

HOUSE BILL 430

Introduced by Driscoll

1/29	Introduced
1/29	Referred to State Administration
1/29	First Reading
2/01	Hearing
2/02	Fiscal Note Requested
2/08	Fiscal Note Received
2/12	Fiscal Note Printed
	Died in Committee

1 HOUSE BILL NO. 430
2 INTRODUCED BY [Signature]

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL THE STATE
5 CLASSIFICATION AND PAY PLAN; AMENDING SECTIONS 2-18-101,
6 2-18-104, 2-18-106, 2-18-204, 2-18-206, 2-18-601, 5-2-301,
7 AND 17-7-123, MCA; REPEALING SECTIONS 2-18-201, 2-18-202,
8 2-18-203, 2-18-205, 2-18-207, 2-18-208, 2-18-209, 2-18-301,
9 2-18-302, 2-18-303, 2-18-304, 2-18-305, 2-18-306, 2-18-312,
10 2-18-313, 2-18-314, AND 2-18-315, MCA; AND PROVIDING AN
11 EFFECTIVE DATE."

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

14 **Section 1.** Section 2-18-101, MCA, is amended to read:

15 **"2-18-101. Definitions.** As used in parts 1, through-3
16 2, 4, and part 10 of this chapter, the following definitions
17 apply:

18 (1) "Agency" means a department, board, commission,
19 office, bureau, institution, or unit of state government
20 recognized in the state budget.

21 (2) "Board" means the board of personnel appeals
22 established in 2-15-1705.

23 (3) ~~"Class" means one or more positions substantially~~
24 ~~similar with respect to the kind or nature of duties~~
25 ~~performed, responsibility assumed, and level of difficulty~~

1 so that the same descriptive title may be used to designate
2 each position allocated to the class, similar qualifications
3 may be required of persons appointed to the positions in the
4 class, and the same pay rate or pay grade may be applied
5 with equity.

6 (4) ~~"Class specification" means a written descriptive~~
7 ~~statement of the duties and responsibilities characteristic~~
8 ~~of a class of positions and includes the education,~~
9 ~~experience, knowledge, skills, abilities, and qualifications~~
10 ~~necessary to perform the work of the class.~~

11 (5)(3) "Compensation" means the annual or hourly wage
12 or salary and includes the state contribution to group
13 benefits under provisions of 2-18-703.

14 (6)(4) "Department" means the department of
15 administration created in 2-15-1001.

16 (7)(5) ~~Except in 2-18-306, "employee" "Employee" means~~
17 ~~any state employee other than an employee excepted under~~
18 ~~2-18-103 or 2-18-104 from the statewide classification~~
19 ~~system.~~

20 (8) ~~"Grade" means the number assigned to a pay range~~
21 ~~within a pay schedule in part 3 of this chapter.~~

22 (9)(6) "Job sharing" means the sharing by two or more
23 persons of a position that is considered an aggregate or
24 permanent position.

25 (10)(7) "Permanent position" means a position so

1 designated on the appropriate agency list of authorized
2 positions ~~referenced-in-2-18-206~~ and approved ~~as-such~~ in the
3 biennium budget.

4 ~~{11}~~(8) "Permanent status" means the state an employee
5 attains after satisfactorily completing an appropriate
6 probationary period in a permanent position.

7 ~~{12}~~(9) "Personal staff" means those positions occupied
8 by employees appointed by the elected officials enumerated
9 in Article VI, section 1, of the Montana constitution or by
10 the public service commission as a whole.

11 ~~{13}~~(10) "Position" means a collection of duties and
12 responsibilities currently assigned or delegated by
13 competent authority, requiring the full-time, part-time, or
14 intermittent employment of one person.

15 ~~{14}~~(11) "Program" means a combination of planned
16 efforts to provide a service.

17 ~~{15}~~(12) "Seasonal position" means a position so
18 designated on the appropriate agency list of authorized
19 positions ~~referenced-in-2-18-206~~ and which is a permanent
20 position but which is interrupted by the seasonal nature of
21 the position.

22 ~~{16}~~(13) "Temporary position" means a position so
23 designated on the appropriate agency list of authorized
24 positions ~~referenced-in-2-18-206~~, created for a definite
25 period of time not to exceed 9 months."

