

HOUSE BILL 734

Introduced by Phillips, et al.

2/09	Introduced
2/09	Referred to State Administration
2/11	First Reading
2/11	Fiscal Note Requested
2/14	Hearing
2/15	Fiscal Note Received
2/15	Committee Report--Bill Passed as Amended
2/16	Fiscal Note Printed
2/18	2nd Reading Passed
2/20	3rd Reading Passed
	Transmitted to Senate
2/21	First Reading
2/21	Referred to State Administration
3/08	Hearing
4/18	Tabled in Committee

HOUSE BILL NO. 734

INTRODUCED BY

Phillip J. Hays, Joseph L. Spick, Gary E. Reynolds, Gerald R. Carbone, Brian J. Marshall, B. M. Kelly, J. Beck with Dan Brown, Billie Rubin

BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AN ACTIVE DUTY MILITARY LEAVE WITH SUPPLEMENTAL PAY STATUS FOR STATE EMPLOYEES CALLED TO ACTIVE MILITARY DUTY AS A RESULT OF OPERATION DESERT SHIELD AND OPERATION DESERT STORM; PROVIDING THAT A STATE EMPLOYEE IN THAT LEAVE STATUS MUST RECEIVE SUPPLEMENTAL PAY IF HIS SALARY ON ACTIVE MILITARY DUTY IS LESS THAN HIS STATE SALARY; APPROPRIATING THE MONEY NECESSARY TO ADMINISTER THE PROVISIONS OF THIS ACT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE."

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

NEW SECTION. Section 1. Active duty military leave

with supplemental pay. (1) An employee who is ordered to active military duty and is absent from employment with the state as a direct result of a reserve or national guard mobilization act in support of operation desert shield or operation desert storm is considered to be on active duty military leave and is eligible for supplemental pay.

(2) An employee with an active duty military leave status under the provisions of subsection (1) is entitled to supplemental pay equivalent to the difference between the

employee's base wage or salary on the date of the employee's activation to military duty and the employee's basic pay at his grade and rank as a full-time member of the armed forces.

(3) An employee is considered to be on active duty military leave with supplemental pay for the duration of his orders to active duty under the reserve or national guard mobilization act.

(4) For the purposes of this section, the term "employee" means employee as defined in 2-18-701.

NEW SECTION. Section 2. Appropriation. The money

necessary to administer the provisions of [section 1] up to \$500,000 is appropriated from the general fund to the department of administration for the purposes described in [section 1].

NEW SECTION. Section 3. Codification instruction.

[Section 1] is intended to be codified as an integral part of Title 2, chapter 18, part 6, and the provisions of Title 2, chapter 18, part 6, apply to [section 1].

NEW SECTION. Section 4. Coordination instruction. If

House Bill No. 577 is passed and approved and if it includes a provision for fully paid leave for employees called to active military duty as described in [section 1], then [section 1] must read:

"NEW SECTION. Section 1. Active duty military leave



INTRODUCED BILL
HB 734

1 with supplemental pay. (1) An employee who is ordered to
 2 active military duty and is absent from employment with the
 3 state as a direct result of a reserve or national guard
 4 mobilization act in support of operation desert shield or
 5 operation desert storm is considered to be on active duty
 6 military leave and is eligible for supplemental pay.

7 (2) Upon termination of the employee's fully paid
 8 active duty military leave under the provisions of this
 9 part, an employee on supplemental paid leave status under
 10 subsection (1) is entitled to supplemental pay equivalent to
 11 the difference between the employee's base wage or salary on
 12 the date of the employee's activation to military duty and
 13 the employee's basic pay at his grade and rank as a
 14 full-time member of the armed forces.

15 (3) An employee is considered to be on active duty
 16 military leave with supplemental pay for the duration of his
 17 orders to active duty under the reserve or national guard
 18 mobilization act.

19 (4) For the purposes of this section, the term
 20 "employee" means employee as defined in 2-18-701."

21 NEW SECTION. Section 5. Effective date. [This act] is
 22 effective on passage and approval.

23 NEW SECTION. Section 6. Retroactive applicability.
 24 [This act] applies retroactively, within the meaning of
 25 1-2-109, to state employees ordered to active duty under the

1 provisions of [section 1] after August 1, 1990.

2 NEW SECTION. Section 7. Termination. [Section 1]
 3 terminates July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0734, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


An act establishing an active duty military leave with supplemental pay status for state employees called to active military duty as a result of Operation Desert Shield and Operation Desert Storm; providing that a state employee in that leave status must receive supplemental pay if his salary on active military duty is less than his state salary; appropriating the money necessary to administer the provisions of this act; and providing an immediate effective date, a retroactive applicability date, and a termination date.

