

House Bill NO. 567

INTRODUCED BY

Gregory Back Hayden Merrahan
David Egan Dean Smith Clark Brady Hillard

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING PERMANENT FUNDING FOR ADDITIONAL YEARS OF SERVICE TO BE PURCHASED UNDER THE STATE EMPLOYEE PROTECTION ACT FOR A MEMBER INVOLUNTARILY TERMINATED FROM MEMBERSHIP; CREATING A METHOD OF FUNDING JOB RETRAINING, RELOCATION EXPENSES, AND HEALTH INSURANCE FOR A STATE EMPLOYEE WHO IS INVOLUNTARILY TERMINATED; IMPOSING A TIME LIMIT FOR A STATE EMPLOYEE PARTICIPATING IN THE JOB REGISTRY PROGRAM; PROVIDING THAT THE UNEXPENDED BALANCE IN ANY SPECIFIC APPROPRIATION MAY BE USED IN THE SUCCEEDING YEAR TO FUND JOB TRAINING, HEALTH INSURANCE BENEFITS, RELOCATION, AND THE PURCHASE OF SERVICE YEARS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 2-18-1203, 17-7-304, AND 19-2-706, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-18-1203, MCA, is amended to read:

"2-18-1203. General protection -- job register -- seniority preference. (1) An employee whose position is eliminated as a result of privatization, reorganization of an agency, closure of or a reduction in force at an agency, or other actions by the legislature is entitled to:

(a) 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 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, except an agency attempting to hire for a position exempt under 2-18-103 or 2-18-104, shall attempt to hire employees prior to seeking applications from the general public. The employee must be listed in the job register according to the

1 occupational categories in which the employee is qualified for employment. An employee's eligibility to
2 participate in the job register terminates 2 years from the effective date of the employee's layoff or 2 years
3 from the date of the employee's completion of job training provided under subsection (1)(b), whichever is
4 later.

5 (2) (a) An agency attempting to hire from the job register shall consider the employee's
6 qualifications and length of state service. If two or more employees listed in the job register are equally
7 qualified for a vacant position, the agency shall select the employee with the longest continuous state
8 service.

9 (b) If there is not an employee listed on the job register who meets the job qualifications for the
10 vacant position, the agency may hire a qualified external applicant or establish a training assignment,
11 according to state policy.

12 (3) Each state agency shall pay to the department of labor and industry a set amount that is equal
13 to the department's average cost of providing the retraining and development services in the previous fiscal
14 year for each involuntarily terminated state employee who requests access to any job training and career
15 development program provided by the department."

16

17 **Section 2.** Section 17-7-304, MCA, is amended to read:

18 "**17-7-304. (Temporary) Disposal of unexpended appropriations.** (1) All money appropriated for any
19 specific purpose except that appropriated for the university system units listed in subsection (2) and except
20 as provided in subsection (4) must, after the expiration of the time for which appropriated, revert to the
21 several funds and accounts from which originally appropriated. However, any unexpended balance in any
22 specific appropriation may be used for the years for which the appropriation was made or may be used to
23 fund the provisions of 2-18-1203 through 2-18-1205 and 19-2-706 in the succeeding year.

24 (2) Except as provided in 17-2-108 and subsection (3) of this section, all money appropriated for
25 the university of Montana campuses at Missoula, Butte, Dillon, and Helena and the Montana state university
26 campuses at Bozeman, Billings, Havre, and Great Falls, the agricultural experiment station with central
27 offices at Bozeman, the forest and conservation experiment station with central offices at Missoula, the
28 cooperative extension service with central offices at Bozeman, and the bureau of mines and geology with
29 central offices in Butte must, after the expiration of the time for which appropriated, revert to an account
30 held by the board of regents. The board of regents is authorized to maintain a fund balance. There is a

1 statutory appropriation, as provided in 17-7-502, to use the funds held in this account in accordance with
2 a long-term plan for major and deferred maintenance expenditures and equipment or fixed assets purchases
3 prepared by the affected university system units and approved by the board of regents. The affected
4 university system units may, with the approval of the board of regents, modify the long-term plan at any
5 time to address changing needs and priorities. The board of regents shall communicate the plan to each
6 legislature, to the finance committee when requested by the committee, and to the office of budget and
7 program planning.

8 (3) Subsection (2) does not apply to reversions that are the result of a reduction in spending
9 directed by the governor pursuant to 17-7-140. Any amount that is a result of a reduction in spending
10 directed by the governor must revert to the fund or account from which it was originally appropriated.

11 (4) For the 2 years following the end of a fiscal year, 30% of the money appropriated to an agency
12 for that year by the general appropriations act for personal services, operating expenses, and equipment
13 and remaining unexpended and unencumbered at the end of the year may be spent for any purpose that
14 is consistent with the goals and objectives of the agency. The dollar amount of the 30% amount that may
15 be carried forward and spent must be determined by the office of budget and program planning.
16 (Terminates July 1, 1997--sec. 13, Ch. 23, Sp. L. November 1993.)

17 **17-7-304. (Effective July 1, 1997) Disposal of unexpended appropriations.** (1) All money
18 appropriated for any specific purpose except that appropriated for the university system units listed in
19 subsection (2) must, after the expiration of the time for which appropriated, revert to the several funds and
20 accounts from which originally appropriated. However, any unexpended balance in any specific
21 appropriation may be used for the years for which the appropriation was made or may be used to fund the
22 provisions of 2-18-1203 through 2-18-1205 and 19-2-706 in the succeeding year.

