

HOUSE BILL 58

IN THE HOUSE

January 4, 1979	Introduced and referred to Committee on State Administration.
January 6, 1979	On motion, joint rule 6-6 suspended and sponsor's signature allowed to be added to bills.
January 12, 1979	Committee recommend bill, do not pass.
January 13, 1979	Report adopted. Objection.
January 15, 1979	Printed and placed on members' desks.
January 16, 1979	On motion, taken from second reading and referred to Committee on State Administration.

1 HOUSE BILL NO. 58
 2 INTRODUCED BY _____
 3 BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT 10 MEMBERS OF
 6 THE PERSONAL STAFF OF THE PUBLIC SERVICE COMMISSION AS A
 7 WHOLE FROM CERTAIN PROVISIONS OF THE STATE EMPLOYMENT
 8 CLASSIFICATION AND PAY PLAN; AMENDING SECTIONS 2-18-101,
 9 2-18-103, 2-18-104, and 2-18-201, MCA."
 10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 2-18-101, MCA, is amended to read:
 13 2-18-101. Definitions. As used in parts 1 through 3
 14 of this chapter, the following definitions apply:
 15 (1) "Agency" means a department, board, commission,
 16 office, bureau, institution, or unit of state government
 17 recognized in the state budget.
 18 (2) "Compensation" means the annual wage or salary
 19 plus the annual state contribution of health insurance
 20 premiums under provisions of 2-18-703.
 21 (3) "Department" means the department of
 22 administration.
 23 (4) Except in 2-18-306, "employee" means any state
 24 employee other than an employee excepted under 2-18-103 or
 25 ~~2-18-104~~ from the statewide classification system.

1 (5) "Personal staff" means those positions occupied by
 2 employees appointed by the an elected officials official
 3 enumerated in ~~2-18-103(10)~~ Article VI, section 1, of the
 4 constitution of Montana or by the public service commission
 5 as a whole.
 6 (6) "Position" means a collection of duties and
 7 responsibilities currently assigned or delegated by
 8 competent authority, requiring the full-time, part-time, or
 9 intermittent employment of one person.
 10 (7) "Program" means a combination of planned efforts
 11 to provide a service."
 12 Section 2. Section 2-18-103, MCA, is amended to read:
 13 "2-18-103. Officers and employees excepted. Parts 1
 14 and 2 do not apply to the following positions in state
 15 government:
 16 (1) elected officials and their chief deputy and
 17 executive secretary;
 18 (2) officers and employees of the legislative branch;
 19 (3) judges and employees of the judicial branch;
 20 (4) members of boards and commissions appointed by the
 21 governor, appointed by the legislature, or appointed by
 22 other elected state officials;
 23 (5) officers or members of the militia;
 24 (6) agency heads appointed by the governor;
 25 (7) academic and professional administrative personnel

1 with individual contracts under the authority of the board
2 of regents of higher education;

3 (8) academic and professional administrative personnel
4 who have entered into individual contracts with the state
5 school for the deaf and blind under the authority of the
6 state board of public education;

7 (9) teachers under the authority of the department of
8 institutions;

9 ~~(10) personal staff of the elected officials enumerated~~
10 ~~in Article VI, section IV of the constitution of Montana are~~
11 ~~exempt from 2-18-204, 2-18-205, 2-18-207, and 2-18-1011~~
12 ~~through 2-18-1013;~~

13 ~~(11) legal services staff and the special assistant~~
14 ~~attorneys general under the direct control of the attorney~~
15 ~~general."~~

16 Section 3. Section 2-18-104, MCA, is amended to read:

17 "2-18-104. ~~Persons~~ Exemption for personal staff of
18 ~~elected officials -- limit. (1) Subject to the limitations~~
19 ~~in subsection (2), members of a personal staff are exempt~~
20 ~~from the application of 2-18-204, 2-18-205, 2-18-207, and~~
21 ~~2-18-1011 through 2-18-1013.~~

22 (2) The personal staff of each of the elected
23 officials may not exceed 10 unless otherwise approved by the
24 department according to criteria developed by the
25 department. The number of members of the personal staff of

1 the public service commission who are exempted by subsection
2 (1) may not exceed 10 unless otherwise approved by the
3 department according to criteria approved by the
4 department."

