

1 Senate BILL NO. 316

2 INTRODUCED BY Bartlett

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO GROUP INSURANCE FOR  
5 PUBLIC EMPLOYEES; REQUIRING A CONTRACT FOR GROUP HEALTH INSURANCE TO PROVIDE FOR  
6 CONTINUED PARTICIPATION BY RETIRED JUDGES IN CERTAIN CIRCUMSTANCES; AMENDING SECTION  
7 2-18-704, MCA; AND PROVIDING A RETROACTIVE APPLICABILITY DATE."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10  
11 Section 1. Section 2-18-704, MCA, is amended to read:

12 "2-18-704. **Mandatory provisions.** (1) An insurance contract or plan issued under this part must  
13 contain provisions that permit:

14 (a) the member of a group who retires from active service under the appropriate retirement  
15 provisions provided by law to remain a member of the group until the member becomes eligible for medicare  
16 under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, unless the member is  
17 a participant in another group plan with substantially the same or greater benefits at an equivalent cost or  
18 unless the member is employed and, by virtue of that employment, is eligible to participate in another group  
19 plan with substantially the same or greater benefits at an equivalent cost;

20 (b) the surviving spouse of a member to remain a member of the group as long as the spouse is  
21 eligible for retirement benefits accrued by the deceased member as provided by law unless the spouse is  
22 eligible for medicare under the federal Health Insurance for the Aged Act or unless the spouse has or is  
23 eligible for equivalent insurance coverage as provided in subsection (1)(a);

24 (c) the surviving children of a member to remain members of the group as long as they are eligible  
25 for retirement benefits accrued by the deceased member as provided by law unless they have equivalent  
26 coverage as provided in subsection (1)(a) or are eligible for insurance coverage by virtue of the employment  
27 of a surviving parent or legal guardian.

28 (2) An insurance contract or plan issued under this part must contain the provisions of subsection  
29 (1) for remaining a member of the group and also must permit:

30 (a) the spouse of a retired member the same rights as a surviving spouse under subsection (1)(b);



1 (b) the spouse of a retiring member to convert a group policy as provided in 33-22-508; and  
2 (c) continued membership in the group by anyone eligible under the provisions of this section,  
3 notwithstanding the person's eligibility for medicare under the federal Health Insurance for the Aged Act.

4 (3) (a) A state insurance contract or plan must contain provisions that permit a legislator to remain  
5 a member of the state's group plan until the legislator becomes eligible for medicare under the federal  
6 Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, if the legislator:

7 (i) terminates service in the legislature and is a vested member of a state retirement system  
8 provided by law; and

9 (ii) notifies the department of administration in writing within 90 days of the end of the legislator's  
10 legislative term.

11 (b) A former legislator may not remain a member of the group plan under the provisions of  
12 subsection (3) if the person:

13 (i) is a member of a plan with substantially the same or greater benefits at an equivalent cost; or

14 (ii) is employed and, by virtue of that employment, is eligible to participate in another group plan  
15 with substantially the same or greater benefits at an equivalent cost.

16 (c) A legislator who remains a member of the group under the provisions of subsection (3) and  
17 subsequently terminates membership may not rejoin the group unless the person again serves as a  
18 legislator.

19 (4) (a) A state insurance contract or plan must contain provisions that permit continued  
20 membership in the state's group plan by a member of the judges' retirement system who leaves judicial  
21 office but continues to be an inactive vested member of the judges' retirement system as provided by  
22 19-5-301. The judge shall notify the department of administration in writing within 90 days of the end of  
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 2-18-704, MCA, is amended to read:

**"2-18-704. Mandatory provisions.** (1) An insurance contract or plan issued under this part must contain provisions that permit:

(a) the member of a group who retires from active service under the appropriate retirement provisions provided by law to remain a member of the group until the member becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, unless the member is a participant in another group plan with substantially the same or greater benefits at an equivalent cost or unless the member is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost;

(b) the surviving spouse of a member to remain a member of the group as long as the spouse is eligible for retirement benefits accrued by the deceased member as provided by law unless the spouse is eligible for medicare under the federal Health Insurance for the Aged Act or unless the spouse has or is eligible for equivalent insurance coverage as provided in subsection (1)(a);

(c) the surviving children of a member to remain members of the group as long as they are eligible for retirement benefits accrued by the deceased member as provided by law unless they have equivalent coverage as provided in subsection (1)(a) or are eligible for insurance coverage by virtue of the employment of a surviving parent or legal guardian.

