

Senate
Law BILL NO. 319

1
2 INTRODUCED BY _____

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE ORDERS OF THE
5 BOARD OF PERSONNEL APPEALS IN CLASSIFICATION AND WAGE
6 PROCEEDINGS BINDING; AMENDING SECTIONS 59-910, 59-911, AND
7 82-109.4, R.C.M. 1947; AND PROVIDING AN IMMEDIATE EFFECTIVE
8 DATE."

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

11 Section 1. Section 59-910, R.C.M. 1947, is amended to
12 read as follows:

13 "59-910. ~~Budget-director--authorization~~ Authorization
14 for increase of salary or wage of class. Except when
15 otherwise ordered by the board of personnel appeals in a
16 proceeding under this chapter, an An agency may not increase
17 the salary or wage of any class of positions without
18 authorization of the budget director."

19 Section 2. Section 59-911, R.C.M. 1947, is amended to
20 read as follows:

21 "59-911. ~~Budget--director--authorization~~ Authorization
22 for increase in number and class of positions of agency.
23 Except when otherwise ordered by the board of personnel
24 appeals in a proceeding under this chapter, an An agency may
25 not increase the number and class of positions under its

1 authority without the authorization of the budget director."
2 Section 3. Section 82-109.4, R.C.M. 1947, is amended
3 to read as follows:

4 "82-109.4. Salary schedules maintained by department.
5 (1) The department shall maintain a schedule of all salaries
6 paid to personnel of civil executive state offices and shall
7 only approve payroll claims agreeing with that schedule.

8 (2) All changes in personnel or salary status shall be
9 authorized as provided by law, and the department shall
10 alter the schedule accordingly when notified by the
11 authorizing agency.

12 (3) Except when otherwise ordered by the board of
13 personnel appeals in a proceeding under Title 59, chapter 9
14 However, no changes in personnel or salary status may be
15 authorized that will cause an agency to exceed its
16 appropriation or that will result in a deficiency or
17 supplemental appropriation request to the legislative
18 assembly."

19 Section 4. Effective date. This act is effective upon
20 passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 462-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 10, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 379 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to make orders of the Board of Personnel Appeals in classification and wage proceedings binding.

ASSUMPTIONS:

1. No increase in workload or costs will be required.
2. This legislation conflicts with authority of the Budget Director as stated in Section 82-109.4(3), R.C.M. 1947.

FISCAL IMPACT:

None in either year of the biennium to the Board of Personnel Appeals. This legislation could have a great effect on state government budgets, however, if orders of the Board of Personnel Appeals required state departments and agencies to exceed appropriations.

Richard L. Zung
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-17-77

Approved by Committee
on State Administration

1 SENATE BILL NO. 379

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3 to read as follows:

4 "82-109.4. Salary schedules maintained by department.
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6 paid to personnel of civil executive state offices and shall
7 only approve payroll claims agreeing with that schedule.

8 (2) All changes in personnel or salary status shall be
9 authorized as provided by law, and the department shall
10 alter the schedule accordingly when notified by the
11 authorizing agency.

12 (3) Except when otherwise ordered by the board of
13 personnel appeals in a proceeding under Title 59, chapter 9
14 However, no changes in personnel or salary status may be
15 authorized that will cause an agency to exceed its
16 appropriation or that will result in a deficiency or
17 supplemental appropriation request to the legislative
18 assembly."

19 SECTION 4. THERE IS A NEW R.C.M. SECTION THAT READS AS
20 FOLLOWS:

21 Participation of budget director in proceedings. The
22 board shall notify the budget director of the filing of an
23 appeal under Title 59, chapter 9. The budget director may
24 participate as a party in any such proceedings. The budget
25 director shall be served with a copy of the board's decision

SECOND READING

1 on such appeals and may, within ten days, petition to appear
2 before the board and present information as to the fiscal
3 impact of the decision. The board may reconsider its
4 decision and affirm, modify or alter the decision as it
5 deems appropriate.

6 Section 5. Effective date. This act is effective upon
7 passage and approval.

-End-

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6 PROCEEDINGS BINDING; AMENDING SECTIONS 59-910, AND 59-911,
7 AND ~~82-1094~~ R.C.M. 1947; AND PROVIDING AN IMMEDIATE
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1 authority without the authorization of the budget director."

2
3 ~~Section 3. Section 82-1094, R.C.M. 1947, is amended~~
4 ~~to read as follows:~~

5 "~~82-1094. Salary-schedules-maintained-by-departments~~
6 ~~111 The department shall maintain a schedule of all salaries~~
7 ~~paid to personnel of civil executive state offices and shall~~
8 ~~only approve payroll claims agreeing with that schedule~~

9 ~~121 All changes in personnel or salary status shall be~~
10 ~~authorized as provided by law and the department shall~~
11 ~~alter the schedule accordingly when notified by the~~
12 ~~authorizing agency~~

13 ~~131 Except when otherwise ordered by the board of~~
14 ~~personnel appeals in a proceeding under Title 59, chapter 9~~
15 ~~however, no changes in personnel or salary status may be~~
16 ~~authorized that will cause an agency to exceed its~~
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18 ~~supplemental appropriation request to the legislative~~
19 ~~assembly."~~

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2 before the board and present information as to the fiscal
3 impact of the decision. The board may reconsider its
4 decision and affirm, modify or alter the decision it
5 deems appropriate.

6 Section 4. Effective date. This act is effective upon
7 passage and approval.

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