

Senate Bill 451

In The Senate

February 12, 1981

Introduced and referred
to Committee on Local
Government.

April 23, 1981

Died in Committee.

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Sen. Jeffrey BILL NO. 451
Sen. Bentley
Sen. Darden

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REMOVING MANDATORY PROVISIONS FOR COMPENSATION AND GROUP INSURANCE BENEFITS FOR EMPLOYEES OF CITIES AND TOWNS; AMENDING SECTIONS 2-18-601, 2-18-604, 2-18-702, 7-1-111, 7-3-4465, AND 7-32-4132, MCA; REPEALING SECTIONS 7-4-4202, 7-32-4116, 7-32-4117, 7-33-4128, AND 7-33-4130, MCA."

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

Section 1. Section 2-18-601, MCA, is amended to read:

"2-18-601. Definitions. For the purpose of this part, the following definitions apply:

(1) "Agency" means any legally constituted department, board, or commission of state ~~or county or city~~ government or any political subdivision thereof, other than a city or town.

(2) "Employee" means any person employed by an agency except elected state, county, and city officials, schoolteachers, and persons contracted as independent contractors or hired under personal services contracts.

(3) "Permanent employee" means an employee who is assigned to a position designated as permanent on the appropriate list of authorized positions referenced in

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2-18-206 and approved as such in the biennium budget.

(4) "Part-time employee" means an employee who normally works less than 40 hours a week.

(5) "Full-time employee" means an employee who normally works 40 hours a week.

(6) "Temporary employee" means an employee assigned to a position designated as temporary on the appropriate agency list of authorized positions referenced in 2-18-206, created for a definite period of time not to exceed 9 months.

(7) "Seasonal employee" means an employee assigned to a position designated as seasonal on the appropriate agency list of authorized positions referenced in 2-18-206 and for which the agency has a permanent need but which is interrupted by the seasonal nature of the assignment.

(8) "Vacation leave" means a leave of absence with pay for the purpose of rest, relaxation, or personal business at the request of the employee and with the concurrence of the employer.

(9) "Sick leave" means a leave of absence with pay for a sickness suffered by an employee or his immediate family.

(10) "Transfer" means a change of employment from one agency to another agency in the same jurisdiction without a break in service.

(11) "Continuous employment" means working within the same jurisdiction without a break in service of more than 5

1 working days or without a continuous absence without pay of
2 more than 15 working days.

3 (12) "Break in service" means a period of time in
4 excess of 5 working days when the person is not employed and
5 that severs continuous employment."

6 Section 2. Section 2-18-604, MCA, is amended to read:

7 "2-18-604. Administration of rules. The department of
8 administration or the administrative officer of any county,
9 ~~city~~ or political subdivision, other than a city or town,
10 is responsible for the proper administration of the employee
11 annual, sick, or military leave provisions and the jury duty
12 provisions found in this part and shall promulgate rules
13 necessary to achieve the uniform administration of these
14 provisions and to prevent the abuse thereof. When
15 promulgated, the rules are effective as to all employees of
16 the state or any county--~~city~~ or political subdivision
17 thereof, other than a city or town."

18 Section 3. Section 2-18-702, MCA, is amended to read:

19 "2-18-702. Group insurance for public employees and
20 officers. (1) All counties, ~~cities--towns~~, school districts,
21 and the board of regents shall, upon approval by two-thirds
22 vote of their respective officers and employees, enter into
23 group hospitalization, medical, health, including long-term
24 disability, accident, and/or group life insurance contracts
25 or plans for the benefit of their officers and employees and

1 their dependents.

2 ~~(2) A city or town may participate in group insurance~~
3 ~~plans authorized in subsection (1) upon terms and conditions~~
4 ~~established by the governing body of the city or town.~~

5 ~~(2)(3)~~ State employees, as defined in 2-18-809, may
6 participate in such state employee group benefit plans as
7 are provided for under part 8 of this chapter.

8 ~~(3)(4)~~ For state officers and employees, the premiums
9 required from time to time to maintain the insurance in
10 force shall be paid by the insured officers and employees,
11 and the auditor shall deduct the premiums from the salary or
12 wages of each officer or employee who elects to become
13 insured, on the officer's or employee's written order, and
14 issue his warrant therefor to the insurer.