23 (2) Except as provided in 17-2-108 and subsection (3) of this section, all money appropriated for
24 the university of Montana campuses at Missoula, Butte, Dillon, and Helena and the Montana state university
25 campuses at Bozeman, Billings, Havre, and Great Falls, the agricultural experiment station with central
26 offices at Bozeman, the forest and conservation experiment station with central offices at Missoula, the
27 cooperative extension service with central offices at Bozeman, and the bureau of mines and geology with
28 central offices in Butte must, after the expiration of the time for which appropriated, revert to an account
29 held by the board of regents. The board of regents is authorized to maintain a fund balance. There is a
30 statutory appropriation, as provided in 17-7-502, to use the funds held in this account in accordance with

1 a long-term plan for major and deferred maintenance expenditures and equipment or fixed assets purchases
 2 prepared by the affected university system units and approved by the board of regents. The affected
 3 university system units may, with the approval of the board of regents, modify the long-term plan at any
 4 time to address changing needs and priorities. The board of regents shall communicate the plan to each
 5 legislature, to the finance committee when requested by the committee, and to the office of budget and
 6 program planning.

7 (3) Subsection (2) does not apply to reversions that are the result of a reduction in spending
 8 directed by the governor pursuant to 17-7-140. Any amount that is a result of a reduction in spending
 9 directed by the governor must revert to the fund or account from which it was originally appropriated."
 10

11 **Section 3.** Section 19-2-706, MCA, is amended to read:

12 **"19-2-706. Additional service for member involuntarily terminated from membership service.** (1)
 13 An employee of the state or university system is entitled to the involuntary termination provision provided
 14 in subsection ~~(2)~~ (3) if:

15 (a) the employee is a member of the public employees', game wardens', sheriffs', or highway patrol
 16 officers' retirement system;

17 (b) the employee's active service is involuntarily terminated because of elimination of the
 18 employee's position as a result of privatization, reorganization of an agency, closure of or a reduction in
 19 force at an agency, or other actions by the legislature on or after January 1, 1995, but before July 1, ~~1997~~
 20 1999;

21 (c) the employee is eligible for a normal service retirement or early retirement under the applicable
 22 provisions of the retirement system to which the member belongs; and

23 (d) the employee waives termination benefits for which the employee would otherwise be eligible
 24 under the State Employee Protection Act.

25 (2) The cost of each year of service purchased under this section is the total actuarial cost of
 26 purchasing the service based on the most recent actuarial valuation of the retirement system.

27 ~~(2)~~ (3) The employer of an eligible member under subsection (1) shall pay a portion of the total cost
 28 of purchasing up to 3 years of additional service that the member was qualified to purchase under
 29 19-3-513, 19-6-804, 19-7-804, or 19-8-904. The employer-paid portion applied toward the service
 30 purchase must be calculated using the formula A x B x C when:

1 (a) A is equal to a maximum of 3 additional years of service that the member is eligible to purchase;

2 (b) B is equal to the sum of the employer and employee contribution rates in the member's
3 retirement system; and

4 (c) C is equal to the member's gross compensation paid during the immediate preceding 12 months
5 of membership service. The employer may not be charged more than the total actuarial cost of the service
6 purchased by the terminated employee.

7 (4) The member shall pay the difference, if any, between the full actuarial cost of the service to
8 be purchased and the amount contributed by the employer under subsection (3). A member is entitled to
9 a refund for that portion of previously purchased additional service that would otherwise cause the member
10 to be unqualified to receive all or part of the additional service provided in this section. A member may
11 elect to purchase less than the full amount of service for which the member is eligible under this section,
12 but the election may not reduce the amount of the employer's contribution as calculated under subsection
13 (3).

14 ~~(3) A retired member who was involuntarily terminated because of a reduction in force on or after~~
15 ~~January 1, 1995, but before April 21, 1995, and whose effective date of retirement was before April 21,~~
16 ~~1995, is eligible for the involuntary termination benefits described in this section if a properly completed~~
17 ~~application for those benefits is received by the division on or before June 1, 1995.~~

18 ~~(4)(5)~~ The board may allow an employer to pay the contributions required under subsection ~~(2)~~ (3)
19 in installments for up to 10 years and may charge interest at a rate set by the board pursuant to 19-2-403.

20 ~~(5)(6)~~ A member who has received additional service under this section and who returns to
21 employment for the same jurisdiction for 600 or more hours in a calendar year forfeits the additional
22 service. The employer's contribution to purchase that member's additional service, minus any retirement
23 benefits already paid, must be refunded to the employer. As used in this subsection, the same jurisdiction
24 means all agencies of the state, including the university system."

25
26 NEW SECTION. Section 4. Appropriation. There is appropriated \$39,408 from the general fund
27 to the department of labor and industry for each of the fiscal years 1998 and 1999 to fund the job registry
28 established in 2-18-1203.

29
30 NEW SECTION. Section 5. Coordination instruction. If Senate Bill No. 78 and [this act] are passed

1 and approved, a person who elects to receive benefits under the provisions of [this act] is ineligible to
2 receive a severance payment under the provisions of Senate Bill No. 78.

3

4 NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 1997.

5

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0567, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill providing permanent funding for additional years of service to be purchased under the State Employee Protection Act for a member involuntarily terminated from membership; creating a method of funding job retraining, relocation expenses, and health insurance for a state employee who is involuntarily terminated; imposing a time limit for a state employee participating in the Job Registry Program; providing that the unexpended balance in any specific appropriation may be used in the succeeding year to fund job training, health insurance benefits, relocation, and the purchase of service years; providing an appropriation.

