

1 HOUSE BILL NO. 580
2 INTRODUCED BY B. MERCER
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING REPORTING REQUIREMENTS FOR
5 EXECUTIVE BRANCH AGENCIES, THE LEGISLATIVE BRANCH, AND THE JUDICIAL BRANCH ON FULL-
6 TIME EQUIVALENTS AND REQUESTS FOR INFORMATION_ MADE PURSUANT TO ARTICLE II, SECTION
7 9, OF THE MONTANA CONSTITUTION AND TITLE 2, CHAPTER 6, AND RELATED INFORMATION ON THE
8 EFFORTS AND EXPENSE TO FULFILL REQUESTS."

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

11
12 NEW SECTION. Section 1. Reporting. (1) To document the impacts and process associated with
13 compliance with information requests made pursuant to Article II, section 9, of the Montana constitution and
14 Title 2, chapter 6, each quarter, each executive branch agency, the legislative branch, and the judicial branch
15 shall submit a written report in accordance with 5-11-210 to the legislative finance committee.

- 16 (2) The report must contain the following information:
- 17 (a) the number of requests for information submitted to each entity in the preceding quarter;
 - 18 (b) the identity of each requester;
 - 19 (c) what information was requested;
 - 20 (d) the date of the request; and
 - 21 (e) the status of the request, whether completed or in progress.
- 22 (3) If the entity has completed the request, the report must also provide the following information:
- 23 (a) the date on which compliance with the request occurred;
 - 24 (b) the number of hours to fulfill the request;
 - 25 (c) costs imposed on the requester to fulfill the request; and
 - 26 (d) whether litigation ensued based on what was provided to the requester.
- 27 (4) For any request not completed in a quarter and reported pursuant to this section, the request

Amendment - 1st Reading-white - Requested by: Jonathan Karlen - (H) Legislative Administration

- 2023

68th Legislature 2023

Drafter: Joe Kolman, 406-444-3747

HB0580.001.004

1 must be reported on subsequent reports until the request has been completed.

2

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

7 (2) The report must:

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

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

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

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

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

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

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

21 (i) the amount paid per week for overtime for the work; and

22 (ii) whether the workers being paid overtime are performing duties beyond those that would be
23 performed by the state employee in the vacant FTE position if the position were filled; and

24 (d) (i) quantify how many modified FTE positions the agency or branch has, their job descriptions,
25 and the funding source for each modified FTE in the agency or branch; and

26 (ii) specify whether the modified FTE are expected to continue into the next biennium and, if so,
27 for how long.

Amendment - 1st Reading-white - Requested by: Jonathan Karlen - (H) Legislative Administration

- 2023

68th Legislature 2023

Drafter: Joe Kolman, 406-444-3747

HB0580.001.004

- 1 (3) For the purposes of this section:
- 2 (a) "FTE" means full-time equivalent personnel position; and
- 3 (b) "executive branch agency" includes the agencies headed by officers listed in Article VI, section
- 4 1, of the Montana constitution and the departments created pursuant to Article VI, section 7, of the Montana
- 5 constitution.

6

7 NEW SECTION. Section 3. Codification instruction. ~~[Section 1]~~ is [Sections 1 and 2] are intended

8 to be codified as an integral part of Title 17, chapter 8, part 4, and the provisions of Title 17, chapter 8, part 4,

9 apply to ~~[section 1]~~ sections 1 and 2.

10 - END -