15 ~~(4)(5)~~ For the purpose of this section, the plans of
16 health service corporations for defraying or assuming the
17 cost of professional services of licentiates in the field of
18 health or the services of hospitals, clinics, or sanitariums
19 or both professional and hospital services shall be
20 construed as group insurance and the dues payable under such
21 plans shall be construed as premiums therefor."

22 Section 4. Section 7-1-111, MCA, is amended to read:

23 "7-1-111. Powers denied. A local government unit with
24 self-government powers is prohibited the exercise of the
25 following:

1 (1) any power that applies to or affects any private
2 or civil relationship, except as an incident to the exercise
3 of an independent self-government power;

4 (2) any power that applies to or affects the
5 provisions of Title 39 (labor, collective bargaining for
6 public employees, unemployment compensation, or workers'
7 compensation)~~7-33-4128~~ or 7-33-4129, except that subject
8 to those provisions, it may exercise any power of a public
9 employer with regard to its employees;

10 (3) any power that applies to or affects the public
11 school system, except that a local unit may impose an
12 assessment reasonably related to the cost of any service or
13 special benefit provided by the unit and shall exercise any
14 power which it is required by law to exercise regarding the
15 public school system;

16 (4) any power that prohibits the grant or denial of a
17 certificate of public convenience and necessity;

18 (5) any power that establishes a rate or price
19 otherwise determined by a state agency;

20 (6) any power that applies to or affects any
21 determination of the department of lands with regard to any
22 mining plan, permit, or contract;

23 (7) any power that applies to or affects any
24 determination by the department of natural resources and
25 conservation with regard to a certificate of environmental

1 compatibility and public need;

2 (8) any power that defines as an offense conduct made
3 criminal by state statute or which defines an offense as a
4 felony or which fixes the penalty or sentence for a
5 misdemeanor in excess of a fine of \$500 or 6 months'
6 imprisonment or both such fine and imprisonment, except as
7 specifically authorized by statute;

8 (9) any power that applies to or affects the right to
9 keep or bear arms, except that it has the power to regulate
10 the carrying of concealed weapons;

11 (10) any power that applies to or affects a public
12 employee's pension or retirement rights as established by
13 state law, except that a local government may establish
14 additional pension or retirement systems;

15 (11) any power that applies to or affects the standards
16 of professional or occupational competence established
17 pursuant to Title 37 (professions and occupations) as
18 prerequisites to the carrying on of a profession or
19 occupation;

20 (12) any power that applies to or affects Title 87
21 (fish and game) or Title 75, chapter 7, part 1."

22 Section 5. Section 7-3-4465, MCA, is amended to read:

23 "7-3-4465. Police department. (1) The chief of police
24 shall have exclusive control of the stationing and transfer
25 of all patrolmen and other officers and employees

1 constituting the police force, under such rules as the
 2 director of public safety may prescribe. The police force
 3 shall be composed of a chief of police and such officers,
 4 patrolmen, and other employees as the city manager may
 5 determine. In case of riot, in event of emergency, or at
 6 time of elections or similar occasions, the director of
 7 public safety may appoint additional patrolmen and officers
 8 for temporary service, who need not be in the classified
 9 service.

10 (2) No person shall act as special policeman, special
 11 detective, or other special police officer for any purpose
 12 whatsoever except upon the written authority of the director
 13 of public safety. Such authority shall be exercised only
 14 under the direction and control of the chief of police and
 15 for a specified time.

16 (3) ~~Section--7-4-4202(1)-end-(4)-parts~~ Parts 2 and 41
 17 of chapter 32, and chapters 9 and 10 of Title 19 shall in
 18 all respects be applicable to and govern the police
 19 departments of all cities and towns under the
 20 commission-manager form of government provided for herein."

21 Section 6. Section 7-32-4132, MCA, is amended to read:
 22 "7-32-4132. Payment of partial salary amount of
 23 officer injured in performance of duty. A member of a
 24 municipal law enforcement agency of a first- or second-class
 25 municipality who is injured in the performance of his duties

1 so as to necessitate medical or other remedial treatment and
 2 render him unable to perform his duties shall ~~may~~ be paid by
 3 the municipality by which he is employed the difference
 4 between his full salary and the amount he receives from
 5 workers' compensation until his disability has ceased, as
 6 determined by workers' compensation, or for a period not to
 7 exceed 1 year, whichever shall first occur."

8 Section 7. Repealer. Sections 7-4-4202, 7-32-4116,
 9 7-32-4117, 7-33-4128, and 7-33-4130, MCA, are repealed.

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