

Amendments to Senate Bill No. 118
1st Reading Copy

For the Senate State Administration Committee

Prepared by Sheri Heffelfinger
January 14, 2005 (4:10pm)

1. Title, page 1, line 16.

Following: "10-1-615,"

Insert: "19-2-707,"

2. Page 3, line 1.

Strike: "Except as provided in subsection (2)"

Insert: "Subject to the provisions of this section"

3. Page 3, line 11 through line 13.

Strike: subsection (c) in its entirety

Insert: "(c) (i) An employer's health plan must provide that:

(A) a member may elect to not remain covered under the employer's health plan while the member is on state active duty but that when the member returns, the member may resume coverage under the plan without the plan considering the employee to have incurred a break in service; and

(B) a member may elect to remain on the employer's health plan while the member is on state active duty without being required to pay more than the regular employee share of the premium, except as provided in subsection (2)(c)(ii);

(ii) If a member's state active duty qualifies the member for coverage under the state of Montana's health insurance plan as an employee of the department of military affairs, the employer's health plan may require the member to pay up to 102% of the full premium for continued coverage.

(iii) A health insurance plan covering an employee who is a member serving on state active duty is not required to cover any illness or injury caused or aggravated by state active duty.

(iv) If the member is a state employee prior to being ordered to state active duty, the member does not become qualified as a department of military affairs employee for the purposes of health plan coverage until the member's state active duty qualifies the member to be considered a department of military affairs employee pursuant to 2-18-701.

(d) An employer's pension plan must provide that when a member returns to employment from state active duty:

(i) the member's period of state active duty may constitute service with the employer or employers maintaining the plan for the purposes of determining the nonforfeitability of the member's

accrued benefits and for the purposes of determining the accrual of benefits under the plan; and

(ii) if the member elects to receive credit and makes the contributions required to accrue the pension benefits that the member would have accrued if the member had not been absent for the state active duty, then the employer shall pay the amount of the employer contribution that would have been made for the member if the member had not been absent."

Renumber: subsequent subsection

4. Page 6, line 29 through line 30.

Strike: the first "where" on line 29 through "occurred" on line 30

Insert: "in which the claimant's employer maintains a place of business"

5. Page 7, line 14.

Strike: "willful"

Insert: "done willfully, as defined in 1-1-204"

Following: "compensation"

Insert: "under subsection (1)(b)"

6. Page 7, line 15.

Strike: "for" through "violation"

7. Page 9.

Following: line 24

Insert: "Section 23. Section 19-2-707, MCA, is amended to read:

"19-2-707. **Qualified military service.** Notwithstanding any other provision of state law governing a retirement system, contributions, benefits, and service credit for qualified military service are governed by section 414(u) of the Internal Revenue Code and the federal Uniformed Services Employment and Reemployment Rights Act of 1994. Contributions, benefits, and service credit for state active duty are governed by the Montana Military Service Employment Rights Act provided in [sections 1 through 17]."

{ Internal References to 19-2-707:

x19-3-503	x19-3-503	x19-5-409	x19-5-410
x19-6-801	x19-6-801	x19-7-803	x19-7-803
x19-8-901	x19-8-901	x19-9-403	x19-9-403
x19-13-403	x19-13-403		

Renumber: subsequent sections

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