(2) An insurance contract or plan issued under this part must contain the provisions of subsection (1) for remaining a member of the group and also must permit:

(a) the spouse of a retired member the same rights as a surviving spouse under subsection (1)(b);

1 (b) the spouse of a retiring member to convert a group policy as provided in 33-22-508; and

2 (c) continued membership in the group by anyone eligible under the provisions of this section,  
3 notwithstanding the person's eligibility for medicare under the federal Health Insurance for the Aged Act.

4 (3) (a) A state insurance contract or plan must contain provisions that permit a legislator to remain  
5 a member of the state's group plan until the legislator becomes eligible for medicare under the federal  
6 Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, if the legislator:

7 (i) terminates service in the legislature and is a vested member of a state retirement system  
8 provided by law; and

9 (ii) notifies the department of administration in writing within 90 days of the end of the legislator's  
10 legislative term.

11 (b) A former legislator may not remain a member of the group plan under the provisions of  
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13 (i) is a member of a plan with substantially the same or greater benefits at an equivalent cost; or

14 (ii) is employed and, by virtue of that employment, is eligible to participate in another group plan  
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16 (c) A legislator who remains a member of the group under the provisions of subsection (3) and  
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24 (b) A former judge may not remain a member of the group plan under the provisions of this  
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27 (ii) is employed and, by virtue of that employment, is eligible to participate in another group plan  
28 with substantially the same or greater benefits at an equivalent cost; or

29 (iii) becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C.  
30 1395, as amended.

1            (c) A judge who remains a member of the group under the provisions of this subsection (4) and  
2 subsequently terminates membership may not rejoin the group plan unless the person again serves in a  
3 position covered by the state's group plan.

4            ~~(4)(5)~~ A person electing to remain a member of the group under subsection (1), (2), ~~or (3)~~, or (4)  
5 shall pay the full premium for coverage and for that of the person's covered dependents.

6            ~~(5)(6)~~ An insurance contract or plan issued under this part that provides for the dispensing of  
7 prescription drugs by an out-of-state mail service pharmacy, as defined in 37-7-702:

8            (a) must permit any member of a group to obtain prescription drugs from a pharmacy located in  
9 Montana that is willing to match the price charged to the group or plan and to meet all terms and  
10 conditions, including the same professional requirements that are met by the mail service pharmacy for a  
11 drug, without financial penalty to the member; and

12            (b) may only be with an out-of-state mail service pharmacy that is registered with the board under  
13 Title 37, chapter 7, part 7, and that is registered in this state as a foreign corporation."

14  
15            **NEW SECTION. Section 2. Retroactive applicability.** [This act] applies retroactively, within the  
16 meaning of 1-2-109, to a judge who was a member of the state's group health insurance plan in effect on  
17 December 1, 1996, who is otherwise eligible under the provisions of 2-18-704 and who files written notice  
18 to the department of administration within 30 days of [the effective date of this act].

19            -END-

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(b) the surviving spouse of a member to remain a member of the group as long as the spouse is eligible for retirement benefits accrued by the deceased member as provided by law unless the spouse is eligible for medicare under the federal Health Insurance for the Aged Act or unless the spouse has or is eligible for equivalent insurance coverage as provided in subsection (1)(a);

(c) the surviving children of a member to remain members of the group as long as they are eligible for retirement benefits accrued by the deceased member as provided by law unless they have equivalent coverage as provided in subsection (1)(a) or are eligible for insurance coverage by virtue of the employment of a surviving parent or legal guardian.

(2) An insurance contract or plan issued under this part must contain the provisions of subsection (1) for remaining a member of the group and also must permit:

(a) the spouse of a retired member the same rights as a surviving spouse under subsection (1)(b);

1 (b) the spouse of a retiring member to convert a group policy as provided in 33-22-508; and

2 (c) continued membership in the group by anyone eligible under the provisions of this section,  
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4 (3) (a) A state insurance contract or plan must contain provisions that permit a legislator to remain  
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11 (b) A former legislator may not remain a member of the group plan under the provisions of  
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19            -END-