



AN ACT GENERALLY REVISING LAWS RELATED TO LEGISLATOR BENEFITS; AMENDING SECTION 5-2-303, MCA; AND PROVIDING EFFECTIVE DATES AND A RETROACTIVE APPLICABILITY DATE.

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

Section 1. Section 5-2-303, MCA, is amended to read:

"5-2-303. Participation in state benefits group -- employer contribution made to other plan. (1)

Individual members of the senate and the house of representatives may enroll in the state employees benefits group during the terms to which they have been elected. The provider of benefits shall enroll and collect employee contributions directly from those legislators. The employer contribution must be paid from funds appropriated for that purpose.

(2) (a) If a member ~~does not enroll or terminates enrollment~~ elects to waive coverage under the state employees benefits group plan and is insured under a plan providing disability insurance, as defined in 33-1-207, or is covered through a life insurance policy as defined in 33-1-208, the department of administration, upon request of the member, shall pay to the ~~member's insurer~~ member an amount equal to the premium required to be paid by the member for coverage of the member and any dependents under the disability insurance plan or life insurance policy, subject to the limitation contained in subsection (2)(b) less any required tax withholding.

(b) A payment made under subsection (2)(a) may not exceed the amount of the employer contribution for group benefits for members of the legislature as provided for in 2-18-703.

(c) To the extent allowed under federal law, a member may be reimbursed for premiums for:

(i) a plan offered as an individual major medical policy or a medicare supplement plan; or

(ii) coverage under medicare plans.

~~(e)~~(d) Unused employer contributions must be transferred to an account as provided in 2-18-703 for a legislator who is a state employee and who has contributions paid for by another agency when the legislature is not in session."

Section 2. Requirement to inform Montana's congressional delegation. Upon passage and approval of [this act], the executive director of the legislative services division is directed to send copies of [this act] to Montana's congressional delegation.

Section 3. Contingent effectiveness. (1) If the penalties for reimbursement of individual major medical policy or medicare supplement premiums under section 4980D of the Internal Revenue Code are repealed or amended to permit the state employees benefits group to allow reimbursement under [section 1(2)(c)(i)], then [section 1(2)(c)(i)] of this act is effective. The department of administration shall inform the code commissioner and certify when the penalties are repealed or amended and if the state employees benefits group may reimburse legislator members as provided in [section 1(2)(c)(i)].

(2) If the prohibition against financial and other incentives for reimbursement of medicare premiums under 42 CFR, part 411, subpart E, and 42 U.S.C. 1395y(b) is repealed or amended to permit the state employees benefits group to allow reimbursement under [section 1(2)(c)(ii)], then [section 1(2)(c)(ii)] of this act is effective. The department of administration shall inform the code commissioner and certify when the prohibition is repealed or amended and if the state employees benefits group may reimburse legislator members as provided in [section 1(2)(c)(ii)].

Section 4. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 1(2)(c)] is effective when the department of administration certifies to the code commissioner that either or both contingencies in [section 3] have occurred.

Section 5. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to any reimbursement legislators are entitled to beginning January 1, 2017.

- END -

I hereby certify that the within bill,
SB 0240, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2017.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2017.

SENATE BILL NO. 240
INTRODUCED BY E. BUTTREY

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