

SENATE BILL NO. 330

INTRODUCED BY MANNING, SWYSGOOD, LYNCH,
HARPER, PETERSON, JACOBSON

IN THE SENATE

FEBRUARY 8, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & INDUSTRY.

FIRST READING.

FEBRUARY 20, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 21, 1991 PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 22, 1991 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 47; NOES, 3.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & ECONOMIC DEVELOPMENT.

FIRST READING.

MARCH 20, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

APRIL 6, 1991 SECOND READING, CONCURRED IN.

ON MOTION, RULES SUSPENDED. BILL
PLACED ON THIRD READING THIS DAY.

THIRD READING, CONCURRED IN.
AYES, 93; NOES, 4.

RETURNED TO SENATE.

IN THE SENATE

APRIL 9, 1991 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0330, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


An act authorizing the executive secretary of the Board of Horseracing, subject to the Board of Horseracing rules, to prescribe the duties and salary of individuals employed as state stewards at authorized Montana race meets; exempting state stewards from the state compensation and pay plan; amending sections 2-18-103 and 23-4-106, MCA; and providing an immediate effective date.

ASSUMPTIONS:

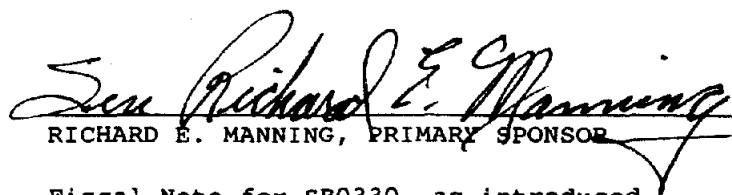
1. The state stewards have historically been employed and paid at a daily rate set each year by the board, which had the effect of making them exempt from the state compensation and pay plan.
2. Recently the Personnel Division of the Department of Administration determined that state stewards are not being compensate appropriately according to state compensation rules because they are not included in the "exempt from classification" status in MCA.
3. The executive budget recommendation for the Board of Horseracing of the Department of Commerce currently contains the cost for exempt state steward positions.

FISCAL IMPACT:

None



ROD SUNDSTED, BUDGET DIRECTOR 2-14-91 DATE
Office of Budget and Program Planning



RICHARD E. MANNING, PRIMARY SPONSOR 2/15/91 DATE
Fiscal Note for SB0330, as introduced. SB 330

1 *Senate* BILL NO. *330*
 2 INTRODUCED BY *Richard E. Manning*
 3 *Hayden Peterson*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
 5 EXECUTIVE SECRETARY OF THE BOARD OF HORSERACING, SUBJECT TO
 6 BOARD OF HORSERACING RULES, TO PRESCRIBE THE DUTIES AND
 7 SALARY OF INDIVIDUALS EMPLOYED AS STATE STEWARDS AT
 8 AUTHORIZED MONTANA RACE MEETS; EXEMPTING STATE STEWARDS FROM
 9 THE STATE COMPENSATION AND PAY PLAN; AMENDING SECTIONS
 10 2-18-103 AND 23-4-106, MCA; AND PROVIDING AN IMMEDIATE
 11 EFFECTIVE DATE."
 12

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

14 **Section 1.** Section 23-4-106, MCA, is amended to read:

15 "23-4-106. Executive secretary -- powers and duties --
 16 staff -- prohibition on racing activities. (1) The
 17 department shall appoint an executive secretary for the
 18 board.

19 (2) The executive secretary, in accordance with rules
 20 adopted by the board and provisions of this chapter, shall:

- 21 (a) supervise race meets and activities of racing
 22 officials;
- 23 (b) hire all state racing officials for the department;
- 24 (c) inspect race facilities; and
- 25 (d) prescribe the duties and salary of state stewards;

1 and
 2 (d)(e) perform other duties as directed by the board.
 3 (3) The executive secretary may, subject to the
 4 approval of the board, hire staff to assist him in
 5 performing his duties.
 6 (4) The executive secretary, a member of his staff, and
 7 any member of the executive secretary's or a staff member's
 8 immediate family are prohibited from owning, training, or
 9 having any interest in a racehorse or mule running on a
 10 Montana track or having any financial interest in any
 11 Montana racing association. No racing official hired by the
 12 department or approved by the board may wager at a race meet
 13 at which he presides."

