



SENATE STANDING COMMITTEE REPORT

January 18, 2005

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Mr. President:

We, your committee on **State Administration** recommend that **Senate Bill 106** (first reading copy -- white) **do pass**.

Signed: _____

Carolyn Squires
Senator Carolyn Squires, Chair

- END -

Committee Vote:
Yes 11, No 0.

130821SC.sjo

RS



SENATE STANDING COMMITTEE REPORT

January 18, 2005

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Mr. President:

We, your committee on **State Administration** recommend that **Senate Bill 180** (first reading copy -- white) **do pass as amended.**

Signed:

Carolyn Squires
Senator Carolyn Squires, Chair

And, that such amendments read:

1. Page 1, line 9.

Following: "fee"

Insert: "-- state special revenue account"

2. Page 1.

Following: line 12

Insert: "(2) The fees collected pursuant to this section must be deposited into an account in the state special revenue fund.

(3) Money in the account may be used only to cover the costs of records storage and records management and the costs of providing permanent public access to records in the state archives."

Renumber: subsequent subsection

- END -

Committee Vote:
Yes 11, No 0.

130823SC.sjo

KF



SENATE STANDING COMMITTEE REPORT

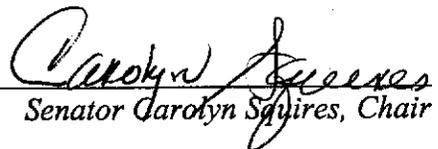
January 18, 2005

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Mr. President:

We, your committee on **State Administration** recommend that **Senate Bill 118** (first reading copy -- white) **do pass as amended.**

Signed:


Senator Carolyn Squires, Chair

And, that such amendments read:

1. Title, page 1, line 14.

Following: "AUTHORITY;"

Insert: "REVISING PROVISIONS RELATED TO PAID MILITARY LEAVE FOR PUBLIC EMPLOYEES;"

2. Title, page 1, line 16.

Following: "10-1-615,"

Insert: "19-2-707,"

3. Page 1, line 22.

Strike: "17"

Insert: "18"

4. Page 1.

Following: line 23

Insert: "NEW SECTION. Section 2. Purpose -- legislative intent. The purpose of [sections 1 through 18] is to recognize the importance of the service performed by Montana national guard members and to protect the employment rights of national guard members who may be called to state active duty when there is a state emergency or disaster. The legislature also supports the efforts and sacrifices of the employers of Montana national guard members and intends that [sections 1 through 18] will provide a means for national guard members and employers to work

Committee Vote:

Yes 11, No 0.

131211SC.sjo

KF

cooperatively to resolve any workplace issues."

Renumber: subsequent sections

5. Page 1, line 26.

Strike: "17"

Insert: "18"

6. Page 1, line 28.

Strike: "in"

Insert: "duly elected or appointed to"

Following: "executive"

Insert: "elective"

Strike: "filled"

7. Page 1, line 29.

Strike: "by a vote of people"

Following: "state,"

Insert: "a"

Strike: "appropriate"

Insert: "a"

Following: "subdivision of the state"

Insert: ", including a school district or any other local district"

8. Page 2, lines 2, 6, 11, and 13.

Strike: "active"

Insert: "military"

9. Page 2, line 4.

Strike: "active"

10. Page 2, line 23.

Strike: "17"

Insert: "18"

11. Page 3, line 1.

Strike: "Except as provided in subsection (2)"

Insert: "Subject to the provisions of this section"

12. Page 3, line 11 through line 13.

Strike: subsection (c) in its entirety

Insert: "(c) (i) An employer's health plan must provide that:

(A) a member may elect to not remain covered under the employer's health plan while the member is on state active duty but that when the member returns, the member may resume coverage under the plan without the plan considering the employee to have incurred a break in service; and

(B) a member may elect to remain on the employer's health plan while the member is on state active duty without being required to pay more than the regular employee share of the premium, except as provided in subsection (2)(c)(ii);

(ii) If a member's state active duty qualifies the member for coverage under the state of Montana's health insurance plan as an employee of the department, the employer's health plan may require the member to pay up to 102% of the full premium for continued coverage.

