

SENATE BILL 82

1/07	Introduced
1/07	Referred to State Administration
1/09	Fiscal Note Requested
1/12	Hearing
1/16	Fiscal Note Received
1/16	Fiscal Note Printed
1/17	Committee Report--Bill Passed
1/19	Rereferred to State Administration
	Died in Committee

1 *Senate* BILL NO. 82
2 INTRODUCED BY NATHAN
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING THE BUREAU
5 CHIEF OF THE MONTANA WHEAT AND BARLEY COMMITTEE FROM THE
6 STATE PAY PLAN AND FROM COMPENSATION INCREASE LIMITATIONS;
7 PROVIDING THAT THE SALARY OF THE BUREAU CHIEF MAY BE
8 PRESCRIBED BY THE COMMITTEE; AMENDING SECTIONS 2-18-103,
9 2-18-104, AND 80-11-205, MCA; AND PROVIDING AN IMMEDIATE
10 EFFECTIVE DATE."
11

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

13 **Section 1.** Section 2-18-103, MCA, is amended to read:

14 "2-18-103. Officers and employees excepted. Parts 1
15 and 2 do not apply to the following positions in state
16 government:

- 17 (1) elected officials;
18 (2) county assessors and their chief deputy;
19 (3) officers and employees of the legislative branch;
20 (4) judges and employees of the judicial branch;
21 (5) members of boards and commissions appointed by the
22 governor, appointed by the legislature, or appointed by
23 other elected state officials;
24 (6) officers or members of the militia;
25 (7) agency heads appointed by the governor;

1 (8) academic and professional administrative personnel
2 with individual contracts under the authority of the board
3 of regents of higher education;

4 (9) academic and professional administrative personnel
5 and live-in houseparents who have entered into individual
6 contracts with the state school for the deaf and blind under
7 the authority of the state board of public education;

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

10 (11) investment officer, assistant investment officer,
11 executive director, and three professional staff positions
12 of the board of investments;

13 (12) four professional staff positions under the board
14 of oil and gas conservation; and

15 (13) assistant director for security of the Montana
16 state lottery; and

17 (14) the bureau chief of the Montana wheat and barley
18 committee."

19 **Section 2.** Section 2-18-104, MCA, is amended to read:

20 "2-18-104. Exemption for personal staff -- limit. (1)
21 Subject to the limitations in subsections (2) and (3),
22 members of a personal staff are exempt from the application
23 of 2-18-204, 2-18-205, 2-18-207, and 2-18-1011 through
24 2-18-1013.

25 (2) The personal staff who are exempted by subsection

(1) may not exceed 10 unless otherwise approved by the department according to criteria developed by the department. Under no circumstances may the total exemptions of each elected official exceed 15.

(3) The number of members of the personal staff of the public service commission who are exempted by subsection (1) may not exceed 10.

(4) A person occupying an exempt position under 2-18-103 or this section may not receive an increase in compensation unless the person changes positions or successfully completes a probationary period in fiscal year 1988 or 1989. This subsection does not apply to the position exempted under 2-18-103(14)."

Section 3. Section 80-11-205, MCA, is amended to read:

"80-11-205. Powers of the committee. (1) The committee may:

(a) adopt rules necessary for the administration of this part;

(b) provide, through the department, for the enforcement of this part;

(c) provide for the conduct of research into the production, marketing, and uses of wheat and barley;

(d) prescribe the annual salary of the committee bureau chief;

(d)(e) enter into contracts or agreements with Montana

state university and other local, state, or national organizations, public or private, for the purposes of improving wheat or barley quality, increasing the efficiency of production, developing marketing knowledge, developing markets, determining new uses for wheat or barley, developing alternative crops for wheat or barley, and carrying out all research and marketing contemplated by this part. The committee may not establish research units or agencies of its own.

(2) No researchers or professional or scientific personnel may be employed to carry out this part except as provided in subsection ~~(d)~~ (1)(e) of this section.

(3) None of the powers or duties provided for in this part permit participation in state or federal political action by the committee."

NEW SECTION. Section 4. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB082, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

SB082 would exempt the Montana Wheat and Barley Committee bureau chief from the state pay plan and from compensation increase limitations effective immediately.

ASSUMPTIONS:

1. Salary for the bureau chief would be established by the Wheat and Barley Committee at \$49,000 per year plus benefits of approximately \$10,000 per year.
2. Based on a survey of eleven other state, salaries of wheat commission administrators ranged from a low of \$42,132 to a high of \$65,000, with a median annual salary of \$45,000 and an average salary of \$49,367 when the high and low are excluded.

FISCAL IMPACT:

	<u>FY90</u>			<u>FY91</u>		
	Current	Proposed		Current	Proposed	
<u>Expenditures:</u>	Law	Law	Difference	Law	Law	Difference
Personal Services	\$ 95,021	\$ 114,850	\$ 19,829	\$ 95,071	\$ 114,900	\$ 19,829
Operating Costs	411,594	411,594	-0-	412,293	412,293	-0-
Grants	997,690	977,861	(19,829)	999,336	979,507	(19,829)
Total	\$1,504,305	\$1,504,305	-0-	\$1,506,700	\$1,506,700	\$ -0-
<u>Funding:</u>						
Mills Assessed						
Revenue	\$1,504,305	\$1,504,305	-0-	\$1,506,700	\$1,506,700	\$ -0-



1/14/89

RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING



DENNIS G. NATHE, PRIMARY SPONSOR DATE

Fiscal Note for SB082, as introduced

SB 82

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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19 (b) provide, through the department, for the
20 enforcement of this part;

21 (c) provide for the conduct of research into the
22 production, marketing, and uses of wheat and barley;

23 (d) prescribe the annual salary of the committee
24 bureau chief;

25 (d)(e) enter into contracts or agreements with Montana

1 state university and other local, state, or national
2 organizations, public or private, for the purposes of
3 improving wheat or barley quality, increasing the efficiency
4 of production, developing marketing knowledge, developing
5 markets, determining new uses for wheat or barley,
6 developing alternative crops for wheat or barley, and
7 carrying out all research and marketing contemplated by this
8 part. The committee may not establish research units or
9 agencies of its own.

10 (2) No researchers or professional or scientific
11 personnel may be employed to carry out this part except as
12 provided in subsection (1)(e) of this section.

13 (3) None of the powers or duties provided for in this
14 part permit participation in state or federal political
15 action by the committee."

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