

HOUSE BILL NO. 522

INTRODUCED BY SQUIRES, LYNCH, COCCHIARELLA, HARPER,
PIPINICH, MCCLERNAN, STRIZICH, DAVIS, DAILY, BIANCHI,
MENAHAN, BECK, EWER, CHRISTIAENS, BARTLETT, GALVIN,
DRISCOLL, CLARK, KENNEDY, HALLIGAN, BLAYLOCK, TOWE,
RYAN, LARSON, HARRINGTON, MCCARTHY, BARNHART, D. BROWN,
VAUGHN, WHALEN, BIRD, SCHWINDEN, REAM, DOLEZAL, WYATT,
BROOKE, KADAS, PAVLOVICH, JERGESON, SAYLES, WANZENRIED,
QUILICI, J. RICE, GRADY, HIBBARD, WILSON, BRANDEWIE,
SIMON, STOVALL

IN THE HOUSE

FEBRUARY 8, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

FIRST READING.

FEBRUARY 19, 1993

ON MOTION, REREFERRED TO COMMITTEE
ON APPROPRIATIONS.

MARCH 19, 1993

COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

MARCH 22, 1993

PRINTING REPORT.

MARCH 23, 1993

SECOND READING, DO PASS.

MARCH 24, 1993

ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 85; NOES, 15.

MARCH 25, 1993

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 26, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON FINANCE & CLAIMS.

FIRST READING.

APRIL 13, 1993

COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 14, 1993

SECOND READING, CONCURRED IN.

APRIL 15, 1993

THIRD READING, CONCURRED IN.
AYES, 43; NOES, 5.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 16, 1993

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 19, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Howe* BILL NO. *522*
 2 INTRODUCED BY *Spencer*
 3 *Donner*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING PROTECTION
 5 FOR STATE EMPLOYEES WHOSE POSITIONS ARE ELIMINATED AS A
 6 RESULT OF PRIVATIZATION, REORGANIZATION OF A STATE AGENCY,
 7 OR CLOSURE OF OR A REDUCTION IN FORCE AT A STATE AGENCY;
 8 AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE
 9 EFFECTIVE DATE." *Storall*

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

12 NEW SECTION. Section 1. Short title. [Sections 1
 13 through 6] may be cited as the "State Employee Protection
 14 Act".

15 NEW SECTION. Section 2. Definitions. As used in
 16 [sections 1 through 6], the following definitions apply:

17 (1) "Agency" has the meaning provided in 2-18-101 but
 18 does not include the Montana university system.

19 (2) "Employee" means a person employed by an agency for
 20 a period of at least 3 years.

21 (3) "Privatization" means contracting with the private
 22 sector to provide a service normally or traditionally
 23 provided directly by an employee of an agency.

24 NEW SECTION. Section 3. General protection -- job
 25 register -- seniority preference. (1) An employee whose

1 position is eliminated as a result of privatization,
 2 reorganization of an agency, or closure of or a reduction in
 3 force at an agency is entitled to:

4 (a) access to all announcements of state job vacancies;

5 (b) access to any job retraining and career development
 6 programs provided by the state, provided that the employee
 7 begins participating in a program within 1 year after the
 8 elimination of the employee's position; and

9 (c) inclusion in a special job register from which all
 10 agencies shall attempt to hire employees prior to seeking
 11 applications from the general public. An employee listed in
 12 the job register must be listed in all areas of employment
 13 for which the employee is qualified.

14 (2) (a) An agency attempting to hire an employee listed
 15 on the job register shall hire the employee who had, prior
 16 to the employee's position being eliminated, the greatest
 17 accrued uninterrupted state service and who meets the job
 18 qualifications for the vacant position.

19 (b) If there is not an employee listed on the job
 20 register who meets the job qualifications for the vacant
 21 position, the agency may hire anyone who meets the job
 22 qualifications.

23 NEW SECTION. Section 4. Guaranteed salary and
 24 insurance -- retention of rights. (1) If, as a result of
 25 privatization, reorganization of an agency, or closure of or

1 a reduction in force at an agency, an employee is
2 transferred to a job in another agency comparable to the
3 employee's eliminated job, the employee is entitled to:

4 (a) retention of all rights and benefits held prior to
5 the transfer, including but not limited to seniority, health
6 insurance, sick leave, vacation leave, and accrued
7 compensatory time;

8 (b) a base salary not less than the base salary the
9 employee was paid prior to the transfer and is entitled to
10 be placed within a salary range equal to or greater than the
11 salary range of the employee's previous position; and

12 (c) allowable relocation expenses paid by the state in
13 accordance with rules adopted by the department of
14 administration.

15 (2) Relocation expenses must be paid by the hiring
16 agency, and the funds expended by the hiring agency must be
17 reimbursed from the state general fund. Reimbursement funds
18 are statutorily appropriated, as provided in 17-7-502, to an
19 agency that has paid relocation expenses.

20 NEW SECTION. Section 5. Continuation of health
21 insurance and employer contributions. During the period of
22 unemployment as a result of privatization, reorganization of
23 an agency, or closure of or a reduction in force at an
24 agency, the employee is entitled to remain covered by the
25 state's group health insurance plan and to the continuation

1 of the employer's contribution to the employee's group
2 health insurance for 12 months from the date of unemployment
3 or until the employee becomes employed, whichever occurs
4 first.

5 NEW SECTION. Section 6. Notice. (1) Except as provided
6 in subsection (2), an employee and the employee's collective
7 bargaining unit, if any, must be notified as soon as
8 possible prior to privatization, reorganization of any
9 agency, or closure of or a reduction in force at an agency.
10 When 25 or more employees are affected, the notice must be
11 given at least 60 days prior to the privatization,
12 reorganization, agency closure, or reduction in force.

13 (2) When privatization, reorganization, an agency
14 closure, or a reduction in force affects fewer than 25
15 employees, each employee affected must be notified at least
16 14 days prior to the privatization, reorganization, agency
17 closure, or reduction in force.

18 **Section 7.** Section 17-7-502, MCA, is amended to read:

19 "17-7-502. Statutory appropriations -- definition --
20 requisites for validity. (1) A statutory appropriation is an
21 appropriation made by permanent law that authorizes spending
22 by a state agency without the need for a biennial
23 legislative appropriation or budget amendment.