5 Section 4. Section 2-18-201, MCA, is amended to read:

6 "2-18-201. Development of personnel classification
7 plan. The department shall develop a personnel
8 classification plan for all state positions and classes of
9 positions in state service following hearings involving
10 affected employees and employee organizations, except those
11 exempt in 2-18-103 or 2-18-104."

-End-

STATE OF MONTANA

REQUEST NO. 89-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 24, 19 79, there is hereby submitted a Fiscal Note for HB 58 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

A proposal to exempt 10 personal staff of the Public Service Commission from certain provisions of the state employment classification and pay plan.

Assumptions:

(1) The Commission would exempt six positions from the pay plan in the 1980-1981 biennium; three attorneys, Administrator of the Utility Division, Administrator of the Transportation Division and the Utility Division's Economist.

(2) Two attorneys would receive a flat sum of \$20,000/year and the other attorney would receive \$25,000/year for the biennium. These attorneys would in turn sign a contract to remain with the Commission for a period of five years, the last three years of which they would be payed the higher of the above contract amounts or the pay plan wage.

(3) Each Administrator would receive \$1,000/year increase over the present pay plan amounts.

(4) The Economist would be payed the same wage as is presently payed the Commission's CPA.

FISCAL IMPACT:

	1980			1981		
	Amt. under Existing Law	Amt. under Proposed Law	Inc.	Amt. under Existing Law	Amt. under Proposed Law	Inc.
Personal Services	\$139,929	\$150,303	\$10,374	\$149,939	\$155,675	\$5,736

Increased costs must be funded with General Fund.

LONG RANGE IMPACT:

If the Commissioner elects to exempt an additional four positions, there may be an additional cost increase.

Richard L. Franzen
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/30/79

Objection Raised to
Adverse Committee Report

State Administration

HOUSE BILL NO. 58

INTRODUCED BY KANDUCH

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT 10 MEMBERS OF THE PERSONAL STAFF OF THE PUBLIC SERVICE COMMISSION AS A WHOLE FROM CERTAIN PROVISIONS OF THE STATE EMPLOYMENT CLASSIFICATION AND PAY PLAN; AMENDING SECTIONS 2-18-101, 2-18-103, 2-18-104, and 2-18-201, MCA."

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

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

"2-18-101. Definitions. As used in parts 1 through 3 of this chapter, the following definitions apply:

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

(2) "Compensation" means the annual wage or salary plus the annual state contribution of health insurance premiums under provisions of 2-18-703.

(3) "Department" means the department of administration.

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

(5) "Personal staff" means those positions occupied by employees appointed by the ~~an~~ elected ~~officers~~ official enumerated in ~~2-18-103(10)~~ Article VI, section 1, of the constitution of Montana or by the public service commission as a whole.

(6) "Position" means a collection of duties and responsibilities currently assigned or delegated by competent authority, requiring the full-time, part-time, or intermittent employment of one person.

(7) "Program" means a combination of planned efforts to provide a service."

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

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

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- (2) officers and employees of the legislative branch;
- (3) judges and employees of the judicial branch;
- (4) members of boards and commissions appointed by the governor, appointed by the legislature, or appointed by other elected state officials;
- (5) officers or members of the militia;
- (6) agency heads appointed by the governor;
- (7) academic and professional administrative personnel

1 with individual contracts under the authority of the board
2 of regents of higher education;

3 (8) academic and professional administrative personnel
4 who have entered into individual contracts with the state
5 school for the deaf and blind under the authority of the
6 state board of public education;

7 (9) teachers under the authority of the department of
8 institutions;

9 ~~{10} personal staff of the elected officials enumerated~~
10 ~~in Article V of the constitution of Montana are~~
11 ~~exempt from 2-18-204, 2-18-205, 2-18-207, and 2-18-101~~
12 ~~through 2-18-1013;~~

13 ~~{11} {10} legal services staff and the special assistant~~
14 ~~attorneys general under the direct control of the attorney~~
15 ~~general."~~

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18 ~~elected officials -- limit. (1) Subject to the limitations~~
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23 officials may not exceed 10 unless otherwise approved by the
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7 plan. The department shall develop a personnel
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9 positions in state service following hearings involving
10 affected employees and employee organizations, except those
11 exempt in 2-18-103 or 2-18-104."

-End-