ASSUMPTIONS:


1. The current restrictions against transferring appropriation authority from personnel services to non-personnel services expense will continue in the 1993 biennium.
2. Approximately 47 state employees have been activated into military service since August 2, 1990. Another 20 state employees may be activated for projected total of 67 activated state employees in FY92.
3. Agencies currently fund positions, relative to FTE requirements, assuming the position will remain filled for an entire fiscal year. When a position becomes vacant, the average time required to fill the position is in excess of 45 days. The positions vacated by activated state employees will remain vacant for at least 30 working days.
4. Approximately 50% of the personnel service cost of activated employees will be reverted. Approximately 50% of total, statewide personal services costs are general fund; and consequently, 50% of the personnel service costs reverted by activated state employees will be general fund.
5. The average FY91 salary of activated employees is \$1,737 per month. The average FY92 salary of activated state employees will be \$1,841 per month. The average monthly salary for a non-commissioned military officers is approximately \$1,502 per month and a commissioned officer receives approximately \$2,643 per month. The ratio of non-commissioned officers to officers is 6 to 1. The estimated total military salary is \$1,665 per month.
6. The military salary for activated state employees is, on the average, approximately \$176 per month less than their projected FY92 monthly state salaries.
7. The projected length of military service for activated state employees is seven months in FY91 and one month in FY92.

FISCAL IMPACT:

see next page



ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning 2-14-91



JOHN E. PHILLIPS, PRIMARY SPONSOR DATE
Fiscal Note for HB0734, as introduced Feb 16 1991
HB 734

Fiscal Note Request, HB0734, as introduced

Form BD-15

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FISCAL IMPACT:

	<u>FY 92</u>			<u>FY 93</u>		
<u>Expenditures:</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Personal Services	0	11,792	11,792	0	0	0
<u>Funding:</u>						
General Fund	0	11,792	11,792	0	0	0

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The fiscal note is based on the assumption that the Operation Desert Storm will be concluded by August, 1991. For each month the war continues past August, 1991, the fiscal impact of the proposed legislation will be an additional \$11,792 per month.

HB 734

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 734

INTRODUCED BY PHILLIPS, HARPER, SWYSGOOD, LYNCH, DAILY,
PIPINICH, GRADY, PAVLOVICH, GERVAIS, KILPATRICK, QUILICI,
GROSFIELD, R. DEBRUYCKER, STRIZICH, MENAHAN, MCCARTHY,
G. BECK, SWIFT, D. BROWN, NOBLE, DEVLIN, DRISCOLL

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AN ACTIVE
DUTY MILITARY LEAVE WITH SUPPLEMENTAL PAY STATUS FOR STATE
EMPLOYEES CALLED TO ACTIVE MILITARY DUTY AS A RESULT OF
OPERATION DESERT SHIELD AND OPERATION DESERT STORM;
PROVIDING THAT A STATE EMPLOYEE IN THAT LEAVE STATUS MUST
RECEIVE SUPPLEMENTAL PAY IF HIS SALARY ON ACTIVE MILITARY
DUTY IS LESS THAN HIS STATE SALARY; ~~APPROPRIATING-THE--MONEY~~
~~NECESSARY--TO--ADMINISTER--THE--PROVISIONS--OF-THIS-ACT;~~ AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE
APPLICABILITY DATE, AND A TERMINATION DATE."

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

NEW SECTION. **Section 1.** Active duty military leave
with supplemental pay. (1) An employee who is ordered to
active military duty and is absent from employment with the
state as a direct result of a reserve or national guard
mobilization act in support of operation desert shield or
operation desert storm is considered to be on active duty
military leave and is eligible for supplemental pay.

(2) An employee with an active duty military leave
status under the provisions of subsection (1) is entitled to
supplemental pay equivalent to the difference between the
employee's base wage or salary on the date of the employee's
activation to military duty and the employee's basic pay at
his grade and rank as a full-time member of the armed
forces.

(3) An employee is considered to be on active duty
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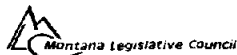
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"employee" means employee as defined in 2-18-701.

~~NEW SECTION. Section 2. Appropriation. The money
necessary to administer the provisions of {section 1} up to
\$500,000 is appropriated from the general fund to the
department of administration for the purposes described in
{section 1}.~~

NEW SECTION. **Section 2.** Codification instruction.
[Section 1] is intended to be codified as an integral part
of Title 2, chapter 18, part 6, and the provisions of Title
2, chapter 18, part 6, apply to [section 1].

NEW SECTION. **Section 3.** Coordination instruction. If
House Bill No. 577 is passed and approved and if it includes
a provision for fully paid leave for employees called to

SECOND READING



1 active military duty as described in [section 1], then
 2 [section 1] must read:

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10 (2) Upon termination of the employee's fully paid
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 12 part, an employee on supplemental paid leave status under
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24 NEW SECTION. Section 4. Effective date. [This act] is
 25 effective on passage and approval.

1 NEW SECTION. Section 5. Retroactive applicability.
 2 [This act] applies retroactively, within the meaning of
 3 1-2-109, to state employees ordered to active duty under the
 4 provisions of [section 1] after August 1, 1990.

5 NEW SECTION. Section 6. Termination. [Section 1]
 6 terminates July 1, 1991 1993.

-End-

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 3 PIPINICH, GRADY, PAVLOVICH, GERVAIS, KILPATRICK, QUILICI,
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