24 (2) Except as provided in subsection (4), to be
25 effective, a statutory appropriation must comply with both

1 of the following provisions:

2 (a) The law containing the statutory authority must be
3 listed in subsection (3).

4 (b) The law or portion of the law making a statutory
5 appropriation must specifically state that a statutory
6 appropriation is made as provided in this section.

7 (3) The following laws are the only laws containing
8 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
9 [section 4]; 10-3-203; 10-3-312; 10-3-314; 10-4-301;
10 13-37-304; 15-1-111; 15-23-706; 15-25-123; 15-31-702;
11 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404;
12 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704;
13 17-5-804; 17-6-409; 17-7-304; 19-5-404; 19-6-709; 19-8-504;
14 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506;
15 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604;
16 19-15-101; 20-4-109; 20-6-406; 20-8-111; 20-9-361;
17 20-26-1503; 22-3-811; 23-5-136; 23-5-306; 23-5-409;
18 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206;
19 37-43-204; 37-51-501; 39-71-2504; 44-12-206; 44-13-102;
20 53-6-150; 53-24-206; 61-5-121; 67-3-205; 75-1-1101;
21 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808;
22 80-2-103; 80-11-310; 82-11-136; 82-11-161; 85-1-220;
23 90-3-301; 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

24 (4) There is a statutory appropriation to pay the
25 principal, interest, premiums, and costs of issuing, paying,

1 and securing all bonds, notes, or other obligations, as due,
2 that have been authorized and issued pursuant to the laws of
3 Montana. Agencies that have entered into agreements
4 authorized by the laws of Montana to pay the state
5 treasurer, for deposit in accordance with 17-2-101 through
6 17-2-107, as determined by the state treasurer, an amount
7 sufficient to pay the principal and interest as due on the
8 bonds or notes have statutory appropriation authority for
9 the payments. (In subsection (3): pursuant to sec. 7, Ch.
10 567, L. 1991, the inclusion of 19-6-709 terminates upon
11 death of last recipient eligible for supplemental benefit;
12 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
13 22-3-811 terminates June 30, 1993.)"

14 NEW SECTION. Section 8. Severability. If a part of
15 [this act] is invalid, all valid parts that are severable
16 from the invalid part remain in effect. If a part of [this
17 act] is invalid in one or more of its applications, the part
18 remains in effect in all valid applications that are
19 severable from the invalid applications.

20 NEW SECTION. Section 9. Codification instruction.
21 [Sections 1 through 6] are intended to be codified as an
22 integral part of Title 2, chapter 18, and the provisions of
23 Title 2, chapter 18, apply to [sections 1 through 6].

24 NEW SECTION. Section 10. Effective date. [This act] is
25 effective on passage and approval.

-End-

-6-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0522, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act providing protection for state employees whose positions are eliminated as a result of privatization, reorganization of a state agency, or closure of or a reduction in force at a state agency effective on passage and approval.

ASSUMPTIONS:

Department of Administration, State Personnel Division: Assumptions are intended for purposes of illustration only and do not reflect any actual layoff plans by state agencies.

1. 300 employees will be laid off, effective July 1, 1993.
2. 90 employees are re-hired by a state agency, effective January 1, 1994.
3. 45 of the re-hired employees are relocated to a state agency in a different geographic location.
4. The cost of "relocation expenses" to be \$3,000 per relocated employee.
5. The 90 re-hired employees receive health insurance contributions for six months prior to re-hire, at \$210 per month.
6. 210 employees receive health insurance contributions for 12 months in FY94 at \$210 per month.
7. "Job retraining and career development programs provided by the state" refer to existing programs in the Department of Labor and Industry.
8. "Comparable" job, as referenced in Section 4(1), refers to any position at the same classified grade level as the position held at the time of the employee's layoff.
9. The dollar impact of this act on specific funds is not readily determinable, but most of it would be general fund.10. Because paying the insurance benefit for previous employees would not be an allowable cost to federal grants, it would be necessary to provide general fund for this cost.
11. Of the totals below, approximately 420,000 would for the Department of Corrections and Human Services if the options in response to House Resolution 2.

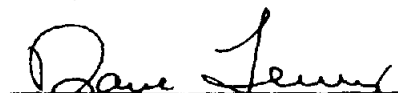
FISCAL IMPACT:**Expenditures:**

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Health Insurance Contributions	0	642,600	642,600	0	0	0
Relocation Expenses	0	13,500	13,500	0	0	0
Total	0	656,100	656,100	0	0	0

Funding:

	FY '94	FY '95
General Fund	0	0

(continued)

 2/13/93
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 2-15-93
 CAROLYN SQUIRES, PRIMARY SPONSOR DATE

Fiscal Note for HB0522, as introduced**HB522**

TECHNICAL NOTES:

- 1. The bill states that laid off employees would be entitled to "access" to vacancy announcements and "job retraining and career development programs provided by the state", but does not define what "access" comprises.
- 2. The bill provides that laid off employees transferred to a "comparable" position are entitled to certain "rights and benefits," but does not define these terms. The language appears to extend previous contract benefits to an employee who is subsequently covered by a different contract, or is no longer covered by a contract. Moreover, there are no time limitations for retention of "rights and benefits".
In addition, the bill allows laid off employees to retain accrued compensatory time, which would violate federal law for Fair Labor Standards Act (FLSA) non-exempt employees.
- 3. Many collective bargaining agreements contain restrictions on filling vacancies that occur within a bargaining unit. The provisions of this bill would contradict contract provisions in many cases.
- 4. The bill contains a requirement to establish and maintain a "special job register." There would necessarily be costs associated with the job register (i.e., copying, printing, computer, etc.), but these costs are difficult to estimate without knowing how many employees would be included in the register.
- 5. The requirement to hire from the pool at a protected salary will result in a higher average cost to the hiring agency for salary and benefits.

