

1 HOUSE BILL NO. 13  
2 INTRODUCED BY J. FITZPATRICK  
3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING  
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS GOVERNING STATE EMPLOYEE  
6 COMPENSATION; APPROPRIATING FUNDS TO IMPLEMENT PAY REVISIONS AND PER DIEM  
7 ADJUSTMENTS; REVISING STATE EMPLOYEE PER DIEM RATES; PROVIDING THAT STATE EXECUTIVE  
8 BRANCH OFFICES ARE OPEN ON STATE GENERAL ELECTION DAYS; ELIMINATING STATE GENERAL  
9 ELECTION DAY AS A HOLIDAY FOR STATE EMPLOYEES; PROVIDING FOR AN ANNUAL FLOATING  
10 HOLIDAY FOR STATE EMPLOYEES; AMENDING SECTIONS 2-16-117, 2-18-303, 2-18-501, 2-18-601, AND  
11 2-18-603, MCA; AND PROVIDING EFFECTIVE DATES."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
14

15 **Section 1.** Section 2-16-117, MCA, is amended to read:

16 **"2-16-117. Office hours.** (1) Unless otherwise provided by law, state executive branch offices must  
17 be open for the transaction of business continuously from 8 a.m. until 5 p.m. each day except on Saturdays,  
18 Sundays, and the holidays specified in 1-1-216(1)(a) through (1)(k). State executive branch offices must be  
19 open on state general election day. Each office must also be open at other times as the accommodation of the  
20 public or the proper transaction of business requires.

21 (2) The state treasurer may, in the interest of safekeeping funds, securities, and records, close the  
22 state treasurer's office from noon to 1 p.m. each day.

23 (3) The Montana historical society, established in 22-3-101, may be open for public visitation at  
24 hours other than those prescribed in this section, including hours during evenings and weekends.

25 (4) The department of revenue may establish alternative office hours for its offices located in the  
26 various counties if:

27 (a) the office is staffed by four or fewer full-time employees;

28 (b) the department holds a public hearing on the alternative office hours in the county seat after

1 jurisdiction without a break in service.

2 ~~(19)~~(20) "Vacation leave" means a leave of absence with pay for the purpose of rest, relaxation, or  
3 personal business at the request of the employee and with the concurrence of the employer."

4

5 **Section 5.** Section 2-18-603, MCA, is amended to read:

6 **"2-18-603. Holidays -- observance when falling on employee's day off -- floating holiday.** (1) (a)

7 A full-time employee who is scheduled for a day off on a day that is observed as a legal holiday, except  
8 Sundays, is entitled to receive a day off with pay either on the day preceding the holiday or on another day  
9 following the holiday in the same pay period or as scheduled by the employee and the employee's supervisor,  
10 whichever allows a day off in addition to the employee's regularly scheduled days off, provided the employee is  
11 in a pay status on the employee's last regularly scheduled working day immediately before the holiday or on the  
12 employee's first regularly scheduled working day immediately after the holiday.

13 (b) Part-time employees receive pay for the holiday on a prorated basis according to rules adopted  
14 by the department of administration or appropriate administrative officer under 2-18-604.

15 (c) A short-term worker or student intern may not receive holiday pay.

16 (2) For purposes of this section, the term "employee" does not include nonteaching school district  
17 employees.

18 (3) According to policies adopted by the department of administration:

19 (a) each full-time employee of an agency specified in 2-18-101(1) is entitled to one floating holiday  
20 each calendar year;

21 (b) each part-time employee of an agency specified in 2-18-101(1) is entitled to one floating  
22 holiday each calendar year that must be calculated proportionately to the floating holiday allowed to a full-time  
23 employee;

24 (c) unused floating holiday leave expires at the end of each calendar year, does not accrue, and is  
25 not paid out to employees on termination of employment; and

26 (d) a short-term worker or student intern may not receive a floating holiday."

27

28 **NEW SECTION. Section 6. Appropriations.** (1) The following money for the indicated fiscal years is

**Amendment - 1st Reading-white - Requested by: John Fitzpatrick - (H) Appropriations**

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0013.001.001

1 appropriated to the listed agencies to implement the adjustments provided in 2-18-303:

2 Fiscal Year 2023 -- One-Time-Only

3	General Fund	State Special	Federal Special	Proprietary
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4 Legislative Branch

5	202,199	27,594		
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6 Consumer Counsel

7		5,324		
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8 Judicial Branch

9	477,315	19,892	287	
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10 Executive Branch

11	5,318,037	5,601,004	1,863,596	111,402
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12 Montana University System

13	31,809	456	25,657	
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14 Total

15	6,029,360	5,654,270	<del>1,889,541</del>	111,402
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16			<u>1,889,540</u>	
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17 Fiscal Year 2024

18	General Fund	State Special	Federal Special	Proprietary
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19 Legislative Branch

20	607,991	94,703		
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21 Consumer Counsel

22		19,274		
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23 Judicial Branch

24	1,500,404	62,549	1,213	
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25 Executive Branch

26	16,287,213	15,761,090	7,069,902	360,858
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27 Montana University System

28	151,863	2,829	87,890	
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1	Total				
2		19,087,470	15,940,446	7,159,005	360,858
3		<u>18,547,391</u>	<u>15,940,445</u>		
4	Fiscal Year 2025				
5		General Fund	State Special	Federal Special	Proprietary
6	Legislative Branch				
7		1,234,471	191,918		
8	Consumer Counsel				
9			39,322		
10	Judicial Branch				
11		3,016,529	126,222	2,436	
12	Executive Branch				
13		34,028,318	31,855,010	14,300,816	726,453
14	Montana University System				
15		309,821	5,793	177,071	
16	Total				
17		38,589,138	32,218,266	14,480,323	726,453

(2) The following money for the indicated fiscal years is appropriated to the listed agencies to implement the adjustments provided in 2-18-501:

20	Fiscal Year 2024 and Fiscal Year 2025				
21		General Fund	State Special	Federal Special	Proprietary
22	Legislative Branch				
23		3,332	493		
24	Consumer Counsel				
25			35		
26	Judicial Branch				
27		2,720	294		
28	Executive Branch				

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1		63,452	137,403	73,570	1,605
2	Montana University System				
3		167		328	
4	Total	69,671	138,225	73,898	1,605

5 (3) The following money for the indicated fiscal year is appropriated to the Montana university  
6 system for the sole purpose of increasing employee pay.

7 Fiscal Year 2023 -- One-Time-Only

8	General Fund	State Special	Federal Special	Proprietary
9	3,227,045			

10 Fiscal Year 2024

11	General Fund	State Special	Federal Special	Proprietary
12	10,323,927			

13 Fiscal Year 2025

14	General Fund	State Special	Federal Special	Proprietary
15	<del>27,958,218</del>			

16 21,598,218

17 (4) The following money is appropriated for the biennium beginning July 1, 2023, from the  
18 designated state fund to the office of budget and program planning to be distributed to agencies when  
19 personnel vacancies do not occur, retirement costs exceed agency resources, or other contingencies arise:

20	General Fund	\$1,000,000
21	State Special Revenue	\$500,000
22	Federal Special Revenue	\$250,000
23	Proprietary Funds	\$50,000

24 (5) For the biennium beginning July 1, 2023, there is appropriated \$75,000 from the general fund  
25 to the department of administration for a labor-management training initiative.

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27 **NEW SECTION. Section 7. Effective dates.** (1) Except as provided in subsection (2), [this act] is  
28 effective on passage and approval.