

HOUSE BILL NO. 841

INTRODUCED BY B. MERCER, L. JONES

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING REPORTING REQUIREMENTS FOR EXECUTIVE BRANCH AGENCIES, THE LEGISLATIVE BRANCH, AND THE JUDICIAL BRANCH ON FULL-TIME EQUIVALENT POSITIONS; PROVIDING A DEFINITION; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Reporting on full-time equivalent positions.** (1) Each quarter, each executive branch agency, the legislative branch, and the judicial branch shall submit a written report in accordance with 5-11-210 to the legislative finance committee containing the information required by subsection (2) based on the previous quarter.

(2) The report must:

(a) (i) include the number of vacant FTE positions in the agency or branch; and

(ii) for each vacant FTE position, identify the program and job title of the FTE, and the last date the agency or branch advertised or posted in an attempt to hire a person to fill the position;

(b) (i) identify any contractor performing duties that would otherwise be performed by a state FTE except for an FTE vacancy; and

(ii) if a contractor is performing duties that would otherwise be performed by a state FTE, specify:

(A) the amount paid to engage the contractor for the work; and

(B) whether the contractor is performing duties beyond those that would be performed by a state employee if the position were filled;

(c) if overtime is being paid to employees to ensure that duties that would otherwise be performed by a state FTE are being met through the payment of overtime due to an FTE vacancy, provide the number of employees for each job classification paid overtime in the quarter that would otherwise be performed by a state FTE and specify:

- 1 (i) the amount paid each week for overtime for the work; and
- 2 (ii) whether the workers being paid overtime are performing duties beyond those that would be
- 3 performed by a state employee in the vacant FTE position if the position were filled; and
- 4 (d) (i) quantify how many modified FTE positions the agency or branch has, their job descriptions,
- 5 and the funding source for each modified FTE in the agency or branch; and
- 6 (ii) specify whether the modified FTE are expected to continue into the next biennium and, if so,
- 7 for how long.
- 8 (3) For the purposes of this section, "FTE" means full-time equivalent personnel position.

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10 **NEW SECTION. Section 2. Appropriation.** For the biennium beginning July 1, 2023, there is

11 appropriated from the general fund:

- 12 (1) \$20,000 to the office of budget and program planning for assisting agencies in providing
- 13 reports as required in [section 1];
- 14 (2) \$2,500 to the legislative branch to provide reports as required in [section 1]; and
- 15 (3) \$2,500 to the judicial branch to provide reports as required in [section 1].

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17 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an

18 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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20 **NEW SECTION. Section 4. Effective date.** [This act] is effective July 1, 2023.

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