1 **Section 2.** Section 2-18-104, MCA, is amended to read:

2 **"2-18-104. Exemption for personal staff -- limit.** (1)
3 Subject to the limitations in subsections (2) and (3),
4 members of a personal staff are exempt from the application
5 of 2-18-204~~7~~,~~2-18-2057~~,~~2-18-2077~~, and 2-18-1011 through
6 2-18-1013.

7 (2) The personal staff who are exempted by subsection
8 (1) may not exceed 10 unless otherwise approved by the
9 department according to criteria developed by the
10 department. Under no circumstances may the total exemptions
11 of each elected official exceed 15.

12 (3) The number of members of the personal staff of the
13 public service commission who are exempted by subsection (1)
14 may not exceed 10."

15 **Section 3.** Section 2-18-106, MCA, is amended to read:

16 **"2-18-106. No limitation on legislative authority --**
17 **transfer of funds.** (1) Parts 17 and 27~~and-3~~ do not limit
18 the authority of the legislature relative to appropriations
19 for salary and wages. The budget director shall adjust his
20 determinations in accordance with legislative
21 appropriations.

22 (2) Unexpended agency appropriation balances in the
23 first year of the biennium may be transferred to the second
24 year of the biennium to offset the costs of pay increases."

25 **Section 4.** Section 2-18-204, MCA, is amended to read:

1 "2-18-204. Determination of number and--classes of
 2 employees in each agency. ~~{1}~~-Based-on-documentation-to-be
 3 submitted-by-each-agency, the department shall determine the
 4 classes-of-positions-of-employees-of-each-agency-or--program
 5 thereof--before--the--beginning--of--each-fiscal-year--At-any
 6 time, upon request of the agency, the department--may--amend
 7 the--classes--of--positions--of--employees--in-any-agency-or
 8 program-thereof;

9 ~~{2}~~(1) Based on documentation to be submitted by each
 10 agency, the budget director shall determine the number of
 11 positions and employees (full-time equivalents) of each
 12 agency or program thereof prior to preparation of the
 13 executive budget and before the beginning of each fiscal
 14 year. At any time, upon the request of the agency, the
 15 budget director may amend the number of positions or
 16 employees (full-time equivalents) in any agency or program
 17 thereof.

18 ~~{3}~~(2) This section does not limit legislative
 19 authority to amend the determinations of the department or
 20 the budget director."

21 **Section 5.** Section 2-18-206, MCA, is amended to read:

22 "2-18-206. List of positions maintained. To facilitate
 23 state budgeting and as directed by the budget director, each
 24 agency shall maintain a list of current authorized
 25 positions,--the--number--of--positions--in--each--class, and the

1 salaries salary or wages wage being paid, appropriated, or
 2 proposed for each class position."

3 **Section 6.** Section 2-18-601, MCA, is amended to read:

4 "2-18-601. Definitions. For the purpose of this part,
 5 except 2-18-620, the following definitions apply:

6 (1) "Agency" means any legally constituted department,
 7 board, or commission of state, county, or city government or
 8 any of their political subdivision-thereof subdivisions.

9 (2) "Employee" means any person employed by an agency
 10 except elected state, county, and city officials,
 11 schoolteachers, and persons contracted as independent
 12 contractors or hired under personal services contracts.

13 (3) "Permanent employee" means an employee who is
 14 assigned to a position designated as permanent on the
 15 appropriate list of authorized positions referenced--in
 16 2-18-206 and approved ~~as such~~ in the biennium budget.

17 (4) "Part-time employee" means an employee who normally
 18 works less than 40 hours a week.

19 (5) "Full-time employee" means an employee who normally
 20 works 40 hours a week.

21 (6) "Temporary employee" means an employee assigned to
 22 a position designated as temporary on the appropriate agency
 23 list of authorized positions referenced-in-2-18-206, created
 24 for a definite period of time not to exceed 9 months.

25 (7) "Seasonal employee" means an employee assigned to a

1 position designated as seasonal on the appropriate agency
2 list of authorized positions ~~referenced in 2-18-206~~ and for
3 which the agency has a permanent need but which is
4 interrupted by the seasonal nature of the assignment.