HB522

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 522

INTRODUCED BY SQUIRES, LYNCH, COCCHIARELLA, HARPER,
PIPINICH, MCCLERNAN, STRIZICH, DAVIS, DAILY, BIANCHI,
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QUILICI, J. RICE, GRADY, HIBBARD, WILSON, BRANDEWIE,
SIMON, STOVALL

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING PROTECTION
FOR STATE EMPLOYEES WHOSE POSITIONS ARE ELIMINATED AS A
RESULT OF PRIVATIZATION, REORGANIZATION OF A STATE AGENCY,
OR CLOSURE OF OR A REDUCTION IN FORCE AT A STATE AGENCY;
AMENDING-SECTION-17-7-502, MCA; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE AND A TERMINATION DATE."

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

NEW SECTION. Section 1. Short title. [Sections 1
through 6] may be cited as the "State Employee Protection
Act".

NEW SECTION. Section 2. Definitions. As used in
[sections 1 through 6], the following definitions apply:

(1) "Agency" has the meaning provided in 2-18-101 but

does not include the Montana university system.

(2) "Employee" means a person employed by an agency THE
STATE for a period of at least 3 CONTINUOUS years.

(3) "Privatization" means contracting with the private
sector to provide a service normally or traditionally
provided directly by an employee of an agency.

NEW SECTION. Section 3. General protection -- job
register -- seniority preference. (1) An employee whose
position is eliminated as a result of privatization,
reorganization of an agency, or closure of or a reduction in
force at an agency is entitled to:

(a) access-to-all-announcements-of-state-job-vacancies;
NOTICE OF ANNOUNCEMENTS FOR JOBS FOR WHICH THE EMPLOYEE MAY
QUALIFY THAT ARISE WITHIN THE TERMINATING AGENCY OR WITHIN
STATE GOVERNMENT. NOTICES MUST BE PROVIDED BY THE
TERMINATING AGENCY FOR A PERIOD OF 1 YEAR FROM THE DATE OF
SEPARATION.

(b) access to any job retraining and career development
programs provided by the state THROUGH THE JOB TRAINING
PARTNERSHIP ACT SERVICE DELIVERY AREAS DISLOCATED WORKER
PROGRAMS, provided that the employee begins participating in
a program within 1 year after the elimination of the
employee's position; and

(c) inclusion in a special job register from which all
agencies shall attempt to hire employees prior to seeking

1 applications from the general public. An employee listed in
2 the job register must be listed in all areas of employment
3 for which the employee is qualified. THE EMPLOYEE MUST BE
4 LISTED IN THE JOB REGISTER ACCORDING TO THE OCCUPATIONAL
5 CATEGORIES IN WHICH THE EMPLOYEE IS QUALIFIED FOR
6 EMPLOYMENT.

7 (2) (a) An agency attempting to hire an employee listed
8 on the job register shall hire the employee who had, prior
9 to the employee's position being eliminated, the greatest
10 accrued uninterrupted state service and who meets the job
11 qualifications for the vacant position. FROM THE JOB
12 REGISTER SHALL CONSIDER THE EMPLOYEE'S QUALIFICATIONS AND
13 LENGTH OF STATE SERVICE. IF TWO OR MORE EMPLOYEES LISTED IN
14 THE JOB REGISTER ARE EQUALLY QUALIFIED FOR A VACANT
15 POSITION, THE AGENCY SHALL SELECT THE EMPLOYEE WITH THE
16 LONGEST CONTINUOUS STATE SERVICE.

17 (b) If there is not an employee listed on the job
18 register who meets the job qualifications for the vacant
19 position, the agency may hire anyone who meets the job
20 qualifications. A QUALIFIED EXTERNAL APPLICANT OR ESTABLISH
21 A TRAINING ASSIGNMENT, ACCORDING TO STATE POLICY.

22 NEW SECTION. Section 4. Guaranteed salary and
23 insurance retention of rights. (1) If, as a result of
24 privatization, reorganization of an agency, or closure of or
25 a reduction in force at an agency, an employee is

1 transferred to a job in another agency comparable to the
2 employee's eliminated job, the employee is entitled to:

3 (a) retention of all rights and benefits held prior to
4 the transfer, including but not limited to seniority, health
5 insurance, sick leave, vacation leave, and accrued
6 compensatory time;

7 (b) a base salary not less than the base salary the
8 employee was paid prior to the transfer and is entitled to
9 be placed within a salary range equal to or greater than the
10 salary range of the employee's previous position; and

11 (c) allowable relocation expenses paid by the state in
12 accordance with rules adopted by the department of
13 administration. SALARY AND BENEFITS PROTECTION -- EMPLOYEE
14 TRANSFER. (1) AN EMPLOYEE WHOSE POSITION IS ELIMINATED AS A
15 RESULT OF PRIVATIZATION, REORGANIZATION OF AN AGENCY, OR
16 CLOSURE OF OR A REDUCTION IN FORCE AT AN AGENCY AND WHO IS
17 SUBSEQUENTLY TRANSFERRED TO A DIFFERENT POSITION IN A STATE
18 AGENCY IS ENTITLED TO:

19 (A) THE SAME HOURLY SALARY AS PREVIOUSLY RECEIVED IF
20 THE NEW POSITION IS AT THE SAME GRADE LEVEL AS THE ONE
21 PREVIOUSLY HELD;

22 (B) RETAIN ALL ACCRUED SICK LEAVE CREDITS;

23 (C) RETAIN, CASH OUT, OR USE ACCRUED VACATION LEAVE
24 CREDITS TO EXTEND THE EMPLOYEE'S EFFECTIVE LAYOFF DATE; AND

25 (D) RELOCATION EXPENSES AS PROVIDED IN STATE POLICY.

(2) Relocation expenses must be paid by the hiring agency, and the funds expended by the hiring agency must be reimbursed from the state-general-fund-Reimbursement-funds are-statutorily-appropriated-as-provided-in-17-7-502-to-an agency-that-has-paid-relocation-expenses FUNDS APPROPRIATED FOR THIS PURPOSE.

NEW SECTION. Section 5. Continuation of health insurance and employer contributions -- RETRAINING ALLOWANCE. During the period of unemployment as a result of privatization, reorganization of an agency, or closure of or a reduction in force at an agency, the employee is entitled to remain covered by the state's group health insurance plan and to the continuation of the employer's contribution to the employee's group health insurance for 12-months-from-the date-of-unemployment 6 MONTHS FROM THE EFFECTIVE DATE OF LAYOFF or until the employee becomes employed, whichever occurs first.

