

CHAPTER NO. 512.

HOUSE BILL NO. 886

INTRODUCED BY THE STATE ADMINISTRATION COMMITTEE

IN THE HOUSE

February 20, 1979	Introduced and referred to Committee on State Administration. Committee recommend bill do pass. Report adopted.
February 22, 1979	Second reading, do pass as amended.
February 23, 1979	Correctly engrossed. Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on State Administration.
March 22, 1979	Committee recommend bill be concurred in. Report adopted.
March 24, 1979	Second reading, concurred in.
March 27, 1979	Third reading, concurred in.

IN THE HOUSE

March 28, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 House BILL NO. 886
2 INTRODUCED BY the State Administration Comm.

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS
5 RELATING TO EMPLOYEE EXEMPTIONS FROM THE STATE PAY PLAN;
6 AMENDING SECTIONS 2-18-101, 2-18-103, 2-18-104, AND
7 2-18-201, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 2-18-101, MCA, is amended to read:
11 "2-18-101. Definitions. As used in parts 1 through 3
12 of this chapter, the following definitions apply:

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

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

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

21 (4) Except in 2-18-306, "employee" means any state
22 employee other than an employee excepted under 2-18-103 or
23 2-18-104 from the statewide classification system.

24 (5) "Personal staff" means those positions occupied by
25 employees appointed by the elected officials enumerated in

1 ~~2-18-103~~ Article VI, section 1, of the Montana
2 constitution or by the public service commission as a whole.

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

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

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

10 "2-18-103. Officers and employees excepted. Parts 1
11 and 2 do not apply to the following positions in state
12 government:

13 (1) elected officials ~~and their chief deputy and~~
14 ~~executive secretary;~~

15 (2) county assessors and their deputies;

16 ~~(2)(1)~~ officers and employees of the legislative
17 branch;

18 ~~(3)(1)~~ judges and employees of the judicial branch;

19 ~~(4)(1)~~ members of boards and commissions appointed by
20 the governor, appointed by the legislature, or appointed by
21 other elected state officials;

22 ~~(5)(1)~~ officers or members of the militia;

23 ~~(6)(1)~~ agency heads appointed by the governor;

24 ~~(7)(1)~~ academic and professional administrative
25 personnel with individual contracts under the authority of

1 the board of regents of higher education;

2 ~~{8}{19}~~ academic and professional administrative
3 personnel who have entered into individual contracts with
4 the state school for the deaf and blind under the authority
5 of the state board of public education;

6 ~~{9}{10}~~ teachers under the authority of the department
7 of institutions;

8 ~~{10}-personal-staff-of-the-elected-officials-enumerated~~
9 ~~in-Article-Viv-section-iv-of-the-constitution-of-Montana-are~~
10 ~~exempt-from--2-18-204--2-18-205--2-18-207--and--2-18-103~~
11 ~~through-2-18-103~~

12 ~~{11}-legal--services--staff--and--the-special-assistant~~
13 ~~attorneys-general-under-the-direct-control-of--the--attorney~~
14 ~~general~~

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

16 "2-18-104. ~~Personal~~ Exemption for personal staff of
17 ~~elected-officials -- limit. (1) Subject to the limitations~~
18 ~~in subsections (2) and (3), members of a personal staff are~~
19 ~~exempt from the application of 2-18-204, 2-18-205, 2-18-207,~~
20 ~~and 2-18-101 through 2-18-103.~~

21 (2) The personal staff of--each--of--the--elected
22 officials who are exempted by subsection (1) may not exceed
23 10 unless otherwise approved by the department according to
24 criteria developed by the department. Under no circumstances
25 may the total exemptions of each elected official exceed 15.

1 (3) The number of members of the personal staff of the
2 public service commission who are exempted by subsection (1)
3 may not exceed 5 and must be approved by the department
4 according to criteria approved by the 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 and 2-18-104."

-End-

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A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING TO EMPLOYEE EXEMPTIONS FROM THE STATE 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 elected officials enumerated in

~~2-18-103(10) Article VI, section 1, of the Montana constitution 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:

(1) elected officials and ~~their chief deputy and executive secretary;~~

~~(2) county assessors and their deputies~~ CHIEF DEPUTY;

~~(3) officers and employees of the legislative branch;~~

~~(4) judges and employees of the judicial branch;~~

~~(5) members of boards and commissions appointed by the governor, appointed by the legislature, or appointed by other elected state officials;~~

~~(6) officers or members of the militia;~~

~~(7) agency heads appointed by the governor;~~

~~(8) academic and professional administrative personnel with individual contracts under the authority of~~

1 the board of regents of higher education;
 2 ~~{8}{9}~~ academic and professional administrative
 3 personnel who have entered into individual contracts with
 4 the state school for the deaf and blind under the authority
 5 of the state board of public education;

6 ~~{9}{10}~~ teachers under the authority of the department
 7 of institutions;

8 ~~{10}-personnel-staff-of-the-elected-officials-enumerated~~
 9 ~~in-Article-VI-section-17-of-the-constitution-of-Montana-are~~
 10 ~~exempt-from-2-18-204-2-18-205-2-18-207-and-2-18-1011~~
 11 ~~through-2-18-1013;~~

12 ~~{11}-legal-services-staff-and-the-special-assistant~~
 13 ~~attorneys-general-under-the-direct-control-of-the-attorney~~
 14 ~~general;~~

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

16 "2-18-104. Personnel Exemption for personal staff of
 17 elected-officials -- limit. (1) Subject to the limitations
 18 in subsections (2) and (3), members of a personal staff are
 19 exempt from the application of 2-18-204, 2-18-205, 2-18-207,
 20 and 2-18-1011 through 2-18-1013.

21 (2) The personal staff of ~~each of the~~ elected
 22 officials who are exempted by subsection (1) may not exceed
 23 10 unless otherwise approved by the department according to
 24 criteria developed by the department. Under no circumstances
 25 may the total exemptions of each elected official exceed 15.

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 2 public service commission who are exempted by subsection (1)
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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
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(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.

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~~2-18-103~~ Article VI, section 1, of the Montana constitution or by the public service commission as a whole.

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~~(5) members of boards and commissions appointed by the governor, appointed by the legislature, or appointed by other elected state officials;~~

~~(6) officers or members of the militia;~~

~~(7) agency heads appointed by the governor;~~

~~(8) academic and professional administrative personnel with individual contracts under the authority of~~

1 the board of regents of higher education;

2 ~~{8}{12}~~ academic and professional administrative

3 personnel who have entered into individual contracts with

4 the state school for the deaf and blind under the authority

5 of the state board of public education;

6 ~~{9}{10}~~ teachers under the authority of the department

7 of institutions;

8 ~~{10} personal staff of the elected officials enumerated~~

9 ~~in Article V of the constitution of Montana are~~

10 ~~exempt from 2-18-204, 2-18-205, 2-18-207, and 2-18-101~~

11 ~~through 2-18-103;~~

12 ~~{11} legal services staff and the special assistant~~

13 ~~attorneys general under the direct control of the attorney~~

14 ~~general."~~

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

16 "2-18-104. Personal Exemption for personal staff of

17 elected officials -- limit. (1) Subject to the limitations

18 in subsections (2) and (3), members of a personal staff are

19 exempt from the application of 2-18-204, 2-18-205, 2-18-207,

20 and 2-18-101 through 2-18-103.

21 (2) The personal staff of each of the elected

22 officials who are exempted by subsection (1) may not exceed

23 10 unless otherwise approved by the department according to

24 criteria developed by the department. Under no circumstances

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