5 (8) "Vacation leave" means a leave of absence with pay
6 for the purpose of rest, relaxation, or personal business at
7 the request of the employee and with the concurrence of the
8 employer.

9 (9) "Sick leave" means a leave of absence with pay for
10 a sickness suffered by an employee or his immediate family.

11 (10) "Sick-pay plan" means a plan that:

12 (a) provides for an agency to make payments in lieu of
13 wages to employees on account of sickness or accident
14 disability; and

15 (b) meets the requirements of 42 U.S.C. 409(b) or (d).

16 (11) "Transfer" means a change of employment from one
17 agency to another agency in the same jurisdiction without a
18 break in service.

19 (12) "Continuous employment" means working within the
20 same jurisdiction without a break in service of more than 5
21 working days or without a continuous absence without pay of
22 more than 15 working days.

23 (13) "Break in service" means a period of time in excess
24 of 5 working days when the person is not employed and that
25 severs continuous employment."

1 **Section 7.** Section 5-2-301, MCA, is amended to read:

2 **"5-2-301. Compensation and expenses for members while**
3 **in session.** (1) Except as provided in subsection (7),
4 legislators are entitled to a ~~salary commensurate to that of~~
5 ~~the daily rate salary of a grade-8, step-27 classified state~~
6 ~~employee in effect \$56.44 when the regular session of the~~
7 ~~legislature in which they serve is convened under 5-2-103~~
8 for those days during which the legislature is in session.
9 The president of the senate and the speaker of the house
10 shall receive an additional \$5 a day in salary for those
11 days during which the legislature is in session.

12 (2) Legislators may serve for no salary.

13 (3) Legislators are entitled to \$50 a day, 7 days a
14 week, during a legislative session, as reimbursement for
15 expenses incurred in attending a session. Expense payments
16 shall stop when the legislature recesses for more than 3
17 days and shall resume when the legislature reconvenes.

18 (4) Legislators are entitled to a mileage allowance as
19 provided in 2-18-503 for each mile of travel to the place of
20 the holding of the session and to return to their place of
21 residence at the conclusion of the session.

22 (5) In addition to the mileage allowance provided for
23 in subsection (4), legislators, upon submittal of an
24 appropriate claim for such mileage reimbursement to the
25 office of the legislative council, are entitled to:

1 (a) three additional round trips to their place of
2 residence during each regular session; and

3 (b) such additional round trips as are authorized by
4 the legislature during special session.

5 (6) Legislators are not entitled to any additional
6 mileage allowance under subsection (4) for a special session
7 if it is convened within 7 days of a regular session.

8 (7) In lieu of the salary provided for in subsection
9 (1) and the expense allowance provided for in subsection
10 (3), a legislator may receive remuneration for services
11 performed during a legislative session. A legislator
12 choosing to receive remuneration for services performed
13 shall file a request to receive payment under this
14 subsection with the accounting office of the legislative
15 council. A legislator exercising the option to receive
16 remuneration for services performed may not receive more
17 remuneration than legislators paid pursuant to subsections
18 (1) and (3). Remuneration for services performed must be
19 reduced \$50 a day when the legislature recesses for more
20 than 3 days."

21 **Section 8.** Section 17-7-123, MCA, is amended to read:

22 "17-7-123. Form of executive budget. The budget
23 submitted ~~shall set forth~~ must provide a balanced financial
24 plan for the state government for each fiscal year of the
25 ensuing biennium, ~~which plan and shall~~ must consist of:

1 (1) a consolidated budget summary setting forth the
2 aggregate figures of the budget ~~in such manner as~~ to show a
3 balance between the total proposed disbursements and the
4 total anticipated receipts, together with the other means of
5 financing the budget for each fiscal year of the ensuing
6 biennium, contrasted with the corresponding figures for the
7 last completed fiscal year and the fiscal year in progress.
8 The consolidated budget summary ~~shall~~ must be supported by
9 explanatory schedules or statements, classifying receipts
10 and disbursements ~~contained therein~~ by fund and, where
11 applicable, organizational unit;

