

VOLUME NO. 35

Opinion No. 11

INSURANCE — School districts, group insurance; SCHOOLS AND SCHOOL DISTRICTS — Insurance, group, no limitation on maximum expenditure under section 11-1024, R.C.M. 1947.

HELD: Section 11-1024, R.C.M. 1947, does not limit a school district to a maximum payment of ten dollars per month per employee for group insurance.

March 2, 1973

Mr. Walter T. Murphy
Mineral County Attorney
County Attorney's Office
Superior, Montana 59872

Dear Mr. Murphy:

You have requested my opinion on the following question:

Whether section 11-1024, Revised Codes of Montana, 1947, as amended by Chapter 382, Laws of 1971, limits a school district to a

payment of not more than \$10.00 per month for each employee toward the cost of a group health insurance policy.

Section 11-1024, *supra*, as amended, provides:

All departments, bureaus, boards, commissions and agencies of the state of Montana, and all counties, cities and towns shall upon approval by two-thirds (2/3) vote of the officers and employees of each such department, bureau, board, commission, agency, county, city and town, to enter into group hospitalization, medical, health including long-term disability, accident and/or group life insurance contracts or plans for the benefit of their officers, employees and their dependents, and the respective administrative and governing bodies pay as part of the officers and employees salary ten dollars (\$10) per month for each officer and employee, and provided for employees of educational institutions whose employment contracts show at a minimum a full-time academic year of employment such payment for insurance may be an amount equal to twelve (12) times the monthly rate, but may not exceed one hundred twenty dollars (\$120) per year.

Prior to the 1971 amendment of section 11-1024, *supra*, the attorney general ruled on the application of this section to school districts. In **30 Opinions of the Attorney General**, no. 6, it was held:

... That the board of trustees of a school district and the trustees of a county high school have the authority to expend school funds in a greater amount than five dollars per month per employee for group insurance, as part of the salaries and compensation of the teachers and employees.

Section 11-1024, *supra*, has since been amended to provide for a payment of \$10 per employee per month for insurance coverage and the proviso at the end of the statute dealing with ten-month employees of educational institutions has been added. Thus, the only question to be resolved is whether the 1971 amendment providing for payment for insurance of ten-month employees of educational institutions limits public school districts in the amount they can expend for insurance for employees.

In determining the intention of the legislature in amending a statute, it has been held that the title of the bill amending the statute may be consulted to ascertain its meaning. **Board of Railroad Commissioners v. Gamble-Robinson Co.**, 111 Mont. 441. The title to Chapter 382, Laws of 1971 (House Bill 104) provides:

An Act to Amend Section 11-1024, R.C.M. 1947, Relating to Group Hospitalization, Medical, Health, Accident and/or Group Life Insurance Contracts or Plans for the Benefit of Public Employees and Their Dependents by Increasing the Employer Contribution Thereto; By Including Long-Term Disability Insurance and Defining How Monies May Be Paid for Premiums from State Appropriations.

The last clause in the title to Chapter 382 was added when the Senate amended the bill to include the proviso dealing with ten-month employees of educational institutions. Senate Journal of the 42nd Legislative Assembly, p. 563.

It is clear from the title and legislative history of Chapter 382, *supra*, that the amendments to section 11-1024, *supra*, were intended to increase the employer contribution for insurance; to include disability insurance as an option for employees choosing insurance; and to define how monies may be paid for premiums. The legislature evidenced no intent to include governmental entities other than those already required to follow the provisions of section 11-1024, *supra*. The holding of 30 **Opinions of the Attorney General**, no. 6, was not changed by Chapter 382, *supra*.

THEREFORE, IT IS MY OPINION:

Section 11-1024, R.C.M. 1947, as amended by Chapter 382, Laws of 1971, does not limit a school district to a maximum payment of ten dollars per month per employee for group insurance.

Very truly yours,

ROBERT L. WOODAHL
Attorney General