

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.

HOUSE BILL NO. 413

INTRODUCED BY James Taylor, William Qualls, Richard Patricia

A BILL FOR AN ACT ENTITLED: "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 WORKERS' COMPENSATION; AMENDING SECTIONS 7-32-4132, 7-32-4135, AND 7-32-4136, MCA; REPEALING SECTIONS 7-32-4133 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 any 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 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."

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."

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 Sections 7-32-4133 and 7-32-4134, MCA, are repealed.

-End-

James Taylor
INTRODUCED BILL

FISCAL NOTE

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:

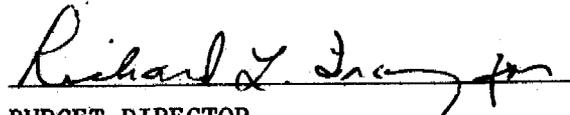
1. Reported accidents involving municipal law enforcement personnel will remain at the same level as reported in FY 1977.
2. The applicable state average weekly wage will increase 10% in FY 1980 and 9% in FY 1981.

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: 2/15/79

Approved by Committee on Judiciary

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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."

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

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.

6 (2) "Board" means the retirement board described in
7 2-15-1009.

8 (3) "Credited service" means the aggregate of a
9 member's prior service and membership service.

10 (4) "Employer" means any city which participated in a
11 prior plan or which elects to join this plan under 19-9-107.

12 (5) "Employer annuity" means monthly payments for life
13 derived from employer and state contributions.

14 (6) "Final average salary" means the monthly
15 compensation of a member, averaged over the last 36 months
16 of his active service or, in the event he has not been a
17 member that long, over the period of his membership.

18 (7) "Fund" means the agency account in the treasury
19 system designated for the use of the plan.

20 (8) "Mandatory retirement date" means the first day of
21 the month coinciding with or immediately following, if none
22 coincides, the date on which a member attains age 65.

23 (9) "Member" means a person who is employed by an
24 employer as a police officer or who is entitled to a
25 retirement allowance by virtue of his service to an employer

1 as a police officer.

2 (10) "Member contributions" means the total of the
3 deductions 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.

9 (12) "Membership service" means a period of employment
10 with an employer occurring after June 30, 1977, during which
11 the withholdings required by this chapter have been made
12 from a member's monthly compensation and credited to his
13 member contributions account. Pro rata credit shall be
14 granted for employment on a part-time basis or for
15 employment over a period of less than a complete fiscal
16 year.

17 (13) "Minimum retirement date" or "normal retirement
18 date" means the first day of the month coinciding with or
19 immediately following, if none coincides, the date on which
20 a member becomes both age 50 or older and completes 20 or
21 more years of credited service.

22 (14) "Monthly compensation" means the wage, excluding
23 overtime, holiday payments, shift differential payments,
24 compensation time payments, and payments in lieu of sick
25 leave and annual leave, a member receives as an active

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

4 (15) Any reference to "municipality", "city", or "town"
 5 includes those jurisdictions which, prior to the effective
 6 date of a county-municipal consolidation, were incorporated
 7 municipalities, subsequent districts created for urban law
 8 enforcement services, or the entire county included in the
 9 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.

14 (18) "Prior plan" means the local police reserve or
 15 retirement fund of a city which elects to join the plan
 16 under 19-9-107 or the statewide police reserve fund
 17 administered by the department of administration in
 18 accordance with Chapter 335, Laws of 1974.

19 (19) "Prior service" means a period of employment as a
 20 police officer for which credit was granted to a member
 21 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
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 5 such a nature as to permanently impair his ability to
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Approved by Committee
on Judiciary

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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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20 (8) "Mandatory retirement date" means the first day of
21 the month coinciding with or immediately following, if none
22 coincides, the date on which a member attains age 65.
23 (9) "Member" means a person who is employed by an
24 employer as a police officer or who is entitled to a
25 retirement allowance by virtue of his service to an employer

1 as a police officer
2 (10) "Member contributions" means the total of the
3 deductions 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
9 (12) "Membership service" means a period of employment
10 with an employer occurring after June 30, 1977, during which
11 the withholdings required by this chapter have been made
12 from a member's monthly compensation and credited to his
13 member contributions account. Pro-rata credit shall be
14 granted for employment on a part-time basis or for
15 employment over a period of less than a complete fiscal
16 year
17 (13) "Minimum retirement date" or "normal retirement
18 date" means the first day of the month coinciding with or
19 immediately following, if none coincides, the date on which
20 a member becomes both age 50 or older and completes 20 or
21 more years of credited service
22 (14) "Monthly compensation" means the wages, excluding
23 overtime, holiday payments, shift differential payments,
24 compensation time payments, and payments in lieu of sick
25 leave and annual leave, a member receives as an active

1 ~~police officer or would receive as an active police officer~~
2 ~~were it not for an injury resulting in partial salary~~
3 ~~payments under 7-32-412.~~

4 {15} Any reference to "municipality" or "city" or "town"
5 includes those jurisdictions which prior to the effective
6 date of a county municipal consolidation were incorporated
7 municipalities subsequent districts created for urban law
8 enforcement services or the entire county included in the
9 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.

14 {18} "Prior plan" means the local police reserve or
15 retirement fund of a city which elects to join the plan
16 under 19-9-187 or the statewide police reserve fund
17 administered by the department of administration in
18 accordance with Chapter 335, Laws of 1974.

19 {19} "Prior service" means a period of employment as a
20 police officer for which credit was granted to a member
21 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
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 4. THERE IS A NEW MCA SECTION THAT READS:

8 Contributions. (1) When an officer receives
9 compensation under [section 1] the member contributions for
10 retirement required under 19-9-601 will be paid on the total
11 compensation received under [section 1] and the employer
12 contribution paid by the municipalities under 19-9-703 and
13 the state contribution under 19-9-702 shall include as part
14 of the salaries paid to police officers all compensation
15 received under [section 1]. The service represented by these
16 contributions will be credited in the same manner as
17 provided in 19-9-401.

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

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'
4 retirement system.

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

-End-

March 2, 1979

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"

2. 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: Contributions. (1) When an officer receives compensation under [Section 1] 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.

(2) 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."