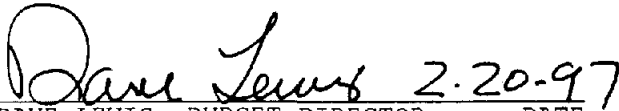
ASSUMPTIONS:

Note: The following assumptions are intended for purposes of illustration only, and do not reflect a projection of actual layoff plans by state agencies.

1. Section 1, paragraph (3) provides for a payment to the Department of Labor and Industry. The current average cost of providing the retraining and development services provided by the Department of Labor and Industry is \$2,400 per laid off employee. This amount would be assessed only if an eligible state employee is involuntarily laid off and requests access to the job training and development programs provided by the department.
2. Section 3 of the bill continues the purchase of retirement service for an employee who is involuntarily laid off and who is eligible to retire under the applicable provisions of their retirement system. The bill provides that the agency would pay the normal system contribution for up to three years of eligible service. The following are average costs to the state for an eligible member involuntarily terminated from various retirement systems assuming the member were eligible to purchase a full three years of service.
 - a) The average salary of a PERS member eligible to take advantage of the purchase is \$26,525 per year. Therefore, the cost to the state for three years would be \$10,900 for the average PERS member.
 - b) The average salary of a GWRS member eligible would be \$36,050 per year. The cost to the state for three years would be \$17,350.
 - c) The average salary of an HPORS member eligible would be \$35,920 per year. The cost to the state for three years would be \$48,795.
 - d) The average salary of an SRS member eligible would be \$37,475 per year. The cost to the state for three years would be \$18,440.
3. Section 4 of the bill appropriates \$39,408 from the general fund to the Department of Labor and Industry for each year of the biennium to fund the job registry.

FISCAL IMPACT:

The only direct cost of HB567 is the funding of the job registry for laid off employees. Section 4 of this bill provides \$39,408 in each year of the biennium to provide continued funding for the job registry. Other costs will be absorbed by the affected agencies. An agency may elect to pay for the early retirement costs over a 10 year period if insufficient funds exist in the 1999 biennium.


DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


CAROLYN SQUIRES, PRIMARY SPONSOR DATE

Fiscal Note for HB0567, as introduced

HB 567

1 HOUSE BILL NO. 567

2 INTRODUCED BY SQUIRES, BECK, HARPER, MENAHAN, AHNER, MASOLO, EWER, REAM, SMITH,
3 CLARK, GRADY, HIBBARD, COCCHIARELLA, PAVLOVICH, QUILICI, PECK, BARTLETT

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING PERMANENT FUNDING FOR ADDITIONAL YEARS
6 OF SERVICE TO BE PURCHASED UNDER THE STATE EMPLOYEE PROTECTION ACT FOR A MEMBER
7 INVOLUNTARILY TERMINATED FROM MEMBERSHIP; CREATING A METHOD OF FUNDING JOB
8 RETRAINING, RELOCATION EXPENSES, AND HEALTH INSURANCE FOR A STATE EMPLOYEE WHO IS
9 INVOLUNTARILY TERMINATED; IMPOSING A TIME LIMIT FOR A STATE EMPLOYEE PARTICIPATING IN
10 THE JOB REGISTRY PROGRAM; PROVIDING THAT THE UNEXPENDED BALANCE IN ANY SPECIFIC
11 APPROPRIATION MAY BE USED IN THE SUCCEEDING YEAR TO FUND JOB TRAINING, HEALTH
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14 AN EFFECTIVE DATE."

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21 force at an agency, or other actions by the legislature is entitled to:

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23 terminating agency or within state government. Notices must be provided by the state for a period of 1 year
24 from the date of separation.

25 (b) access to any job retraining and career development programs provided by the state through
26 the Job Training Partnership Act service delivery areas dislocated worker programs, provided that the
27 employee begins participating in a program within 1 year after the elimination of the employee's position;
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29 (c) inclusion in a special job register from which all agencies, except an agency attempting to hire
30 for a position exempt under 2-18-103 or 2-18-104, shall attempt to hire employees prior to seeking

1 applications from the general public. The employee must be listed in the job register according to the
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3 participate in the job register terminates 2 years from the effective date of the employee's layoff or 2 years
4 from the date of the employee's completion of job training provided under subsection (1)(b), whichever is
5 later.

6 (2) (a) An agency attempting to hire from the job register shall consider the employee's
7 qualifications and length of state service. If two or more employees listed in the job register are equally
8 qualified for a vacant position, the agency shall select the employee with the longest continuous state
9 service.

10 (b) If there is not an employee listed on the job register who meets the job qualifications for the
11 vacant position, the agency may hire a qualified external applicant or establish a training assignment,
12 according to state policy.

13 (3) Each state agency shall pay to the department of labor and industry a set amount that is equal
14 to the department's average cost of providing the retraining and development services in the previous fiscal
15 year for each involuntarily terminated state employee who requests access to any job training and career
16 development program provided by the department."

17

18 **Section 2.** Section 17-7-304, MCA, is amended to read:

19 **"17-7-304. (Temporary) Disposal of unexpended appropriations.** (1) All money appropriated for any
20 specific purpose except that appropriated for the university system units listed in subsection (2) and except
21 as provided in subsection (4) must, after the expiration of the time for which appropriated, revert to the
22 several funds and accounts from which originally appropriated. However, any unexpended balance in any
23 specific appropriation may be used for the years for which the appropriation was made or may be used to
24 fund the provisions of 2-18-1203 through 2-18-1205 and 19-2-706 in the succeeding year.

