

HOUSE BILL NO. 21

INTRODUCED BY J. KEANE

BY REQUEST OF THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A BENEFITS AND RETIREMENT SECURITY TASK FORCE; SPECIFYING MEMBERS; PROVIDING AN APPROPRIATION; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

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

NEW SECTION. **Section 1. Task force.** (1) There is a task force on benefits and retirement security for private sector employees to:

(a) focus on the rights of employees affected by the exit or bankruptcy of natural resource-based businesses that operate in Montana;

(b) collect information concerning the rights, benefits, and pensions of union, salaried, and other employees affected by the exit or bankruptcy of natural resource-based businesses that operate in Montana; and

(c) determine the role, if any, of the state in assisting private sector employees.

(2) The task force consists of five members, including:

(a) two representatives from Montana business and labor unions appointed by the governor;

(b) one representative from the department of justice who is appointed by the attorney general;

(c) one representative from the department of labor and industry who is appointed by the labor commissioner;

(d) one representative from the insurance department who is appointed by the state auditor.

(3) (a) Unless a task force member is a full-time salaried officer or employee of this state or of any political subdivision of this state, the member is entitled to be paid in an amount to be determined by the governor's office, not to exceed \$50 for each day in which the member is actually and necessarily engaged in the performance of task force duties and to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred while in the performance of task force duties.

(b) Members who are full-time salaried officers or employees of this state or of any political subdivision of this state are not entitled to be compensated for their service as members but are entitled to be reimbursed

1 for travel expenses, as provided for in 2-18-501 through 2-18-503.

2 (4) The task force shall select a presiding officer and vice presiding officer by majority vote.

3 (5) The governor's office shall provide staff assistance to the task force.

4 (6) For the purposes of [section 2] and this section, "natural resource-based business" means a private,  
5 for-profit, enterprise located in Montana that:

6 (a) engages in the extraction or harvesting of minerals, ore, or forestry products;

7 (b) engages in the processing of Montana raw materials such as minerals, ore, or forestry products; or

8 (c) engages in the production of electrical energy in an amount of 200 megawatts or more using coal  
9 as a source of fuel.

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11 NEW SECTION. **Section 2. Task force duties.** (1) The task force shall review the Employee  
12 Retirement Income Security Act of 1974, 29 U.S.C. 1001, et seq., and associated federal laws and determine  
13 how, if at all, the state can:

14 (a) play a role in protecting private sector employee benefits and pension funds when natural  
15 resource-based businesses enter into bankruptcy or exit the state;

16 (b) advocate or require that businesses fulfill their obligations to pension funds and benefits; and

17 (c) disincentivize actions by natural resource-based businesses to limit or not adequately fund employee  
18 benefits or pensions.

19 (2) The task force shall involve input from stakeholders.

20 (3) All aspects of the task force must be concluded prior to September 15, 2018. The task force shall  
21 prepare a final report of its findings, conclusions, and recommendations. The task force shall submit the final  
22 report to the governor and the 66th legislature as provided in 5-11-210.

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24 NEW SECTION. **Section 3. Appropriation.** There is appropriated \$20,000 from the general fund to the  
25 governor's office for the biennium beginning July 1, 2017, to support the activities of the task force established  
26 in [section 1].

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28 NEW SECTION. **Section 4. Effective dates.** (1) Except as provided in subsection (2), [this act] is  
29 effective on passage and approval.

30 (2) [Section 3] is effective July 1, 2017.

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2           NEW SECTION. **Section 5. Termination.** [This act] terminates December 31, 2018.

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