NEW SECTION. Section 6. Notice. (1) Except as provided in subsection (2), an employee and the employee's collective bargaining unit, if any, must be notified as soon as possible prior to privatization, reorganization of any agency, or closure of or a reduction in force at an agency. When 25 or more employees are affected, the notice must be given at least 60 days prior to the privatization, reorganization, agency closure, or reduction in force.

(2) When privatization, reorganization, an agency closure, or a reduction in force affects fewer than 25 employees, each employee affected must be notified at least 14 days prior to the privatization, reorganization, agency closure, or reduction in force.

Section 7. ~~Section 17-7-502, MCA, is amended to read:--~~

~~"17-7-502.---Statutory---appropriations-----definition---requisites-for-validity---{1}---A-statutory-appropriation-is-an appropriation-made-by-permanent-law-that-authorizes-spending by--a--state--agency--without--the--need--for---a---biennial legislative-appropriation-or-budget-amendment.~~

~~{2}---Except---as---provided---in---subsection---{4},---to---be effective, a-statutory-appropriation-must-comply---with---both of-the-following-provisions:~~

~~{a}---The--law-containing-the-statutory-authority-must-be listed-in-subsection-{3};~~

~~{b}---The-law-or-portion-of-the-law-making--a--statutory appropriation--must--specifically--state--that--a--statutory appropriation-is-made-as-provided-in-this-section;~~

~~{3}---The--following--laws--are--the-only-laws-containing statutory--appropriations:--2-9-202,---2-17-105,---2-18-012, {section---4}, 10-3-203,---10-3-312,---10-3-314,---10-4-301, 13-37-304,---15-1-111,---15-23-706,---15-25-123,---15-31-702, 15-36-112,---15-37-117,---15-65-121,---15-70-101,---16-1-404, 16-1-410,---16-1-411,---17-3-212,---17-5-404,---17-5-424,---17-5-704;~~

1 17-5-804;--17-6-409;--17-7-304;--19-5-404;--19-6-709;--19-8-504;
 2 19-9-702;--19-9-1007;---19-10-205;---19-10-305;---19-10-506;
 3 19-11-512;---19-11-513;---19-11-606;--19-12-301;--19-13-604;
 4 19-15-101;---20-4-109;---20-6-406;---20-8-111;---20-9-361;
 5 20-26-1503;---22-3-811;---23-5-136;---23-5-306;---23-5-409;
 6 23-5-610;--23-5-612;--23-5-631;--23-7-301;--23-7-402;--27-12-206;
 7 37-43-204;--37-51-501;--39-71-2504;--44-12-206;---44-13-102;
 8 53-6-150;---53-24-206;---61-5-121;---67-3-205;---75-1-1101;
 9 75-5-507;---75-5-1108;---75-11-313;---76-12-123;---77-1-800;
 10 80-2-103;---80-11-310;---82-11-136;---82-11-161;---85-1-220;
 11 90-3-301;--90-4-215;--90-6-331;--90-7-220;--and-90-9-306;

12 {4}--There-is--a--statutory--appropriation--to--pay--the
 13 principal;--interest;--premiums;--and-costs-of-issuing;--paying;
 14 and-securing-all-bonds;--notes;--or-other-obligations;--as-due;
 15 that-have-been-authorized-and-issued-pursuant-to-the-laws-of
 16 Montana;---Agencies---that---have--entered--into--agreements
 17 authorized--by--the--laws--of--Montana--to--pay--the---state
 18 treasurer;--for--deposit-in-accordance-with-17-2-101-through
 19 17-2-107;--as-determined-by-the-state--treasurer;--an--amount
 20 sufficient--to--pay-the-principal-and-interest-as-due-on-the
 21 bonds-or-notes-have-statutory--appropriation--authority--for
 22 the--payments;--{In--subsection--(3);--pursuant-to-sec-7;--Ch-
 23 567;--b;--1991;--the--inclusion--of--19-6-709--terminates--upon
 24 death--of--last-recipient-eligible-for-supplemental-benefit;
 25 and-pursuant-to-sec-187-Ch-740;--b;--1991;--the-inclusion--of

1 22-3-011-terminates-June-30;--1993;}"

2 NEW SECTION. Section 7. Severability. If a part of
 3 [this act] is invalid, all valid parts that are severable
 4 from the invalid part remain in effect. If a part of [this
 5 act] is invalid in one or more of its applications, the part
 6 remains in effect in all valid applications that are
 7 severable from the invalid applications.

8 NEW SECTION. Section 8. Codification instruction.
 9 [Sections 1 through 6] are intended to be codified as an
 10 integral part of Title 2, chapter 18, and the provisions of
 11 Title 2, chapter 18, apply to [sections 1 through 6].

12 NEW SECTION. SECTION 9. COORDINATION INSTRUCTION. IF
 13 HOUSE BILL NO. 517 IS PASSED AND APPROVED ESTABLISHING A
 14 RETIREMENT INCENTIVE WINDOW, THEN EMPLOYEES ACCEPTING THE
 15 RETIREMENT INCENTIVE BENEFITS PROVIDED IN HOUSE BILL NO. 517
 16 ARE NOT ELIGIBLE FOR THE BENEFITS PROVIDED BY [THIS ACT].

17 NEW SECTION. Section 10. Effective date. [This act] is
 18 effective on passage and approval.

19 NEW SECTION. SECTION 11. TERMINATION. [THIS ACT]
 20 TERMINATES JULY 1, 1995.

-End-

HOUSE BILL NO. 522

INTRODUCED BY SQUIRES, LYNCH, COCCHIARELLA, HARPER,
PIPINICH, MCCLERNAN, STRIZICH, DAVIS, DAILY, BIANCHI,
MENAHAH, BECK, EWER, CHRISTIAENS, BARTLETT, GALVIN,
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FOR STATE EMPLOYEES WHOSE POSITIONS ARE ELIMINATED AS A
RESULT OF PRIVATIZATION, REORGANIZATION OF A STATE AGENCY,
OR CLOSURE OF OR A REDUCTION IN FORCE AT A STATE AGENCY;
AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE AND A TERMINATION DATE."

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

NEW SECTION. Section 1. Short title. [Sections 1
through 6] may be cited as the "State Employee Protection
Act".