14 **Section 2.** Section 2-18-103, MCA, is amended to read:

15 "2-18-103. Officers and employees excepted. Parts 1 and
 16 2 do not apply to the following positions in state
 17 government:

- 18 (1) elected officials;
- 19 (2) county assessors and their chief deputy;
- 20 (3) officers and employees of the legislative branch;
- 21 (4) judges and employees of the judicial branch;
- 22 (5) members of boards and commissions appointed by the
 23 governor, the legislature, or other elected state officials;
- 24 (6) officers or members of the militia;
- 25 (7) agency heads appointed by the governor;

1 (8) academic and professional administrative personnel
2 with individual contracts under the authority of the board
3 of regents of higher education;

4 (9) academic and professional administrative personnel
5 and live-in houseparents who have entered into individual
6 contracts with the state school for the deaf and blind under
7 the authority of the state board of public education;

8 (10) teachers under the authority of the department of
9 institutions or family services;

10 (11) investment officer, assistant investment officer,
11 executive director, and three professional staff positions
12 of the board of investments;

13 (12) four professional staff positions under the board
14 of oil and gas conservation;

15 (13) assistant director for security of the Montana
16 state lottery;

17 (14) executive director and senior investment officer of
18 the Montana board of science and technology development; and

19 (15) executive director and employees of the state
20 compensation mutual insurance fund; and

21 (16) state racing stewards employed by the executive
22 secretary of the Montana board of horseracing."

23 **NEW SECTION. Section 3.** Effective date. [This act] is
24 effective on passage and approval.

-End-

APPROVED BY COMM. ON BUSINESS & INDUSTRY

1 *Senate* BILL NO. *330*
 2 INTRODUCED BY *Richard E. Manning*
 3 *Wayne Peterson*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
 5 EXECUTIVE SECRETARY OF THE BOARD OF HORSERACING, SUBJECT TO
 6 BOARD OF HORSERACING RULES, TO PRESCRIBE THE DUTIES AND
 7 SALARY OF INDIVIDUALS EMPLOYED AS STATE STEWARDS AT
 8 AUTHORIZED MONTANA RACE MEETS; EXEMPTING STATE STEWARDS FROM
 9 THE STATE COMPENSATION AND PAY PLAN; AMENDING SECTIONS
 10 2-18-103 AND 23-4-106, MCA; AND PROVIDING AN IMMEDIATE
 11 EFFECTIVE DATE."
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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 23-4-106, MCA, is amended to read:

15 "23-4-106. Executive secretary -- powers and duties --
 16 staff -- prohibition on racing activities. (1) The
 17 department shall appoint an executive secretary for the
 18 board.

19 (2) The executive secretary, in accordance with rules
 20 adopted by the board and provisions of this chapter, shall:

- 21 (a) supervise race meets and activities of racing
- 22 officials;
- 23 (b) hire all state racing officials for the department;
- 24 (c) inspect race facilities; and
- 25 (d) prescribe the duties and salary of state stewards;

1 and

2 ~~(d)~~(e) perform other duties as directed by the board.

3 (3) The executive secretary may, subject to the
 4 approval of the board, hire staff to assist him in
 5 performing his duties.

6 (4) The executive secretary, a member of his staff, and
 7 any member of the executive secretary's or a staff member's
 8 immediate family are prohibited from owning, training, or
 9 having any interest in a racehorse or mule running on a
 10 Montana track or having any financial interest in any
 11 Montana racing association. No racing official hired by the
 12 department or approved by the board may wager at a race meet
 13 at which he presides."

