

SENATE BILL NO. 64
INTRODUCED BY J. COBB

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EMPLOYMENT REQUIREMENTS FOR ENROLLMENT IN GROUP INSURANCE FOR PUBLIC EMPLOYEES AND OFFICERS; AND AMENDING SECTIONS 2-18-701 AND 2-18-703, MCA."

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

Section 1. Section 2-18-701, MCA, is amended to read:

"2-18-701. Definition. In this part, as it applies to a person employed in the executive, judicial, or legislative branches of state government:

(1) "employee" means:

(a) a permanent full-time employee, as provided in 2-18-601;

(b) a permanent part-time employee, as provided in 2-18-601, who is regularly scheduled to work ~~20~~ 10 hours or more a week;

(c) a seasonal full-time employee, as provided in 2-18-601, who is regularly scheduled to work ~~6~~ 3 months or more a year or who works for a continuous period of more than ~~6~~ 3 months a year although not regularly scheduled to do so;

(d) a seasonal part-time employee, as provided in 2-18-601, who is regularly scheduled to work ~~20~~ 10 hours or more a week for ~~6~~ 3 months or more a year or who works ~~20~~ 10 hours or more a week for a continuous period of more than ~~6~~ 3 months a year although not regularly scheduled to do so;

(e) elected officials;

(f) officers and permanent employees of the legislative branch;

(g) judges and permanent employees of the judicial branch;

(h) academic, professional, and administrative personnel having individual contracts under the authority of the board of regents of higher education or the state board of public education;

(i) a temporary full-time employee, as provided in 2-18-601:

(i) who is regularly scheduled to work more than ~~6~~ 3 months a year;

(ii) who works for a continuous period of more than ~~6~~ 3 months a year although not regularly scheduled to do so; or

- (iii) whose temporary status is defined through collective bargaining;
 - (j) a temporary part-time employee, as provided in 2-18-601:
 - (i) who is regularly scheduled to work ~~20~~ 10 hours or more a week for ~~6~~ 3 months or more a year;
 - (ii) who works ~~20~~ 10 hours or more a week for a continuous period of more than ~~6~~ 3 months a year although not regularly scheduled to do so; or
 - (iii) whose temporary status is defined through collective bargaining; and
 - (k) a part-time or full-time employee of the state compensation insurance fund. As used in this subsection, "part-time or full-time employee of the state compensation insurance fund" means an employee eligible for inclusion in the state employee group benefit plans under the rules of the department of administration.
- (2) "employee" does not include a student intern, as defined in 2-18-101."

Section 2. Section 2-18-703, MCA, is amended to read:

"2-18-703. Contributions. (1) Each agency, as defined in 2-18-601, and the state compensation insurance fund shall contribute the amount specified in this section toward the group benefits cost.

(2) For employees defined in 2-18-701 and for members of the legislature, the employer contribution for group benefits is ~~\$460 a month for the period from July 2005 through December 2005~~, \$506 a month for the period from January 2006 through December 2006; and \$557 a month for January 2007 and for each succeeding month. For employees of the Montana university system, the employer contribution for group benefits is ~~\$506 a month for the period from July 2005 through June 2006~~ and \$557 a month for July 2006 and for each succeeding month. If a state employee is terminated to achieve a reduction in force, the continuation of contributions for group benefits beyond the termination date is subject to negotiation under 39-31-305. ~~Permanent~~ EXCEPT FOR PERSONS EMPLOYED BY THE UNIVERSITY SYSTEM, PERMANENT part-time, seasonal part-time, and temporary part-time employees who are regularly scheduled to work less than ~~20~~ 10 hours a week are not eligible for the group benefit contribution. An employee who elects not to be covered by a state-sponsored group benefit plan may not receive the state contribution. A portion of the employer contribution for group benefits may be applied to an employee's costs for participation in Part B of medicare under Title XVIII of the Social Security Act, as amended, if the state group benefit plan is the secondary payer and medicare the primary payer.

(3) For employees of elementary and high school districts and of local government units, the employer's premium contributions may exceed but may not be less than \$10 a month. Subject to the public hearing requirement provided in 2-9-212(2)(b), the increase in a local government's property tax levy for premium contributions for group benefits beyond the amount of contributions in effect on the first day of the last fiscal year

is not subject to the mill levy calculation limitation provided for in 15-10-420.

(4) Unused employer contributions for any state employee must be transferred to an account established for this purpose by the department of administration and upon transfer may be used to offset losses occurring to the group of which the employee is eligible to be a member.

(5) Unused employer contributions for any government employee may be transferred to an account established for this purpose by a self-insured government and upon transfer may be used to offset losses occurring to the group of which the employee is eligible to be a member or to increase the reserves of the group.

(6) The laws prohibiting discrimination on the basis of marital status in Title 49 do not prohibit bona fide group insurance plans from providing greater or additional contributions for insurance benefits to employees with dependents than to employees without dependents or with fewer dependents."

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