Amendment - 1st Reading/2nd House-blue - Requested by: Ed Byrne - (H) State Administration

- 2025

69th Legislature 2025 Drafter: Rebecca Power, SB0316.001.001

1	SENATE BILL NO. 316
2	INTRODUCED BY D. ZOLNIKOV
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING DISABILITY RETIREMENT BENEFIT PROVISIONS
5	FOR THE MUNICIPAL POLICE OFFICERS' RETIREMENT SYSTEM AND THE FIREFIGHTERS' UNIFIED
6	RETIREMENT SYSTEM; AMENDING SECTIONS 19-2-406, 19-9-903, AND 19-13-803, MCA; AND
7	PROVIDING-A DELAYED AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY
8	DATE."
9 10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	
12	Section 1. Section 19-2-406, MCA, is amended to read:
13	"19-2-406. Disability retirement application determination benefit conversion rules. (1)
14	(a) An active or inactive member may apply for disability retirement in a manner prescribed by the board.
15	However, an application may also be filed on the member's behalf by the head of the office or department in
16	which the member is or was last employed, by any other individual, or by the board.
17	(b) The application must be filed within 4 months after the member's termination from employment
18	unless the member is disabled continuously from the date of termination from employment to the date of the
19	application.
20	(2) The board shall determine whether a member has become disabled. In the discharge of its duty
21	regarding determinations, the board, any member of the board, or any authorized representative of the board
22	may order medical examinations, conduct hearings, administer oaths and affirmations, take depositions, certify
23	to official acts and records, and issue subpoenas to compel the attendance of witnesses and the production of
24	books, papers, correspondence, memoranda, and other records considered necessary as evidence in
25	connection with a claim for disability retirement. Subpoenas must be issued and enforced pursuant to 2-4-104
26	of the Montana Administrative Procedure Act.
27	(3) The board shall adopt rules requiring employers to identify and explain the essential elements



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of a member's position, any accommodations that were or can be made in compliance with the Americans With Disabilities Act of 1990 (42 U.S.C. 12101, et seq.), and the effectiveness of the accommodations.

- (4) The board shall retain medical personnel to advise it in assessing the nature and extent of disabling conditions while reviewing claims for disability retirement.
- (5) The disability retirement benefit paid to a member of the defined benefit plan must be converted to a service retirement benefit, without recalculation of the monthly benefit amount, when the member has attained normal retirement age. The board shall notify the member in writing as to the change in status The disability retirement benefit paid to a member of the defined benefit plans provided for in Title 19, chapters 9 and 13, remains a disability retirement benefit when the member attains normal retirement age, but the disability retirement benefit is no longer subject to a medical examination of the member."

- Section 2. Section 19-9-903, MCA, is amended to read:
- "19-9-903. Amount of disability retirement benefit -- continuation of benefit after death of member. (1) A member who becomes disabled:
- (a) before completing 20 years of membership service must receive a disability retirement benefit equal to one-half the member's final average compensation; or
- (b) after completing 20 years or more of membership service must receive a disability retirement benefit equal to 2.5% of the member's final average compensation for each year of service credit.
 - (2) A member who becomes disabled as a direct result of the member's service in the line of duty:
- (a) before completing 20 years of membership service must receive a line of duty disability retirement benefit equal to one-half of the member's final average compensation; or
- (b) after completing 20 years or more of membership service must receive a line of duty disability retirement benefit equal to 2.5% of the member's final average compensation for each year of service credit.
- (2)(3) Upon the death of a member receiving a disability retirement benefit under this section, the member's surviving spouse or dependent child is eligible for benefits as provided in 19-9-804."

Section 3. Section 19-13-803, MCA, is amended to read:



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1	"19-13-803. Amount of disability retirement benefit. (1) A member who becomes disabled:
2	(a) before completing 20 years of membership service must receive a disability retirement benefit
3	equal to one-half the member's highest average compensation;
4	(b) after completing 20 years or more of membership service must receive a disability retirement
5	benefit equal to 2.5% of the member's highest average compensation for each year of service credit, but no
6	less than one-half of the member's highest average compensation.
7	(2) A member who becomes disabled as a direct result of the member's service in the line of duty:
8	(a) before completing 20 years of membership service must receive a line of duty disability
9	retirement benefit equal to one-half of the member's highest average compensation; or
10	(b) after completing 20 years or more of membership service must receive a line of duty disability
11	retirement benefit equal to 2.5% of the member's highest average compensation for each year of service credit
12	but no less than one-half of the member's highest average compensation.
13	(2)(3) Upon the death of a member receiving a disability retirement benefit under this section, the
14	member's surviving spouse or dependent child is eligible for the benefits provided pursuant to 19-13-704(3)."
15	
16	NEW SECTION. Section 4. Effective date. [This act] is effective January 1, 2026 on passage and
17	approval.
18	
19	NEW SECTION. Section 5. Retroactive applicability. [This act] applies retroactively, within the
20	meaning of 1-2-109, to members of the municipal police officers' retirement system and the firefighters' unified
21	retirement system who become disabled as a direct result of the member's service in the line of duty on or
22	before January 1, 2025.



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- END -