NEW SECTION. Section 2. Definitions. As used in
[sections 1 through 6], the following definitions apply:

(1) "Agency" has the meaning provided in 2-18-101 but

does not include the Montana university system.

(2) "Employee" means a person employed by an agency THE
STATE for a period of at least 3 CONTINUOUS years.

(3) "Privatization" means contracting with the private
sector to provide a service normally or traditionally
provided directly by an employee of an agency.

NEW SECTION. Section 3. General protection -- job
register -- seniority preference. (1) An employee whose
position is eliminated as a result of privatization,
reorganization of an agency, or closure of or a reduction in
force at an agency is entitled to:

(a) access-to-all-announcements-of-state-job-vacancies;
NOTICE OF ANNOUNCEMENTS FOR JOBS FOR WHICH THE EMPLOYEE MAY
QUALIFY THAT ARISE WITHIN THE TERMINATING AGENCY OR WITHIN
STATE GOVERNMENT. NOTICES MUST BE PROVIDED BY THE
TERMINATING AGENCY FOR A PERIOD OF 1 YEAR FROM THE DATE OF
SEPARATION.

(b) access to any job retraining and career development
programs provided by the state THROUGH THE JOB TRAINING
PARTNERSHIP ACT SERVICE DELIVERY AREAS DISLOCATED WORKER
PROGRAMS, provided that the employee begins participating in
a program within 1 year after the elimination of the
employee's position; and

(c) inclusion in a special job register from which all
agencies shall attempt to hire employees prior to seeking

1 applications from the general public. An employee listed in
 2 the job register must be listed in all areas of employment
 3 for which the employee is qualified. THE EMPLOYEE MUST BE
 4 LISTED IN THE JOB REGISTER ACCORDING TO THE OCCUPATIONAL
 5 CATEGORIES IN WHICH THE EMPLOYEE IS QUALIFIED FOR
 6 EMPLOYMENT.

7 (2) (a) An agency attempting to hire an employee listed
 8 on the job register shall hire the employee who had, prior
 9 to the employee's position being eliminated, the greatest
 10 accrued uninterrupted state service and who meets the job
 11 qualifications for the vacant position. FROM THE JOB
 12 REGISTER SHALL CONSIDER THE EMPLOYEE'S QUALIFICATIONS AND
 13 LENGTH OF STATE SERVICE. IF TWO OR MORE EMPLOYEES LISTED IN
 14 THE JOB REGISTER ARE EQUALLY QUALIFIED FOR A VACANT
 15 POSITION, THE AGENCY SHALL SELECT THE EMPLOYEE WITH THE
 16 LONGEST CONTINUOUS STATE SERVICE.

17 (b) If there is not an employee listed on the job
 18 register who meets the job qualifications for the vacant
 19 position, the agency may hire anyone who meets the job
 20 qualifications. A QUALIFIED EXTERNAL APPLICANT OR ESTABLISH
 21 A TRAINING ASSIGNMENT, ACCORDING TO STATE POLICY.

22 NEW SECTION. Section 4. Guaranteed Salary and
 23 insurance retention of rights. (1) If as a result of
 24 privatization, reorganization of an agency, or closure of or
 25 a reduction in force at an agency, an employee is

1 transferred to a job in another agency comparable to the
 2 employee's eliminated job, the employee is entitled to:

3 (a) retention of all rights and benefits held prior to
 4 the transfer, including but not limited to seniority, health
 5 insurance, sick leave, vacation leave, and accrued
 6 compensatory time;

7 (b) a base salary not less than the base salary the
 8 employee was paid prior to the transfer and is entitled to
 9 be placed within a salary range equal to or greater than the
 10 salary range of the employee's previous position; and

11 (c) allowable relocation expenses paid by the state in
 12 accordance with rules adopted by the department of
 13 administration. SALARY AND BENEFITS PROTECTION -- EMPLOYEE
 14 TRANSFER. (1) AN EMPLOYEE WHOSE POSITION IS ELIMINATED AS A
 15 RESULT OF PRIVATIZATION, REORGANIZATION OF AN AGENCY, OR
 16 CLOSURE OF OR A REDUCTION IN FORCE AT AN AGENCY AND WHO IS
 17 SUBSEQUENTLY TRANSFERRED TO A DIFFERENT POSITION IN A STATE
 18 AGENCY IS ENTITLED TO:

19 (A) THE SAME HOURLY SALARY AS PREVIOUSLY RECEIVED IF
 20 THE NEW POSITION IS AT THE SAME GRADE LEVEL AS THE ONE
 21 PREVIOUSLY HELD;

22 (B) RETAIN ALL ACCRUED SICK LEAVE CREDITS;

23 (C) RETAIN, CASH OUT, OR USE ACCRUED VACATION LEAVE
 24 CREDITS TO EXTEND THE EMPLOYEE'S EFFECTIVE LAYOFF DATE; AND

25 (D) RELOCATION EXPENSES AS PROVIDED IN STATE POLICY.

1 (2) Relocation expenses must be paid by the hiring
2 agency, and the funds expended by the hiring agency must be
3 reimbursed from the state-general-fund-Reimbursement--funds
4 are-statutorily-appropriated-as-provided-in-17-7-502-to-an
5 agency--that-has-paid-relocation-expenses FUNDS APPROPRIATED
6 FOR THIS PURPOSE.

7 NEW SECTION. Section 5. Continuation of health
8 insurance and employer contributions -- RETRAINING
9 ALLOWANCE. During the period of unemployment as a result of
10 privatization, reorganization of an agency, or closure of or
11 a reduction in force at an agency, the employee is entitled
12 to remain covered by the state's group health insurance plan
13 and to the continuation of the employer's contribution to
14 the employee's group health insurance for 12-months-from-the
15 date--of--unemployment 6 MONTHS FROM THE EFFECTIVE DATE OF
16 LAYOFF or until the employee becomes employed, whichever
17 occurs first.

18 NEW SECTION. Section 6. Notice. (1) Except as provided
19 in subsection (2), an employee and the employee's collective
20 bargaining unit, if any, must be notified as soon as
21 possible prior to privatization, reorganization of any
22 agency, or closure of or a reduction in force at an agency.
23 When 25 or more employees are affected, the notice must be
24 given at least 60 days prior to the privatization,
25 reorganization, agency closure, or reduction in force.