25 (2) Except as provided in 17-2-108 and subsection (3) of this section, all money appropriated for
26 the university of Montana campuses at Missoula, Butte, Dillon, and Helena and the Montana state university
27 campuses at Bozeman, Billings, Havre, and Great Falls, the agricultural experiment station with central
28 offices at Bozeman, the forest and conservation experiment station with central offices at Missoula, the
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1 held by the board of regents. The board of regents is authorized to maintain a fund balance. There is a
2 statutory appropriation, as provided in 17-7-502, to use the funds held in this account in accordance with
3 a long-term plan for major and deferred maintenance expenditures and equipment or fixed assets purchases
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5 university system units may, with the approval of the board of regents, modify the long-term plan at any
6 time to address changing needs and priorities. The board of regents shall communicate the plan to each
7 legislature, to the finance committee when requested by the committee, and to the office of budget and
8 program planning.

9 (3) Subsection (2) does not apply to reversions that are the result of a reduction in spending
10 directed by the governor pursuant to 17-7-140. Any amount that is a result of a reduction in spending
11 directed by the governor must revert to the fund or account from which it was originally appropriated.

12 (4) For the 2 years following the end of a fiscal year, 30% of the money appropriated to an agency
13 for that year by the general appropriations act for personal services, operating expenses, and equipment
14 and remaining unexpended and unencumbered at the end of the year may be spent for any purpose that
15 is consistent with the goals and objectives of the agency. The dollar amount of the 30% amount that may
16 be carried forward and spent must be determined by the office of budget and program planning.
17 (Terminates July 1, 1997--sec. 13, Ch. 23, Sp. L. November 1993.)

18 **17-7-304. (Effective July 1, 1997) Disposal of unexpended appropriations.** (1) All money
19 appropriated for any specific purpose except that appropriated for the university system units listed in
20 subsection (2) must, after the expiration of the time for which appropriated, revert to the several funds and
21 accounts from which originally appropriated. However, any unexpended balance in any specific
22 appropriation may be used for the years for which the appropriation was made or may be used to fund the
23 provisions of 2-18-1203 through 2-18-1205 and 19-2-706 in the succeeding year.

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 9 directed by the governor pursuant to 17-7-140. Any amount that is a result of a reduction in spending
 10 directed by the governor must revert to the fund or account from which it was originally appropriated."
 11

12 **Section 3.** Section 19-2-706, MCA, is amended to read:

13 **"19-2-706. Additional service for member involuntarily terminated from membership service.** (1)
 14 An employee of the state or university system is entitled to the involuntary termination provision provided
 15 in subsection ~~(2)~~ (3) if:

16 (a) the employee is a member of the public employees', game wardens', sheriffs', or highway patrol
 17 officers' retirement system;

18 (b) the employee's active service is involuntarily terminated because of elimination of the
 19 employee's position as a result of privatization, reorganization of an agency, closure of or a reduction in
 20 force at an agency, or other actions by the legislature on or after ~~January 1, 1995~~ JULY 1, 1997, but
 21 before July 1, ~~1997~~ 1999;

22 (c) the employee is eligible for a normal service retirement or early retirement under the applicable
 23 provisions of the retirement system to which the member belongs; and

24 (d) the employee waives termination benefits for which the employee would otherwise be eligible
 25 under the State Employee Protection Act.

26 (2) The cost of each year of service purchased under this section is the total actuarial cost of
 27 purchasing the service based on the most recent actuarial valuation of the retirement system.

28 ~~(2)~~ (3) The employer of an eligible member under subsection (1) shall pay a portion of the total cost
 29 of purchasing up to 3 years of additional service that the member was qualified to purchase under
 30 19-3-513, 19-6-804, 19-7-804, or 19-8-904. The employer-paid portion applied toward the service

1 purchase must be calculated using the formula A x B x C when:

2 (a) A is equal to a maximum of 3 additional years of service that the member is eligible to purchase;

3 (b) B is equal to the sum of the employer and employee contribution rates in the member's
4 retirement system; and

5 (c) C is equal to the member's gross compensation paid during the immediate preceding 12 months
6 of membership service. The employer may not be charged more than the total actuarial cost of the service
7 purchased by the terminated employee.

8 (4) The member shall pay the difference, if any, between the full actuarial cost of the service to
9 be purchased and the amount contributed by the employer under subsection (3). A member is entitled to
10 a refund for that portion of previously purchased additional service that would otherwise cause the member
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12 elect to purchase less than the full amount of service for which the member is eligible under this section,
13 but the election may not reduce the amount of the employer's contribution as calculated under subsection
14 (3).

15 ~~(3) A retired member who was involuntarily terminated because of a reduction in force on or after~~
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17 ~~1995, is eligible for the involuntary termination benefits described in this section if a properly completed~~
18 ~~application for those benefits is received by the division on or before June 1, 1995.~~

19 ~~(4)(5)~~ (5) The board may allow an employer to pay the contributions required under subsection ~~(2)~~ (3)
20 in installments for up to 10 years and may charge interest at a rate set by the board pursuant to 19-2-403.

21 ~~(5)(6)~~ (6) A member who has received additional service under this section and who returns to
22 employment for the same jurisdiction for 600 or more hours in a calendar year forfeits the additional
23 service. The employer's contribution to purchase that member's additional service, minus any retirement
24 benefits already paid, must be refunded to the employer. As used in this subsection, the same jurisdiction
25 means all agencies of the state, including the university system."

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27 ~~**NEW SECTION. Section 4. Appropriation.** There is appropriated \$39,408 from the general fund~~
28 ~~to the department of labor and industry for each of the fiscal years 1998 and 1999 to fund the job registry~~
29 ~~established in 2-18-1203.~~

30

1 **NEW SECTION. Section 4. Coordination instruction.** If Senate Bill No. 78 and [this act] are passed
2 and approved, a person who elects to receive benefits under the provisions of [this act] is ineligible to
3 receive a severance payment under the provisions of Senate Bill No. 78.

