

1 SENATE BILL NO. 402

2 INTRODUCED BY W. CURDY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING WILDLAND FIREFIGHTER COMPENSATION;
5 ALLOWING FOR HAZARD PAY FOR WILDLAND-FIREFIGHTERS ENGAGED ON AN UNCONTROLLED
6 FIRE INCIDENT OR WORKING AT A FIRE INCIDENT HELIBASE; AMENDING SECTION SECTIONS 2-18-
7 303, AND 76-13-150, MCA; AND PROVIDING AN EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 2-18-303, MCA, is amended to read:

12 **"2-18-303. Procedures for administering broadband pay plan.** (1) On the first day of the first
13 complete pay period in fiscal year 2022, each employee is entitled to the amount of the employee's base salary
14 as it was on June 30, 2021.

15 (2) To the extent that the plan applies to employees within a collective bargaining unit, the
16 implementation of the plan is a negotiable subject under 39-31-305.

17 (3) Effective on the first day of the first complete pay period that includes November 15, 2022, the
18 base salary of each employee must be increased by 55 cents an hour.

19 (4) (a) (i) A member of a bargaining unit may not receive the pay adjustment provided for in
20 subsection (3) until the employer's collective bargaining representative receives written notice that the
21 employee's collective bargaining unit has ratified a collective bargaining agreement.

22 (ii) If ratification of a collective bargaining agreement, as required by subsection (4)(a)(i), is not
23 completed by the date on which a legislatively authorized pay increase is implemented, members of the
24 bargaining unit must continue to receive the compensation that they were receiving until an agreement is
25 ratified.

26 (b) Methods of administration consistent with the purpose of this part and necessary to properly
27 implement the pay adjustments provided for in this section may be provided for in collective bargaining

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1 agreements.

2 (5) (a) Montana highway patrol officer base salaries must be established through the
3 broadband pay plan. Before January 1 of each odd-numbered year, the department shall, after seeking the
4 advice of the Montana highway patrol, conduct a salary survey to be used in establishing the base salary for
5 existing and entry-level highway patrol officer positions. The county sheriff's offices and the city police
6 departments located within the county seats of the following consolidated governments and counties are the
7 labor market for purposes of the survey: Butte-Silver Bow, Cascade, Yellowstone, Missoula, Lewis and Clark,
8 Gallatin, Flathead, and Dawson. The base salary for existing and entry-level highway patrol officer positions
9 must then be determined by the department of justice, using the results of the salary survey and the department
10 of justice pay plan guidelines. Base or biennial salary increases under this subsection are exclusive of and not
11 in addition to any increases otherwise awarded to other state employees after July 1, 2006.

12 (b) To the extent that the plan applies to employees within a collective bargaining unit, the
13 implementation of the plan is a negotiable subject under 39-31-305.

14 (c) The department of justice shall submit the salary survey to the office of budget and program
15 planning as a part of the information required by 17-7-111.

16 (d) The salary survey and plan must be completed at least 6 months before the start of each
17 regular legislative session.

18 (6) (a) The salary of a wildland firefighter, AS DEFINED IN 2-18-501, who holds a current incident
19 qualification card and is engaged on a wildland fire-WILDFIRE as defined in 76-13-102 must be supplemented
20 with an amount equal to 25% of the wildland firefighter's base salary for the time the wildland firefighter is
21 working on the fire line of an uncontrolled fire incident or is working at a fire incident helibase that is servicing
22 active helicopter flights.

23 (b) The wildland firefighter salary supplemental adjustments allowed in subsection (6)(a) must be
24 funded pursuant to 76-13-150."

25

26 **Section 2.** Section 76-13-150, MCA, is amended to read:

27 **"76-13-150. Fire suppression account -- fund transfer.** (1) There is a fire suppression account in

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- 1 the state special revenue fund to the credit of the department.
- 2 (2) The legislature may transfer money from other funds to the account, and the money in the
- 3 account is subject to legislative fund transfers.
- 4 (3) Funds received for restitution by private parties must be deposited in the account.
- 5 (4) Money in the account may be used only for:
- 6 (a) fire suppression costs;
- 7 (b) fuel reduction and mitigation;
- 8 (c) forest restoration;
- 9 (d) grants for the purchase of fire suppression equipment for county cooperatives;
- 10 (e) forest management projects on federal land;
- 11 (f) support for collaborative groups that include at least one representative of an affected county
- 12 commission that is engaged with a federal forest project and for local governments engaged in litigation related
- 13 to federal forest projects; ~~and~~
- 14 (g) road maintenance on federal lands; and
- 15 (h) funding of supplemental salary adjustments for firefighters pursuant to 2-18-303(6).
- 16 (5) Interest earned on the balance of the account is retained in the account.
- 17 (6) Except as provided in subsections (7) and (8), by August 15 following the end of each fiscal
- 18 year, an amount equal to the balance of unexpended and unencumbered general fund money appropriated in
- 19 excess of 0.5% of the total general fund money appropriated for that fiscal year must be transferred by the state
- 20 treasurer from the general fund to the fire suppression account. General fund appropriations that continue from
- 21 a fiscal year to the next fiscal year and any general fund appropriations made pursuant to 10-3-310 or 10-3-312
- 22 are excluded from the calculation.
- 23 (7) The provisions of subsection (6) do not apply in a fiscal year in which reductions required by
- 24 17-7-140 occur or if a transfer pursuant to subsection (6) would require reductions pursuant to 17-7-140.
- 25 (8) The fund balance in the account may not exceed 4% of all general fund appropriations in the
- 26 second year of the biennium.
- 27 (9) By August 15 of each even-numbered fiscal year, if the balance in the account at the end of the

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1 most recently completed odd-numbered fiscal year exceeds \$40 million, the excess, up to \$5 million, must be
2 used in the biennium for the purposes in subsections (4)(b) through (4)(g). Of that amount, no more than 5%
3 may be used for the purposes of subsection (4)(f).

4 (10) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for
5 the purposes described in subsection (4)."

6

7 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2023.

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