12 (2) an analysis of the actual and projected receipts,
13 disbursements, and solvency of each accounting entity within
14 each fund for the current and subsequent biennium;

15 (3) a detailed analysis of receipts by accounting
16 entity within fund indicating classification and source of
17 funds;

18 (4) a departmental analysis summarizing past and
19 proposed spending plans by agency and the means of financing
20 the proposed plan. Information presented ~~shall~~ must include
21 the following:

22 (a) a statement of departmental goals and objectives
23 and a statement of goals and objectives for each program of
24 the department;

25 (b) the current funding level and the modified funding

1 level, if any, for each department and each program of the
 2 department. The funding levels must show the number of
 3 employees who were given a pay grade change ~~under--the--pay~~
 4 ~~schedule--adopted--pursuant--to--2-18-303~~ and the net cost to
 5 the agency for ~~such-grade~~ the changes for the biennium. The
 6 changes must be listed in tabular form by:

- 7 (i) position description;
 8 ~~(ii)-grade-assigned-prior-to-the-completed-fiscal-year;~~
 9 ~~(iii)-grade-assigned-during-the-completed-fiscal-year;~~
 10 ~~(iv)-grade-assigned-during-the-current-fiscal-year;~~
 11 ~~(v)~~(ii) recommended grade pay for the ensuing biennium;
 12 ~~(vi)~~(iii) dollar difference for the upgrade-or-downgrade
 13 increase or decrease for each position; and
 14 ~~(vii)~~(iv) net cost to the agency for grade pay changes;
 15 (c) actual disbursements for the completed fiscal year
 16 of the current biennium, estimated disbursements for the
 17 current fiscal year, and governor's recommendations for the
 18 ensuing biennium by program;
 19 (d) actual disbursements for the completed fiscal year
 20 of the current biennium, estimated disbursements for the
 21 current fiscal year, and governor's recommendations for the
 22 ensuing biennium by disbursement category; and
 23 (e) a statement containing further recommendations of
 24 the governor should he ~~deem~~ consider it necessary;
 25 (5) detailed recommendations for the state long-range

1 building program. Each recommendation ~~shall~~ must be
 2 presented by department, institution, agency, or branch by
 3 funding source, with a description of each proposed project.
 4 An appropriation measure ~~shall~~ must be presented by project,
 5 source of funding, and department, agency, institution, or
 6 branch for which the project is primarily intended.

7 (6) appropriation measures detailed by program, fund,
 8 and accounting entity, authorizing disbursements and related
 9 restrictions ~~thereto~~ to disbursements by department,
 10 institution, or agency of the state."

11 NEW SECTION. Section 9. Repealer. Sections 2-18-201,
 12 2-18-202, 2-18-203, 2-18-205, 2-18-207, 2-18-208, 2-18-209,
 13 2-18-301, 2-18-302, 2-18-303, 2-18-304, 2-18-305, 2-18-306,
 14 2-18-312, 2-18-313, 2-18-314, and 2-18-315, MCA, are
 15 repealed.

16 NEW SECTION. Section 10. Effective date. [This act] is
 17 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0430, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill to repeal the state classification and pay plan.

ASSUMPTIONS:

1. Classification would still be a function of the executive branch under the general policy setting authority established in 2.18.102, MCA.
2. The function will require the same amount of staffing as current law.
3. Personal service costs will increase under the bill. However, it is difficult to determine the magnitude of the change in advance of negotiations.
4. Modifications to the P/P/P and warrant systems due to the bill will cost \$3,300 in FY 92.

FISCAL IMPACT:


Expenditures:


Statewide; all funds:

The proposal will increase personal services expenditures. However, since there is no way to determine the affect on each agency's budget, the increased cost cannot be accurately appropriated. Therefore, the increased costs will be funded by vacancy savings and/or reductions in operating expenditures.

State Auditor's Office, State Payroll Division:

The proposal will increase operating costs by \$3,300 in FY 92. These costs would be funded by the general fund.


ROD SUNDSTED, BUDGET DIRECTOR DATE 2-7-91
Office of Budget and Program Planning


JERRY L. DRISCOLL, PRIMARY SPONSOR DATE

Fiscal Note for HB0430, as introduced

HB 430