4

5 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 1997.

6

-END-

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4 from the date of the employee's completion of job training provided under subsection (1)(b), whichever is
5 later.

6 (2) (a) An agency attempting to hire from the job register shall consider the employee's
7 qualifications and length of state service. If two or more employees listed in the job register are equally
8 qualified for a vacant position, the agency shall select the employee with the longest continuous state
9 service.

10 (b) If there is not an employee listed on the job register who meets the job qualifications for the
11 vacant position, the agency may hire a qualified external applicant or establish a training assignment,
12 according to state policy.

13 (3) Each state agency shall pay to the department of labor and industry a set amount that is equal
14 to the department's average cost of providing the retraining and development services FOR STATE
15 EMPLOYEES in the previous fiscal year for each involuntarily terminated state employee who requests
16 access to any job training and career development program provided by the department."

17

18 **Section 2.** Section 17-7-304, MCA, is amended to read:

19 **"17-7-304. (Temporary) Disposal of unexpended appropriations.** (1) All money appropriated for any
20 specific purpose except that appropriated for the university system units listed in subsection (2) and except
21 as provided in subsection (4) must, after the expiration of the time for which appropriated, revert to the
22 several funds and accounts from which originally appropriated. However, any unexpended balance in any
23 specific appropriation may be used for the years for which the appropriation was made or may be used to
24 fund the provisions of 2-18-1203 through 2-18-1205 and 19-2-706 in the succeeding year.

25 (2) Except as provided in 17-2-108 and subsection (3) of this section, all money appropriated for
26 the university of Montana campuses at Missoula, Butte, Dillon, and Helena and the Montana state university
27 campuses at Bozeman, Billings, Havre, and Great Falls, the agricultural experiment station with central
28 offices at Bozeman, the forest and conservation experiment station with central offices at Missoula, the
29 cooperative extension service with central offices at Bozeman, and the bureau of mines and geology with
30 central offices in Butte must, after the expiration of the time for which appropriated, revert to an account

1 held by the board of regents. The board of regents is authorized to maintain a fund balance. There is a
2 statutory appropriation, as provided in 17-7-502, to use the funds held in this account in accordance with
3 a long-term plan for major and deferred maintenance expenditures and equipment or fixed assets purchases
4 prepared by the affected university system units and approved by the board of regents. The affected
5 university system units may, with the approval of the board of regents, modify the long-term plan at any
6 time to address changing needs and priorities. The board of regents shall communicate the plan to each
7 legislature, to the finance committee when requested by the committee, and to the office of budget and
8 program planning.

9 (3) Subsection (2) does not apply to reversions that are the result of a reduction in spending
10 directed by the governor pursuant to 17-7-140. Any amount that is a result of a reduction in spending
11 directed by the governor must revert to the fund or account from which it was originally appropriated.

12 (4) For the 2 years following the end of a fiscal year, 30% of the money appropriated to an agency
13 for that year by the general appropriations act for personal services, operating expenses, and equipment
14 and remaining unexpended and unencumbered at the end of the year may be spent for any purpose that
15 is consistent with the goals and objectives of the agency. The dollar amount of the 30% amount that may
16 be carried forward and spent must be determined by the office of budget and program planning.
17 (Terminates July 1, 1997--sec. 13, Ch. 23, Sp. L. November 1993.)

18 **17-7-304. (Effective July 1, 1997) Disposal of unexpended appropriations.** (1) All money
19 appropriated for any specific purpose except that appropriated for the university system units listed in
20 subsection (2) must, after the expiration of the time for which appropriated, revert to the several funds and
21 accounts from which originally appropriated. However, any unexpended balance in any specific
22 appropriation may be used for the years for which the appropriation was made or may be used to fund the
23 provisions of 2-18-1203 through 2-18-1205 and 19-2-706 in the succeeding year.

24 (2) Except as provided in 17-2-108 and subsection (3) of this section, all money appropriated for
25 the university of Montana campuses at Missoula, Butte, Dillon, and Helena and the Montana state university
26 campuses at Bozeman, Billings, Havre, and Great Falls, the agricultural experiment station with central
27 offices at Bozeman, the forest and conservation experiment station with central offices at Missoula, the
28 cooperative extension service with central offices at Bozeman, and the bureau of mines and geology with
29 central offices in Butte must, after the expiration of the time for which appropriated, revert to an account
30 held by the board of regents. The board of regents is authorized to maintain a fund balance. There is a

1 statutory appropriation, as provided in 17-7-502, to use the funds held in this account in accordance with
 2 a long-term plan for major and deferred maintenance expenditures and equipment or fixed assets purchases
 3 prepared by the affected university system units and approved by the board of regents. The affected
 4 university system units may, with the approval of the board of regents, modify the long-term plan at any
 5 time to address changing needs and priorities. The board of regents shall communicate the plan to each
 6 legislature, to the finance committee when requested by the committee, and to the office of budget and
 7 program planning.

8 (3) Subsection (2) does not apply to reversions that are the result of a reduction in spending
 9 directed by the governor pursuant to 17-7-140. Any amount that is a result of a reduction in spending
 10 directed by the governor must revert to the fund or account from which it was originally appropriated."