(iii) A health insurance plan covering an employee who is a member serving on state active duty is not required to cover any illness or injury caused or aggravated by state active duty.

(iv) If the member is a state employee prior to being ordered to state active duty, the member does not become qualified as a department for the purposes of health plan coverage until the member's state active duty qualifies the member to be considered a department employee pursuant to 2-18-701.

(d) An employer's pension plan must provide that when a member returns to employment from state active duty:

(i) the member's period of state active duty may constitute service with the employer or employers maintaining the plan for the purposes of determining the nonforfeitability of the member's accrued benefits and for the purposes of determining the accrual of benefits under the plan; and

(ii) if the member elects to receive credit and makes the contributions required to accrue the pension benefits that the member would have accrued if the member had not been absent for the state active duty, then the employer shall pay the amount of the employer contribution that would have been made for the member if the member had not been absent."

Renumber: subsequent subsection

13. Page 4, line 6.

Strike: "without pay"

14. Page 4.

Following: line 9

Insert: "(3) If an acting official is appointed pursuant to [section 9], the leave of absence must be without pay.

(4) An elected official ordered to military service is entitled to the employment rights and benefits that would be provided to any other employee under the official's employer if

the employee were on a leave of absence subject to the provisions of [sections 1 through 18]."

Renumber: subsequent subsection

15. Page 4, line 10.

Strike: "an"

Insert: "if an acting official was appointed pursuant to [section 9], the returning"

16. Page 4, line 11.

Strike: "immediately"

Following: "term"

Strike: "without loss of benefits"

Insert: "immediately upon the official's request after being released from the military service"

17. Page 4, line 13.

Strike: "elected"

18. Page 4, line 14.

Strike: "on a leave of absence for"

Insert: "ordered to"

Strike: "elected"

Strike: "may"

Insert: "must"

Following: "section"

Insert: "if:

(a) the elected official is precluded pursuant to federal law from performing the official duties of the office; or

(b) the elected official requests the appointment of an acting official.

(2) If an acting official is appointed, the acting official shall take any oath of office required to assume the office, shall exercise all the rights, powers, and duties vested in the office, and must be provided with all the employment rights and benefits associated with the position until the elected official is restored to office pursuant to [section 8(5)] or the elected official's term expires, whichever occurs first."

Renumber: subsequent subsections

19. Page 4, line 15, 19, 21, 23, and 24.

Following: "acting"

Strike: "elected"

20. Page 4, line 18.
Strike: "as provided"
Insert: "using the procedures"

21. Page 4, line 22.
Strike: "(2)"
Insert: "(3)"

22. Page 4, line 26.
Strike: "7"
Insert: "8(5)"

23. Page 4, lines 29 and 30.
Strike: "17"
Insert: "18"

24. Page 5, lines 4 and 11.
Strike: "17"
Insert: "18"

25. Page 5, line 13.
Strike: "9"
Insert: "10"

26. Page 5, lines 16, 17, and 20.
Strike: "17"
Insert: "18"

27. Page 5, line 23.
Strike: "12"
Insert: "13"

28. Page 5, lines 26 and 29.
Strike: "17"
Insert: "18"

29. Page 6, line 3.
Strike: "17"
Insert: "18"

30. Page 6, line 6.
Strike: "10"
Strike: "11"

31. Page 6, line 7.
Strike: "10(4)"
Insert: "11(4)"

32. Page 6, lines 21 and 22.
Strike: "17"
Insert: "18"

33. Page 6, line 23.
Strike: "9"
Insert: "10"

34. Page 6, line 24.
Strike: "10"
Insert: "11"

35. Page 6, line 28.
Strike: "17"
Insert: "18"

36. Page 6, line 29 through line 30.
Strike: the first "where" on line 29 through "occurred" on line
30
Insert: "in which the claimant's employer maintains a place of
business"

37. Page 7, line 2.
Strike: "17"
Insert: "18"
Strike: "12"
Insert: "13"

38. Page 7, lines 6, 10, 11 and 21.
Strike: "17"
Insert: "18"

39. Page 7, line 14.

Strike: "willful"

Insert: "done willfully, as defined in 1-1-204"

Following: "compensation"

Insert: "under subsection (1)(b)"

