons
7	(11)-"Member*s-annuity"-means-monthly-payments-for-lif
8	derived-from-member-contributions
9	†12)-"Membershipservice"-meons-a-period-of-employmen
10	with-an-employer-occurring-after-dune-38+-1977+-during-whic
11	the-withholdings-required-by-thischapterhovebeenmad
12	fromamember*smenthtycompensation-end-credited-to-hi
13	member-contributionsaccountsProratecraditshallb
14	grantedforemploymentonapart-timebasisorfo
15	employment-over-e-period-oflessthanacompletefisca
16	year-
17	(±3)-#Minimumretirementdate#or-#normal-retiremen
18	date=-means-the-first-day-of-the-monthcoincidingwitho
19	immediatelyfollowingy-if-none-coincidesy-the-date-on-whic
20	a-member-becomes-both-age-50-or-older-andcompletes20o
21	more-years-of-credited-services
22	(14)-"Nonthlycompensation"means-the-wagev-excludin
23	overtimey-holidaypaymentsyshiftdifferentialpayments

as-a-police-officery

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compensation--time--psymentsy--ond--payments-in-lieu-of-sick

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receives

1	policeofficer or-would-receive-as-an-active-police-officer
2	were-it-notforoninjuryresultinginpartialasiary
3	psyments_under_1_32_6132=
4	(15)-kny-reference-to-"municipality"-"city"or-"town"
5	instudesthosejurisdictions-whichy-prior-to-the-effective
6	date-of-a-county-municipal-consolidationy-wereincorporated
7	municipalitiesysubsequentdistricts-created-for-urben-law
8	enforcement-servicesy-or-the-entire-county-includedinthe
9	county-municipal-consolidation*
10	tiot-"Plan"meansthemunicipalpoliceofficers"
11	retirement-system-created-by-this-chapter:
12	(17)-#Police-officer#-means-a-lawenforcementofficer
13	employed-by-an-employer*
14	(18)-#Priorplan#meansthetocal-police-reserve-or
15	retirement-fund-of-s-city-which-relectstojointheplan
16	under19-9-107orthestatewidepolicereservefund
17	administeredbythedepartmentofadministrationin
18	accordance-with-Ghapter-335y-baws-of-1974w
19	(19)-"Priorservice"-means-a-period-of-employment-as-a
20	police-officer-for-which-creditwasgrantedtoamember
21	under-a-pr ior-plan-and-has-been-transfa rred-to-th i s-plans
22	(20)-"Retirementallowance"-means-the-amployer-annuity
23	płus-the-member*s-annuity:
24	(21)-"Retirement-date"-meansthedateonwhichthe
25	firstpaymentoftheretirementy-disabilityy-or-survivor

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1 benefits-of-a-member-or-a-beneficiary-is-payable. 2 122}-#Fotally-and-permonently-disabled#-means-that--the 3 boardy--upon--certification--by--o--licensed--end-practicing physiciany-has-determined-that-a-member*s-disability--is--of 5 such--e--nature--es--to--permanently--imagir--his-ability-to discharge-his-mormal-duties-as-a-bolice-officer+* 7 SECTION 4. THERE IS A NEW MCA SECTION THAT READS: Contributions. (1) When an officer compensation under (section 1) the member contributions for retirement required under 19-9-601 will be paid on the total 10 compensation received under [section 1] and the employer 11 contribution paid by the municipalities under 19-9-703 and 12 13 the state contribution under 19-9-702 shall include as part of the salaries paid to police officers all compensation 14 received under [section 1]. The service represented by these 15 contributions will be credited in the same manner as 16 provided in 19-9-401. 17

(2) When an injured officer accepts a transfer under [section 3] to a nonpolice position within the municipality covered under 19-3-401, all service and contributions previously credited with the municipal police officers! retirement system shall be transferred from the municipal police officers' retirement system retirement account in the agency fund along with the interest to the public employees! retirement system agency fund. The employer contributions

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- 1 and interest transferred will be equal to the amount that
- 2 would have been contributed had the transferred service been
- 3 normal employment covered under the public employees*
- retirement system.
- 5 Section 5. Repealer. Sections 7-32-4133 and 7-32-4134.
- 6 MCA, are repealed.

SENATE STANDING COMMITTEE REPORT (Labor & Employment Relations)

That House Bill No. 413 be amended as follows:

1. Title, line 11. Following: "7-32-4135," Insert: "AND"

Title, line 12. Following: "7-32-4136." Strike: "AND 19-9-104,"

3. Page 3, line 1 through line 6 on page 6.

Strike: Section 4 in its entirety

Insert: "Section 4. THERE IS A NEW MCA SECTION THAT READS: Contri-(1) When an officer receives compensation under [Section 1] butions. the member contributions for retirement required under 19-9-601 will be paid on the total compensation received under [Section 1] and the employer contribution paid by the municipalities under 19-9-703 and the state contribution under 19-9-702 shall include as part of the salaries paid to police officers all compensation received under [Section 1].

The service represented by these contributions will be credited in the same manner as provided in 19-9-401.

When an injured officer accepts a transfer under [Section 3] to a non-police position within the municipality covered under 19-3-401, all service and contributions previously credited with the municipal police officers' retirement system shall be transferred from the municipal police officers' retirement system retirement account in the agency fund along with the interest to the public employees' retirement system agency fund. The employer contributions and interest transferred will be equal to the amount that would have been contributed had the transferred service been normal employment covered under the public employees' retirement system."