11

12 **Section 3.** Section 19-2-706, MCA, is amended to read:

13 **"19-2-706. Additional service for member involuntarily terminated from membership service.** (1)

14 An employee of the state or university system is entitled to the involuntary termination provision provided
 15 in subsection ~~(2)~~ (3) if:

16 (a) the employee is a member of the public employees', game wardens', sheriffs', or highway patrol
 17 officers' retirement system;

18 (b) the employee's active service is involuntarily terminated because of elimination of the
 19 employee's position as a result of privatization, reorganization of an agency, closure of or a reduction in
 20 force at an agency, or other actions by the legislature on or after ~~January 1, 1995~~ JULY 1, 1997, but
 21 before July 1, ~~1997~~ 1999;

22 (c) the employee is eligible for a normal service retirement or early retirement under the applicable
 23 provisions of the retirement system to which the member belongs; and

24 (d) the employee waives termination benefits for which the employee would otherwise be eligible
 25 under the State Employee Protection Act.

26 (2) The cost of each year of service purchased under this section is the total actuarial cost of
 27 purchasing the service based on the most recent actuarial valuation of the retirement system.

28 ~~(2)~~ (3) The employer of an eligible member under subsection (1) shall pay a portion of the total cost
 29 of purchasing up to 3 years of additional service that the member was qualified to purchase under
 30 19-3-513, 19-6-804, 19-7-804, or 19-8-904. The employer-paid portion applied toward the service

1 purchase must be calculated using the formula A x B x C when:

2 (a) A is equal to a maximum of 3 additional years of service that the member is eligible to purchase;

3 (b) B is equal to the sum of the employer and employee contribution rates in the member's
4 retirement system; and

5 (c) C is equal to the member's gross compensation paid during the immediate preceding 12 months
6 of membership service. The employer may not be charged more than the total actuarial cost of the service
7 purchased by the terminated employee.

8 (4) The member shall pay the difference, if any, between the full actuarial cost of the service to
9 be purchased and the amount contributed by the employer under subsection (3). A member is entitled to
10 a refund for that portion of previously purchased additional service that would otherwise cause the member
11 to be unqualified to receive all or part of the additional service provided in this section. A member may
12 elect to purchase less than the full amount of service for which the member is eligible under this section,
13 but the election may not reduce the amount of the employer's contribution as calculated under subsection
14 (3).

15 ~~(3) A retired member who was involuntarily terminated because of a reduction in force on or after~~
16 ~~January 1, 1995, but before April 21, 1995, and whose effective date of retirement was before April 21,~~
17 ~~1995, is eligible for the involuntary termination benefits described in this section if a properly completed~~
18 ~~application for those benefits is received by the division on or before June 1, 1995.~~

19 ~~(4)~~(5) The board may allow an employer to pay the contributions required under subsection ~~(2)~~ (3)
20 in installments for up to 10 years and may charge interest at a rate set by the board pursuant to 19-2-403.

21 ~~(5)~~(6) A member who has received additional service under this section and who returns to
22 employment for the same jurisdiction for 600 or more hours in a calendar year forfeits the additional
23 service. The employer's contribution to purchase that member's additional service, minus any retirement
24 benefits already paid, must be refunded to the employer. As used in this subsection, the same jurisdiction
25 means all agencies of the state, including the university system."
26

27 ~~NEW SECTION. Section 4. Appropriation. There is appropriated \$39,408 from the general fund~~
28 ~~to the department of labor and industry for each of the fiscal years 1998 and 1999 to fund the job registry~~
29 ~~established in 2-18-1203.~~
30

1 **NEW SECTION. Section 4. Coordination instruction.** If Senate Bill No. 78 and [this act] are passed
2 and approved, a person who elects to receive benefits under the provisions of [this act] is ineligible to
3 receive a severance payment under the provisions of Senate Bill No. 78.

4

5 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 1997.

6

-END-

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HOUSE BILL NO. 567

INTRODUCED BY SQUIRES, BECK, HARPER, MENAHAN, AHNER, MASOLO, EWER, REAM, SMITH,
CLARK, GRADY, HIBBARD, COCCHIARELLA, PAVLOVICH, QUILICI, PECK, BARTLETT

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING PERMANENT FUNDING FOR ADDITIONAL YEARS
OF SERVICE TO BE PURCHASED UNDER THE STATE EMPLOYEE PROTECTION ACT FOR A MEMBER
INVOLUNTARILY TERMINATED FROM MEMBERSHIP; CREATING A METHOD OF FUNDING JOB
RETRAINING, RELOCATION EXPENSES, AND HEALTH INSURANCE FOR A STATE EMPLOYEE WHO IS
INVOLUNTARILY TERMINATED; IMPOSING A TIME LIMIT FOR A STATE EMPLOYEE PARTICIPATING IN
THE JOB REGISTRY PROGRAM; PROVIDING THAT THE UNEXPENDED BALANCE IN ANY SPECIFIC
APPROPRIATION MAY BE USED IN THE SUCCEEDING YEAR TO FUND JOB TRAINING, HEALTH
INSURANCE BENEFITS, RELOCATION, AND THE PURCHASE OF SERVICE YEARS; ~~PROVIDING AN~~
~~APPROPRIATION~~; AMENDING SECTIONS 2-18-1203, 17-7-304, AND 19-2-706, MCA; AND PROVIDING
AN EFFECTIVE DATE."

