

House Bill 83

In The House

January 6, 1981	Introduced and referred to Committee on State Administration.
January 7, 1981	Fiscal note requested.
January 13, 1981	Fiscal note returned.
January 14, 1981	Committee recommend bill do not pass.

1                    HOUSE    BILL NO. 83  
2    INTRODUCED BY MEYER

3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO EXCEPT PROBATION AND  
5    PAROLE OFFICERS FROM THE STATE CLASSIFICATION PLAN AND  
6    PROVIDE A STATUTORY CLASSIFICATION SYSTEM WITH PROBATIONARY  
7    AND ADVANCEMENT PROVISIONS; AMENDING SECTIONS 2-18-103 AND  
8    46-23-1004, MCA."

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

11        Section 1. Section 2-18-103, MCA, is amended to read:  
12        "2-18-103. Officers and employees excepted. Parts 1 and  
13    2 do not apply to the following positions in state  
14    government:

- 15        (1) elected officials;
- 16        (2) county assessors and their chief deputy;
- 17        (3) officers and employees of the legislative branch;
- 18        (4) judges and employees of the judicial branch;
- 19        (5) members of boards and commissions appointed by the  
20    governor, appointed by the legislature, or appointed by  
21    other elected state officials;
- 22        (6) officers or members of the militia;
- 23        (7) agency heads appointed by the governor;
- 24        (8) academic and professional administrative personnel  
25    with individual contracts under the authority of the board

- 1    of regents of higher education;
- 2        (9) academic and professional administrative personnel  
3    who have entered into individual contracts with the state  
4    school for the deaf and blind under the authority of the  
5    state board of public education;
- 6        (10) teachers under the authority of the department of  
7    institutions;
- 8        (11) investment officer and assistant investment officer  
9    of the board of investments; and
- 10        (12) four professional staff positions under the board  
11    of oil and gas conservation; and  
12        (13) probation and parole officers."
- 13        Section 2. Section 46-23-1004, MCA, is amended to read:  
14        "46-23-1004. Duties of the department. The department  
15    is responsible for any investigation and supervision  
16    requested by the board or the courts. The department shall:  
17        (1) divide the state into districts and assign  
18    probation and parole officers to serve in these districts  
19    and courts;
- 20        (2) administer the classification system for probation  
21    and parole officers as set forth in [sections 3 and 4];  
22        ~~(2)~~(3) obtain any necessary office quarters for the  
23    staff in each district;
- 24        ~~(3)~~(4) assign the secretarial, bookkeeping, and  
25    accounting work to the clerical employees, including receipt

1 and disbursement of money;

2 ~~(4)~~(5) direct the work of the probation and parole

3 officers and other employees;

4 ~~(5)~~(6) formulate methods of investigation, supervision,

5 recordkeeping, and reports;

6 ~~(6)~~(7) conduct training courses for the staff;

7 ~~(7)~~(8) cooperate with all agencies, public and private,

8 which are concerned with the treatment or welfare of persons

9 on probation or parole;

10 ~~(8)~~(9) administer the interstate compact for the

11 supervision of parolees and probationers."

12 NEW SECTION. Section 3. Classification of probation

13 and parole officers. Probation and parole officers are

14 classified for determination of compensation under Title 2,

15 chapter 18, part 3, as follows:

16 (1) An officer is initially appointed to probation and

17 parole officer I, grade 13, a temporary appointment for the

18 probationary period provided for in [section 4].

19 (2) A probation and parole officer I, grade 13, who

20 successfully completes his probationary period is appointed

21 probation and parole officer II, grade 14.

22 (3) A probation and parole officer II, grade 14, after

23 2 years of service in that classification is appointed

24 probation and parole officer III, grade 15.

25 (4) A probation and parole officer III, grade 15, after

1 5 years of service in that classification is appointed

2 probation and parole officer IV, grade 16.

3 NEW SECTION. Section 4. Probation and parole officer I

4 -- probationary period -- permanent appointment. (1) An

5 officer initially appointed to probation and parole officer

6 I, grade 13, serves in a temporary capacity for a 1-year

7 probationary period. During the probationary period the

8 temporary officer's district supervisor shall submit monthly

9 progress reports with appropriate comments and

10 recommendations to the department and the temporary officer.

11 (a) The temporary officer may be dismissed during the

12 probationary period. Unless the dismissal is for cause, it

13 must be without prejudice to the temporary officer.

14 (b) The temporary officer may resign without prejudice

15 during the probationary period.

16 (2) The temporary officer may request a permanent

17 appointment upon completion of the 1-year probationary

18 period, at which time the department shall:

19 (a) appoint the temporary officer as a permanent

20 officer;

21 (b) deny the request for a permanent appointment by

22 giving the temporary officer written notice explaining the

23 reasons for the action at least 30 days prior to

24 termination; or

25 (c) extend the probationary period, not to exceed 6

1 months, by providing the temporary officer with written  
2 notice and explanation of the action and a statement that  
3 the department will determine at the end of the extended  
4 probationary period whether or not to appoint the temporary  
5 officer as a permanent officer.

6 Section 5. Applicability to existing officers. Unless  
7 doing so would place them in a lower classification than  
8 they occupy on the effective date of this act, all probation  
9 and parole officers in service on the effective date of this  
10 act are classified for determination of compensation under  
11 Title 2, chapter 18, part 3, as follows:

12 (1) An officer who has served less than 1 year is  
13 appointed a probation and parole officer I, grade 13.

14 (2) An officer who has served more than 1 year but less  
15 than 3 years is appointed a probation and parole officer II,  
16 grade 14.

17 (3) An officer who has served more than 3 years but  
18 less than 8 years is appointed a probation and parole  
19 officer III, grade 15.

20 (4) An officer who has served more than 8 years is  
21 appointed a probation and parole officer IV, grade 16.

22 Section 6. Codification instruction. Sections 3 and 4  
23 are intended to be codified as an integral part of Title 45,  
24 chapter 23, part 10, and the provisions of Title 46, chapter  
25 23, part 10, apply to sections 3 and 4.

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 7, 1981, there is hereby submitted a Fiscal Note for House Bill #83 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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 except Probation and Parole Officers from the state classification plan and provide a statutory classification system with probationary and advancement provisions; Amending Sections 2-18-103 and 46-23-1004, MCA."

## Assumptions:

1. Projections are based on current salaries.
2. Promotion Rules in State's Pay-Plan are applicable.
3. Use the 1981 Pay Matrix for computing upgrades.
4. Assume 12% per year increase.

## First Impact:

	<u>FY 82</u>	<u>FY 83</u>
Personal Services	\$105,335	\$144,254
General Fund		

*David M. Lewis*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-12-81