1 (2) When privatization, reorganization, an agency
2 closure, or a reduction in force affects fewer than 25
3 employees, each employee affected must be notified at least
4 14 days prior to the privatization, reorganization, agency
5 closure, or reduction in force.

6 Section 7.--Section 17-7-502, MCA, is amended to read:--
7 "17-7-502.--Statutory--appropriations-----definition---
8 requisites-for-validity:--(1)--A-statutory-appropriation-is-an
9 appropriation-made-by-permanent-law-that-authorizes-spending
10 by--a--state--agency--without--the--need--for--a--biennial
11 legislative-appropriation-or-budget-amendment.

12 (2)--Except--as--provided--in--subsection--(4),--to--be
13 effective,a-statutory-appropriation-must-comply--with--both
14 of-the-following-provisions:

15 (a)--The--law-containing-the-statutory-authority-must-be
16 listed-in-subsection-(3).

17 (b)--The-law-or-portion-of-the-law-making--a--statutory
18 appropriation--must--specifically--state--that--a--statutory
19 appropriation-is-made-as-provided-in-this-section.

20 (3)--The--following--laws--are--the-only-laws-containing
21 statutory--appropriations:--2-9-202;--2-17-105;--2-18-812;
22 [section--4]; 10-3-203;--10-3-312;--10-3-314;--10-4-301;
23 13-37-304;--15-1-111;--15-23-706;--15-25-123;--15-31-702;
24 15-36-112;--15-37-117;--15-65-121;--15-70-101;--16-1-404;
25 16-1-410;--16-1-411;--17-3-212;--17-5-404;--17-5-424;--17-5-704;

1 17-5-004,--17-6-409,--17-7-304,--19-5-404,--19-6-709,--19-8-504,
 2 19-9-702,--19-9-1007,--19-10-205,--19-10-305,--19-10-506,
 3 19-11-512,--19-11-513,--19-11-606,--19-12-301,--19-13-604,
 4 19-15-101,--20-4-109,--20-6-406,--20-8-111,--20-9-361,
 5 20-26-1503,--22-3-011,--23-5-136,--23-5-306,--23-5-409,
 6 23-5-610,--23-5-612,--23-5-631,--23-7-301,--23-7-402,--27-12-206,
 7 37-43-204,--37-51-501,--39-71-2504,--44-12-206,--44-13-102,
 8 53-6-150,--53-24-206,--61-5-121,--67-3-205,--75-1-1101,
 9 75-5-507,--75-5-1100,--75-11-313,--76-12-123,--77-1-000,
 10 00-2-103,--00-11-310,--02-11-136,--02-11-161,--05-1-220,
 11 90-3-301,--90-4-215,--90-6-331,--90-7-220,--and--90-9-306,
 12 (4)--There-is-a-statutory-appropriation-to-pay-the
 13 principal-interest-premiums-and-costs-of-issuing-paying,
 14 and-securing-all-bonds-notes-or-other-obligations-as-due,
 15 that-have-been-authorized-and-issued-pursuant-to-the-laws-of
 16 Montana--Agencies--that--have--entered--into--agreements
 17 authorized-by-the-laws-of-Montana-to-pay-the--state
 18 treasury--for--deposit-in-accordance-with-17-2-101-through
 19 17-2-107,--as-determined-by-the-state-treasurer--an--amount
 20 sufficient-to-pay-the-principal-and-interest-as-due-on-the
 21 bonds-or-notes-have-statutory-appropriation-authority-for
 22 the-payments--(in-subsection-(3)--pursuant-to-secr-7,--Chr
 23 567,--br-1991,--the--inclusion--of--19-6-709--terminates--upon
 24 death--of--last-recipient-eligible-for-supplemental-benefit,
 25 and-pursuant-to-secr-18,--Chr-748,--br-1991,--the--inclusion--of

1 22-3-011-terminates-June-30,--1993,)*

2 NEW SECTION. Section 7. Severability. If a part of
 3 [this act] is invalid, all valid parts that are severable
 4 from the invalid part remain in effect. If a part of [this
 5 act] is invalid in one or more of its applications, the part
 6 remains in effect in all valid applications that are
 7 severable from the invalid applications.

8 NEW SECTION. Section 8. Codification instruction.
 9 [Sections 1 through 6] are intended to be codified as an
 10 integral part of Title 2, chapter 18, and the provisions of
 11 Title 2, chapter 18, apply to [sections 1 through 6].

12 NEW SECTION. SECTION 9. COORDINATION INSTRUCTION. IF
 13 HOUSE BILL NO. 517 IS PASSED AND APPROVED ESTABLISHING A
 14 RETIREMENT INCENTIVE WINDOW, THEN EMPLOYEES ACCEPTING THE
 15 RETIREMENT INCENTIVE BENEFITS PROVIDED IN HOUSE BILL NO. 517
 16 ARE NOT ELIGIBLE FOR THE BENEFITS PROVIDED BY [THIS ACT].

17 NEW SECTION. Section 10. Effective date. [This act] is
 18 effective on passage and approval.

19 NEW SECTION. SECTION 11. TERMINATION. [THIS ACT]
 20 TERMINATES JULY 1, 1995.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 13, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 522 (third reading copy -- blue), respectfully report that House Bill No. 522 be amended as follows and as so amended be concurred in.

Signed: Judy H. Jacobson
Senator Judy H. Jacobson, Chair

That such amendments read:

1. Page 2, line 3.

Following: "STATE"

Strike: the remainder of line 3

Insert: "who has achieved permanent status, as defined in 2-18-101, or employed by the senate or house of representatives during the 53rd legislature for a period of at least 8 continuous weeks."

2. Page 2, line 16.

Strike: "TERMINATING AGENCY"

Insert: "state"

3. Page 5, lines 8 and 9.

Following: "contributions" on line 8

Strike: the remainder of line 8 through "ALLOWANCE" on line 9

Following: "." on line 9

Insert: "(1)"

4. Page 5, line 17.

Following: "first."

Insert: "This section does not apply to employees of the senate or house of representatives."

5. Page 5, line 18.

Following: line 17

Insert: "(2) For the purposes of this section, the term "agency" includes the Montana university system."