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

**THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE
REPRINTED. PLEASE REFER TO THIRD READING COPY
(BLUE) FOR COMPLETE TEXT.**

1 HOUSE BILL NO. 567

2 INTRODUCED BY SQUIRES, BECK, HARPER, MENAHAN, AHNER, MASOLO, EWER, REAM, SMITH,
3 CLARK, GRADY, HIBBARD, COCCHIARELLA, PAVLOVICH, QUILICI, PECK, BARTLETT

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING PERMANENT FUNDING FOR ADDITIONAL YEARS
6 OF SERVICE TO BE PURCHASED UNDER THE STATE EMPLOYEE PROTECTION ACT FOR A MEMBER
7 INVOLUNTARILY TERMINATED FROM MEMBERSHIP; CREATING A METHOD OF FUNDING JOB
8 RETRAINING, RELOCATION EXPENSES, AND HEALTH INSURANCE FOR A STATE EMPLOYEE WHO IS
9 INVOLUNTARILY TERMINATED; IMPOSING A TIME LIMIT FOR A STATE EMPLOYEE PARTICIPATING IN
10 THE JOB REGISTRY PROGRAM; PROVIDING THAT THE UNEXPENDED BALANCE IN ANY SPECIFIC
11 APPROPRIATION MAY BE USED IN THE SUCCEEDING YEAR TO FUND JOB TRAINING, HEALTH
12 INSURANCE BENEFITS, RELOCATION, AND THE PURCHASE OF SERVICE YEARS; ~~PROVIDING AN~~
13 ~~APPROPRIATION~~; AMENDING SECTIONS 2-18-1203, 17-7-304, AND 19-2-706, MCA; AND PROVIDING
14 AN EFFECTIVE DATE."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17
18 **Section 1. Section 2-18-1203, MCA, is amended to read:**

19 **"2-18-1203. General protection -- job register -- seniority preference.** (1) An employee whose
20 position is eliminated as a result of privatization, reorganization of an agency, closure of or a reduction in
21 force at an agency, or other actions by the legislature is entitled to:

22 (a) notice of announcements for jobs for which the employee may qualify that arise within the
23 terminating agency or within state government. Notices must be provided by the state for a period of 1 year
24 from the date of separation.

25 (b) access to any job retraining and career development programs provided by the state through
26 the Job Training Partnership Act service delivery areas dislocated worker programs, provided that the
27 employee begins participating in a program within 1 year after the elimination of the employee's position;
28 and

29 (c) inclusion in a special job register from which all agencies, except an agency attempting to hire
30 for a position exempt under 2-18-103 or 2-18-104, shall attempt to hire employees prior to seeking

1 applications from the general public. The employee must be listed in the job register according to the
2 occupational categories in which the employee is qualified for employment. An employee's eligibility to
3 participate in the job register terminates 2 years from the effective date of the employee's layoff or 2 years
4 from the date of the employee's completion of job training provided under subsection (1)(b), whichever is
5 later.

6 (2) (a) An agency attempting to hire from the job register shall consider the employee's
7 qualifications and length of state service. If two or more employees listed in the job register are equally
8 qualified for a vacant position, the agency shall select the employee with the longest continuous state
9 service.

10 (b) If there is not an employee listed on the job register who meets the job qualifications for the
11 vacant position, the agency may hire a qualified external applicant or establish a training assignment,
12 according to state policy.

13 (3) Each state agency shall pay to the department of labor and industry a set amount that is equal
14 to the department's average cost of providing the retraining and development services FOR STATE
15 EMPLOYEES in the previous fiscal year for each involuntarily terminated state employee who requests
16 access to any job training and career development program provided by the department."

17

18 **Section 2.** Section 17-7-304, MCA, is amended to read:

19 **"17-7-304. (Temporary) Disposal of unexpended appropriations.** (1) All money appropriated for any
20 specific purpose except that appropriated for the university system units listed in subsection (2) and except
21 as provided in subsection (4) must, after the expiration of the time for which appropriated, revert to the
22 several funds and accounts from which originally appropriated. However, any unexpended balance in any
23 specific appropriation may be used for the years for which the appropriation was made or may be used to
24 fund the provisions of 2-18-1203 through 2-18-1205 and 19-2-706 in the succeeding year.

25 (2) Except as provided in 17-2-108 and subsection (3) of this section, all money appropriated for
26 the university of Montana campuses at Missoula, Butte, Dillon, and Helena and the Montana state university
27 campuses at Bozeman, Billings, Havre, and Great Falls, the agricultural experiment station with central
28 offices at Bozeman, the forest and conservation experiment station with central offices at Missoula, the
29 cooperative extension service with central offices at Bozeman, and the bureau of mines and geology with
30 central offices in Butte must, after the expiration of the time for which appropriated, revert to an account

1 held by the board of regents. The board of regents is authorized to maintain a fund balance. There is a
2 statutory appropriation, as provided in 17-7-502, to use the funds held in this account in accordance with
3 a long-term plan for major and deferred maintenance expenditures and equipment or fixed assets purchases
4 prepared by the affected university system units and approved by the board of regents. The affected
5 university system units may, with the approval of the board of regents, modify the long-term plan at any
6 time to address changing needs and priorities. The board of regents shall communicate the plan to each
7 legislature, to the finance committee when requested by the committee, and to the office of budget and
8 program planning.

9 (3) Subsection (2) does not apply to reversions that are the result of a reduction in spending
10 directed by the governor pursuant to 17-7-140. Any amount that is a result of a reduction in spending
11 directed by the governor must revert to the fund or account from which it was originally appropriated.

12 (4) For the 2 years following the end of a fiscal year, 30% of the money appropriated to an agency
13 for that year by the general appropriations act for personal services, operating expenses, and equipment
14 and remaining unexpended and unencumbered at the end of the year may be spent for any purpose that
15 is consistent with the goals and objectives of the agency. The dollar amount of the 30% amount that may
16 be carried forward and spent must be determined by the office of budget and program planning.
17 (Terminates July 1, 1997--sec. 13, Ch. 23, Sp. L. November 1993.)

