

HOUSE BILL NO. 227

INTRODUCED BY NELSON, PETERSON, COMPTON, CORNE',
PECK, NISBET, EUDAILY, VINCENT

BY REQUEST OF THE TEACHERS' RETIREMENT BOARD

IN THE HOUSE

JANUARY 15, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

JANUARY 21, 1987 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

JANUARY 22, 1987 PRINTING REPORT.

JANUARY 23, 1987 SECOND READING, DO PASS.

JANUARY 24, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.

 TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 26, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

JANUARY 31, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

FEBRUARY 4, 1987 SECOND READING, CONCURRED IN.

FEBRUARY 6, 1987 THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

 RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 9, 1987 RECEIVED FROM SENATE.

 SENT TO ENROLLING.

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 2 INTRODUCED BY Dale G. Peterson
 3 Rock Thibet BY REQUEST OF THE TEACHERS' RETIREMENT BOARD
 4 E. G. Daily
Vancant

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE REFERENCES TO
 6 "MEDICAL BOARD" IN THE STATE TEACHERS' RETIREMENT SYSTEM; TO
 7 CLARIFY MEDICAL EXAMINATION REQUIREMENTS; AMENDING SECTIONS
 8 19-4-203, 19-4-903, AND 19-4-904, MCA; AND PROVIDING AN
 9 IMMEDIATE EFFECTIVE DATE."

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

12 Section 1. Section 19-4-203, MCA, is amended to read:

13 "19-4-203. Officers and employees of retirement board.

14 It is the duty of the retirement board to:

- 15 (1) elect a chairman from its membership;
- 16 (2) appoint a secretary who may be one of its members;
- 17 (3) employ technical or administrative employees who

18 are necessary for the transaction of the business of the
 19 retirement system; and

20 ~~{4}--when--the--retirement--board--considers--it--necessary--~~
 21 ~~designate--a--medical--board--to--be--composed--of--three--physicians~~
 22 ~~who--are--not--eligible--to--participate--in--the--retirement--system~~
 23 ~~to--investigate--and--report--to--the--retirement--board--on--all~~
 24 ~~medical--matters--related--to--the--administration--of--the~~
 25 ~~retirement--system;~~

1 ~~{5}~~(4) designate an actuary to assist the retirement
 2 board with the technical actuarial aspects of the operation
 3 of the retirement system, which includes establishing
 4 mortality and service tables and making an actuarial
 5 investigation at least once every 5 years into the
 6 mortality, service, and compensation experience of the
 7 members and beneficiaries of the retirement system."

8 Section 2. Section 19-4-903, MCA, is amended to read:

9 "19-4-903. Medical examination of disability retiree.

10 (1) Once each year during the first 5 years following the
 11 retirement of a member on a disability retirement allowance
 12 and once in every 3-year period thereafter, the retirement
 13 board may require and, upon the beneficiary's application,
 14 shall permit a disability beneficiary who has not yet
 15 attained the age of 60 to undergo a medical examination by
 16 ~~the--medical--board--or~~ a physician or physicians designated by
 17 ~~the--medical--board~~ retirement board. The examination shall be
 18 made at the place of residence of the beneficiary or other
 19 place mutually agreed upon.

20 (2) Should a disability beneficiary who has not yet
 21 attained the age of 60 refuse to submit to ~~at--least--one~~ a
 22 medical examination ~~in--any--year--by--the--medical--board--or--its~~
 23 representative as required in subsection (1), his allowance
 24 may be discontinued until his withdrawal of such refusal,
 25 and should his refusal continue for 1 year, all his rights

1 in and to his disability pension may be revoked by the
2 retirement board."

3 Section 3. Section 19-4-904, MCA, is amended to read:

4 "19-4-904. Adjustment of allowance. (1) ~~If the medical~~
5 ~~board reports and certifies to the retirement board that~~ any
6 disability beneficiary is engaged in or is able to engage in
7 a gainful occupation paying more than the difference between
8 his retirement allowance and his average final compensation
9 or the difference between the median salary of those members
10 retired during the preceding fiscal year and his retirement
11 allowance, whichever is greater, ~~and if the retirement board~~
12 ~~concurs in such report,~~ his pension shall be reduced to an
13 amount which, together with his annuity and the amount
14 earnable by him, is equal to his average final compensation
15 or the median salary of those members retired during the
16 preceding fiscal year, whichever is greater.

17 (2) If his earning capacity is changed later, his
18 pension may be further modified, but the new pension may not
19 exceed the pension originally granted or an amount which,
20 when added to the amount earnable by the beneficiary,
21 together with his annuity equals his average final
22 compensation.

23 (3) A beneficiary restored to active service at a
24 salary less than the average final compensation upon the
25 basis of which he was retired may not become a member of the

1 retirement system while receiving a reduced benefit."

2 NEW SECTION. Section 4. Effective date. This act is
3 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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19 retirement system; and

20 ~~(4) when the retirement board considers it necessary,~~
21 ~~designate a medical board to be composed of three physicians~~
22 ~~who are not eligible to participate in the retirement system~~
23 ~~to investigate and report to the retirement board on all~~
24 ~~medical matters related to the administration of the~~
25 ~~retirement system;~~

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(2) Should a disability beneficiary who has not yet attained the age of 60 refuse to submit to ~~at least one~~ a medical examination ~~in any year by the medical board or its representative~~ as required in subsection (1), his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for 1 year, all his rights

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