-END-

AM
M

Amd. Coord.
Sec. of Senate

Lynch

Senator Carrying Bill

SENATE

HB 522

811457SC.San

HOUSE BILL NO. 522

INTRODUCED BY SQUIRES, LYNCH, COCCHIARELLA, HARPER,
 PIPINICH, MCCLERNAN, STRIZICH, DAVIS, DAILY, BIANCHI,
 MENAHAN, BECK, EWER, CHRISTIAENS, BARTLETT, GALVIN,
 DRISCOLL, CLARK, KENNEDY, HALLIGAN, BLAYLOCK, TOWE,
 RYAN, LARSON, HARRINGTON, MCCARTHY, BARNHART, D. BROWN,
 VAUGHN, WHALEN, BIRD, SCHWINDEN, REAM, DOLEZAL, WYATT,
 BROOKE, KADAS, PAVLOVICH, JERGESON, SAYLES, WANZENRIED,
 QUILICI, J. RICE, GRADY, HIBBARD, WILSON, BRANDEWIE,
 SIMON, STOVALL

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING PROTECTION
 FOR STATE EMPLOYEES WHOSE POSITIONS ARE ELIMINATED AS A
 RESULT OF PRIVATIZATION, REORGANIZATION OF A STATE AGENCY,
 OR CLOSURE OF OR A REDUCTION IN FORCE AT A STATE AGENCY;
 AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE
 EFFECTIVE DATE AND A TERMINATION DATE."

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

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 through 6] may be cited as the "State Employee Protection
 Act".

NEW SECTION. Section 2. Definitions. As used in
 [sections 1 through 6], the following definitions apply:

(1) "Agency" has the meaning provided in 2-18-101 but

does not include the Montana university system.

(2) "Employee" means a person employed by an agency THE
STATE for a period of at least 3 CONTINUOUS years; WHO HAS
ACHIEVED PERMANENT STATUS, AS DEFINED IN 2-18-101, OR
EMPLOYED BY THE SENATE OR HOUSE OF REPRESENTATIVES DURING
THE 53RD LEGISLATURE FOR A PERIOD OF AT LEAST 8 CONTINUOUS
WEEKS.

(3) "Privatization" means contracting with the private
 sector to provide a service normally or traditionally
 provided directly by an employee of an agency.

NEW SECTION. Section 3. General protection -- job
 register -- seniority preference. (1) An employee whose
 position is eliminated as a result of privatization,
 reorganization of an agency, or closure of or a reduction in
 force at an agency is entitled to:

(a) access-to-all-announcements-of-state-job-vacancies;
NOTICE OF ANNOUNCEMENTS FOR JOBS FOR WHICH THE EMPLOYEE MAY
QUALIFY THAT ARISE WITHIN THE TERMINATING AGENCY OR WITHIN
STATE GOVERNMENT. NOTICES MUST BE PROVIDED BY THE
TERMINATING-AGENCY STATE FOR A PERIOD OF 1 YEAR FROM THE
DATE OF SEPARATION.

(b) access to any job retraining and career development
 programs provided by the state THROUGH THE JOB TRAINING
PARTNERSHIP ACT SERVICE DELIVERY AREAS DISLOCATED WORKER
PROGRAMS, provided that the employee begins participating in

a program within 1 year after the elimination of the employee's position; and

(c) inclusion in a special job register from which all agencies shall attempt to hire employees prior to seeking applications from the general public. An employee listed in the job register must be listed in all areas of employment for which the employee is qualified; THE EMPLOYEE MUST BE LISTED IN THE JOB REGISTER ACCORDING TO THE OCCUPATIONAL CATEGORIES IN WHICH THE EMPLOYEE IS QUALIFIED FOR EMPLOYMENT.

(2) (a) An agency attempting to hire an employee listed on the job register shall hire the employee who had, prior to the employee's position being eliminated, the greatest accrued uninterrupted state service and who meets the job qualifications for the vacant position. FROM THE JOB REGISTER SHALL CONSIDER THE EMPLOYEE'S QUALIFICATIONS AND LENGTH OF STATE SERVICE. IF TWO OR MORE EMPLOYEES LISTED IN THE JOB REGISTER ARE EQUALLY QUALIFIED FOR A VACANT POSITION, THE AGENCY SHALL SELECT THE EMPLOYEE WITH THE LONGEST CONTINUOUS STATE SERVICE.

(b) If there is not an employee listed on the job register who meets the job qualifications for the vacant position, the agency may hire anyone who meets the job qualifications. A QUALIFIED EXTERNAL APPLICANT OR ESTABLISH A TRAINING ASSIGNMENT, ACCORDING TO STATE POLICY.

NEW SECTION. Section 4. Guaranteed salary and insurance retention of rights. (1) If, as a result of privatization, reorganization of an agency, or closure of or a reduction in force at an agency, an employee is transferred to a job in another agency comparable to the employee's eliminated job, the employee is entitled to:

(a) retention of all rights and benefits held prior to the transfer, including but not limited to seniority, health insurance, sick leave, vacation leave, and accrued compensatory time;

(b) a base salary not less than the base salary the employee was paid prior to the transfer and is entitled to be placed within a salary range equal to or greater than the salary range of the employee's previous position; and

(c) allowable relocation expenses paid by the state in accordance with rules adopted by the department of administration. SALARY AND BENEFITS PROTECTION -- EMPLOYEE TRANSFER. (1) AN EMPLOYEE WHOSE POSITION IS ELIMINATED AS A RESULT OF PRIVATIZATION, REORGANIZATION OF AN AGENCY, OR CLOSURE OF OR A REDUCTION IN FORCE AT AN AGENCY AND WHO IS SUBSEQUENTLY TRANSFERRED TO A DIFFERENT POSITION IN A STATE AGENCY IS ENTITLED TO:

(A) THE SAME HOURLY SALARY AS PREVIOUSLY RECEIVED IF THE NEW POSITION IS AT THE SAME GRADE LEVEL AS THE ONE PREVIOUSLY HELD;

(B) RETAIN ALL ACCRUED SICK LEAVE CREDITS;

(C) RETAIN, CASH OUT, OR USE ACCRUED VACATION LEAVE CREDITS TO EXTEND THE EMPLOYEE'S EFFECTIVE LAYOFF DATE; AND

(D) RELOCATION EXPENSES AS PROVIDED IN STATE POLICY.