18 **17-7-304. (Effective July 1, 1997) Disposal of unexpended appropriations.** (1) All money
19 appropriated for any specific purpose except that appropriated for the university system units listed in
20 subsection (2) must, after the expiration of the time for which appropriated, revert to the several funds and
21 accounts from which originally appropriated. However, any unexpended balance in any specific
22 appropriation may be used for the years for which the appropriation was made or may be used to fund the
23 provisions of 2-18-1203 through 2-18-1205 and 19-2-706 in the succeeding year.

24 (2) Except as provided in 17-2-108 and subsection (3) of this section, all money appropriated for
25 the university of Montana campuses at Missoula, Butte, Dillon, and Helena and the Montana state university
26 campuses at Bozeman, Billings, Havre, and Great Falls, the agricultural experiment station with central
27 offices at Bozeman, the forest and conservation experiment station with central offices at Missoula, the
28 cooperative extension service with central offices at Bozeman, and the bureau of mines and geology with
29 central offices in Butte must, after the expiration of the time for which appropriated, revert to an account
30 held by the board of regents. The board of regents is authorized to maintain a fund balance. There is a

1 statutory appropriation, as provided in 17-7-502, to use the funds held in this account in accordance with
 2 a long-term plan for major and deferred maintenance expenditures and equipment or fixed assets purchases
 3 prepared by the affected university system units and approved by the board of regents. The affected
 4 university system units may, with the approval of the board of regents, modify the long-term plan at any
 5 time to address changing needs and priorities. The board of regents shall communicate the plan to each
 6 legislature, to the finance committee when requested by the committee, and to the office of budget and
 7 program planning.

8 (3) Subsection (2) does not apply to reversions that are the result of a reduction in spending
 9 directed by the governor pursuant to 17-7-140. Any amount that is a result of a reduction in spending
 10 directed by the governor must revert to the fund or account from which it was originally appropriated."
 11

12 **Section 3.** Section 19-2-706, MCA, is amended to read:

13 **"19-2-706. Additional service for member involuntarily terminated from membership service.** (1)
 14 An employee of the state or university system is entitled to the involuntary termination provision provided
 15 in subsection ~~(2)~~ (3) if:

16 (a) the employee is a member of the public employees', game wardens', sheriffs', or highway patrol
 17 officers' retirement system;

18 (b) the employee's active service is involuntarily terminated because of elimination of the
 19 employee's position as a result of privatization, reorganization of an agency, closure of or a reduction in
 20 force at an agency, or other actions by the legislature on or after ~~January 1, 1995~~ JULY 1, 1997, but
 21 before July 1, ~~1997~~ 1999;

22 (c) the employee is eligible for a normal service retirement or early retirement under the applicable
 23 provisions of the retirement system to which the member belongs; and

24 (d) the employee waives termination benefits for which the employee would otherwise be eligible
 25 under the State Employee Protection Act.

26 (2) The cost of each year of service purchased under this section is the total actuarial cost of
 27 purchasing the service based on the most recent actuarial valuation of the retirement system.

28 ~~(2)~~ (3) The employer of an eligible member under subsection (1) shall pay a portion of the total cost
 29 of purchasing up to 3 years of additional service that the member was qualified to purchase under
 30 19-3-513, 19-6-804, 19-7-804, or 19-8-904. The employer-paid portion applied toward the service

1 purchase must be calculated using the formula $A \times B \times C$ when:

2 (a) A is equal to a maximum of 3 additional years of service that the member is eligible to purchase;

3 (b) B is equal to the sum of the employer and employee contribution rates in the member's
4 retirement system; and

5 (c) C is equal to the member's gross compensation paid during the immediate preceding 12 months
6 of membership service. The employer may not be charged more than the total actuarial cost of the service
7 purchased by the terminated employee.

8 (4) The member shall pay the difference, if any, between the full actuarial cost of the service to
9 be purchased and the amount contributed by the employer under subsection (3). A member is entitled to
10 a refund for that portion of previously purchased additional service that would otherwise cause the member
11 to be unqualified to receive all or part of the additional service provided in this section. A member may
12 elect to purchase less than the full amount of service for which the member is eligible under this section,
13 but the election may not reduce the amount of the employer's contribution as calculated under subsection
14 (3).

15 ~~(3) A retired member who was involuntarily terminated because of a reduction in force on or after~~
16 ~~January 1, 1995, but before April 21, 1995, and whose effective date of retirement was before April 21,~~
17 ~~1995, is eligible for the involuntary termination benefits described in this section if a properly completed~~
18 ~~application for those benefits is received by the division on or before June 1, 1995.~~

19 ~~(4)(5)~~ The board may allow an employer to pay the contributions required under subsection ~~(2)~~ (3)
20 in installments for up to 10 years and may charge interest at a rate set by the board pursuant to 19-2-403.

21 ~~(5)(6)~~ A member who has received additional service under this section and who returns to
22 employment for the same jurisdiction for 600 or more hours in a calendar year forfeits the additional
23 service. The employer's contribution to purchase that member's additional service, minus any retirement
24 benefits already paid, must be refunded to the employer. As used in this subsection, the same jurisdiction
25 means all agencies of the state, including the university system."

26

27 ~~NEW SECTION. Section 4. Appropriation. There is appropriated \$39,408 from the general fund~~
28 ~~to the department of labor and industry for each of the fiscal years 1998 and 1999 to fund the job registry~~
29 ~~established in 2-18-1203.~~

30

1 **NEW SECTION. Section 4. Coordination instruction.** If Senate Bill No. 78 and [this act] are passed
2 and approved, a person who elects to receive benefits under the provisions of [this act] is ineligible to
3 receive a severance payment under the provisions of Senate Bill No. 78.

4

5 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 1997.

6

-END-