

House Bill 786

In The House

February 16, 1981	Introduced and referred to Committee on State Administration.
February 17, 1981	Fiscal note requested
February 20, 1981	Committee recommend bill do pass as amended.
February 21, 1981	Bill printed and placed on members' desks.
February 23, 1981	Fiscal note returned.
	Second reading pass consideration.
February 24, 1981	Second reading do not pass.

HOUSE BILL NO. 786

INTRODUCED BY *D. O'Hara, Winston, Samuel, BURNETT, Cozzens, Ellison, Curtens, SPILKER, Roth, Willson, HART, Underhill, Berlin, Switzer, Conroy*

A BILL FOR AN ACT ENTITLED: "AN ACT TO IMPOSE A HIRING FREEZE ON STATE GOVERNMENT AGENCIES FROM JANUARY 1, 1982, THROUGH DECEMBER 31, 1982; ESTABLISHING A COMMITTEE TO GRANT EXCEPTIONS TO THE HIRING FREEZE PROVIDED THAT CERTAIN CRITERIA ARE MET; TO PROVIDE FOR REVIEW BY THE GOVERNOR'S BUDGET DIRECTOR OF ALL HIRES AFTER DECEMBER 31, 1982, AND BEFORE JULY 1, 1983."

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

Section 1. Definitions. As used in [this act], the following definitions apply:

- (1) "Committee" means the temporary hiring committee created in [section 2].
- (2) "Hiring freeze" means the stoppage of all hires, including those to fill new positions or positions vacated for whatever reason.
- (3) "State government agency" means an office, position, commission, committee, board, department, council, division, bureau, section, or any other entity or instrumentality of the executive, judicial, or legislative branch of state government.

Section 2. Temporary hiring committee established. (1)

There is a five-member temporary hiring committee.

(2) The committee consists of two members of the senate appointed by the president of the senate, two members of the house of representatives appointed by the speaker of the house, and one member appointed by the governor. No more than one member from the senate or the house of representatives may be a member of the same political party.

(3) Appointments to the committee must be made before final adjournment of the regular session of the 47th legislature.

Section 3. Term of office. Appointments to the committee are from January 1, 1982, through December 31, 1982.

Section 4. Vacancies. A vacancy on the committee must be filled in the same manner as and with the same requirements as required by subsection (2) of [section 2].

Section 5. Officers. The committee shall elect one of its members as chairman and may elect other officers it considers necessary.

Section 6. Meetings and compensation. (1) The committee shall meet as often as the chairman considers necessary and whenever requested by the governor.

(2) (a) The legislative committee members are entitled to receive compensation and expenses as provided in 5-2-302.

(b) The committee member appointed by the governor is

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HB 786

1 entitled to compensation and expenses as provided in  
2 2-15-122.

3 Section 7. Staff assistance. The legislative council  
4 shall provide staff assistance to the committee. The  
5 legislative council has the same authority of investigation  
6 and examination and the same authority to hold hearings on  
7 behalf of the committee as it has for other committees under  
8 5-11-106 and 5-11-107.

9 Section 8. Hiring freeze. A hiring freeze is imposed  
10 upon all state government agencies for the period beginning  
11 on January 1, 1982, and ending on December 31, 1982.

12 Section 9. Appeals for exceptions -- procedure. (1) A  
13 state government agency wishing to fill a vacant position  
14 during the hiring freeze provided for in [section 8] may  
15 appeal in writing to the committee for an exception to be  
16 granted to the hiring freeze.

17 (2) An agency appeal may be made through the office of  
18 the governor or directly to the committee. If the appeal is  
19 made through the governor, the governor shall notify the  
20 committee as soon as the appeal is made. If the appeal is  
21 made directly to the hiring committee by the agency, a copy  
22 of the appeal as well as a notice that the appeal was made  
23 directly to the committee must be sent to the governor.

24 Section 10. Criteria for granting exceptions. (1) The  
25 committee, in consultation with the governor, shall

1 establish criteria for granting exceptions to the hiring  
2 freeze. Such criteria shall include but not be limited to a  
3 consideration of whether the position to be filled is:

- 4 (a) indispensable;
- 5 (b) needed to remedy or avoid an emergency situation;
- 6 (c) a position that cannot be replaced internally; or
- 7 (d) one in which functions performed cannot be  
8 combined or distributed among other employees already within  
9 the agency.

10 (2) This section and [section 11] shall be strictly  
11 construed.

12 Section 11. Granting exceptions. (1) The committee  
13 shall conduct an informal hearing on each appeal made to  
14 grant an exception to the hiring freeze.

15 (2) The committee shall notify the agency and the  
16 governor of its decision immediately after the decision is  
17 made.

18 (3) The committee's decision is final and may not be  
19 appealed.

20 Section 12. Hires following hiring freeze to be  
21 reviewed. Any hire made after December 31, 1982, and before  
22 July 1, 1983, must be approved by the governor's budget  
23 director provided for in 17-1-131. The budget director shall  
24 consult with the legislative finance committee, provided for  
25 in 5-12-201, before he approves or denies a hire.

1       Section 13. Report. The temporary hiring committee  
2 shall report its activities and any recommendations or  
3 proposed legislation to the 48th legislature.

-End-

STATE OF MONTANA

REQUEST NO. 407-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 18, 19 81, there is hereby submitted a Fiscal Note for House Bill 786 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 impose a hiring freeze on state government agencies from January 1, 1982 to December 31, 1982; provides a means for reviewing and granting exceptions; provides for review of all hires by the Governor's Budget Director after December 31, 1982, and before July 1, 1983.

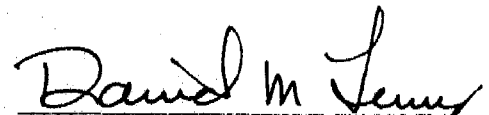
Assumptions

1. 11,000 state employees.
2. 2% of positions become vacant each month. (Includes vacancies filled in-house.)
3. Average personal services cost per employee of \$18,000 (includes benefits).
4. 90% of vacancies would be refilled under criteria allowing exceptions. This high percentage is due to the fact that the heaviest turnover is in clerical positions and other positions critical to the day-to-day operation of state government.
5. University System is not included.

Fiscal Impact

Using the assumptions listed, we project a savings of approximately \$2,762,100 over the biennium.

The estimated annual cost is \$18,200 for the hiring committee to meet 24 times each year.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/23/81

Approved by Committee  
on State Administration

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INTRODUCED BY D. O'HARA, WINSLOW, HANNAH, BURNETT,  
ANDREASON, COZZENS, ELLISON, HARP, JENSEN, CURTISS,  
SPILKER, ROTH, WALLIN, UNDERDAL, DEVLIN, SWITZER, CONROY

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THE BUDGET DIRECTOR, THE DIRECTOR OF THE DEPARTMENT OF  
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