14 **Section 2.** Section 2-18-103, MCA, is amended to read:

15 "2-18-103. Officers and employees excepted. Parts 1 and
 16 2 do not apply to the following positions in state
 17 government:

- 18 (1) elected officials;
- 19 (2) county assessors and their chief deputy;
- 20 (3) officers and employees of the legislative branch;
- 21 (4) judges and employees of the judicial branch;
- 22 (5) members of boards and commissions appointed by the
- 23 governor, the legislature, or other elected state officials;
- 24 (6) officers or members of the militia;
- 25 (7) agency heads appointed by the governor;



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1 (8) academic and professional administrative personnel
2 with individual contracts under the authority of the board
3 of regents of higher education;

4 (9) academic and professional administrative personnel
5 and live-in houseparents who have entered into individual
6 contracts with the state school for the deaf and blind under
7 the authority of the state board of public education;

8 (10) teachers under the authority of the department of
9 institutions or family services;

10 (11) investment officer, assistant investment officer,
11 executive director, and three professional staff positions
12 of the board of investments;

13 (12) four professional staff positions under the board
14 of oil and gas conservation;

15 (13) assistant director for security of the Montana
16 state lottery;

17 (14) executive director and senior investment officer of
18 the Montana board of science and technology development; and

19 (15) executive director and employees of the state
20 compensation mutual insurance fund; and

21 (16) state racing stewards employed by the executive
22 secretary of the Montana board of horseracing."

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 3 *Hayden Peterson*
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 8 AUTHORIZED MONTANA RACE MEETS; EXEMPTING STATE STEWARDS FROM
 9 THE STATE COMPENSATION AND PAY PLAN; AMENDING SECTIONS
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14 **Section 1.** Section 23-4-106, MCA, is amended to read:

15 "23-4-106. Executive secretary -- powers and duties --
 16 staff -- prohibition on racing activities. (1) The
 17 department shall appoint an executive secretary for the
 18 board.

19 (2) The executive secretary, in accordance with rules
 20 adopted by the board and provisions of this chapter, shall:

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 22 officials;
- 23 (b) hire all state racing officials for the department;
- 24 (c) inspect race facilities; and
- 25 (d) prescribe the duties and salary of state stewards;

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2 (d)(e) perform other duties as directed by the board.

3 (3) The executive secretary may, subject to the
 4 approval of the board, hire staff to assist him in
 5 performing his duties.

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 7 any member of the executive secretary's or a staff member's
 8 immediate family are prohibited from owning, training, or
 9 having any interest in a racehorse or mule running on a
 10 Montana track or having any financial interest in any
 11 Montana racing association. No racing official hired by the
 12 department or approved by the board may wager at a race meet
 13 at which he presides."

14 **Section 2.** Section 2-18-103, MCA, is amended to read:

15 "2-18-103. Officers and employees excepted. Parts 1 and
 16 2 do not apply to the following positions in state
 17 government:

- 18 (1) elected officials;
- 19 (2) county assessors and their chief deputy;
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- 22 (5) members of boards and commissions appointed by the
 23 governor, the legislature, or other elected state officials;
- 24 (6) officers or members of the militia;
- 25 (7) agency heads appointed by the governor;

1 (8) academic and professional administrative personnel
2 with individual contracts under the authority of the board
3 of regents of higher education;

4 (9) academic and professional administrative personnel
5 and live-in houseparents who have entered into individual
6 contracts with the state school for the deaf and blind under
7 the authority of the state board of public education;

8 (10) teachers under the authority of the department of
9 institutions or family services;

10 (11) investment officer, assistant investment officer,
11 executive director, and three professional staff positions
12 of the board of investments;

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14 of oil and gas conservation;

15 (13) assistant director for security of the Montana
16 state lottery;

17 (14) executive director and senior investment officer of
18 the Montana board of science and technology development; and

19 (15) executive director and employees of the state
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22 secretary of the Montana board of horseracing."

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17 staff -- prohibition on racing activities. (1) The
18 department shall appoint an executive secretary for the
19 board.

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23 officials;
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5 approval of the board, hire staff to assist him in
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8 any member of the executive secretary's or a staff member's
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8 the authority of the state board of public education;
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