40. Page 7, line 15.

Strike: "for" through "violation"

41. Page 7, line 17 through line 18.

Strike: "However" on line 17 through "." on line 18

42. Page 7, line 25.

Strike: "15"

Insert: "16"

43. Page 7, line 26.

Strike: "12"

Insert: "13"

44. Page 8, line 4.

Strike: "17"

Insert: "18"

45. Page 8, lines 7, 23, and 27.

Strike: "7"

Insert: "8"

46. Page 9, line 6.

Strike: "7"

Insert: "8"

47. Page 9, line 13 through line 20.

Strike: section 21 in its entirety

Insert: "Section 22. Section 10-1-604, MCA, is amended to read:

"10-1-604. ~~Leave of absence of Paid military leave for public employees attending training camp or similar training program.~~ (1) A state, city, town, or county employee who is a member of the organized militia of this state or who is a member of the organized or unorganized reserve corps or military forces of the United States and who has been an employee for a period of at least 6 months shall must be given leave of absence with pay

~~for a period of time not to exceed accruing at a rate of 15 working days in a calendar year for attending regular encampments, training cruises, and similar training programs of the organized militia or of the military forces of the United States performing military service.~~

(2) This Military leave may not be charged against the employee's annual vacation time.

(3) Unused military leave must be carried over to the next calendar year, but may not exceed a total of 30 days in any calendar year."

48. Page 9.

Following: line 24

Insert: "Section 24. Section 19-2-707, MCA, is amended to read:

"19-2-707. **Qualified military service.** Notwithstanding any other provision of state law governing a retirement system, contributions, benefits, and service credit for qualified military service are governed by section 414(u) of the Internal Revenue Code and the federal Uniformed Services Employment and Reemployment Rights Act of 1994. Contributions, benefits, and service credit for state active duty are governed by the Montana Military Service Employment Rights Act provided in [sections 1 through 17]."

Renumber: subsequent sections

49. Page 10, lines 10 and 26.

Strike: "2"

Insert: "3"

50. Page 11, lines 10, 11, 13, and 15.

Strike: "17"

Insert: "18"

- END -

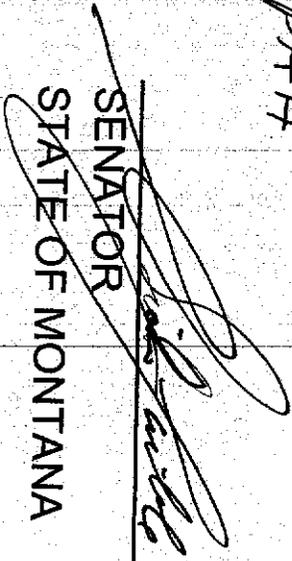
PROXY VOTE

I, the undersigned, hereby authorize Senator Palmyer to

vote my proxy on any issue before the Senate State Admin.

Committee held on 1.17.05, 2005.

Yes to SB 118DPA


SENATOR
STATE OF MONTANA

PROXY VOTE

I, the undersigned, hereby authorize Senator Jarvis to

vote my proxy on any issue before the Senate Administration

Committee held on ~~SB 106~~ 1/17/05, 2005.

BAHgent yes - SB-106

Joe Bryant
SENATOR
STATE OF MONTANA

MONTANA STATE SENATE 2005 LEGISLATURE

VISITOR REGISTER

DATE 1.17.05

SENATE COMMITTEE ON State Administration

BILLS BEING HEARD TODAY SB 106, 180

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
CONNIE SUMMERS	698-8350	ASMSU-B	SB 180		
Arnie Olson	444-5485	MT. HIST. Soc.	SB 180	✓	
CHARLENE PORSILD	444-4787	" " "	"	✓	
Donna McCrea	288-2378	SHRAB - Montana	"	✓	
MOLLY KRUCKENBERG	444-7482	MT HIST. Soc.	"	✓	
Amy Sullivan	449-3776	MT History Fdn.	"	✓	
Darlene Staffeldt		Montana State Library	SB 180	✓	
Amy Sassano	444-6619	Budget Office	SB 106	✓	
Paul Christoff	444-4609	Dept of Admin.	SB 106	✓	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY