

HOUSE BILL NO. 209

INTRODUCED BY M. FUNK

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR CAREER PROGRESSION ALLOWANCES FOR AGENCY EMPLOYEES TO REDUCE TURNOVER; REQUIRING THE BUDGET DIRECTOR TO REVIEW AND APPROVE THE ALLOWANCES FOR AGENCIES; REQUIRING THAT THE APPROVED CAREER PROGRESSION ALLOWANCES BE INCLUDED IN THE CALCULATION OF THE PRESENT LAW BASE OF THE STATE BUDGET; AND AMENDING SECTION 17-7-102, MCA."

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

NEW SECTION. Section 1. Career progression allowance.

(1) Each agency shall analyze its employee turnover rates and training costs. To reduce associated costs, the agency shall develop a plan to provide an annual career progression allowance for each employee based on years of experience.

(2) (a) Each agency shall submit the agency's plan for annual career progression allowances to the budget director and include a summary of the agency's cost analysis and potential savings.

(b) The budget director shall review each agency's career progression plan. If the budget director determines that the agency's plan will produce a net savings for the agency, the budget director shall authorize the agency to provide the allowance pursuant to subsection (3).

(3) In addition to the compensation provided in 2-18-303 and 2-18-304 and subject to subsection (2), each agency shall on July 1 of each fiscal year provide each employee with a career progression allowance in accordance with the agency's plan developed under subsection (1).

Section 2. Section 17-7-102, MCA, is amended to read:

"17-7-102. (Temporary) Definitions. As used in this chapter, the following definitions apply:

(1) "Additional services" means different services or more of the same services.

(2) "Agency" means all offices, departments, boards, commissions, institutions, universities, colleges, and any other person or any other administrative unit of state government that spends or encumbers public money by virtue of an appropriation from the legislature under 17-8-101.

(3) "Approving authority" means:



- 1 (a) the governor or the governor's designated representative for executive branch agencies;
- 2 (b) the chief justice of the supreme court or the chief justice's designated representative for judicial
- 3 branch agencies;
- 4 (c) the speaker for the house of representatives;
- 5 (d) the president for the senate;
- 6 (e) appropriate legislative committees or a designated representative for legislative branch agencies;
- 7 or
- 8 (f) the board of regents of higher education or its designated representative for the university system.
- 9 (4) (a) "Base budget" means the resources for the operation of state government that are of an ongoing
- 10 and nonextraordinary nature in the current biennium. The base budget for the state general fund and state special
- 11 revenue funds may not exceed that level of funding authorized by the previous legislature.
- 12 (b) The term does not include:
- 13 (i) funding for water adjudication if the accountability benchmarks contained in 85-2-271 are not met;
- 14 (ii) funding for petroleum storage tank leak prevention if the accountability benchmarks in 75-11-521 are
- 15 not met.
- 16 (5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part 4.
- 17 (6) "Budget stabilization reserve" means the amount of unappropriated fund balance in the budget
- 18 stabilization reserve fund up to 4.5% of all general fund appropriations in the second year of the biennium.
- 19 (7) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated
- 20 circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly
- 21 not within the contemplation of the legislature and the governor, and that affects one or more functions of a state
- 22 agency and the agency's expenditure requirements for the performance of the function or functions.
- 23 (8) "Funds subject to appropriation" means those funds required to be paid out of the treasury as set
- 24 forth in 17-8-101.
- 25 (9) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next
- 26 legislative session for legislative consideration.
- 27 (10) "New proposals" means requests to provide new nonmandated services, to change program
- 28 services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present
- 29 law base, the distinction between new proposals and the adjustments to the base budget to develop the present
- 30 law base is to be determined by the existence of constitutional or statutory requirements for the proposed

1 expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new
2 proposal.

3 (11) "Operating reserve" means an amount equal to 8.3% of all general fund appropriations in the second
4 year of the biennium.

5 (12) "Present law base" means that level of funding needed under present law to maintain operations and
6 services at the level authorized by the previous legislature, including but not limited to:

7 (a) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;

8 (b) changes in funding requirements resulting from constitutional or statutory schedules or formulas;

9 (c) inflationary or deflationary adjustments; ~~and~~

10 (d) elimination of nonrecurring appropriations; and

11 (e) career progression allowances under [section 1].

12 (13) "Program" means a principal organizational or budgetary unit within an agency.

13 (14) "Requesting agency" means the agency of state government that has requested a specific budget
14 amendment.

15 (15) "University system unit" means the board of regents of higher education; office of the commissioner
16 of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state
17 university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with
18 central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the
19 cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central
20 offices at Butte; the fire services training school at Great Falls; and the community colleges at Miles City,
21 Glendive, and Kalispell. (Terminates June 30, 2028--sec. 11, Ch. 269, L. 2015.)

22 **17-7-102. (Effective July 1, 2028) Definitions.** As used in this chapter, the following definitions apply:

23 (1) "Additional services" means different services or more of the same services.

24 (2) "Agency" means all offices, departments, boards, commissions, institutions, universities, colleges,
25 and any other person or any other administrative unit of state government that spends or encumbers public
26 money by virtue of an appropriation from the legislature under 17-8-101.

27 (3) "Approving authority" means:

28 (a) the governor or the governor's designated representative for executive branch agencies;

29 (b) the chief justice of the supreme court or the chief justice's designated representative for judicial
30 branch agencies;

- 1 (c) the speaker for the house of representatives;
- 2 (d) the president for the senate;
- 3 (e) appropriate legislative committees or a designated representative for legislative branch agencies;
- 4 or
- 5 (f) the board of regents of higher education or its designated representative for the university system.
- 6 (4) "Base budget" means the resources for the operation of state government that are of an ongoing and
- 7 nonextraordinary nature in the current biennium. The base budget for the state general fund and state special
- 8 revenue funds may not exceed that level of funding authorized by the previous legislature.
- 9 (5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part 4.
- 10 (6) "Budget stabilization reserve" means the amount of unappropriated fund balance in the budget
- 11 stabilization reserve fund up to 4.5% of all general fund appropriations in the second year of the biennium.
- 12 (7) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated
- 13 circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly
- 14 not within the contemplation of the legislature and the governor, and that affects one or more functions of a state
- 15 agency and the agency's expenditure requirements for the performance of the function or functions.
- 16 (8) "Funds subject to appropriation" means those funds required to be paid out of the treasury as set
- 17 forth in 17-8-101.
- 18 (9) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next
- 19 legislative session for legislative consideration.
- 20 (10) "New proposals" means requests to provide new nonmandated services, to change program
- 21 services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present
- 22 law base, the distinction between new proposals and the adjustments to the base budget to develop the present
- 23 law base is to be determined by the existence of constitutional or statutory requirements for the proposed
- 24 expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new
- 25 proposal.
- 26 (11) "Operating reserve" means an amount equal to 8.3% of all general fund appropriations in the second
- 27 year of the biennium.
- 28 (12) "Present law base" means that level of funding needed under present law to maintain operations and
- 29 services at the level authorized by the previous legislature, including but not limited to:
- 30 (a) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;

- 1 (b) changes in funding requirements resulting from constitutional or statutory schedules or formulas;
2 (c) inflationary or deflationary adjustments; ~~and~~
3 (d) elimination of nonrecurring appropriations; and
4 (e) career progression allowances under [section 1].

5 (13) "Program" means a principal organizational or budgetary unit within an agency.

6 (14) "Requesting agency" means the agency of state government that has requested a specific budget
7 amendment.

8 (15) "University system unit" means the board of regents of higher education; office of the commissioner
9 of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state
10 university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with
11 central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the
12 cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central
13 offices at Butte; the fire services training school at Great Falls; and the community colleges at Miles City,
14 Glendive, and Kalispell."

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16 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
17 integral part of Title 17, chapter 7, part 1, and the provisions of Title 17, chapter 7, part 1, apply to [section 1].

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