

HOUSE BILL NO. 251

INTRODUCED BY J. ESSMANN

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR TEMPORARY LEGISLATIVE AIDES; PROVIDING EXCEPTIONS TO CERTAIN STATE BENEFITS; AMENDING SECTIONS 2-18-103 AND 19-3-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Temporary legislative aide -- definition. (1) The presiding officers and

minority leaders of the house and senate may each hire temporary legislative aides.

(2) A temporary legislative aide:

- (a) is designated as temporary for a period of time not to exceed 24 months;
- (b) may perform temporary duties or permanent duties on a temporary basis;
- (c) is not eligible to become a permanent employee in this position or by linking or combining succeeding periods as a temporary legislative aide;
- (d) may be terminated at the will of the employer or may be reappointed for another temporary legislative aide position;
- (e) is not eligible to earn the leave and holiday benefits provided in Title 2, chapter 18, part 6; and
- (f) is not eligible for membership in the public employees' retirement system established in 19-3-103.

(3) A temporary legislative aide who is regularly scheduled to work 6 months or more in a year and 20 hours or more in a week is eligible to purchase group insurance benefits provided in Title 2, chapter 18, part 7, at the aide's own expense without employer contribution.

Section 2. Section 2-18-103, MCA, is amended to read:

"2-18-103. Officers and employees excepted. Parts 1 through 3 and 10 do not apply to the following officers and employees in state government:

- (1) elected officials;
- (2) county assessors and their chief deputies;
- (3) employees of the office of consumer counsel;



- 1 (4) judges and employees of the judicial branch;
- 2 (5) members of boards and commissions appointed by the governor, the legislature, or other elected
3 state officials;
- 4 (6) officers or members of the militia;
- 5 (7) agency heads appointed by the governor;
- 6 (8) academic and professional administrative personnel with individual contracts under the authority of
7 the board of regents of higher education;
- 8 (9) academic and professional administrative personnel and live-in houseparents who have entered into
9 individual contracts with the state school for the deaf and blind under the authority of the state board of public
10 education;
- 11 (10) investment officer, assistant investment officer, executive director, and five professional staff
12 positions of the board of investments;
- 13 (11) four professional staff positions under the board of oil and gas conservation;
- 14 (12) assistant director for security of the Montana state lottery;
- 15 (13) executive director and employees of the state compensation insurance fund;
- 16 (14) state racing stewards employed by the executive secretary of the Montana board of horseracing;
- 17 (15) executive director of the Montana wheat and barley committee;
- 18 (16) commissioner of banking and financial institutions;
- 19 (17) training coordinator for county attorneys;
- 20 (18) employees of an entity of the legislative branch consolidated, as provided in 5-2-504, or temporary
21 legislative aides as provided in [section 1];
- 22 (19) chief information officer in the department of administration;
- 23 (20) chief business development officer and six professional staff positions in the office of economic
24 development provided for in 2-15-218;
- 25 (21) chief public defender appointed by the public defender commission pursuant to the Montana Public
26 Defender Act, Title 47, chapter 1, and the employees in the positions listed in 47-1-201(3)(a), who are appointed
27 by the chief public defender; and
- 28 (22) chief appellate defender in the office of appellate defender."
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30 **Section 3.** Section 19-3-111, MCA, is amended to read:

1 **"19-3-111. Exemption for certain university temporary employees -- "temporary employee"**
2 **defined.** (1) This chapter does not apply to a temporary employee ~~of the university system.~~
3 (2) As used in this section, "temporary employee" means:
4 (a) a temporary legislative aide hired pursuant to [section 1]; or
5 (b) an employee of the university system who is hired into a position that is not permanent and who has
6 negotiated an alternative benefits package through a labor organization certified to represent employees of the
7 university system pursuant to Title 39, chapter 31. The employer contribution to the alternative benefits package
8 may not exceed the cost of the benefits that the employee would otherwise be entitled to through employment."

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10 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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