

SENATE BILL 165

Introduced by Brown, Robert, et al.

1/17	Introduced
1/17	Referred to State Administration
1/23	Hearing
1/26	Committee Report--Bill Passed
1/30	2nd Reading Passed
2/01	3rd Reading Passed

Transmitted to House

3/04	Referred to Labor & Employment Relations
3/21	Hearing
3/22	Tabled in Committee

1 *Senate* BILL NO. *165*
2 INTRODUCED BY *Bob Brown Va Valkenburg Bradley*
3 BY REQUEST OF THE GOVERNOR'S OFFICE *MERCER*
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT DEPUTY
6 DIRECTORS AND DIVISION ADMINISTRATORS SERVE AT THE PLEASURE
7 OF THE DEPARTMENT HEAD; PROVIDING EMPLOYMENT PROTECTION FOR
8 CURRENT DEPUTY DIRECTORS AND DIVISION ADMINISTRATORS;
9 AMENDING SECTION 49-2-308, MCA; AND PROVIDING AN IMMEDIATE
10 EFFECTIVE DATE."
11

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

13 NEW SECTION. **Section 1.** Deputy directors and division
14 administrators. (1) A deputy director or division
15 administrator who is hired after [the effective date of this
16 act] serves at the pleasure of the department head. The
17 department head may remove a deputy director or division
18 administrator at any time. The hiring and removal of a
19 deputy director or division administrator is not subject to:

20 (a) 2-18-1001 through 2-18-1003, 87-1-205, 87-1-403,
21 or any other department rules, policies, or standards
22 establishing grievance procedures;

23 (b) department personnel rules, policies, or
24 standards; and

25 (c) rules, policies, or standards adopted by a

1 department for implementing personnel evaluation, retention,
2 or discipline.

3 (2) (a) A deputy director or division administrator
4 who has achieved permanent status in that position before
5 [the effective date of this act] may be removed from that
6 position as provided in subsection (2)(b) at the discretion
7 of the department head. The removal is not subject to the
8 statutes, rules, policies, or standards referred to in
9 subsections (1)(a) through (1)(c).

10 (b) A deputy director or division administrator
11 removed pursuant to subsection (2)(a) may retain employment
12 with the department at the same grade level and step and
13 with the step increases available to state employees
14 generally. He must be placed in a position for which he is
15 qualified and may not be terminated from that position on
16 grounds that he is not qualified for the position. A former
17 deputy director's or division administrator's continued
18 employment in the new position is subject to the applicable
19 statutes, rules, policies, and standards referred to in
20 subsections (1)(a) through (1)(c).

21 **Section 2.** Section 49-2-308, MCA, is amended to read:

22 "49-2-308. Discrimination by the state. It is an
23 unlawful discriminatory practice for the state or any of its
24 political subdivisions:

25 (1) to refuse, withhold from, or deny to a person any

1 local, state, or federal funds, services, goods, facilities,
2 advantages, or privileges because of race, creed, religion,
3 sex, marital status, color, age, physical or mental
4 handicap, or national origin, unless based on reasonable
5 grounds;

6 (2) to publish, circulate, issue, display, post, or
7 mail a written or printed communication, notice, or
8 advertisement which states or implies that any local, state,
9 or federal funds, services, goods, facilities, advantages,
10 or privileges of the office or agency will be refused,
11 withheld from, or denied to a person of a certain race,
12 creed, religion, sex, marital status, color, age, physical
13 or mental handicap, or national origin or that the patronage
14 of a person of a particular race, creed, religion, sex,
15 marital status, color, age, or national origin or possessing
16 a physical or mental handicap is unwelcome or not desired or
17 solicited, unless based on reasonable grounds;

18 (3) to refuse employment to a person, to bar him from
19 employment, or to discriminate against him in compensation
20 or in a term, condition, or privilege of employment because
21 of his political beliefs. However, this prohibition does not
22 apply to policymaking positions on the immediate staff of an
23 elected officer of the executive branch provided for in
24 Article VI, section 1, of the Montana constitution, to the
25 appointment by the governor of a director of a principal

1 department provided for in Article VI, section 7, of the
2 Montana constitution, to deputy directors and division
3 administrators in the executive branch subject to [section
4 1]; or to the immediate staff of the majority and minority
5 leadership of the Montana legislature."

6 NEW SECTION. Section 3. Codification instruction.
7 [Section 1] is intended to be codified as an integral part
8 of Title 2, chapter 18, part 1, and the provisions of Title
9 2, chapter 18, apply to [section 1]."

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

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

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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