(2) Relocation expenses must be paid by the hiring agency, and the funds expended by the hiring agency must be reimbursed from the state-general-fund-Reimbursement-funds are-statutorily-appropriated-as-provided-in-17-7-502-to-an agency-that-has-paid-relocation-expenses FUNDS APPROPRIATED FOR THIS PURPOSE.

NEW SECTION. Section 5. Continuation of health insurance and employer contributions ~~-----RETRAINING ALLOWANCE.~~ (1) During the period of unemployment as a result of privatization, reorganization of an agency, or closure of or a reduction in force at an agency, the employee is entitled to remain covered by the state's group health insurance plan and to the continuation of the employer's contribution to the employee's group health insurance for 12 months-from-the-date-of-unemployment 6 MONTHS FROM THE EFFECTIVE DATE OF LAYOFF or until the employee becomes employed, whichever occurs first. THIS SECTION DOES NOT APPLY TO EMPLOYEES OF THE SENATE OR HOUSE OF REPRESENTATIVES.

(2) FOR THE PURPOSES OF THIS SECTION, THE TERM "AGENCY" INCLUDES THE MONTANA UNIVERSITY SYSTEM.

NEW SECTION. Section 6. Notice. (1) Except as provided in subsection (2), an employee and the employee's collective bargaining unit, if any, must be notified as soon as possible prior to privatization, reorganization of any agency, or closure of or a reduction in force at an agency. When 25 or more employees are affected, the notice must be given at least 60 days prior to the privatization, reorganization, agency closure, or reduction in force.

(2) When privatization, reorganization, an agency closure, or a reduction in force affects fewer than 25 employees, each employee affected must be notified at least 14 days prior to the privatization, reorganization, agency closure, or reduction in force.

Section 7:--Section-17-7-502, MCA, is amended to read:--

*17-7-502. Statutory appropriations-----definition--
requisites-for-validity.-(1)-A-statutory-appropriation-is-an
appropriation-made-by-permanent-law-that-authorizes-spending
by--a--state--agency--without--the--need--for--a--biennial
legislative-appropriation-or-budget-amendment.

(2)--Except--as--provided--in--subsection--(4),--to--be
effective, a-statutory-appropriation-must-comply--with--both
of-the-following-provisions:

(a)--The--law-containing-the-statutory-authority-must-be
listed-in-subsection-(3):

(b)--The-law-or-portion-of-the-law-making--a--statutory

1 appropriation--must--specifically--state--that--a--statutory
2 appropriation--is--made--as--provided--in--this--section.

3 {3}--The--following--laws--are--the--only--laws--containing
4 statutory--appropriations:--2-9-202,--2-17-105,--2-10-012,
5 {section--4}, 10-3-203,--10-3-312,--10-3-314,--10-4-301,
6 13-37-304,--15-1-111,--15-23-706,--15-25-123,--15-31-702,
7 15-36-112,--15-37-117,--15-65-121,--15-70-101,--16-1-404,
8 16-1-410,--16-1-411,--17-3-212,--17-5-404,--17-5-424,--17-5-704,
9 17-5-004,--17-6-409,--17-7-304,--19-5-404,--19-6-709,--19-8-504,
10 19-9-702,--19-9-1007,--19-10-205,--19-10-305,--19-10-506,
11 19-11-512,--19-11-513,--19-11-606,--19-12-301,--19-13-604,
12 19-15-101,--20-4-109,--20-6-406,--20-8-111,--20-9-361,
13 20-26-1503,--22-3-011,--23-5-136,--23-5-306,--23-5-409,
14 23-5-610,--23-5-612,--23-5-631,--23-7-301,--23-7-402,--27-12-206,
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16 53-6-150,--53-24-206,--61-5-121,--67-3-205,--75-1-1101,
17 75-5-507,--75-5-1100,--75-11-313,--76-12-123,--77-1-000,
18 80-2-103,--80-11-310,--82-11-136,--82-11-161,--85-1-220,
19 90-3-301,--90-4-215,--90-6-331,--90-7-220,--and--90-9-306.

20 {4}--There--is--a--statutory--appropriation--to--pay--the
21 principal, interest, premiums, and costs of issuing, paying,
22 and securing all bonds, notes, or other obligations, as due,
23 that have been authorized and issued pursuant to the laws of
24 Montana. Agencies that have entered into agreements
25 authorized by the laws of Montana to pay the state

1 treasury for deposit in accordance with 17-2-101 through
2 17-2-107, as determined by the state treasury, an amount
3 sufficient to pay the principal and interest as due on the
4 bonds or notes have statutory appropriation authority for
5 the payments. {in subsection {3}} pursuant to sec 7, Ch
6 567, Br 1991, the inclusion of 19-6-709 terminates upon
7 death of last recipient eligible for supplemental benefit,
8 and pursuant to sec 10, Ch 740, Br 1991, the inclusion of
9 22-3-011 terminates June 30, 1993."}

10 NEW SECTION. Section 7. Severability. If a part of
11 [this act] is invalid, all valid parts that are severable
12 from the invalid part remain in effect. If a part of [this
13 act] is invalid in one or more of its applications, the part
14 remains in effect in all valid applications that are
15 severable from the invalid applications.

16 NEW SECTION. Section 8. Codification instruction.
17 [Sections 1 through 6] are intended to be codified as an
18 integral part of Title 2, chapter 18, and the provisions of
19 Title 2, chapter 18, apply to [sections 1 through 6].

20 NEW SECTION. SECTION 9. COORDINATION INSTRUCTION. IF
21 HOUSE BILL NO. 517 IS PASSED AND APPROVED ESTABLISHING A
22 RETIREMENT INCENTIVE WINDOW, THEN EMPLOYEES ACCEPTING THE
23 RETIREMENT INCENTIVE BENEFITS PROVIDED IN HOUSE BILL NO. 517
24 ARE NOT ELIGIBLE FOR THE BENEFITS PROVIDED BY [THIS ACT].

25 NEW SECTION. Section 10. Effective date. [This act] is

1 effective on passage and approval.

2 NEW SECTION. SECTION 11. TERMINATION. [THIS ACT]

3 TERMINATES JULY 1, 1995.

-End-